IN THE UNITED STATES BANKRUPTCY COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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| Jane Doe  Plaintiff, Debtor  v.  U.S. Department of Education, Educational Credit Management Corporation, Sallie Mae, Apollo Education Group Inc., Navient, University Accounting Service.  Defendants, Creditors | )  )  )  )  )  ) )  )  ) ) | Bankruptcy Judge  Honorable Dave Trout  Chapter 7  Trustee Dan Smith  Bankr. No. 11-67894  Adv. Proc. No. 11-45321 |

# PLAINTIFF’S BRIEF

The following is not a complete argument but it does gives you an idea of what to put in your argument.

Argument

1. My current monthly disposable income is $200 a month, which is not enough to make a monthly payment on my student loans.
2. From my paystubs, my income has dropped to where cannot make the minimal monthly payments on my loans. Please see attachment 1, copies of last two years of paystubs
3. In re Durrani v. Educ Credit Mgmt. Corp. (In re Durrani), 311 B.R. 496, 504 (Bankr. N.D. Ill. 2004) “even though monthly payment would be zero under the ICRP, the first Brunner prong “requires simply that the Debtors show they cannot repay the loans and maintain a minimal standard of living”.
4. Durrani v. Educ Credit Mgmt. Corp. (In re Durrani), 311 B.R. 496, 504 (Bankr. N.D. Ill. 2004) and Educational Credit Management Corp. v. Durrani, 320 B.R. 357 (N.D. Ill. 2005). In re Armstrong, 2011 WL 6779326 (Bankr.C.D.Ill.) the availability of the ICRP cannot be a magic wand that when waved precludes discharge of a student loan debt. See Cheney v. ECMC, 280 B.R. 648, 665 (N.D. Iowa 2002) (“the William D. Ford Program is no silver bullet for student loan creditors to avoid discharge of student loan debts owing to undue hardship if the creditors . . . demonstrate that a particular debtor did in fact know about and understand such alternatives for resolving student loan debts”); Korhonen v. ECMC, 296 B.R. 492, 496 (Bankr. D. Minn. 2003)…
5. I am not in default on my loans and have never been in default on my loans.
6. From my life time earnings from social security I have never been able to attain a position that paid enough for me to make the minimal monthly payments on my loans. Please see attachment 2, document from social security of my life time earnings.
7. I have worked or applied for the following jobs since I left college. Please see attachment 3, List of the job applied and worked for the past 20 years.
8. Given my current income, past employment history, which is an indicator of potential future employment, all indicates that I will never be able to attain employment that will pay enough for me to pay off my loans.
9. The letter I received from the Student Loans Servicer Company show that the accumulated interest and outstanding principal are now so high that.
10. The original principal was $40,000, and now the accumulated interest is $60,000 which makes my loans now $100,000. Please see attachment 4, document from loan servicer company.
11. According to Rule 803 (4), my Neuropsychological Assessment was made for medical diagnosis or treatment and it describes my medical history and the inception regarding my disability. Plus, it also describes some of my employment history.
12. From my Neuropsychological Assessment I was diagnosed with a learning disability or from my medical records I have the following medical condition. Please see attachment 5, Neuropsychological Assessment or Medical Records.
13. My disability or medical condition affects me in the areas of speech, hearing, concentration, focus, reading, writing, math, attention, processing speed, problem solving skills, become mentally fatigued or confused. All of this has affected my ability to attain employment.
14. According to Rule 902, the articles I have from online Newspapers and Periodicals describes the kind of disability or the medical condition I have and the effects it can have on a person. These articles show that my disability is something you are born with and never goes away, or shows that the kind of medical condition I have gets worse over time.
15. The articles are from: The National Center for Learning Disabilities. www.ncld.org, or LD OnLine. www.ldonline.org/ LD OnLine is the National Educational Service of WETA-TV, the PBS station in Washington, D.C. WETA states the following.

Please see attachment 6, articles from Online Newspapers and Periodicals.

1. I am signed up with my State’s Department of Rehabilitation Services. Their function is to help people with disabilities. Please see attachment 7, documents showing that I am a client of the State of Pennsylvania Department of Rehabilitation Services.
2. Therefore, when you combine the articles, my Neuropsychological Assessment, my medical condition, life time earnings from social security gives the court a better understanding about my life and why I am requesting a discharge, and why this situation will not change in the future.

Attachments

1. The attachments are in the EXHIBITS FOR PLAINTIFF’S BRIEF.

Attachment 1, Copies of last two years of paystubs

Attachment 2, Document from social security of my life time earnings.

Attachment 3, List of the job applied and worked for the past 20 years.

Attachment 4, Document from loan servicer company.

Attachment 5, Neuropsychological Assessment or medical records.

Attachment 6, Articles from Online Newspapers and Periodicals.

Attachment 7, Documents showing that I am a client of the State of Pennsylvania Department of Rehabilitation Services.

Relief

1. I am requesting that all my educational or student loans be discharged.

Jane Doe

1234 Cat Street

Wood Park, PA 15003

(504) 555-1212

Email: Janedoe @gmail.com

Debtor, Plaintiff signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: July 23, 2016

**CERTIFICATE OF SERVICE**

I Jane Doe, Debtor, Plaintiff, hereby certify that a true and correct copy of PLAINTIFF’S BRIEF, and the EXHIBITS FOR PLAINTIFF’S BRIEF were served on Creditors, Defendants at

To:

Lawyer for the U.S. Department of Education (Name and address)

Lawyer for the Educational Credit Management Corporation (Name and address)

by first class mail, postage pre-paid, and depositing the same in the U.S. Mail at 123 Wood Blvd, Wood Park, PA 15003 Mailed on July 23, 2016. 4:00 pm.

Jane Doe

1234 Cat Street

Wood Park, PA 15003

(504) 555-1212

Email: Janedoe @gmail.com

Debtor, Plaintiff signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: July 23, 2016