

Dated: February 27, 2026
The following is ORDERED:



A handwritten signature in black ink, appearing to read "M. Ruthie Hagan".

M. Ruthie Hagan
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

In re
Darrance LaQuann Cain
Debtor

Case No. 25-25913
Chapter 13

ORDER GRANTING DEBTOR'S MOTION FOR SANCTIONS FOR WILLFUL VIOLATION OF THE AUTOMATIC STAY

The parties are before the Court as ordered pursuant to the Court's Opinion and Order Granting Debtor's Motion for Sanctions for Willful Violation of the Automatic Stay entered on February 12, 2026. [DE 31] The Court hereby incorporates its findings of facts and conclusions of law as set forth in its prior Opinion and Order referenced herein.

The Court requested evidence in support of Debtor's claim for actual expenses incurred, and in response, Debtor's Counsel, Mr. Byrd, filed an Affidavit of attorney's fees, [DE 34], itemizing his time expended and attorney's fees incurred by the Debtor in prosecuting the Motion

for Contempt and Motion for Sanctions against Country View Apartments and its Counsel, Glankler Brown, PLLC, for willful violation of the automatic stay. [DE 20]

The Affidavit evidences that Mr. Byrd expended 13.25 hours in prosecution of the Debtor's Motion at a rate of \$400 per hour, resulting in attorney's fees of \$5,300. After notice and opportunity for hearing, and for good cause shown, the Court hereby determines that after performing the lodestar analysis as directed by the 6th Circuit in *Boddy v. U.S. Bankr. Ct., W. Dist. of Ky.*, (*In re Boddy*), 950 F.2d 334 (6th Cir. 1991), the hourly rate and time expended are reasonable for the work performed for this case. The Court also considered Respondents' argument that Mr. Byrd's time entry for attendance at a prior hearing is excessive to be without merit as Country View's Counsel appeared well over an hour late to the hearing in question.¹ In accordance with the Court's prior Opinion and Order [DE 31], an award of attorney's fees in the amount of \$5,300 is hereby granted as a portion of the actual damages incurred by Debtor as a result of Country View Apartments' and Glankler Brown's willful violation of the automatic stay.² Country View and Glankler Brown are equally liable for Debtor's award of attorney's fees, with each liable party responsible for 50% of the award.

The Debtor also testified and filed an Affidavit of Damages [DE 33] (along with an exhibit of damaged property and replacement costs [DE 35]) itemizing the following actual expenses and damage to personal property incurred as a result of the partial eviction caused by the willful violation of the automatic stay by Country View and Glankler Brown on December 12, 2025:

- 65" television for which Debtor paid \$650 broken or damaged;

¹ The original hearing on January 7, 2026 was set at 10:00 a.m. and Counsel for Respondents did not appear until almost 11:30 a.m. The two and a half hour time entry by Debtor's counsel is necessary and reasonable considering travel time, the time waiting for the hearing to begin and the time expended on actual argument before the Court (which, according to the Court's record, was half an hour).

² The Court has reviewed the record and finds no evidence in the record that Debtor withdrew his claim for sanctions against Glankler Brown.

- Dining room table for which Debtor paid \$165 broken or damaged;
- Dining room chairs for which Debtor paid \$100;
- Bathroom cleaning set for which Debtor paid \$54;
- Coffee pot for which Debtor paid \$32;
- Glassware set for which Debtor paid \$35;
- Broom set for which Debtor paid \$23.

The total amount for damage or destruction of Debtor's personal items amounts to \$1,059. In addition, Debtor attests to lost wages amounting to \$480 for time off from work for his attendance at an attorney meeting and court hearings in prosecution of his Motion, and \$40 in transportation costs. Debtor's Affidavit evidences total loss and out-of-pocket expenses for Debtor of \$1,579.

Accordingly, the Court finds that, based on the evidence presented, Debtor has shown by a preponderance of the evidence that, in addition to his attorney's fees, actual damages amounting to \$1,579 were proximately caused by and reasonably incurred as a result of Country View Apartments' and its Counsel, Glankler Brown, PLLC's willful violation of the automatic stay, and hereby awards Debtor, to be paid 50% by Country View Apartments and 50% by Glankler Brown, PLLC, an additional award of actual damages amounting to \$1,579.

The Court now turns to the issue of punitive damages and, finding the conduct of Country View Apartments and Glankler Brown, PLLC as set forth in its Opinion and Order [DE 31] to be egregious, in bad faith and in reckless disregard of the law, the Court determines in its discretion that Debtor is hereby awarded from Country View Apartments and Glankler Brown, PLLC, to be paid 50% by each responsible party, punitive damages in an amount of three times his actual damages, or \$20,637 .

Accordingly, based on the facts presented and pursuant to 11 U.S.C. § 362(k), Debtor is hereby awarded a judgment against both Country View Apartments and Glankler Brown, PLLC, in the total amount of \$27,516 to be paid 50% by each responsible party with post-judgment interest at the rate of 3.64% until paid in full. *See* 28 U.S.C. § 1961 and

www.federalreserve.gov/releases/h15/ (visited February 24, 2026). Country View and Glankler Brown shall submit the funds to Debtor's attorney, Mr. Byrd, to be disbursed according to the provisions of this Order.

The Bankruptcy Court Clerk shall serve a copy of this Order on the following interested parties:

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