SO ORDERED,

Judge Katharine M. Samson
United States Bankruptcy Judge
Date Signed: February 12, 2026

The Order of the Court is set forth below. The docket reflects the date entered.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF MISSISSIPPI

IN RE: WILLIAM JOSEPH BAYES	**CASE NO. 24-51260-KMS**
DEBTOR	**CHAPTER 7**
ESTATE OF JAMES P. VITTETOE and VIRGINIA SAMS	**PLAINTIFFS**
V.	**ADV. PROC. NO. 24-06029-KMS**
WILLIAM JOSEPH BAYES	**DEFENDANT**

ORDER GRANTING PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT
(ADV. DKT. NO. 10)

THIS MATTER is before the Court on the Motion for Summary Judgment by Plaintiffs Estate of James P. Vittetoe and Virginia Sams. Adv. Dkt. No. 10.[1] Plaintiffs object to the discharge of a debt under § 523(a)(2), (a)(4), and (a)(6)[2] based on the Final Judgment on Complaint for Damages in favor of the Estate of James P. Vittetoe, Deceased, and against William J. Bayes ("Chancery Court Judgment") by the Lamar County, Mississippi, Chancery Court ("Chancery Court"). Adv. Dkt. No. 1 at 6, 15.

[1] Electronic case filing document numbers in this adversary proceeding are designated as "Adv. Dkt. No. ___." *See The Bluebook: A Uniform System of Citation* R. B17.1.4, at 27 (Columbia L. Rev. Ass'n et al. eds., 22d ed. 2025). Document numbers in the underlying bankruptcy case are designated as "Dkt. No. ___."

[2] Unless otherwise noted, code sections refer to the Bankruptcy Code found at title 11 of the United States Code.

The Chancery Court found that Bayes acquired money and property by exerting undue influence over Vittetoe. The Chancery Court Judgment entitles Plaintiffs to summary judgment based on collateral estoppel. Having considered the pleadings, exhibits attached thereto and the record, the Court finds that Plaintiffs' Motion should be granted and the Chancery Court Judgment given preclusive effect rendering the debt nondischargeable under § 523(a)(6).

I. Jurisdiction

The Court has jurisdiction over the parties to and the subject matter of this proceeding under 28 U.S.C. § 1334. This matter is a core proceeding under 28 U.S.C. § 157(b)(2)(A), (I), and (O).

II. Factual Background

On July 29, 2020, Bayes was appointed conservator and guardian of Vittetoe. Adv. Dkt. No. 1 at 4. Vittetoe's sister and intended beneficiary, Virginia Sams, later asserted that Bayes was failing in his obligations as conservator and breaching his fiduciary duties. Adv. Dkt. No. 10-2 at 1. Ultimately, the Chancery Court replaced Bayes as conservator with Lamar County probate administrator, Mark Norton. *Id*. Norton, who became the estate administrator after Vittetoe's death, filed a complaint for damages against Bayes on September 2, 2021. *Id*. The case was tried in the Chancery Court on May 22, 2024. *Id*. at 2.

On September 6, 2024, prior to entry of the Chancery Court Judgment, Bayes filed a voluntary petition for relief under Chapter 7 of the Bankruptcy Code. Dkt. No. 1. In his schedules, Bayes listed the Estate of Vittoetoe and Norton as a nonpriority unsecured creditor. Dkt. No. 8 at 3. On October 16, 2024, the Chancery Court Judgment was entered wherein the court found undue influence and ordered Bayes to pay damages to Plaintiffs. Adv. Dkt. No. 10-2. On December 5, 2024, Plaintiffs filed this adversary proceeding seeking to have the Chancery Court Judgment declared non-dischargeable pursuant to § 523(a)(2), (4), and (6). Adv. Dkt. No. 1.

On March 14, 2025, Plaintiffs filed their motion for summary judgment and memorandum in support, alleging that the factual findings of undue influence in the Chancery Court Judgment equate to a finding that Bayes engaged in willful and malicious conduct, false representation, and fraud or defalcation while acting as a fiduciary, such that their claims are non-dischargeable and barred by issue preclusion. Adv. Dkt. No. 10-1. Bayes did not file a response.

Because the Chancery Court Judgment post-dated the filing of the petition, the Court denied the Motion for Summary Judgment without prejudice to the rights of Plaintiffs to seek relief from the automatic stay regarding the Chancery Court Judgment. Adv. Dkt. No. 13. Plaintiffs filed a motion for relief from stay and the Court annulled the stay giving the Chancery Court Judgment full force and effect. Dkt. Nos. 52, 67.

III. Summary Judgment Standard

"[A]t the summary judgment stage the judge's function is not . . . to weigh the evidence and determine the truth of the matter but to determine whether there is a genuine issue for trial." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 249 (1986). Summary judgment is appropriate "if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a) (made applicable by Fed. R. Bankr. P. 7056). "A fact is 'material' if its resolution in favor of one party might affect the outcome of the lawsuit under governing law. An issue is 'genuine' if the evidence is sufficient for a reasonable [fact-finder] to return a verdict for the non-moving party." *Ginsberg 1985 Real Est. P'ship v. Cadle Co.*, 39 F.3d 528, 531 (5th Cir. 1994) (citations omitted).

The moving party bears the initial responsibility of apprising the court of the basis for its motion and the parts of the record that indicate the absence of a genuine issue of material fact. *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). "Once the moving party presents the . . . court with a properly supported summary judgment motion, the burden shifts to the nonmoving party to show that summary judgment is inappropriate." *Morris v. Covan World Wide Moving, Inc.*, 144 F.3d 377, 380 (5th Cir. 1998).

An unopposed motion for summary judgment will not be granted simply because of the failure to respond. *Hibernia Nat'l Bank v. Administracion Cent. Sociedad Anonima*, 776 F.2d 1277, 1279 (5th Cir. 1985). When a party "fails to properly address another party's assertion of fact as required by Rule 56(c), the court may . . . consider the fact undisputed . . . [or] grant summary judgment if the motion and supporting materials—including the facts considered undisputed—show that the movant is entitled to it." Fed. R. Civ. P. 56(e); *see also* Fed. R. Bankr. P. 7056 (applying Fed. R. Civ. P. 56 to adversary proceedings); *Eversley v. MBank Dallas*, 843 F.2d 172, 174 (5th Cir. 1988) (where party fails to oppose motion for summary judgment, court may accept as undisputed facts listed in support of motion and may grant motion on *prima facie* showing of entitlement to judgment); *UNUM Life Ins. Co. of Am. v. Long*, 227 F. Supp. 2d 609, 614 (N.D. Tex. 2002) ("Although the court may not enter a 'default' summary judgment, it may accept the evidence submitted by [movant] as undisputed.").

IV. Analysis

A. Issue Preclusion/Collateral Estoppel and Rooker-Feldman Doctrine

Plaintiffs maintain that there are no genuine issues of material fact because the issues were decided by the Chancery Court and that this Court is bound by the Chancery Court Judgment. Under Mississippi law, the doctrine of collateral estoppel precludes re-litigation of a specific issue that was (1) actually litigated in the former action; (2) determined by the former action; and (3) essential to the judgment in the former action. *Am. Cas. Co. v. United S. Bank*, 950 F.2d 250, 253 (5th Cir.1992) (*citing Dunaway v. W.H. Hopper & Assocs., Inc.*, 422 So. 2d 749, 751 (Miss. 1982). The Fifth Circuit has instructed that "[c]ollateral estoppel applies in bankruptcy dischargeability proceedings, but the bankruptcy court retains exclusive jurisdiction to determine whether a debt is dischargeable." *Hall v. Desper (In re Desper)*, No. 07-50810-NPO, Adv. No. 09–05051–NPO, 2010 WL 653864, at *4 (Bankr. S.D. Miss. Feb. 9, 2010) (*quoting Caton v. Trudeau (In re Caton)*, 157 F.3d 1026, 1028 (5th Cir. 1998). The Fifth Circuit has further elaborated that issue preclusion "applies in bankruptcy court only if, *inter alia,* the first court has made specific, subordinate, factual findings on the identical dischargeability issue in question—that is, an issue which encompasses the same *prima facie* elements as the bankruptcy issue—and the facts supporting the court's findings are discernible from that court's record." *Raspanti v. Keaty (In re Keaty)*, 397 F.3d 264, 271 (5th Cir. 2005) (*citing Dennis v. Dennis (In re Dennis)*, 25 F.3d 274, 278 (5th Cir. 1994)). To establish collateral estoppel, the Court must determine that the requisite elements of the dischargeability claim were decided by the Chancery Court.

Plaintiffs also assert that the *Rooker-Feldman* doctrine bars this Court from relitigating the Chancery Court Judgment. Under the *Rooker-Feldman* doctrine, "lower federal courts are precluded from exercising appellate jurisdiction over final state-court judgments." *Lance v. Dennis*, 546 U.S. 459, 463 (2006). "[T]he *Rooker-Feldman* doctrine does not deprive bankruptcy courts of subject matter jurisdiction to determine nondischargeability proceedings . . . because the Debtor does not seek a 'review of the merits of the state court judgment,' but to 'prevent the bankruptcy court from giving effect to the state court judgment.'" *Harris v. Kamps (In re Kamps)*, 575 B.R. 62, 75 (Bankr. E.D. Pa. 2017) (quoting *Sasson v. Sokoloff (In re Sasson)*, 424 F.3d 864, 871 (9th Cir. 2005)). Consequently, this Court can only determine whether Bayes' actions - becoming Vittetoe's conservator, transferring funds from Vittetoe's Fidelity account, establishing a joint bank account with Vittetoe, and procuring gifts from Vittetoe, all of which would have deprived Vittetoe's estate of assets and thus Sams of an inheritance, while Vittetoe was "physically and mentally weak" – satisfy the requirements for nondischargeability. *See* Dkt. No. 10-2 at 7-8, 13-14.

B. Dischargeability under Section 523(a)(6)

To render a pre-petition debt non-dischargeable under § 523(a)(6), "a plaintiff must establish three elements: (1) injury by the debtor; (2) to another (or property of another); and (3) such injury was willful and malicious." *Robertson v. Murray (In re Murray)*, No. 20-01587-KMS, Adv. No. 20-00032-KMS, 2022 WL 982736 at *6 (Bankr. S.D. Miss. Mar. 31, 2022) (citing *Estate of Necaise v. Necaise (In re Necaise)*, No. 11-52718-KMS, Adv. No. 12-05011-KMS, 2013 WL 4590890 at *4 (Bankr. S.D. Miss. Aug. 28, 2013); *see also Whitney Nat'l Bank v. Phillips (In re Phillips)*, No. 08-02325-NPO, Adv. No. 09-00033-NPO, 2010 WL 5093388, at *6 (Bankr. S.D. Miss. Dec. 8, 2010) (discussing standards for non-dischargeability under § 523(a)(6)). "The Fifth Circuit has articulated the standard for non-dischargeability under § 523(a)(6), concluding that 'an injury is "willful and malicious" where there is an either an objective substantial certainty of harm or a subjective motive to cause harm.'" *Necaise*, 2013 WL 4590890 at *4 (quoting *Miller v. J.D. Abrams, Inc. (In re Miller)*, 156 F.3d 598, 606 (5th Cir. 1998)); *see also Shcolnik v. Rapid Settlements, Ltd. (In re Shcolnik)*, 670 F.3d 624, 629 (5th Cir. 2012). The Fifth Circuit has further elaborated that "for an injury to be 'willful and malicious' it must satisfy our two-part test *and* not be sufficiently justified under the circumstances to render it not 'willful and malicious.'" *Mann Bracken, LLP v. Powers (In re Powers)*, 421 B.R. 326, 332 (Bankr. W.D. Tex. 2009) (discussing the history of § 523(a)(6) in the 5th Circuit and citing *Berry v. Vollbracht (In re Vollbracht)*, 276 F. App'x. 360, 361-62 (5th Cir. 2007)).

The question presented is whether the debt evidenced by the Chancery Court Judgment is a debt for willful and malicious injury by Bayes to Plaintiffs, rendering the debt nondischargeable. If Bayes' actions were at least substantially certain to result in injury to Plaintiffs, or Bayes had a subjective motive to cause harm, then the debt is non-dischargeable under § 523(a)(6). *See Miller*, 156 F.3d at 604; *Murray*, 2022 WL 982736 at *6. This Court finds both subjective motive and substantial certainty of injury are present.

1. Subjective Motive to Cause Harm

The Chancery Court Judgment establishes that Bayes' motive to harm Plaintiffs was for personal financial gain. Adv. Dkt. No. 10-2 at 14; *see Herring v. Parish (In re Parish)*, No. 07-50365-NPO, Adv. No. 07-05025-NPO, 2009 WL 4782128 at *5-6 (Bankr. S.D. Miss. Dec. 7, 2009) (facts established subjective motive to cause harm under § 523(a)(6)). The Chancellor found that Bayes drained $150,000 from Vittetoe's accounts over a 10-month period all while Vittetoe was mentally and physically unwell. Adv. Dkt. No. 10-2 at 7, 14. In fact, the Chancellor found that Bayes' conservatorship was "essentially a fraud upon the Court." *Id.* at 18.

It was clear to the Chancellor that "Vittetoe was running out of money predominantly because it was being paid to Bayes." Adv. Dkt. No. 10-2 at 11. Bayes even testified at trial that he sought a conservatorship solely for access to the Fidelity account.[3] *Id*. at 4. And, in a related criminal matter, Bayes pled guilty to the crime of Exploitation of a Vulnerable Person in violation of Miss. Code. Ann. § 43-47-19(1)(2)(b),[4] which requires a "willful" state of mind. *Id*. at 2. The

[3] "Bayes testified that the only reason he sought a conservatorship was to withdraw the Fidelity account money." Adv. Dkt. No. 10-2 at 4.

[4] Miss. Code Ann. § 43-47-19 provides:

subjective motive of Bayes to deprive Vittetoe and his estate of money rises to the level of willful and malicious injury.

2. Objective Substantial Certainty of Harm

Bayes' actions also meet the objective standard of substantial certainty of harm. Under this standard, Bayes' actions were willful if they were substantially certain to injure Vittetoe and, as a result, Plaintiffs. *See In re Necaise*, 2013 WL 4590890, at *4-6 (this Court found conduct tainted by undue influence nondischargeable under the objective standard). The Chancellor found a confidential relationship, suspicious circumstances, and a presumption of undue influence under Mississippi law. Adv. Dkt. No. 10-2 at 5-8. In accordance with state law, the burden to rebut the presumption then shifted to Bayes. *See Wright v. Roberts*, 797 So. 2d 992, 998-99 (Miss. 2001) (demonstrating the burden shift). Notably, Bayes did not dispute the numerous benefits he received from Vittetoe but offered that everything was done pursuant to Vittetoe's wishes. Adv. Dkt. No. 10-2 at 9. The Chancellor was not convinced. Bayes ultimately "failed to rebut the presumption of undue influence" and the court found that he did not act in good faith. Adv. Dkt. No. 10-2 at 11.

Bayes failed to articulate any reasonable explanation for his actions other than personal gain at Vittetoe's expense, despite having the full opportunity to do so at trial. And this Court is not inclined to disturb the Chancery Court's finding of bad faith and undue influence. Although

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> (1) It shall be unlawful for any person to abuse, neglect or exploit any vulnerable person.
> . . .
> (2)(b) Any person who willfully exploits a vulnerable person, where the value of the exploitation is less than Two Hundred Fifty Dollars ($250.00), shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed Five Thousand Dollars ($5,000.00) or by imprisonment not to exceed one (1) year in the county jail, or by both such fine and imprisonment; where the value of the exploitation is Two Hundred Fifty Dollars ($250.00) or more, the person who exploits a vulnerable person shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in the custody of the Department of Corrections for not more than ten (10) years.

Miss. Code Ann. § 43-47-19(1)(2)(b).

the mere label of undue influence does not in and of itself constitute a non-dischargeable debt, the Court is satisfied that the factual findings of the Chancery Court establish a substantial certainty that Plaintiffs would be harmed by Bayes actively transferring money from Vittetoe for his own use, among other benefits conferred to Bayes from Vittetoe, while Vittetoe's health was declining. *See Necaise*, 2013 WL 4590890 at *5.

C. Conclusions

Bayes' conduct satisfies the willful and malicious standard of (a)(6), under both the subjective and objective standards. The factual findings underlying the Chancery Court Judgment are sufficient to establish that the debts arising from Bayes actions are nondischargeable; therefore, summary judgment should be granted in favor of Plaintiffs. Since the underlying debt is non-dischargeable under § 523(a)(6), the related attorneys' fees are also nondischargeable. *See Helvetia Asset Recovery, Inc. v. Kahn (In re Kahn)*, 533 B.R. 576, 587-88 (Bankr. W.D. Tex. 2015). It is not necessary to analyze whether the Chancery Court Judgment is nondischargeable under § 523(a)(2)(A) or (4). And, because the Court has determined that issue preclusion applies to the Chancery Court Judgment, it is not necessary to make further findings or conclusions.

V. Order

IT IS HEREBY ORDERED AND ADJUDGED that Plaintiffs' Motion for Summary Judgment is **GRANTED** as to § 523(a)(6).

IT IS FURTHER ORDERED AND ADJUDGED that the Chancery Court Judgment is excepted from discharge under 11 U.S.C. § 523(a)(6).

##END OF ORDER##