

Porzio, Bromberg & Newman Bankruptcy Team Wins Nondischargeability Judgment in Pro Bono Matter

August 13, 2026

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Porzio, Bromberg & Newman secured a significant pro bono victory in the U.S. Bankruptcy Court for the District of New Jersey, preserving its client's ability to pursue recovery against a Chapter 7 debtor who sought to discharge liabilities, include any arising from unlawful sexual contact. In granting the client's cross-motion for summary judgment, the court ruled that any debt owed to the client arising from the debtor's unlawful sexual contact is nondischargeable under Section 523(a)(6) of the Bankruptcy Code. As a result, any damages ultimately awarded in the related state court action will survive the bankruptcy case and remain collectible.

Porzio represented the client in the adversary proceeding, which involved two rounds of summary judgment briefing. During the first round, the court granted partial summary judgment in the client's favor, finding that the defendant's prior guilty plea established that he had intentionally engaged in unlawful, nonconsensual sexual contact but that the requirements for willful and malicious injury under section 523(a)(6) of the Bankruptcy Code had not yet been satisfied, permitting discovery to proceed on that issue. Following discovery, Porzio filed a second summary judgment motion and opposed the debtor's motion for summary judgment. The court denied the debtor's motion, granted the client's cross-motion, and entered summary judgment determining that the debtor's debt to the client is nondischargeable under Section 523(a)(6).

In ruling for the client, Judge Vincent F. Papalia found that the debtor's intentional, nonconsensual contact with client's intimate areas constituted an injury to her legally protected right to be free from unlawful sexual contact. The court further held that "no reasonable factfinder could conclude" that the debtor was unaware that injury was substantially certain to result from that conduct, and entered summary judgment determining that any resulting debt is nondischargeable under Section 523(a)(6), with damages to be determined in the pending state court action.

The decision is noteworthy not only for its practical effect, but also for the depth of the court's analysis. In a published opinion spanning more than 60 pages, the court examined the developing case law on willful and malicious injury under Section 523(a)(6), including the role of subjective intent, substantial certainty, implied malice, and injury in the context of intentional, nonconsensual sexual contact. The opinion provides a careful discussion of how Section 523(a)(6) applies where a debtor denies an intent to injure but the record shows knowledge that injury was substantially certain to result from the debtor's conduct.

The pro bono matter was led by Counsel Kimberly Pageau, who argued both summary judgment motions on the client's behalf and Bankruptcy principals Kelly Curtin, Warren Martin, and Chris Mazza. The team also benefited from the guidance

and mentorship of Maurice Gallipoli, Of Counsel at Porzio and former Assignment Judge of the Superior Court of New Jersey, Hudson Vicinage, whose decades of judicial experience provided valuable insight throughout the engagement.

The court entered its order on July 21, 2026, and the appeal period subsequently expired without appeal. With the bankruptcy litigation now concluded, the client retains the ability to pursue recovery in the related state court action, and any debt ultimately awarded will remain enforceable notwithstanding the debtor's bankruptcy filing.