

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION**

In re:

ANDRE JEFFERSON HOLMES,

CASE NO.: 08-40670-LMK

Debtor.

CHAPTER: 7

ANDRE JEFFERSON HOLMES,

Plaintiff

v.

ADV. NO.: 09-04012-LMK

EDUCATIONAL CREDIT MANAGEMENT  
CORPORATION,

Defendant.

**FINAL JUDGMENT FOR DEFENDANT**

THIS MATTER having come before the Court for hearing on June 16, 2011 on Plaintiff/Debtor's complaint seeking a discharge of student loan debt held by the Defendant. After receiving all evidence, hearing argument from counsel, and for the reasons stated orally in open court, this Court finds, pursuant to Fed. R. Bankr. P. 7052, that the Plaintiff has failed to meet his evidentiary burden under 11 U.S.C. § 523(a)(8) as well as under the three pronged test as defined in *Brunner v. New York Higher Educ. Servs. (In re Brunner)*, 831 F.2d 395 (2d Cir. 1987). *See also In re Cox*, 338 F.3d 1238, 1241 (11th Cir. 2003) (adopting the *Brunner* test for determining "undue hardship" under §523(a)(8)). Accordingly, it is hereby

ORDERED and ADJUDGED that Final Judgment be, and the same is, entered in favor of the Defendant, Education Credit Management Corporation. The student loan debt owed to

Defendant Education Credit Management Corporation by Plaintiff/Debtor Andre Holmes is not dischargeable under 11 U.S.C. §523(a)(8).

DONE and ORDERED in Tallahassee, Florida this the 17th day of June, 2011.

A handwritten signature in black ink, appearing to read "L. M. Killian, Jr.", written in a cursive style.

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LEWIS M. KILLIAN, JR.  
United States Bankruptcy Judge

cc: All interested parties