

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 10a0162n.06

Nos. 07-2141; 07-2555; 08-1403; 08-1545; 08-1763

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

FILED
Mar 15, 2010
LEONARD GREEN, Clerk

**In re: CASA COLONIAL LIMITED
PARTNERSHIP,**

Debtor.

**VISURON LIMITED PARTNERSHIP,
CASA MIPROEAST LIMITED
PARTNERSHIP, KEITH MITAN,**

**Plaintiffs-Appellants,
(No. 07-2141)**

v.

**COLLENE K. CORCORAN, Individually
and as Trustee; DAVID R. SHOOK,**

Defendants-Appellees

**ON APPEAL FROM THE
UNITED STATES DISTRICT
COURT FOR THE EASTERN
DISTRICT OF MICHIGAN**

**VISURON LIMITED PARTNERSHIP,
an Indiana limited partnership, COLLENE K.
CORCORAN, Chapter 7 Bankruptcy Trustee,**

**Plaintiffs-Appellants,
(No. 07-2555)**

v.

**MAXINE MILLER BARRETT, an individual;
ROBERT FROHM, Individually and as Trustee
of the Charles F. Barrett Fourth Amended and
Restated Trust; PINE GROVE CORPORATION,
a Michigan corporation,**

Defendants-Appellees.

**In re: CASA COLONIAL LIMITED
PARTNERSHIP,**

Debtor.

VISURON LIMITED PARTNERSHIP,

**Plaintiff-Appellant,
(No. 08-1403)**

v.

**COLLENE K. CORCORAN, Chapter 7
Trustee of Bankruptcy Estate of Casa
Colonial Limited Partnership,**

Defendant-Appellee,

**In re: CASA COLONIAL LIMITED
PARTNERSHIP,**

Debtor.

KEITH MITAN,

**Plaintiff-Appellant,
(No. 08-1545)**

v.

**COLLENE K. CORCORAN, Chapter 7
Trustee of Bankruptcy Estate of Casa
Colonial Limited Partnership,**

Defendant-Appellee,

**In re: CASA COLONIAL LIMITED
PARTNERSHIP,**

Debtor.

VISURON LIMITED PARTNERSHIP,

**Plaintiff-Appellant,
(No. 08-1763)**

v.

**COLLENE K. CORCORAN, Chapter 7
Trustee of Bankruptcy Estate of Casa
Colonial Limited Partnership,**

Defendant-Appellee.

BEFORE: SUHRHEINRICH, COLE, and GILMAN, Circuit Judges.

SUHRHEINRICH, Circuit Judge. These consolidated appeals involve an ownership dispute between the land contract vendors and vendee of a shopping center located in Port Huron, Michigan. The 72nd Judicial District Court of Michigan granted the land contract vendors a Judgment of Possession for the shopping center on July 18, 2001, and that decision was affirmed by the St. Clair County Circuit Court and the Michigan Court of Appeals. The Michigan Supreme Court declined to review the decision. After losing its state appeals, Casa Colonial Limited Partnership (“Casa Colonial”), the vendee, filed for bankruptcy. Subsequently, Visuron Limited Partnership (“Visuron”), represented by the same attorney as Casa Colonial, Keith Mitani (“Mitani”), sued the bankruptcy estate, arguing that Visuron owned the shopping center. The bankruptcy court and district court ruled in favor of Casa Colonial, now represented by Trustee Collene Corcoran.

The bankruptcy court and the district court also sanctioned Mitan for misconduct before each respective court.

After reviewing the briefs, the record, and its applicable law, we are persuaded that the district court ruled correctly in all of its decisions. Furthermore, because Mitan has continued to use the same frivolous arguments before this Court that he used before the bankruptcy court and the district court, we award attorneys fees to the prevailing parties of this appeal, to be paid by Mitan. Specifically, attorneys fees are awarded to the prevailing parties in Case Nos. 07-2141, 07-2555, 08-1403, and 08-1763. We do not award attorneys fees for Case No. 08-1545. The prevailing parties have 14 days to submit a bill of costs to this Court if they wish to collect attorneys fees. Mitan will then have 14 days to file any objections.

Accordingly, we AFFIRM the decisions by the district court for the reasons stated in its well-reasoned opinions dated June 19, 2006 (Case No. 07-2555), September 29, 2006 (Case No. 07-2555), August 6, 2007 (Case No. 07-2141), November 20, 2007 (Case No. 07-2555), February 12, 2008 (Case Nos. 08-1403, 08-1545), March 19, 2008 (Case No. 08-1545), and April 22, 2008 (Case No. 08-1763).