

# The Burger Court Opinion Writing Database

## *Brown v. Felsen*

442 U.S. 127 (1979)

Paul J. Wahlbeck, George Washington University  
James F. Spriggs, II, Washington University in St. Louis  
Forrest Maltzman, George Washington University



Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
THE CHIEF JUSTICE

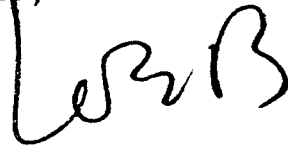
May 26, 1979

Dear Harry:

Re: 78-58 Brown v. Felsen

I join.

Regards,

A handwritten signature in dark ink, appearing to read "L. B. P.", likely representing Lewis B. Powell, Jr.

Mr. Justice Blackmun

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WM. J. BRENNAN, JR.

May 9, 1979

RE: No. 78-58 Brown v. Felsen

Dear Harry:

I agree.

Sincerely,

*Bill*

Mr. Justice Blackmun

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE POTTER STEWART

May 9, 1979

Re: No. 78-58, Brown v. Felsen

Dear Harry,

I am glad to join your opinion for  
the Court.

Sincerely yours,

P.S.  
1.

Mr. Justice Blackmun

Copies to the Conference

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE BYRON R. WHITE

May 9, 1979


Re: 78-58 - Brown v. Felsen

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Dear Harry,

I agree.

Sincerely yours,



Mr. Justice Blackmun  
Copies to the Conference  
cmc

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE THURGOOD MARSHALL

May 9, 1979

Re: No. 78-58 - Brown v. Felsen

Dear Harry:

Please join me.

Sincerely,

*jm.*

T.M.

Mr. Justice Blackmun

cc: The Conference

44B  
THOMAS  
no  
H

To: The Chief Justice  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Marshall  
Mr. Justice Powell  
Mr. Justice R nquist  
Mr. Justice Stevens

From: Mr. Justice Blackmun

Circulated: 8 MAY 1979

Recirculated: \_\_\_\_\_

1st DRAFT

**SUPREME COURT OF THE UNITED STATES**

No. 78-58

G. Garvin Brown, III, Petitioner, } On Writ of Certiorari to  
v. } the United States Court  
Mark Paul Felsen. } of Appeals for the Tenth  
Circuit.

[May —, 1979]

MR. JUSTICE BLACKMUN delivered the opinion of the Court.

The issue here is whether a bankruptcy court may consider evidence extrinsic to the judgment and record of a prior state suit when determining whether a debt previously reduced to judgment is dischargeable under § 17 of the Bankruptcy Act, 11 U. S. C. § 35.

**I**

Petitioner G. Garvin Brown III was a guarantor for respondent Mark Paul Felsen and Felsen's car dealership, Le Mans Motors, Inc. Petitioner's guaranty secured a bank loan that financed the dealership's trading in Lotus, Ferrari, and Lamborghini automobiles. In 1975, the lender brought a collection suit against petitioner, respondent, and Le Mans in Colorado state court. Petitioner filed an answer to the bank's complaint, and a cross-claim against respondent and Le Mans. The answer and the cross-claim, by incorporating the answer, alleged that respondent and Le Mans induced petitioner to sign the guaranty "by misrepresentations and non-disclosures of material facts." App. 35. The suit was settled by a stipulation. It provided that the bank should recover jointly and severally against all three defendants, and that petitioner should have judgment against respondent and Le Mans. Neither the stipulation nor the resulting judgment indicated the cause of action on which respondent's

STYLISTIC CHANGES  
& pp. 3, 7 and 8

To: The Chief Justice  
Mr. Justice Brennan  
Mr. Justice Stewart  
Mr. Justice White  
Mr. Justice Marshall  
Mr. Justice Powell  
Mr. Justice Rehnquist  
Mr. Justice Stevens

From: Mr. Justice Blackmun

Circulated: \_\_\_\_\_

2nd DRAFT

Recirculated: 14 MAY 1979

## SUPREME COURT OF THE UNITED STATES

No. 78-58

G. Garvin Brown, III, Petitioner,	} On Writ of Certiorari to	
v.		the United States Court
Mark Paul Felsen.		of Appeals for the Tenth Circuit.

[May —, 1979]

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### I

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Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE LEWIS F. POWELL, JR.

May 9, 1979

78-58 Brown v. Felsen

Dear Harry:

Please join me.

Sincerely,

*Lewis*

Mr. Justice Blackmun

lfp/ss

cc: The Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE WILLIAM H. REHNQUIST


May 11, 1979

Re: No. 78-58 - Brown v. Felsen

Dear Harry:

Please join me.

Sincerely,



Mr. Justice Blackmun

Copies to the Conference

Supreme Court of the United States  
Washington, D. C. 20543

CHAMBERS OF  
JUSTICE JOHN PAUL STEVENS

May 10, 1979

Re: 78-58 - Brown v. Felsen

Dear Harry:

Please join me.

Respectfully,



Mr. Justice Blackmun

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