NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted January 20, 2026*
Decided January 23, 2026

Before

FRANK H. EASTERBROOK, *Circuit Judge*

DIANE S. SYKES, *Circuit Judge*

NANCY L. MALDONADO, *Circuit Judge*

No. 24-1929

JOHN E. COVINGTON,
Plaintiff-Appellant,

v.

ILLINOIS AMERICAN WATER CO.,
Defendant-Appellee.

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 1:23-cv-03324

Charles P. Kocoras,
Judge.

O R D E R

John Covington sued the Illinois American Water Company for continuing to send him water bills after his debts were discharged in bankruptcy. A bankruptcy judge awarded him nominal damages and he appealed to the district court, arguing that he was entitled to damages for his litigation expenses and emotional distress. The district

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

judge affirmed the bankruptcy court's judgment, and Covington appealed. Because the bankruptcy judge did not abuse her discretion, we affirm.

I.

Covington voluntarily filed for Chapter 7 bankruptcy in March 2022 and listed Illinois American Water Company as a creditor. Covington received his discharge on June 1, 2022. Two days later, the discharge order was mailed to the water company. The bankruptcy case was then closed.

The water company, however, continued to send Covington water bills seeking payment of pre-petition charges. The water company eventually realized its mistake and in August 2022 sent Covington a bill reflecting a zero-balance for his pre-petition charges; the company also opened a new account with only his post-petition charges.

Covington filed an adversary complaint against the water company for attempting to collect past-due water bills after the automatic stay imposed by his bankruptcy filing and the discharge injunction that eventually took effect. The bankruptcy judge then reopened Covington's case to allow him to pursue a motion for civil contempt. The judge later held an evidentiary hearing, agreed with Covington that the water company violated the discharge order, and granted Covington's motion for civil contempt. The judge then scheduled a hearing to consider damages.

Before the hearing, Covington filed an affidavit describing his claim for damages. He sought $217 for litigation expenses, including court costs, postage, copying, and research. He also sought damages for missed work opportunities and emotional distress. He said that the water company's actions caused him depression, sleepless nights, and an upset stomach. Covington also requested $10,000 in punitive damages and the removal of his post-petition charges.

At the hearing, Kari Bettorf, the water company's manager of customer service and billing, testified that the company did not follow its own internal bankruptcy procedures when it received the discharge order. She explained that when the water company receives a discharge order or petition, it assigns an agent to remove pre-petition amounts and create a new account. But here at some point, an agent mistakenly marked Covington's case as complete—a mistake that Bettorf imputed to human error and not intentional wrongdoing.

Covington then testified that he experienced emotional distress when the water company continued to send him bills because he had expected not to owe any money after the discharge injunction became effective. He also recounted the "mental anguish" and work opportunities he missed because of the proceedings.

The bankruptcy judge awarded Covington nominal damages of $100 for his litigation expenses. The judge acknowledged that the water company should not have taken months to remove the pre-petition charges from his account but found that the water company's violation of the discharge injunction was "not a willful disregard of court orders." Noting that only his pre-petition bills were discharged in bankruptcy, the judge ruled that Covington was not entitled to have his post-petition water bills cleared. And because he failed to provide any receipts, invoices, or accounts to support the $217 he requested for court costs, she would award him only $100 to cover the unspecified amount he spent copying and mailing documents. The judge also determined that Covington failed to substantiate his request for damages for emotional harm, and she declined to award $10,000 in punitive damages because the water company's violation was "a mistake, plain and simple."

Covington appealed the bankruptcy court's judgment to the district court. He contended that the bankruptcy judge (1) abused her discretion after the damages hearing when she allowed the water company to file their proposed findings of fact and conclusions of law outside of the time limitations set forth in Federal Rules of Bankruptcy Procedure 9020 and 9033; (2) overlooked evidence of his emotional distress; and (3) abused her discretion when she awarded him only $100 in nominal damages.

The district judge affirmed the bankruptcy court's judgment. Regarding the timeliness of the water company's proposed findings of fact and conclusions of law, the district judge found that the company had filed its submission within the deadline set by the bankruptcy judge; Rules 9020 and 9033, the judge pointed out, do not address the deadline for a party to present its proposed findings of fact and conclusions of law after a damages hearing. *See* FED. R. BANKR. P. 9020, 9033(b). As for his emotional-distress claim, the district judge ruled that the bankruptcy judge did not clearly err in declining to award damages because Covington failed to substantiate his claim. The district judge similarly found no error in the bankruptcy judge's nominal-damages award based on Covington's failure to provide supporting evidence for the $217 sought in out-of-pocket expenses.

II.

We review the district court's judgment with the same standard of review that the district judge used to review the bankruptcy judge's ruling. *Petr Trustee for BWGS, LLC v. BMO Harris Bank N.A.*, 95 F.4th 1090, 1097 (7th Cir. 2024). Like the district judge, we review the bankruptcy judge's factual findings for clear error and her legal conclusions de novo. *Id.*

Covington poses several related challenges to the bankruptcy judge's decision not to award damages for emotional distress. He argues, first, that the judge wrongly relied on Bettorf's testimony, which he says was not credible because she did not explain the source of the company's mistake or steps the company was taking to avoid similar mistakes in the future.

The bankruptcy judge did not err when she credited Bettorf's testimony. Bettorf did testify how the mistake was made—someone in her department accidentally marked Covington's file as complete. Covington could have pressed her on cross-examination about the mistake, but he chose to cut off his questioning early, saying "She doesn't know anything." Where a bankruptcy judge chooses between reasonable inferences from a witness's testimony, we will not disturb the judge's finding. *In re Sterling*, 933 F.3d 828, 835 (7th Cir. 2019).

Covington also challenges the determination of the bankruptcy judge that he did not substantiate his damages claim based on emotional distress. He insists that the distress should have been obvious from the nature of the circumstances, the mental anguish he described at his hearing, and the assertion in his affidavit that the company's conduct caused "sleepless nights, upset stomach, and other significant emotional harm."

Awards for emotional distress "can be supported, in certain circumstances, solely by a plaintiff's testimony about his or her emotional distress." *Tullis v. Townley Eng'g & Mfg. Co.*, 243 F.3d 1058, 1068 (7th Cir. 2001). And to the extent the bankruptcy judge suggested otherwise by pointing to the lack of medical care, that was error. But, when that is the only evidence, the injured party "must reasonably and sufficiently explain the circumstances of the injury rather than relying on mere conclusory statements." *Alston v. King*, 231 F.3d 383, 388 (7th Cir. 2000). The "sufficiency of such statements ultimately depends upon the particular facts of the case," including "the act that allegedly caused the distress." *Id.* Under the facts of this case—Covington's mistaken

receipt of water bills—there was no error in declining to award damages for emotional distress based on his uncorroborated testimony. *Compare Alston*, 231 F.3d at 388–89 (finding that the denial of a pre-termination hearing was "not the type of inherently degrading conduct that would portend emotional distress."), *with Pickett v. Sheridan Health Care Ctr.*, 610 F.3d 434, 446 (7th Cir. 2010) (upholding award based solely on plaintiff's testimony about effects of retaliatory discharge following her recurring complaints of sexual harassment).

Next, Covington—apparently assuming that all his debts to the water company were discharged in bankruptcy—challenges the bankruptcy judge's ruling that he was not entitled to recover the balance of his post-petition water bills. But a discharge "discharges the debtor from all debts that arose before the date of the order for relief," 11 U.S.C. § 727(b), a reference to the date that the petition was filed, not the day the discharge was entered, 11 U.S.C. § 301(a).

Lastly, Covington maintains that the bankruptcy judge erroneously accepted the water company's proposed findings of fact and conclusions of law that he insists were untimely. They were not. The water company filed its submission on April 28, 2023, the deadline set by the bankruptcy judge for such post-hearing submissions. The bankruptcy judge here had wide discretion to manage her docket, which includes setting briefing schedules. *See Miller v. Chicago Transit Auth.*, 20 F.4th 1148, 1154 (7th Cir. 2021).

We have considered Covington's other arguments, and none merits discussion.

AFFIRMED