

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:

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Chapter 11

:

JCK LEGACY COMPANY, *et al.*,

:

Case No. 20-10418 (MEW)

:

Debtors.

:

(Jointly Administered)
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**ORDER DISALLOWING PROOF OF CLAIM
NUMBER 2725 FILED BY ALBERTO COLT-SARMIENTO**

On September 7, 2022, the Court entered a Decision Disallowing Proof of Claim Number 2725 Filed by Alberto Colt-Sarmiento (the “Decision”) [ECF No. 1522]. No appeal was filed. On February 28, 2025, Mr. Colt-Sarmiento filed a Motion to Reopen (the “Motion”) [ECF No. 1603] asking the Court to reconsider its prior Decision. A response was filed by the Successor GUC Recovery Trustee [ECF No. 1604].

To the extent the Motion is deemed to be a request under Fed. R. Bankr. P. 9023, it is untimely as it has been made more than fourteen days after the entry of the Order Disallowing Proof of Claim Number 2725 (the “Order”) [ECF No. 1523].

To the extent the Motion is made under Fed. R. Bankr. P. 3008 or under 11 U.S.C. §502(j), it is subject to the provisions of Fed. R. Bankr. P. 9024. *In re Terrestar Networks, Inc.*, No. 10-15446 (SHL), 2013 WL 781613, at *2 (Bankr. S.D.N.Y. Feb. 28, 2013); *see In re Enron Corp.*, 352 B.R. 363 (Bankr. S.D.N.Y. 2006). To the extent the Motion is made under Fed. R. Bankr. P. 9024, which incorporates Fed. R. Civ. P. 60(b), and to the extent the Motion relies on any of the grounds set forth in the first three subparagraphs of Fed. R. Civ. P. 60(b), the Motion is untimely and is barred because it has been filed more than one year after the Order was entered. Fed. R. Civ. P. 60(c)(1).

Lastly, to the extent the Motion seeks relief under any one of the last three subparagraphs



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of Fed. R. Civ. P. 60(b), the Motion fails to designate grounds for relief. The information identified by Mr. Colt-Sarmiento relates to possible further proceedings with regard to his original conviction. However, his arguments against the denial of his proof of claim were based on the news report that was published regarding this original trial. In its Decision, the Court concluded that the contents of that report did not entitle Mr. Colt-Sarmiento to pursue the claims he had asserted. Therefore, the grounds for relief proposed in this Motion are tangential to the reasoning in the Court's prior Decision and fail to satisfy the requirements under Fed. R. Civ. P. 60(b).

The Court having fully considered the matter and for the reasons stated herein,

IT IS HEREBY ORDERED:

The Motion is denied.

Dated: New York, New York
March 21, 2025

s/Michael E. Wiles
Hon. Michael E. Wiles
United States Bankruptcy Judge