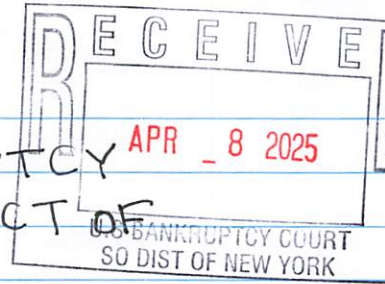


UNITED STATES BANKRUPTCY  
COURT SOUTHERN DISTRICT OF  
NEW YORK



In re:

JCK LEGACY COMPANY, et al.,

x  
: Chapter 11  
: Case NO. 20-10418  
: (MEW) (Jointly Adm-  
: inistered)  
:

NOTICE OF APPEAL; Pursuant

To: In re Sobczak-Slomczeniowski, 826  
F.3d 429, 2016 U.S. App. LEXIS 10664, 75  
Collier Bankr. Cas.2d (MB) 1508, Bankr.  
L. Rep. (CCH) P82, 966, 62 Bankr. Ct.  
Dec. 187 (7th Cir. 111. June 13, 2016) (HN  
4).

1(a) Jurisdiction

Pursuant to 28 U.S.C.S §158; and by  
Rule 8002(a)(1). Furthermore there are  
no Equitable Exceptions to a Jurisdic-  
tional requirement. Id at HN5.

1(b) New Order Subject to Appeal

On March 21, 2025 the Bankruptcy Court  
issued a New 2025 Order Disallowing Proof  
of Claim No. 2725. (See Ex



### Conclusion

For these reasons alone Alberto Colt-Sarmiento moves to grant his Notice of Appeal on the New 2025 Order Disallowing Proof of claim; based on a Jurisdictional requirement.

ALBERTO COLT-S WITHOUT  
x Alberto Colt-S. D. <sup>prejudice</sup>  
"ALL RIGHTS RESERVED"

## CERTIFICATE OF SERVICE

I, ALBERTO COLT-SARMIENTO, petitioner, prose, do hereby Certify under penalty of perjury under the laws of the United States and the State of Washington, that a true & correct copy of (1) Notice of Appeal Pursuant to 28 U.S.C. § 158; and by Rule 8002(a)(1); pgs 1-2. Was Sent by First class Mail, postage prepaid. On: Date: April 3, 2025.

To: Honorable Michael E. Wiles in the United Bankruptcy Court for the Southern District of New York, One Bowling Green, Courtroom 617, New York 10004.



(Exh. A)

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

-----	X	
In re:	:	Chapter 11
	:	
JCK LEGACY COMPANY, <i>et al.</i> ,	:	Case No. 20-10418 (MEW)
	:	
Debtors.	:	(Jointly Administered)
-----	X	

**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

20-10418-mew Doc 1606 Filed 03/21/25 Entered 03/21/25 19:16:11 Main Document  
Pg 2 of 2

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