

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF CONNECTICUT
HARTFORD DIVISION**

IN RE:)	
)	
John Alan Sakon,)	CASE No. 19-21619 (JJT)
Debtor.)	
)	
John Alan Sakon,)	CHAPTER 11
Movant)	
V.)	
)	RE: ECF Nos. 59, 116, 145
A&F Main Street Associates, LLC,)	
Respondent.)	
)	

**RULING ON DEBTOR’S MOTION FOR RELIEF
AS TO SCHEDULING MATTERS AND TIME
TO FILE RESPONSIVE PLEADINGS**

Before the Court is John Alan Sakon’s (the “Debtor”) Motion for Relief as to Scheduling Matters and Time to File Responsive Pleadings (the “Motion”, filed March 9, 2020, ECF No. 145).¹ Therein, the Debtor requested that the hearing scheduled for March 10, 2020, be continued in order to provide him with additional time to file responsive pleadings. Although the Debtor’s Motion does not specify which matters he is seeking additional time on, the matters scheduled to be heard on March 10, 2020 (the “March 10th Hearing”), were A&F Main Street Associates, LLC’s (“A&F”) Amended Motion for Relief from Stay (ECF No. 59) and the Debtor’s Motion to Assume Lease of A&F Main Street Associates, LLC (the “Motion to Assume”, ECF No. 116). The present Motion also includes a timely request for reconsideration as to

¹ As previously noted in other rulings issued by this Court, the Debtor is an experienced and sophisticated real estate developer. The Debtor, however, is not formally represented by counsel in the instant proceedings, but has conferred with legal counsel at various junctures when he deemed additional assistance appropriate.

the Court's prior Ruling denying his Motion for Extension of Time to Assume or Reject Lease (ECF No. 129), or in the alternative, an additional 10 days to file a notice of appeal.

For the reasons stated herein, the Debtor's Motion is hereby GRANTED in part and DENIED in part.

The Debtor's Motion restates various factual contentions that he has previously alleged in prior filings or at prior hearings before this Court, and that, in the aggregate, these circumstances have converged making it "near impossible for [him] to file responsive pleadings" regarding the matters scheduled for the March 10th Hearing. The Debtor requests that the matters be rescheduled for some date thereafter. At the March 10th Hearing, prior to addressing the scheduled matters to be heard that day, the Court canvassed the Debtor with respect to the various requests contained in this Motion.

In response, the Debtor failed to advance any meaningful explanation as to why he should be given more time to file responsive pleadings to the matters before the Court that day. With respect to A&F's Amended Motion for Relief from Stay, the Court notes the following procedural history: A status conference was held on February 5, 2020, whereat a request for an initial extension of time was made, which was granted. Two days later, on February 7, 2020, the Debtor filed a Motion to Extend Time To file a Responsive pleading to February 21, 2020 (ECF No. 106), which the Court also granted (ECF No. 111). Thereafter, the Debtor filed a timely objection to A&F's motion for Relief on February 21, 2020 (ECF No. 115).

To the extent that the Debtor's argument is that he needed additional time to raise new defenses or claims not already included in his objection filed on February 21, 2020, he was given ample opportunity at the March 10th Hearing to do so.² The Debtor, however, failed to advance any new or material facts at the hearing that had not already been argued before the Court, nor was he able to identify issues in A&F's motion that required additional briefing. Simply put, the Debtor needs no additional time to file responsive papers because he has, as the record reflects, already done so. To the extent that there were additional material facts or points of law not already discussed, the Debtor also had ample opportunities at the hearing to supplement his objection. To provide additional time in the present case would only encourage more dilatory requests. For these reasons, the Debtor's request for additional time to amend his objection is hereby DENIED.

With respect to the Debtor's own Motion to Assume, which was docketed on February 25, 2020 (ECF No. 116), it is noteworthy that A&F filed its subsequent objection on February 26, 2020 (ECF No. 119). To the extent that the Debtor wished to file a reply to A&F's objection, D. Conn. LBR 9014-1 controls and required that the Debtor file any such reply by March 7, 2020. *See id.* (“[a]ny Reply to the response shall be no more than five (5) pages and shall be filed no later than three (3) days before the scheduled hearing on the Contested Matter”). The Debtor's Motion with respect to this matter, therefore, is untimely.

² The Court also notes that nothing prevented the Debtor from filing an amending objection prior to the March 10th Hearing.

As with the matter discussed previously, the Debtor had ample time to either, as in this case, file a reply by March 7th, 2020, or to supplement his motion during the March 10th Hearing. The Debtor has provided no legitimate basis for this Court to extend the time to file a reply, in large part, because he has failed to present any new material facts or points of law not already argued before the Court. For these reasons, the Debtor's request for additional time to file a reply is hereby DENIED.

Next, the Court addresses the Debtor's request for reconsideration of this Court's prior Ruling denying the Debtor's request for an extension to assume an unexpired lease (ECF No. 129). Federal Rule of Civil Procedure 60(b), given effect through Federal Rule of Bankruptcy Procedure 9024(b), controls and provides that relief from a final judgment or order of the court may be granted for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b); (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or (6) any other reason that justifies relief. Fed. R. Civ. P. 60(b).

"The standard for granting such a motion is strict, and reconsideration will generally be denied unless the moving party can point to . . . matters . . . that might

reasonably be expected to alter the conclusion reached by the court. . . . [A] motion to reconsider should not be granted where the moving party seeks solely to relitigate an issue already decided.” *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir.1995). “Although *pro se* litigants should be afforded latitude, they generally are required to inform themselves regarding procedural rules and to comply with them.” *In re Blonder*, 47 Fed. Appx. 605, 606 (2d Cir. 2002) (internal quotation marks and citations omitted) (*quoting LoSacco v. City of Middletown*, 71 F.3d 88, 92 (2d Cir.1995)). Motions to reconsider a court’s prior order “will generally be denied unless the moving party can point to controlling decisions or data that the court overlooked—matters, in other words, that might reasonably be expected to alter the conclusion reached by the court.” *In re SageCrest II LLC*, No. 08-50754 AHWS, 2012 WL 525734, at *1 (Bankr. D. Conn. Feb. 16, 2012) (*citing Mendell ex rel. Viacom, Inc. v. Gollust*, 909 F.2d 724, 731 (2d Cir. 1990)). Critically, a motion for relief brought pursuant to Rule 60(b) is “addressed to the sound discretion of the . . . court” *Id.*

Here, the Debtor did not present any probative evidence that the Court overlooked controlling decisions of law or made any material factual errors in its Ruling, nor has he put forward new evidence that would otherwise alter the Court’s determination. Additionally, the Debtor has not shown that there was any form of misconduct by A&F or provided probative evidence of any other material matter that would justify the relief sought in the Motion. Accordingly, the Debtor’s request for reconsideration is hereby DENIED.

Lastly, the Debtor requests that in the event the Court denies his motion for reconsideration that it permit him an extension of 10 days in order to file a timely notice of appeal. After due consideration, the relief sought by the Debtor is hereby GRANTED. *See Fed. R. Bankr. P. 8002(d)(3)*. In the event the Debtor wishes to pursue an appeal, he shall file the appropriate notice of appeal by March 23, 2020.

IT IS SO ORDERED at Hartford, Connecticut this 13th day of March 2020.

James J. Tancredi
United States Bankruptcy Judge
District of Connecticut