

ENTERED

June 29, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

HOA DAO, *et al*,

Appellants,

VS.

RONALD J SOMMERS,

Appellee.

§
§
§
§
§
§
§
§

CIVIL ACTION NO. 4:16-CV-1381

ORDER AND OPINION

Pending before the Court is Appellant’s, Hoa T. Dao, Motion for Extension of Time to File Motion for Rehearing Nunc Pro Tunc, Doc. 53, and Appellants’, Quynh Nhu Dao, and Thuy Vi Dao, Motion for Extension of Time to File Motion for Rehearing Nunc Pro Tunc, Doc. 54. The Trustee has not yet responded. Having considered the facts in the record; and the applicable law, the Court concludes that the Motion should be denied.

Hoa concedes that she “applied the wrong rule and missed the deadline [to file a motion for rehearing] by 14 days.” Doc. 53 at 5. But Hoa asks that the court allow an extension of time to file the motion for rehearing under Bankruptcy Rule 8002 and 9006 to allow her “to pursue an appeal on a timely basis without any prejudice to the Trustee.” *Id.* at 6.

Similarly, Quynh and Thuy request that the Court either “Reconsider its Order signed on 6/7/2018 pertaining to our Motion for Rehearing” or alternatively, “grant all Appellants in this matter an Order allowing an extension to enlarge time of 30 days from the Court decision on this Motion to Reconsider” under “excusable neglect.” Doc. 54 at 4.

The Court, in its Order and Opinion, has already determined that ignorance of the rules does not usually constitute excusable neglect and the Appellants have not presented a compelling argument that their neglect was excusable in this instance. Doc. 52 at 3 (citing *see Pioneer Inv.*

Servs. Co. v. Brunswick Assocs. Ltd. P'ship, 507 U.S. 380, 392, 113 S. Ct. 1489, 1496, 123 L. Ed. 2d 74 (1993)). And that a danger of prejudice does not exist to the debtor by denying the motions as untimely. *Id.* (citing *see id.*). The Court finds no reason to alter its decision. Accordingly, it is hereby

ORDERED that the Appellant's, Hoa T. Dao, Motion for Extension of Time to File Motion for Rehearing Nunc Pro Tunc, Doc. 53, and Appellants', Quynh Nhu Dao, and Thuy Vi Dao, Motion for Extension of Time to File Motion for Rehearing Nunc Pro Tunc, Doc. 54, are both **DENIED**.

SIGNED at Houston, Texas, this 27th day of June, 2018.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE