

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

FILED  
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U.S. DISTRICT COURT E.D.N.Y.

★ MAY 31 2018 ★

BROOKLYN OFFICE

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In re

LADDER 3 CORP.

Debtor.  
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OTR MEDIA GROUP, INC.,

Appellant-Defendant,

OPINION and ORDER

v.

No. 17-cv-04733 (NG)

ROBERT J. MUSSO, Chapter 7 Trustee of the  
Estate of Ladder 3 Corp.

Appellee-Plaintiff.  
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GERSHON, United States District Judge:

Appellant-defendant OTR Media Group, Inc. (“OTR”) appeals the decision of the Bankruptcy Court for the Eastern District of New York (Craig, *Chief Judge*) denying OTR’s motion for summary judgment and granting the summary judgment motion of Appellee-Plaintiff Robert J. Musso, the Trustee of Chapter 7 debtor Ladder 3 Corp. (“Ladder 3”). *In re Ladder 3 Corp.*, 571 B.R. 525 (Bankr. E.D.N.Y. 2017), *motion for relief from judgment denied*, 2018 WL 722405 (Bankr. E.D.N.Y. 2018). On March 28, 2018, I denied OTR’s motion for direct certification of appeal to the Second Circuit. *In re Ladder 3 Corp.*, 2018 WL 2298349, at \*4 (E.D.N.Y. Mar. 28, 2018). In that decision, I reviewed the facts and procedural history of the case—which I decline to repeat here—and explained why 11 U.S.C. § 349(b)(2)–(3) did not nullify the Stipulation of Settlement reached by the parties in the 2010 Adversary Proceeding. I have considered OTR’s argument on appeal (of which there is only one, as OTR has abandoned

its argument under § 349(b)(2)) and find it to be meritless. For substantially the reasons stated in my certification decision, the decision of the Bankruptcy Court is affirmed.

**SO ORDERED.**

/s/ *Nina Gershon*

**NINA GERSHON**  
**United States District Judge**

May 31, 2018  
Brooklyn, New York