

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re

THE NEW YORK RACING ASSOCIATION
INC.,

Debtor.

-----X
EUGENIA AYUSO, et al.,

Plaintiffs,

-against-

THE NEW YORK RACING ASSOCIATION
INC.,

Defendants.
-----X

P. KEVIN CASTEL, District Judge:

After hearing the parties at extended oral argument today and for the reasons stated on the record, the Order of the Bankruptcy Court, dated March 7, 2008, is **AFFIRMED**. The Bankruptcy Court did not abuse its discretion in concluding that appellants had not demonstrated excusable neglect and there were not sufficient grounds to warrant permitting the appellants to file proofs of claim after the June 4, 2007 bar date. Appellants did not diligently move for leave to file late claims once they were on notice that the debtor's view was that the original claim was improper. Even after the Bankruptcy Court's tentative ruling of December 20, 2007, appellants did not file their application until February 20, 2008. The debtor would have been prejudiced by the late filing because it would have disrupted efforts to achieve and confirm a plan of reorganization.

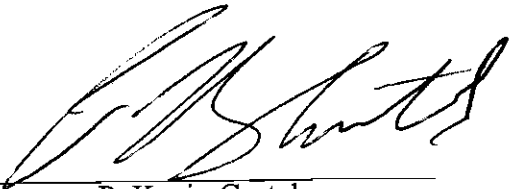
USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3/5/09

Chapter 11
Case No. 06-12618

08-cv-3785-(PKC)

ORDER

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
March 4, 2009