

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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LAVERNE LEONARD, :
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Appellant, :
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-v- :
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HSBC Bank USA, NA, et al. :
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Appellees. :
:
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20-cv-1518 (LJL)
20-cv-1558 (LJL)
20-cv-6811 (LJL)
20-cv-6806 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Each of the related cases subject to this order is an appeal of an order of the bankruptcy court in the same underlying action: 19-12337. There is a pending motion by Appellees in No. 20-cv-1558, at Dkt. No. 9, to consolidate No. 20-cv-1558 and No. 20-cv-1518 (“Motion to Consolidate”). The motion is opposed by Appellant. In addition, there have been issues noted by Appellant concerning the filing of Appellant’s brief and supporting exhibits on the public docket in No. 20-cv-1558, see No. 20-cv-1558, Dkt. Nos. 13-14. As a result of these issues, Appellee in 20-cv-1558 has not filed a responsive brief, see id. at Dkt. No. 12.

IT IS HEREBY ORDERED that the Court will hold a conference with the parties to these related cases by TELEPHONE CONFERENCE on Thursday, October 22 at 4 p.m. At that date and time the parties are directed to dial the Court’s conference line at: 888-251-2909 (access code: 2123101).

At the conference the Court will address the pending Motion to Consolidate and inquire whether all of these related cases should be consolidated. The Court will also address issues

related to documents that have not been filed on the public docket and will set new briefing schedules to the extent necessary.

Also pending are motions to stay pending appeal in Nos. 20-cv-1558, at Dkt. No. 17 and 20-cv-1518, at Dkt. No. 11. The motions are unopposed, but they do not contain any argument or statement other than the bare request for a stay. A district court may consider an application to stay an order of the bankruptcy court pending an appeal pursuant to Federal Rule of Bankruptcy Procedure 8007(b). “The legal standard for granting a stay pending appeal of a bankruptcy court order requires application of the familiar four-factor test: (1) whether the stay applicant has made a strong showing that [she] is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” *In re Platinum Partners Value Arbitrage Fund L.P.*, 2018 WL 3207119, at *3 (S.D.N.Y. June 29, 2018) (citing *Nken v. Holder*, 556 U.S. 418, 426 (2009)). However, “[t]he burden of establishing entitlement to a stay rests with the appellant.” *Id.* (citing *Nken*, 556 U.S. at 433-34).

Because the Appellant has not made any showing of why a stay is justified under the relevant factors set forth above, the motions to stay are DENIED without prejudice to renewal.

The Clerk of Court is respectfully directed to close Dkt. No. 11 in Case No. 20-cv-1518 and Dkt. No. 17 in Case No. 20-cv-1558.

SO ORDERED.

Dated: October 14, 2020
New York, New York



LEWIS J. LIMAN
United States District Judge