
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

In re Rafia Nafees Khan,
Debtor.

Rafia Nafees Khan,
Appellant,

vs.

Regions Bank,
Appellee.

ORDER
AND
MEMORANDUM DECISION

No. 3:12-cv-00025
Judge Tena Campbell

After the court dismissed this appeal for lack of appellate standing, Plaintiff-Appellant Rafia Nafees Khan filed a Motion to Amend or Alter Judgment (Docket No. 14), as well as an amendment clarifying part of her legal argument (Docket No. 15). The court finds Plaintiff's motion without merit.

First, Ms. Khan contends that she was given insufficient opportunity to respond and that the court should not have ruled on the issue of standing because it was "newly raised" by Defendant-Appellee Regions Bank in a memo in opposition. (See Br. if Def./Appellee Regions Bank 6–8, Feb. 17, 2012, ECF No. 8.) Contrary to Ms. Khan's assertions, she had adequate opportunity to respond because she filed a reply brief in which she argued that she had standing to appeal. (See Reply Br. Of Pl./Appellant Rafia Nafees Khan 10–13, Mar. 1, 2012, ECF No. 9.)

Second, Ms. Khan contends the court failed to consider two facts shown in the record: (1) that Ms. Khan was a party to the bankruptcy proceeding below, and (2) that the judgment directly affected her pecuniary interests. Contrary to Ms. Khan's assertions, the first fact was considered by the court in its Order and Memorandum Decision. (See Order & Mem. Decision 3, Oct. 31, 2012 ECF No. 13 (noting that standing in the bankruptcy court below is not the same

as standing on appeal).) And the second “fact” is actually a legal conclusion. As noted by the court in its Order and Memorandum Decision, it is the trustee who is the true owner of the bankruptcy estate, and is the proper party with standing to appeal. See id. at 4–5. Ms. Khan failed to show she had any legally recognized pecuniary interest.

As a result, Ms. Khan fails to allege anything that has not already addressed by the court, and her arguments are unavailing for the reasons stated in the Order and Memorandum Decision. The court DENIES the Motion to Amend or Alter Judgment (Docket No. 14).

SO ORDERED this 10th day of December, 2012.

BY THE COURT:

A handwritten signature in black ink that reads "Tena Campbell". The signature is written in a cursive, flowing style.

TENA CAMPBELL
U.S. District Court Judge