#### GREG GRISWOLD,

v.

## **OPINION & ORDER**

14-cv-718-jdp

BRENDA ZEDDUN, TRUSTEE,

# Appellee.

Appellant,

Appellant Greg Griswold appealed the judgment of the Bankruptcy Court for the Western District of Wisconsin voiding a transfer to Griswold of a 40-acre farm owned by Laura Wierzbicki. The bankruptcy court had concluded that Wierzbicki did not receive "reasonably equivalent value" from Griswold in exchange for giving him ownership of the farm. I affirmed the bankruptcy court's judgment in a September 15, 2015, order. Griswold has now filed a document titled "Motion Seeking Reconsideration" of the September 15 order. Dkt. 16. I construe this motion as one for rehearing under Federal Rule of Bankruptcy Procedure 8022. Because Griswold fails to persuade me that my ruling was incorrect, I will deny this motion.

A motion for rehearing is "the bankruptcy counterpart to Fed. R. Civ. P. 59(e)." *Matter of Grabhill Corp.*, 983 F.2d 773, 775 (7th Cir. 1993). A Rule 8022 motion "must state with particularity each point of law or fact that the movant believes the district court . . . has overlooked or misapprehended and must argue in support of the motion." Rule 8022(a)(2). Griswold's motion exceeds by twice the length limit of Rule 8022(b)—"[u]nless the district court . . . orders otherwise, a motion for rehearing must not exceed 15 pages")—and he contends that most aspects of the September 15 order are incorrect. In particular, he argues:

- The farm was encumbered by a *lis pendens* he filed in 2009.
- He and Wierzbicki each held \$75,000 homestead exemptions in the farm that, when combined, completely offset the value of the farm, leaving it worth nothing at the time of transfer.
- He obtained an interest in the farm after the state court decision concluding that he held no interest.
- Wierzbicki received reasonably equivalent value for the farm in the form of harmony among her, Griswold, and their children.

Griswold does not present any persuasive argument that I incorrectly decided these issues in the September 15 order. He just rehashes the unsuccessful arguments he made in his previous briefing. Because Griswold fails to show that I overlooked or misapprehended any facts or governing law, I will deny his motion for rehearing.

Griswold also filed a motion to stay the judgment pending resolution of the bankruptcy appeal. Dkt. 20. Griswold stated that the bankruptcy trustee intended to immediately proceed with a sale of the farm, but he did not substantiate this assertion with any evidence, and the trustee responded that no sale was imminent. Dkt. 21. Because I am denying Griswold's motion for rehearing, I will deny his motion to stay the judgment. Should Griswold renew his request for a stay in conjunction with further appeals, he will have to support his request with evidence and argument explaining why a stay should be granted.

The September 15 order also addressed a separate appeal (case no. 15-cv-250-jdp) from an order in the bankruptcy case denying Griswold's motion for Bankruptcy Judge Martin's recusal. Dkt. 14, at 17. I construed the '250 case as including a request for leave to take an interlocutory appeal, and I denied that request. Although Griswold did not include the caption for the '250 case on his motion for rehearing, he includes a request for

reconsideration of my ruling in that case as well. But, just as with the '780 case, Griswold does not persuade me that I erred in concluding that he came "nowhere close" to showing that his interlocutory appeal involved a controlling question of law over which there is a substantial ground for difference of opinion, and that an immediate appeal from the order might materially advance the termination of the litigation. *Id.* at 17-18. I will deny his request for reconsideration in the '250 case, and direct the clerk of court to docket his motion and this ruling in the '250 case.

## ORDER

## IT IS ORDERED that:

- 1. Appellant Greg Griswold's motion for rehearing, Dkt. 16, is DENIED.
- 2. Appellant's motion to stay the judgment pending resolution of the bankruptcy appeal, Dkt. 20, is DENIED as moot.
- 3. Appellant's motion for reconsideration in case no. 15-cv-250-jdp, Dkt. 16, is DENIED. The clerk of court is directed to docket appellant's motion and this ruling in the '250 case.

Entered February 5, 2016.

BY THE COURT:

/s/

JAMES D. PETERSON District Judge