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In Re: Irene Lin

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 15-2106

In re: IRENE H. LIN,
Debtor

JAY J. LIN; JAY J. LIN PA,
Appellants

v.

STEVEN R. NUENER; BARRY SHARER; KEISHA ADKINS;
NEUNER AND VENTURA LLP; SHARER PETREE BROTZ & SNYDER;
JOHN DOE; JANE DOE; XYX CO.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
(D.C. Civil No. 3-14-cv-05230)
District Judge: Honorable Freda L. Wolfson

Submitted Under Third Circuit LAR 34.1(a)
April 6, 2016

Before: FISHER, RENDELL and BARRY, Circuit Judges

(Opinion Filed: April 28, 2016)

OPINION*

BARRY, Circuit Judge

Jay J. Lin and his law firm, Jay J. Lin, P.A., appeal the order of the District Court that dismissed, as untimely, two appeals to it from the Bankruptcy Court, and affirmed the Bankruptcy Court's award of \$5,000 in fees and expenses as a sanction against Mr. Lin. We have jurisdiction over the final order of the District Court under 28 U.S.C. § 1291.

Appellants' "main" brief to us is confusing and, in places, incomprehensible. One section, however, is clear: the "Statement of the Case", which fills almost half of that eleven-page brief, with insults of the worst kind hurled at the Trustee Appellee and the Trustee's Counsel, also an appellee. Vitriol aside, the Statement of the Case certainly appears to have nothing to do with whatever issues Appellants may have been trying, but utterly failed, to raise, much less to explain. The two-page reply brief does not add a thing.

That having been said, we understand, albeit from Appellees' briefs, the issues supposedly presented by Appellants for review — Appellees, after all, have lived through those issues before both the Bankruptcy and District Courts in this lengthy, convoluted,

* This disposition is not an opinion of the full court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

and contentious litigation. And we have done our homework. We have carefully reviewed the record, seen the close attention given to this litigation by both Courts, and, of course, reviewed the various opinions, both oral and written, most recently the excellent opinion of the District Court now before us, an opinion we have considered in light of the standards of review the District Court was, and we are, required to apply.

We are satisfied, following our review, to conclude, without further ado, that substantially for the reasons set forth by the District Court in its thorough opinion, we will affirm the Order of the District Court dismissing as untimely the two appeals to it from the Bankruptcy Court, and affirming the Bankruptcy Court's award of sanctions against Mr. Lin.¹

¹ In Point 4 of their brief, the Trustee Appellees invited us to award damages against Mr. Lin under Fed. R. App. P. 38, and “reserve[d] the right” to file a motion for such relief if, at the conclusion of briefing, we had not addressed the matter “*sua sponte*”. (Trustee Appellees’ Br. at 27). A motion was subsequently filed. We will address the issue of Rule 38 damages there, not here.