

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

**R. Susan Woods,
Petitioner**

vs.

**Alina's Real Estate, LLC and It's Managers Amaya and Branche,
Respondents (First Circuit No. 20-1991);**

**Joseph B. Collins, Chapter 7 Trustee,
Respondent (First Circuit No. 20-1992); and**

**Joseph B. Collins, Chapter 7 Trustee,
In his Official and Individual Capacity,
Respondent (First Circuit No. 20-1993).**

**On Petition for Writ of Certiorari to
The United States Court of Appeals for the First Circuit**

APPENDIX

**R. Susan Woods, *pro se*
P. O. Box 160
Hadley, MA 01035-0160
mobile 413-883-1414
rsusanwoods@gmail.com**

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United States Court of Appeals For the First Circuit

No. 20-1991

IN RE: R. SUSAN WOODS,

Debtor.

R. SUSAN WOODS,

Appellant,

v.

ALINA'S REAL ESTATE, LLC, and their representatives Amaya and Branche,

Appellee.

Before

Howard, Chief Judge,
Thompson and Barron, Circuit Judges.

JUDGMENT

Entered: April 27, 2021

Pro se debtor-appellant seeks leave to proceed on appeal in forma pauperis. The district court has certified that the appeal is not taken in good faith, see 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3), and appellant has filed the present motion challenging that certification. See Fed. R. App. P. 24(a)(5). We agree with the district court's determination that good faith is lacking. Because appellant has failed to identify any non-frivolous argument on appeal, we deny the IFP motion.

We further conclude that appellant need not be given additional time to pay the filing fee because, after careful review of relevant portions of the record, we conclude that the appeal does not present a "substantial question," see 1st Cir. R. 27.0(c), and that, for substantially the reasons set out by the district court, affirmance is in order. The judgment of the district court is summarily affirmed. Any remaining pending motions are denied as moot.

By the Court:

Maria R. Hamilton, Clerk

cc:

R. Susan Woods
Steven Weiss
Mark Justin Esposito

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re R. SUSAN WOODS,)	Civil No. 20-30026-LTS
)	Civil No. 20-30047-LTS
Appellant.)	Civil No. 20-30060-LTS

ORDER ON MOTIONS PURSUANT TO FED. R. APP. P. 24(a)(3)(A)

October 22, 2020

SOROKIN, J.

On September 29, 2020, this Court affirmed two orders of the Bankruptcy Court in proceedings related to R. Susan Woods's Chapter 7 petition, and it dismissed a third appeal by Woods that sought to challenge a third Bankruptcy Court order.¹ Woods has noticed appeals to the First Circuit of this Court's orders rejecting her three appeals. In each of the three cases, the appellee has filed a motion pursuant to Federal Rule of Appellate Procedure 24(a)(3) asking this Court to certify that Woods's appeal is not taken in good faith, to essentially terminate her in forma pauperis status in these matters, and to require her to pay the typical appellate filing fees.² No. 20-cv-30026, ECF No. 46; No. 20-cv-30047, ECF No. 34; No. 20-cv-30060, ECF No. 48. Woods has opposed the motions. No. 20-cv-30026, ECF No. 47; No. 20-cv-30047, ECF No. 35; No. 20-cv-30060, ECF No. 49. Having considered the parties' submissions and based on the

¹ This Court's orders are found at: In re Woods, No. 20-cv-30026, ECF No. 41 (D. Mass. Sept. 29, 2020); In re Woods, No. 20-cv-30047, ECF No. 29 (D. Mass. Sept. 29, 2020); In re Woods, No. 20-cv-30060, ECF No. 43 (D. Mass. Sept. 29, 2020). In this Order, the Court will cite documents appearing on the electronic dockets in these matters using the District Court case number and the ECF document number, with any pincites referencing the page numbers assigned by ECF (e.g., "No. 20-cv-30060, ECF No. 48 at 2").

² In one appeal (No. 20-cv-30026), the appellee is a party to an adversary proceeding in the Bankruptcy Court. In the other two appeals (Nos. 20-cv-30047 and 20-cv-30060), the appellee is the Chapter 7 Trustee.

Appendix A

Court's thorough review of the entire record in connection with its recent orders resolving the appeals, the appellees' motions are ALLOWED.³

Under the federal in forma pauperis statute, “[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C. § 1915(a)(3). Regardless of any subjective good faith on the part of the appellant, “good faith” within the meaning of § 1915(a)(3) is demonstrated only when a litigant seeks “appellate review of any issue not frivolous.” Coppedge v. United States, 369 U.S. 438, 445 (1962). A claim raised on appeal is frivolous if “no reasonable person could suppose [it] to have any merit.” Lee v. Clinton, 209 F.3d 1025, 1026 (7th Cir. 2000); see Acosta Abreu v. United States, 308 F.2d 248, 248 (1st Cir. 1962) (per curiam) (denying leave to proceed in forma pauperis under § 1915(a) because “the appeal is obviously wholly without any merit whatsoever and entirely frivolous”). In assessing good faith, the Court also may consider whether the record includes evidence suggesting bad faith on the part of the appealing party. Tweedy v. United States, 276 F.2d 649, 651 (per curiam) (9th Cir. 1960); cf. Ellis v. United States, 356 U.S. 674, 674 (1958)

³ Woods was permitted to proceed in forma pauperis in two of the three appeals that were before this Court. No. 20-cv-30026, ECF No. 36; No. 20-cv-30060, ECF No. 14. In the third, she did not seek such status at the outset of her appeal to this Court, nor has she requested it for purposes of her appeal to the First Circuit. In that case, Woods attached an application to proceed in forma pauperis as an exhibit supporting a motion seeking an extension of time to file her brief, which arose from financial constraints which had prevented her from obtaining certain transcripts in time to submit a timely brief. No. 20-cv-30047, ECF Nos. 10, 10-2. She did not separately seek such status, nor did this Court grant it, at that time or thereafter. In any event, Woods's inability to surmount the good-faith standard, as the Court certifies herein, means she may not avoid the usual filing fees associated with her appeals by either securing from this Court in the first instance (in No. 20-cv-30047) or retaining (in Nos. 20-cv-30026 and 20-cv-30060) in forma pauperis status on appeal.

(per curiam) (“In the absence of some evident improper motive, the applicant’s good faith is established by the presentation of any issue that is not plainly frivolous.”).

The Federal Rules of Appellate Procedure echo § 1915(a)(3), providing:

A party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis without further authorization, unless[] . . . the district court—before or after the notice of appeal is filed—certifies that the appeal is not taken in good faith . . . and states in writing its reasons for the certification . . .

Fed. R. App. P. 24(a)(3)(A).

The Court finds that Woods’s appeals to the First Circuit are not taken in good faith for two independent reasons. First, considering the appeals objectively, they are frivolous. There is simply no basis in fact or law to support a colorable, good-faith challenge to this Court’s September 29, 2020 Orders (or to support any further challenge to the relevant orders of the Bankruptcy Court). Woods admittedly and repeatedly failed to comply with orders of the Bankruptcy Court requiring her to vacate a house that was property of the estate, and such conduct justifies denial of discharge under the straightforward application of the Bankruptcy Code’s plain language. Woods’s challenge to the sale of that house in March 2019 was previously resolved against her through three levels of federal courts, and there is no legal or equitable justification for permitting her to relitigate that challenge now. And, there is no basis in this case to either excuse Woods’s failure to make timely submissions required by Court order in connection with the appeal this Court dismissed, or to permit the reopening of proceedings following a trial at which Woods was permitted to testify and offer whatever evidence she wished. Though Woods’s submissions opposing the appellees’ motions list numerous questions she believes warrant further review, most of them are beyond the proper scope of her appeals to the First Circuit. See No. 20-cv-30026, ECF No. 47 at 2-5; No. 20-cv-30047, ECF No. 35 at 2-4.

Accordingly, this Court certifies that Woods's three appeals are wholly meritless and patently frivolous.

Second, the record contains evidence suggesting Woods is proceeding with subjectively improper motives. For example, her submissions to this Court are replete with vitriolic but (on the objective record) unfounded asseverations of misconduct by the Trustee and requests that a variety of actions be undertaken with respect to him (ranging from his discharge as Trustee to criminal investigations). E.g., Doc. No. 19 at 61 (accusing the Trustee and the Bankruptcy Court of "nearly g[etting] her killed," and stating that for the Trustee "to be pilloried as a result of his actions in this matter would not be near enough"). In written submissions to both the Bankruptcy Court and this Court, Woods also has railed against "sociopathic bankers" whom she blames for the loss of two houses she once owned. E.g., No. 20-cv-30060, ECF No. 33-16 at 5; see also id., ECF No. 33-15 at 24 (announcing Woods's belief that her "situation will eventually improve once I hold the banks accountable"). In her own words, expressed in a "Victim Impact Statement" dated October 7, 2019:

I am determined to hold bankers accountable for their vast conspiracies to commit felonies and frauds. I am determined to reclaim my life. [The Trustee] has taken everything from me, and left me ridden with debt He has claimed my intellectual property He has destroyed every avenue I had to move forward, with the full cooperation of the Bankruptcy Court, which feigns ignorance and otherwise enables him.

This charade, this mockery of justice, is grotesque. Our democracy is demoralized. I live to reverse this disgrace, upon myself, upon the courts, upon my peers, upon our land.

Id., ECF No. 33-17 at 2. Accordingly, this Court certifies that Woods's three appeals are motivated by subjective bad faith and are taken for the improper purposes of harassing the Trustee, attempting in these appeals to continue her campaign against banks and mortgage lenders (despite these appeals not presenting appropriate avenues in which to air such

grievances), and/or thwarting the final resolution of the bankruptcy proceedings in a manner she finds unsatisfactory.

For the foregoing reasons, considering the totality of the unusual circumstances presented by these cases, the appellees' motions pursuant to Rule 24(a)(3) (Doc. No. 46 in 20-cv-30026, Doc. No. 34 in 20-cv-30047, and Doc. No. 48 in 20-cv-30060) are ALLOWED. Pursuant to Rule 24(a)(4)(B), the Clerk shall notify the First Circuit and Woods (via ECF notice) of this Order. Pursuant to Rule 24(a)(5), Woods may file motions in the Court of Appeals seeking to proceed on her three appeals in forma pauperis.

SO ORDERED.

/s/ Leo T. Sorokin
United States District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re R. SUSAN WOODS,) Civil No. 20-30026-LTS
)
)
Appellant.)
)
)

**ORDER ON MOTION TO DISMISS (DOC. NO. 13)
AND OTHER PENDING MOTIONS**

September 29, 2020

SOROKIN, J.

R. Susan Woods has appealed a decision by the United States Bankruptcy Court for the District of Massachusetts in an adversary proceeding related to her Chapter 7 bankruptcy petition. The challenged decision entered judgment in Woods's favor, finding the defendants in the adversary proceeding liable for violating the automatic stay, and awarded Woods \$2,500 in damages.¹ The defendants in the adversary proceeding have moved to dismiss Woods's appeal. Woods opposes dismissal and asks this Court to reopen the adversary proceedings, extend the deadline for her appellate brief, and take various other actions. For the reasons that follow, Woods's appeal is DISMISSED.

I. **BACKGROUND**

On July 10, 2018, Woods filed for bankruptcy under Chapter 7 of the Bankruptcy Code. Doc. No. 1 at 3.² She did so for the express purpose of avoiding eviction from a home located at

¹ This is not Woods's only appeal to this Court arising from her bankruptcy proceedings. Concurrently with this Order, this Court separately affirms two other decisions of the Bankruptcy Court. See In re Woods, No. 20-cv-30047, ECF No. 29 at 1 n.1 (D. Mass. Sept. 29, 2020) (affirming denial of discharge and denial of motion to vacate the sale of a property, and listing Woods's prior appeals from other orders issued by the same Bankruptcy Court).

² Citations to items appearing on the Court's electronic docket ("Doc. No. __ at __") reference the document and page numbers assigned by ECF.

43 West Street in Hadley, Massachusetts.³ Doc. No. 19 at 1. The home, once hers, had been bought at a foreclosure sale by Alina's Real Estate, LLC in 2017, years after Woods had defaulted on her mortgage payments. Doc. No. 1 at 3; Doc. No. 5 at 43. Alina's had instituted a summary process action in state court to remove Woods from the home, and had been granted permission to do so effective July 11, 2018. Doc. No. 1 at 3. With her eviction imminent, Woods turned to the Bankruptcy Court and sought shelter in the automatic stay. Doc. No. 5 at 45; Doc. No. 19 at 1. Alina's, however, violated the stay and evicted Woods as scheduled, removing her from the home and placing much of her property in storage. Doc. No. 1 at 3.

The next day, Woods filed an adversary proceeding before the Bankruptcy Court against Alina's and two of its representatives (collectively, "the appellees"), seeking an order reinstating her possession of the home, returning her personal belongings, and awarding damages. Id. The Bankruptcy Court held an emergency hearing on July 13, 2018 and ordered the appellees to return to Woods possession of the home and her personal property. Id. The question of damages remained open. Id. The appellees promptly complied with the Bankruptcy Court's order, providing Woods with keys to the home that day and offering to move her belongings back from storage. Id.; Doc. No. 5 at 68-69. Woods took the keys but directed that her belongings should remain in storage. Doc. No. 1 at 3; Doc. No. 5 at 68-69. In all, Woods was prevented from accessing the home for two days.

On July 17, 2018, Alina's sought relief from the automatic stay so that it could proceed with a second eviction of Woods. Doc. No. 1 at 3. The Bankruptcy Court overruled Woods's

³ In fact, this was the second time Woods invoked Chapter 7 and the protection of the automatic stay in an effort to avoid being removed from the West Street home. In re Woods, No. 06-bk-42606 (Bankr. D. Mass. Nov. 27, 2006); see Doc. No. 5 at 43 (reflecting Woods's testimony that she had also done so "in late November 20[0]6 to avoid foreclosure of [her] homestead property").

objections to the motion, all of which turned on challenges to the underlying foreclosure and the propriety of the eviction under Massachusetts law, questions which the Bankruptcy Court determined had been resolved in favor of Alina's by the state courts and were not appropriately revisited in the context of Woods's bankruptcy proceedings.⁴ Id. at 3-4. Thus, the Bankruptcy Court granted Alina's relief from the automatic stay and permitted a second eviction of Woods to proceed on August 9, 2018. Id. at 4.

Thereafter, the Bankruptcy Court held a trial to determine the amount of damages due to Woods as a result of Alina's willful and conceded violation of the automatic stay. Id. at 1-2; Doc. No. 2 at 11-12. Woods asserted as much as \$130,000 in damages and sought punitive damages as well. Doc. No. 1 at 4. After a trial that included testimony by Woods, in a decision dated February 4, 2020 carefully addressing each category of damages sought by Woods, the Bankruptcy Court awarded her \$2,500. Id. at 1-15. That amount included both actual and punitive damages. Id.

Woods filed a timely appeal to this Court. Id. at 16-17. The transcript of the Bankruptcy Court trial that yielded the order on appeal was docketed in this Court on March 19, 2020. Doc. No. 5. On March 24, 2020, after the bankruptcy record was transmitted, another session of this Court issued a scheduling order requiring Woods to file her brief supporting the appeal by April 7, 2020. Doc. No. 8. Days before her brief was due, Woods mailed the Court a motion seeking a thirty-day extension in her deadline. Doc. No. 9. Her request was allowed, and the deadline for her brief was extended to May 7, 2020. Doc. No. 11. She also received permission to file pleadings electronically, using the Court's CM/ECF system. Doc. No. 12.

⁴ Woods had also unsuccessfully challenged various aspects of the foreclosure of the West Street property in this Court and before the First Circuit. Woods v. Wells Fargo Bank, N.A., No. 11-cv-30216, ECF No. 21 (D. Mass. July 3, 2012), aff'd, No. 12-1942 (1st Cir. Oct. 9, 2013).

In this Order, the Court resolves the appellees' motion to dismiss, along with the other motions filed by Woods that remain pending.

II. DISCUSSION

A. Dismissal

Several rules governing these proceedings, as well as Woods's history of failing to make timely submissions in appeals she has initiated, support allowing the appellees' request for dismissal. First, the rules. Woods's pro se status does not excuse her from complying with all applicable Federal and Local Rules. Fed. Deposit Ins. Corp. v. Anchor Props., 13 F.3d 27, 31 (1st Cir. 1994). Several such rules are relevant here.

The Federal Rules of Bankruptcy Procedure permit an appellee to request, and a federal district court to order, dismissal of an appeal “[i]f an appellant fails to file a brief on time or within an extended time authorized by the district court.” Fed. R. Bankr. P. 8018(a)(4). Those rules also permit a district court to “sanction . . . [a] party appearing before it for . . . failure to comply with any court order,” after “reasonable notice” and “an opportunity to show cause to the contrary.” Fed. R. Bankr. P. 8020(b). And, though the rules provide for extension of deadlines upon request and at the court’s discretion “for cause shown,” they require requests for such extensions to be “made before the expiration of the period originally prescribed or as extended by a previous order,” or a showing that the failure to present such a request before the deadline “was the result of excusable neglect.” Fed. R. Bankr. P. 9006(b)(1) (emphasis added).

In addition, the Local Rules of this Court expressly bind pro se litigants. D. Mass. Local Rule 83.5.5(d). They, too, include rules which govern bankruptcy appeals. Local Rule 203.8018 provides that the briefing schedule in such an appeal “may be altered only by order of the District Court,” and permits dismissal in the event an appellant’s brief is “not timely receive[d].”

Local Rule 1.3 generally permits dismissal as a sanction for “[f]ailure to comply with any of the directions or obligations set forth in” this Court’s Local Rules.

Though “courts are solicitous of the obstacles that [pro se litigants] face,” holding their “pleadings to less demanding standards than those drafted by lawyers” and “guard[ing] against the loss of pro se claims due to technical defects,” indulgence of a pro se litigant is appropriate only “within reasonable limits.” Boivin v. Black, 225 F.3d 36, 43 (1st Cir. 2000). Here, Woods’s pro se status does not excuse her failure to timely submit her appellate brief. As the appellees point out, this appeal is one of many that Woods has filed challenging orders of the Bankruptcy Court during her Chapter 7 proceedings and the related adversary actions. From the records of those appeals, a pattern emerges showing Woods’s chronic failure to comply with the scheduling deadlines governing litigation she has elected to pursue.

Besides the three appeals this Court resolves today, Woods has noticed seven other appeals over the two years her bankruptcy case has been pending. All seven previous appeals have been dismissed, two by the First Circuit’s Bankruptcy Appellate Panel and five by another session of this Court. See note 1, supra. In three of her prior appeals to this Court, dismissal resulted in whole or in part from Woods’s failure to oppose the motions seeking dismissal and/or to timely file her appellate brief. In re Woods, No. 19-cv-30023, ECF Nos. 16, 17 (D. Mass.); In re Woods, No. 19-cv-30028, ECF Nos. 6, 15, 17 (D. Mass.); In re Woods, No. 19-cv-30030, ECF Nos. 12, 13 (D. Mass.). In its judgments affirming those dismissals, the First Circuit noted Woods’s “fail[ure] to file timely responses to the motions to dismiss” two of her appeals to that Court, In re Woods, Nos. 19-1702, -1703, -1704 (1st Cir. Feb. 10, 2020), and denied her “6th Request for More Time to File Brief” as to one appeal. In re Woods, No. 19-1698 (1st Cir. Feb. 11, 2020). Further reflecting her pattern of disregarding court- or rule-imposed time limits, one

of Woods's appeals to the Bankruptcy Appellate Panel was dismissed as untimely filed. In re Woods, No. 19-052 (B.A.P. 1st Cir. Nov. 12, 2019).

In this context, the Court concludes that Woods is (or reasonably should be) aware of the importance of making timely filings, as well as the potentially case-dispositive impact of failing to do so. Against this backdrop, and in light of Woods's failure to timely file her merits brief in this appeal—despite the passing of both the extended deadline imposed by this Court and the date she proposed when seeking a further (but never granted) extension of the deadline—the Court ALLOWS the appellees' motion to dismiss this appeal pursuant to Federal Rules of Bankruptcy Procedure 8018(a)(4) and 8020(b) and Local Rules 1.3 and 203.8018.

B Other Motions

The Court now addresses Woods's various motions and explains why none justify permitting this appeal to proceed. The day after her appellate brief was due under the once-extended deadline, Woods filed a motion requesting a second extension of that deadline. Doc. No. 22; Doc. No. 22-2. That request is denied for three reasons. First, it was untimely. According to Woods, the extension was necessary because she did not receive a copy of the trial transcript until May 7, 2020, the day her merits brief was due. Id. at 1. Nothing in the record reasonably explains or excuses Woods's failure to bring her purported inability to obtain and review the transcript to the Court's attention in advance of the existing deadline, rather than a day after it had passed. Cf. Doc. No. 20 at 2 (explaining Woods "spent a few hours" on May 7th "trying to find a notary to certify her affidavit" but was unsuccessful). Under the rules discussed above—and consistent with common sense—a litigant wishing to procure an extension of a court-ordered deadline must make her request in advance of the deadline at issue. Failure to do so risks loss of the opportunity to make the relevant submission at all, in the event the requested

extension is denied—a consequence Woods herself has experienced more than once before today.

Second, allowing the requested extension now would be futile, as the deadline Woods proposed—May 11th—has come and gone without the filing of a merits brief by Woods. At no time did Woods amend or supplement her motion with a request for a further extension supported by an explanation of why such a request was necessary. Her motion to reopen is not on its face a substitute for a merits brief, nor has Woods described it as such. Filing such a motion without also submitting a merits brief (or seeking a further extension), again, risks loss of the opportunity to file a merits brief in the event the request to reopen is denied.

Third, the only reason Woods cites as cause for her requested extension is belied by the record. The transcript Woods claims she could not access until May 7th was filed on the Bankruptcy Court’s docket in the adversary proceeding four days after the trial, on January 31, 2020. Doc. No. 2 at 12. As that docket entry plainly states, consistent with Judicial Conference Policy, “[t]he transcript [was] available for inspection at the Clerk’s Office” as of the date it was filed. Id. The Bankruptcy Court’s docket reflects that Woods was notified at least two other times that she could review the transcript—for free—by going to the Bankruptcy Court Clerk’s Office. Woods v. Alina’s Real Estate, LLC, No. 18-bk-03019, ECF Nos. 123, 137 (Bankr. D. Mass. Feb. 5 & Mar. 13, 2020). Moreover, on March 19, 2020, the transcript was docketed in this Court in connection with this appeal, Doc. No. 5, and on May 1, 2020, it became available electronically on the Bankruptcy Court’s docket, Doc. No. 2 at 12. Thus, through the public dockets in both cases on dates well before May 7th, Woods could have accessed the transcript via the Public Access to Court Electronic Records system (“PACER”), subject only to the

PACER charge—a maximum of ten cents per page.⁵ Her unexplained failure to avail herself of these options for reviewing the transcript—either for free, at the Clerk’s office, or for a small fee, via PACER—warrants denial of her extension request.⁶

Rather than filing a merits brief in May 2020, Woods elected to request an order from this Court requiring the Bankruptcy Court to reopen the trial and receive additional evidence related to the issues resolved in the order that is the subject of this appeal. Doc. No. 16.⁷ This request also fails. This Court, in this case, sits as an appellate court, and its role is limited to reviewing the judgment Woods has appealed on the record as it stood at the time that judgment was rendered. See In re Wolverine, Proctor & Schwartz, LLC, 527 B.R. 809, 819 (D. Mass. 2015) (“A district court reviews a bankruptcy court’s decision in the same manner as the court of appeals would review a district court decision.”). Woods is aware of this limitation. Doc. No. 20 at 3. In seeking to reopen the Bankruptcy Court proceedings, Woods does not challenge evidentiary rulings or limitations imposed by the Bankruptcy Court during the trial that resulted

⁵ The transcript is 136 pages long, so the PACER fee for viewing it would have been \$13.60, at most. See PACER, “Pricing: How PACER fees work,” available at <https://pacer.uscourts.gov/pricing-how-pacer-fees-work> (last visited Sept. 22, 2020). However, “if usage in a quarter is \$30 or less,” an individual’s “PACER fees are waived.” Id. And, a party to a case who receives notice of docket activity from a court can access the relevant filing once via PACER for free. Id. It appears Woods received such notice when the transcript was docketed in the Bankruptcy Court here. Woods, No. 18-bk-03019, ECF No. 123.

⁶ Woods cites the COVID-19 pandemic and the resulting closures of public buildings, including federal courthouses, as an impediment to her timely prosecution of this case. However, the transcript she needed—of a trial she not only attended but in which she actively participated—was available to review, at no cost, well before the pandemic resulted in emergency declarations in Massachusetts and nationally.

⁷ Woods filed her motion to reopen on May 11, 2020, Doc. No. 14, then filed an amended version of it three days later, Doc. No. 16. The amended version appears to revise and correct grammatical and other errors in the original one. The Court views the amended motion as the operative pleading, replacing the prior version. Accordingly, the original motion (Doc. No. 14) is DENIED as MOOT in light of the amended submission. The Court, however, has considered the exhibits to the original motion insofar as they support the amended motion.

in the challenged judgment;⁸ rather, she urges that her own mental state prevented her from making certain arguments and offering certain evidence she wishes, in retrospect, she had pursued. This is a collateral attack on the trial before the Bankruptcy Court, not a direct challenge to the judgment arising from the record as it existed before that court.⁹

A litigant who believes the Bankruptcy Court should undertake a new trial, reopen the evidence in a trial that already has concluded with a judgment, or otherwise “alter or amend a judgment” must file a motion requesting such relief in the Bankruptcy Court “no later than 14 days after entry of judgment.” Fed. R. Bankr. P. 9023. Woods made no such request of the Bankruptcy Court within the proscribed time period (or at any point since that time period expired). She cannot evade the timing requirements of Rule 9023 and bypass the Bankruptcy Court by presenting her request to this Court in the context of her appeal.

III. CONCLUSION

Woods’s right to this Court’s review of the Bankruptcy Court’s decisions is not absolute. Her failure to comply with court scheduling orders and to follow the rules governing federal

⁸ Indeed, this Court has reviewed the docket for the adversary proceeding and the transcript of the trial, neither of which suggest that the Bankruptcy Judge in any way limited Woods’s presentation of her case at the trial.

⁹ In her submissions supporting her request to reopen the record, Woods beseeches this Court to review or consider a number of issues that are plainly beyond the scope of this appeal (which, once more, is limited to the factual and legal determinations made by the Bankruptcy Court in its February 4, 2020 judgment awarding Woods an amount less than she sought as damages for the appellees’ conceded violation of the automatic stay). See, e.g., Doc. No. 24 at 3 (seeking review of the Bankruptcy Court’s 2018 orders granting the appellees relief from the automatic stay and permitting Woods’s eviction from the West Street home); Doc. Nos. 29, 30 (citing pending SJC matters that “could potentially qualify the second eviction of Woods from her homestead . . . as improper”). Indeed, she has filed a standalone “Motion to Consider [her] Lack of Access to Depositions in Appeal,” Doc. No. 28, which amounts to an untimely and unnoticed appeal of two decisions by the Bankruptcy Court—rendered in August and September of 2019—denying motions she filed attempting to secure court funding for depositions she wished to take, Woods, No. 18-bk-03019, ECF Nos. 72, 97. That motion is DENIED.

court proceedings justifies dismissal of her appeal without reaching its merits. This should come as no surprise to Woods, as her pattern of such noncompliance has led to the same result more than once previously.

Accordingly, the appellees' motion to dismiss (Doc. No. 13) is ALLOWED, and Woods's appeal (Doc. No. 1) is DISMISSED. Woods's motions to reopen (Doc. Nos. 14, 16), her motion for an extension (Doc. No. 22), and her motion regarding access to depositions (Doc. No. 28) are DENIED.

A separate judgment of dismissal will enter.

SO ORDERED.

/s/ Leo T. Sorokin
United States District Judge

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS.

In re R. SUSAN WOODS,) Civil No. 20-30026-LTS
)
Appellant.)
)

JUDGMENT

September 29, 2020

SOROKIN, J.

Pursuant to the Order of the Court dated today, Doc. No. 41, Woods's appeal is DISMISSED. Each side shall bear its own fees and costs.

SO ORDERED.

/s/ Leo T. Sorokin
United States District Judge

United States Court of Appeals For the First Circuit

No. 20-1991

IN RE: R. SUSAN WOODS,

Debtor.

R. SUSAN WOODS,

Appellant,

v.

ALINA'S REAL ESTATE, LLC, and their representatives Amaya and Branche,

Appellee.

Before

Howard, Chief Judge,
Thompson and Barron, Circuit Judges.

ORDER OF COURT

Entered: July 19, 2021

The petition for panel rehearing is denied.

By the Court:

Maria R. Hamilton, Clerk

cc:

R. Susan Woods
Steven Weiss
Mark Justin Esposito

United States Court of Appeals For the First Circuit

Nos. 20-1992
20-1993

IN RE: R. SUSAN WOODS,

Debtor.

R. SUSAN WOODS,

Appellant,

v.

JOSEPH B. COLLINS, Trustee,

Appellee.

Before

Howard, Chief Judge,
Thompson and Barron, Circuit Judges.

JUDGMENT

Entered: April 27, 2021

Pro se debtor-appellant seeks leave to proceed on appeal in forma pauperis. The district court has certified that the appeal is not taken in good faith, see 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3), and appellant has filed the present motion challenging that certification. See Fed. R. App. P. 24(a)(5). We agree with the district court's determination that good faith is lacking. Because appellant has failed to identify any non-frivolous argument on appeal, we deny the IFP motion.

Also pending is the appellee's motion to dismiss the appeal. After careful review of the parties' filings and the record, we grant the motion to dismiss because we conclude that the appeal does not present a "substantial question," see 1st Cir. R. 27.0(c), and that, for substantially the

reasons set out by the district court, affirmance is in order. The judgment of the district court is summarily affirmed. Any remaining pending motions are denied as moot.

By the Court:

Maria R. Hamilton, Clerk

cc:

R. Susan Woods
Joseph B. Collins
Andrea O'Connor
Richard King

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re R. SUSAN WOODS,) Civil No. 20-30047-LTS and
Appellant.) Civil No. 20-30060-LTS

ORDER ON BANKRUPTCY APPEALS

September 29, 2020

SOROKIN, J.

R. Susan Woods has appealed two decisions by the United States Bankruptcy Court for the District of Massachusetts: one granting the Trustee's motion for summary judgment in an adversary proceeding and denying Woods discharge based on her failure to obey lawful orders of the Bankruptcy Court, and the other denying Woods's motion to void the Trustee's sale of a house that had been part of Woods's bankruptcy estate.¹ The two appeals were consolidated. For the reasons that follow, both Bankruptcy Court orders are AFFIRMED.

¹ Woods has appealed at least eight other decisions rendered by the Bankruptcy Court during her Chapter 7 proceedings. Four prior appeals were dismissed by another session of this Court in June 2019, and the First Circuit affirmed each of those dismissal orders in February 2020. In re Woods, No. 19-cv-10321, ECF No. 37 (D. Mass. June 7, 2019), aff'd, No. 19-1698 (1st Cir. Feb. 11, 2020); In re Woods, No. 19-cv-30023, ECF No. 17 (D. Mass. June 7, 2019), aff'd, No. 19-1704 (1st Cir. Feb. 10, 2020); In re Woods, No. 19-cv-30028, ECF No. 17 (D. Mass. June 7, 2019), aff'd, No. 19-1702 (1st Cir. Feb. 10, 2020); In re Woods, No. 19-cv-30030, ECF No. 13 (D. Mass. June 7, 2019), aff'd, No. 19-1703 (1st Cir. Feb. 10, 2020). A fifth appeal was dismissed by the same session of this Court in December 2019, a decision which Woods did not appeal further. Woods v. Collins, No. 19-cv-11379, ECF No. 13 (D. Mass. Dec. 13, 2019). Two others, which Woods elected to pursue before the United States Bankruptcy Appellate Panel for the First Circuit, also were dismissed—one as untimely, and one as relating to an unappealable interlocutory order. In re Woods, No. 19-052 (B.A.P. 1st Cir. Nov. 12, 2019); In re Woods, No. 19-038 (B.A.P. 1st Cir. Sept. 23, 2019).

The remaining appeal involves a different property and a different appellee. That matter is before the undersigned pursuant to Local Rule 40.1, In re Woods, No. 20-cv-30026, ECF No. 33 (D. Mass. Sept. 14, 2020), and is dismissed in an order issued concurrently with this one.

I. BACKGROUND

On July 10, 2018, Woods filed a petition in the Bankruptcy Court pursuant to Chapter 7 of the Bankruptcy Code. Having “little debt,” she doubted whether “she qualified for a bankruptcy petition,” but she filed anyway, listing the companies issuing her utility bills as creditors in an effort “to stop an imminent eviction” from a home located at 43 West Street in Hadley, Massachusetts. No. 20-cv-30047, Doc. No. 19 at 8-9.² Preventing her eviction, scheduled for the day after she filed her petition, was her “sole purpose” in filing for bankruptcy. Id. at 9. That purpose was frustrated when the entity that had purchased the West Street property at a foreclosure sale in 2017 proceeded with the eviction as planned, notwithstanding the automatic stay that arose with the filing of Woods’s petition. No. 20-cv-30026, Doc. No. 1 at 3. Though Woods’s access to the West Street home was restored two days after the unlawful eviction, the Bankruptcy Court subsequently lifted the automatic stay and permitted a second eviction to proceed in August 2018.

Woods also had a relationship with a second property, located at 70 Russell Street in Hadley, which is at the center of the appeals that are the subject of this Order. Having acquired both properties in 2005, Woods had generally treated the West Street property as her homestead and the 70 Russell Street property as a rental unit. Id., ECF No. 5 at 42.³ She obtained mortgages to finance the purchases. In 2006, Woods defaulted on both mortgages. Since that time, Woods has engaged in a considerable amount of litigation in both state and federal courts

² Citations to items appearing on the Court’s electronic dockets in the three active appeals (“No. 20-cv-300 __, Doc. No. __ at __”) reference the civil case number and the document and page numbers assigned by ECF.

³ This citation is to the transcript of a trial before the Bankruptcy Court in a related adversary proceeding, at which Woods testified under oath. During this portion of her testimony, she read a “Victim Impact Statement” into the record. That statement appears as Document 33-16 on the docket of No. 20-cv-30060.

aimed at avoiding the loss of one or both properties. Id. at 55-56; e.g., Woods v. Wells Fargo Bank, N.A., No. 11-cv-30216, ECF No. 21 (D. Mass. July 3, 2012), aff'd, No. 12-1942 (1st Cir. Oct. 9, 2013) (challenging the foreclosure of the West Street property); In re Woods, No. 06-bk-42606, ECF No. 1 (Bankr. D. Mass. Nov. 27, 2006) (petitioning for bankruptcy under Chapter 7 previously after defaulting on her mortgages). After a series of assignments, the mortgage on 70 Russell Street was held by Goldman Sachs Mortgage Company. No. 20-cv-30060, ECF No. 37-2 at 49-53. Goldman Sachs purchased the property at a public foreclosure sale in January 2017. Id. at 54-59.

Notwithstanding the foreclosure, Woods claimed she owned 70 Russell Street when she filed for bankruptcy in 2018. Id. at 4, 7. In what the Trustee and the Bankruptcy Court described as a “windfall” to Woods’s bankruptcy estate, Goldman Sachs deeded the Russell Street property to the Trustee in September 2018 “free and clear of any mortgage.”⁴ Id., ECF No. 33-3 at 10-12, 18; see id., ECF No. 37-2 at 60-62. When Woods filed for bankruptcy, and when 70 Russell Street was deeded to the estate, that property was occupied by men to whom Woods had rented the home only days before the 2017 foreclosure sale pursuant to a lease that included provisions which the Chapter 7 Trustee believed suggested fraud on the part of Woods and/or the tenants. No. 20-cv-30047, ECF No. 24-1 at 27-29 (describing the monthly rent as

⁴ This unusual act of generosity apparently arose from the fact that Countrywide Home Loans had once held Woods’s mortgage, and pursuant to a consent decree Countrywide had entered to resolve “some regulatory problems,” Countrywide and its successors-in-interest were required to divest themselves of assets including the Russell Street property. No. 20-cv-30060, ECF No. 33-3 at 10-11. Woods makes much of her belief that the Chapter 7 Trustee paid ten dollars of his own money to acquire the property for the estate and expresses deep distrust of this turn of events. E.g., Doc. No. 35 at 20. But nothing in the record suggests the Trustee was acting in any capacity other than on behalf of the estate when he acquired the property, or that any other entities have sought to challenge the deed or the estate’s possession of the property. The Court finds Woods’s general suspicion unsupported by the record and concludes that the source of the ten dollars is immaterial for purposes of this appeal.

“radically less tha[n] the fair rental value of the property,” and noting the lease required Woods to continue paying all utilities, taxes, and insurance costs associated with the property).

Meanwhile, the Trustee sought permission from the Bankruptcy Court to sell 70 Russell Street in order to liquidate the estate’s property pursuant to the power entrusted to him, and the duties assigned to him, by the Bankruptcy Code. See No. 20-cv-30060, ECF No. 2 at 21 (reflecting motion to sell the property filed in January 2019). He entered into a Purchase and Sale Agreement with the owners of an abutting property on January 4, 2019. Id., ECF No. 37-2 at 27-32. The agreement set a purchase price of \$170,000, required a deposit at the time of signing, and required payment of the balance “within five (5) days after the entry of a Final Order of the Bankruptcy Court,” which the agreement defined as “a final and nonappealable Order . . . approving the sale.” Id. at 27-28 (emphasis added). The agreement further specified that such an order would arise “upon the expiration of” a stay provided by state bankruptcy rules and when “any and all appeals of the Final Order hav[e] been exhausted.” Id. at 28.

Woods’s tenants moved out of the Russell Street property on February 12, 2019; Woods immediately moved in and changed the locks.⁵ Id., ECF No. 37-2 at 175. Woods was aware of the Trustee’s intent to sell the Russell Street property before she moved into it, having filed an objection to the motion to sell on February 8, 2019. Id. at 23. The Bankruptcy Court held a hearing on the motion on February 14, 2019. See generally id., ECF No. 33-4. After hearing from the Trustee and Woods—and after explaining to Woods that she no longer owned or had permission to occupy the Russell Street property—the Bankruptcy Court overruled Woods’s objections and allowed the motion to sell. Id. at 25-28. It memorialized its ruling in an Order

⁵ The tenants vacated the property pursuant to an agreement they reached with the Chapter 7 Trustee.

issued the same day (“the Sale Order”), in which the sale was authorized “in accordance with the terms and conditions contained in the Motion and in the Purchase and Sale Agreement.” Id., ECF No. 37-2 at 69-70. The Sale Order also enjoined Woods from asserting any interests in the Russell Street property. Id. at 70. Woods appealed the Sale Order the next day; she did not ask the Bankruptcy Court to stay its order pending her appeal, nor did she adhere to the Bankruptcy Court’s direction that she not return to 70 Russell Street. Id., ECF No. 2 at 24-25.

On February 15, 2019, after Woods filed her appeal, the Trustee filed an emergency motion in the Bankruptcy Court seeking an order requiring Woods to vacate the Russell Street property. Id., ECF No. 37-2 at 72. The Bankruptcy Court endorsed it the day it was filed (“the Surrender Order”), ordering Woods “to immediately surrender” to the Trustee the property and “all keys” thereto and citing her obligations as a debtor under the Bankruptcy Code. Id. In response, Woods delivered keys to the Trustee, then promptly changed the locks and continued to occupy the property. Id., ECF No. 33-5 at 9-11. She also appealed the Surrender Order (but did not ask the Bankruptcy Court to stay it pending appeal). Id., ECF No. 2 at 26.

On February 22, 2019, the Trustee filed a motion asking the Bankruptcy Court to find Woods in contempt for her continued refusal to surrender the Russell Street property, and a hearing was held four days later. Id. at 26; see generally id., ECF No. 33-5. Testifying at that hearing, Woods admitted she had not surrendered the property and suggested she would not do so even in response to further court orders. Id., ECF No. 33-5 at 8-13. At the conclusion of the hearing, the Bankruptcy Court ordered Woods to vacate the property the following day, to turn over the keys to the Trustee, and to appear for a continued contempt hearing on February 28, 2019 (“the First Contempt Order”). Id. at 17-18; id., ECF No. 37-2 at 73-75. Woods was warned that failure to comply would result in a civil contempt finding for violating the Sale

Order, the Surrender Order, and the First Contempt Order, and that monetary sanctions and eviction by the United States Marshal Service (“USMS”) were among the potential consequences. Id., ECF No. 33-5 at 18.

On February 27, 2019, the Trustee notified the Bankruptcy Court that Woods had not complied with the First Contempt Order. Id., ECF No. 2 at 28. On February 28, 2019, before the continued contempt hearing, Woods appealed the First Contempt Order. Id. at 28-29. Again, she did not seek a stay in the Bankruptcy Court; she did, however, file a motion to stay in her pending appeals of the Stay Order and the Surrender Order. E.g., In re Woods, No. 19-cv-10321, ECF No. 8 (D. Mass. Feb. 28, 2019). She also filed a complaint in state court seeking an order enjoining the Sale Order, the Surrender Order, and the First Contempt Order. No. 20-cv-30060, ECF No. 33-6 at 3.

At the February 28 hearing, the Trustee argued that Woods’s refusal to abide by the Bankruptcy Court’s orders was preventing him from meeting his obligations on behalf of the estate—specifically, her refusal to leave the house was thwarting his ability to complete the sale the Bankruptcy Court had approved. Id. Under questioning by the Bankruptcy Court, Woods admitted she had understood the prior orders—in particular, the First Contempt Order—and that she had not complied with it. Id. at 7-8. As it had two days earlier, the Bankruptcy Court gave the parties a written order (“the Second Contempt Order”) and explained its findings orally at the conclusion of the hearing. Id. at 9-11. The Bankruptcy Court found Woods in contempt of the Sale Order, the Surrender Order, and the First Contempt Order; directed her to vacate the property by 3:00 PM on March 4, 2019; and authorized the Trustee, with the assistance of the USMS, to evict her on or after March 5, 2019, should she fail to leave on her own. Id.; id., ECF No. 37-2 at 76-80. The Bankruptcy Court expressly declined to order the USMS to take Woods

into custody, permitting only her eviction from the property in order to permit the consummation of the sale. Id., ECF No. 33-6 at 11. Woods immediately appealed the Second Contempt Order to this Court. Id., ECF No. 2 at 29.

In what by this point was a predictable turn of events, Woods did not leave 70 Russell Street as ordered. She was evicted on March 5, 2019, when the Trustee directed that the locks be replaced while Woods was away from the property.⁶ At that time, no court had issued a stay or other order enjoining any of the Bankruptcy Court's relevant orders; indeed, no court ever did. The Trustee executed a deed conveying 70 Russell Street to the buyers on March 4, 2019, but the closing was not finished, and the deed was not recorded, until March 6, 2019, after Woods's eviction.⁷ Shortly thereafter, the Trustee initiated an adversary proceeding in the Bankruptcy Court seeking an order denying Woods a discharge citing, *inter alia*, her failure to obey prior orders. No. 20-cv-30047, ECF No. 2 at 2; id., ECF No. 7 at 12-19.

In June 2019, another session of this Court dismissed Woods's appeals of the Sale Order, the Surrender Order, and the First and Second Contempt Orders. See note 1, supra (citing the four separate cases). Woods appealed those orders to the First Circuit, which affirmed the dismissals in February 2020. Id. On February 28, 2020, after the First Circuit's judgments disposing of Woods's appeals, the Bankruptcy Court granted partial summary judgment in the Trustee's favor in the adversary proceeding, finding that Woods had "refused to obey lawful orders" of the Bankruptcy Court and, therefore, was "not entitled to a discharge . . . pursuant to

⁶ Woods fixates on whether the Trustee actually availed himself of the assistance of the USMS in performing this eviction, as he claimed to have done. Compare No. 20-cv-30047, ECF No. 28 at 6, and id., ECF No. 28-2 at 2, with No. 20-cv-30060, ECF No. 37-2 at 95. That fact has no bearing on the issues properly before this Court in either of the two pending appeals.

⁷ In a subsequent hearing before the Bankruptcy Court, Woods revealed she had attempted to drill through the new locks and reenter the property on March 6, 2019. In re Woods, No. 19-ap-3012, ECF No. 79 at 22 (Bankr. D. Mass. Apr. 6, 2020).

11 U.S.C. § 727(a)(6)(A).” No. 20-cv-30047, ECF No. 1 at 1. Woods timely appealed that decision to this Court. Id. at 3-4.

On March 27, 2020, Woods filed a motion in her main bankruptcy case asking the Bankruptcy Court to void the sale—consummated more than a year earlier—of 70 Russell Street. No. 20-cv-30060, ECF No. 2 at 44. The Bankruptcy Court denied that motion without a hearing on April 8, 2020. Id., ECF No. 1 at 1. Woods timely appealed that decision to this Court as well. Id. at 2-3. Both appeals are fully briefed,⁸ and the Court resolves them on the papers.⁹

II. LEGAL STANDARDS

The parties agree that Woods’s appeals are timely, that she challenges final and appealable orders of the Bankruptcy Court, and that this Court has jurisdiction to entertain the appeals. There also appears to be no dispute as to the standard of review this Court must apply. In general, a bankruptcy court’s conclusions of law are reviewed *de novo*, its findings of fact are reviewed for clear error, and decisions or actions that are within its discretion are reviewed for abuse of that discretion. In re San Miguel Sandoval, 327 B.R. 493, 505-06 (B.A.P. 1st Cir. 2005); accord In re Stevenson, 583 B.R. 573, 578 (B.A.P. 1st Cir. 2018).

“An abuse of discretion occurs when the [bankruptcy] court ignores a material factor deserving significant weight, relies upon an improper factor, or assesses all proper and no improper factors, but makes a serious mistake in weighing them.” In re Witkowski, 523 B.R.

⁸ In each of her appeals, Woods has filed two versions of her opening brief. No. 20-cv-30047, ECF Nos. 17, 19; No. 20-cv-30060, ECF nos. 32, 35. Woods has not explained her double submissions or sought to replace or rescind the earlier briefs. In each appeal, the Court has read and considered only the later-filed brief, which the Court treats as having amended and replaced the earlier version to become the operative submission.

⁹ Having carefully examined the briefs and the record, the Court has determined that oral argument is unnecessary. See Fed. R. Bankr. P. 8019(b)(3) (permitting resolution of appeal without oral argument where “the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument”).

300, 305 (B.A.P. 1st Cir. 2014). A bankruptcy court’s “discretion is necessarily broad,” and only “limited circumstances” will merit reversal of decisions made in the exercise of such discretion. In re San Miguel Sandoval, 327 B.R. at 506 (quotation marks omitted).

The Bankruptcy Code empowers a trustee to sell property of the estate after notice and a hearing. 11 U.S.C. § 363(b). It obligates a trustee to “collect and reduce to money the property of the estate” and, “if advisable, oppose the discharge of the debtor,” § 704(a)(1), (6). The Code requires a debtor to “cooperate with the trustee as necessary to enable the trustee to perform [his] duties” under the Code, and to “surrender to the trustee all property of the estate.” § 521(a)(3), (4). “Property of the estate” includes “all legal or equitable interests of the debtor in property as of the commencement of the case,” and “any interest in property that the estate acquires after the commencement of the case.” § 541(a)(1), (7). And, a bankruptcy court “shall grant the debtor a discharge, unless . . . the debtor has refused, in the case . . . to obey any lawful order of the court, other than an order to respond to a material question or testify.” § 727(a)(6)(A).

III. DISCUSSION

A. Denial of Discharge

Though Woods vigorously urges otherwise in her lengthy submissions, this Court’s review of the Bankruptcy Court’s decision granting the Trustee partial summary judgment in the adversary proceeding is uncomplicated. The following facts are undisputed: on four occasions, the Bankruptcy Court expressly and unambiguously ordered Woods to vacate the Russell Street property and turn over all keys to the Trustee; though Woods appealed those orders, at no point did she obtain a stay of any of them from any court; and Woods continued to occupy the Russell Street property until the locks were changed on March 5, 2019, thereby failing to comply with each of the Bankruptcy Court’s four relevant orders. Pursuant to the Bankruptcy Code, 70

Russell Street was property of the bankruptcy estate. Pursuant to the Bankruptcy Code and the Sale Order, the Trustee was authorized to sell the property. Pursuant to the Bankruptcy Code, Woods had a duty to cooperate with the Trustee and to surrender the property to him. The Bankruptcy Court acted squarely within its jurisdiction when it ruled on the motion to sell and issued the four orders that Woods violated—orders aimed at ensuring the Trustee’s ability to satisfy his obligations to the estate pursuant to the Bankruptcy Code and compelling Woods to fulfill her duties as a debtor.

Woods’s repeated refusal to obey the Bankruptcy Court’s orders—and her candid statement in a hearing before the Bankruptcy Court that she was prepared to appeal and seek to enjoin further orders to vacate the property, but was not prepared to comply with them—plainly satisfies the provision in the Bankruptcy Code grounding the Bankruptcy Court’s decision that is the subject of this appeal. § 727(a)(6)(A). The Bankruptcy Court explained this to Woods, and that explanation was correct factually and legally. See In re Woods, No. 19-ap-3012, ECF No. 79 at 15 (Bankr. D. Mass. Apr. 6, 2020) (“I don’t know that you disagree with the material facts, which [are] I ordered you four times to get out of the house. You didn’t get out of the house and you changed the locks. I don’t think you disagree that those things happened and that’s all I have to find today, Ms. Woods.”).

Though Woods identifies facts she claims were disputed and “perhaps overlooked” by the Bankruptcy Court, No. 20-cv-30047, ECF No. 19 at 46, none are material to assessing whether that court properly denied a discharge under § 727(a)(6)(A). Specifically, neither the fact of the Bankruptcy Court’s orders nor Woods’s refusal to obey them are altered by Woods’s “continuous possession” of the Russell Street property since 2005, the manner in which the Trustee acquired the property from Goldman Sachs, the status of Goldman Sachs’s title to the

property at the time it was transferred to the estate,¹⁰ or the timing of the eventual sale of the property. Id.

Likewise, the bulk of Woods's brief focuses on questions that are well beyond the scope of this appeal, which relates to a single and straightforward order of the Bankruptcy Court in the adversary proceeding. This Court reviews only that order and its application of § 727(a)(6)(A) to deny Woods a discharge. Woods's appeal of that order does not include a broad challenge to the conduct of the Trustee or the Bankruptcy Court's earlier ruling denying Woods's request that he be removed. It does not concern the particulars of the eviction process, nor does it permit an examination of the title to the property or the foreclosure sale that led to Goldman Sachs's acquisition of it. This is not an appeal of the Bankruptcy Court's earlier ruling denying Woods's request to convert her bankruptcy petition to one brought under Chapter 13, nor is it a forum in which to litigate the application of various state statutes, the availability of state or federal exemptions, or the basis for the Sale Order itself.¹¹

In the end, Woods's belief that the Bankruptcy Court was wrong when it directed her to vacate the Russell Street property—whether because the Trustee could not or should not sell the property, or because a different process was required under state law—did not excuse her from complying with those orders. It is a “well-established . . . requirement of any civilized government that a party subject to a court order must abide by its terms.” In re Providence Journal Co., 820 F.2d 1342, 1346 (1st Cir. 1986); accord Acevedo-Garcia v. Vera-Monroig, 368 F.3d 49, 58 (1st Cir. 2004). “If a person to whom a court directs an order believes that order is

¹⁰ It bears noting that the only “cloud” on the title suggested anywhere in the record was a document Woods prepared and recorded herself advancing her own view, not endorsed by any court, that certain assignments of her mortgage were flawed.

¹¹ Woods's appeal of the Sale Order was litigated and dismissed in this Court, and that dismissal was upheld by the First Circuit. Woods may not revive that appeal here.

incorrect the remedy is to appeal, but, absent a stay, he must comply promptly with the order pending appeal.” Maness v. Meyers, 419 U.S. 449, 458 (1975). Woods’s admitted failure to abide by this foundational principle, which ensures “[t]he orderly and expeditious administration of justice,” id. at 459, led the Bankruptcy Court to not only find her in civil contempt, but to deny her discharge pursuant to the basic application of a clearly applicable provision of the Bankruptcy Code. In this Court’s view, the Bankruptcy Court’s decision to invoke that provision, § 727(a)(6)(A), is unassailable as a matter of fact and law under any standard of review.

Accordingly, the Bankruptcy Court’s order denying Woods a discharge and entering partial judgment in favor of the Trustee in the adversary proceeding is AFFIRMED.

B. Refusal to Void Sale

As to the Bankruptcy Court’s denial of Woods’s March 2020 request to void the sale of 70 Russell Street more than one year earlier, Woods again expends much energy and many pages exploring issues that are outside the boundaries of the pending appeal. Woods’s motion and her pursuit of this appeal are transparent efforts to revive her challenges to the Sale Order. That order, issued in February 2019, has been appealed, and that appeal has been resolved. Indeed, Woods pursued her appeal of the Sale Order to the First Circuit, which explained its decision to affirm the dismissal of the appeal as arising from two findings: first, that it was largely moot, given the consummation of the sale; and second, “that it present[ed] no arguable question.” Judgment, In re Woods, No. 19-1698 (1st Cir. Feb. 11, 2020).

Woods can no more succeed in challenging the Sale Order now than she did before the First Circuit. “Good faith purchasers under § 363 are protected from the reversal of a sale on appeal unless there is a stay pending appeal.” In re Stadium Mgmt. Corp., 895 F.2d 845, 847

(1st Cir. 1990) (citing 11 U.S.C. § 363(m)). Confronted with “proof that the challenged bankruptcy court order has been implemented to the degree that meaningful appellate relief is no longer practicable,” a bankruptcy appeal may be dismissed under the “pragmatic mootness test.” In re Healthco, Int’l, Inc., 136 F.3d 45, 48 (1st Cir. 1998) (quotation marks omitted); see In re Stadium Mgmt., 895 F.2d at 847 (“Absent a stay, the court must dismiss a pending appeal [of an order authorizing a sale to good faith purchasers that has since been consummated] as moot because the court has no remedy that it can fashion even if it would have determined the issues differently.”).

Thus, for the same reasons Woods’s appeal of the Sale Order failed, so, too, does her appeal of the Bankruptcy Court’s refusal to revisit it. The Sale Order was not stayed, and the home was sold more than a year ago. Woods has offered nothing but her own speculation and her personal skepticism of the buyers to demonstrate that they are not “good faith purchasers” entitled to the protections of § 363(m). Accordingly, her appeal is subject to dismissal under the mootness principles articulated above.

Her appeal would fare no better on its merits, were the Court inclined to disregard the pragmatic mootness doctrine (and it is not). As explained above, the Russell Street house was property of Woods’s bankruptcy estate, and the Bankruptcy Code not only authorized but required the Trustee to liquidate it. He did so with the Bankruptcy Court’s approval after hearings at which Woods’s objections were heard and overruled. The plain language of the Purchase and Sale Agreement and the Sale Order, which Woods cites as rendering the sale untimely and therefore invalid, does not support Woods’s challenge. Because her appeal of the Sale Order remained pending at the time of the sale and for many months thereafter, the Sale Order was not “final and nonappealable” for purposes of the Purchase and Sale Agreement until

the First Circuit's February 2020 judgment. Thus, the timing provisions of the Purchase and Sale Agreement were not contravened as a matter of law.¹²

Again, this appeal does not present an opportunity for Woods to relitigate the events surrounding her foreclosure, the assignments of her mortgage, or the circumstances of her eviction. It is not an appeal of other, earlier orders by the Bankruptcy Court, such as its denial of her request to convert her Chapter 7 petition to one under Chapter 13 of the Bankruptcy Code. It does not require the Court to examine historical documents such as the Magna Carta, the Declaration of Independence, or the Massachusetts Bay Company Charter. Doc. No. 35 at 14-18. And, the Americans with Disabilities Act, which Woods cites frequently in her various appeals, has no bearing on the legal questions before this Court. This Court cannot give Woods either of her former houses back or award her damages, nor is there a basis for it to refer the Trustee for any sort of disciplinary proceedings or other investigation or to remand to any lower court for any further proceedings. *Id.* at 80-83.

For the foregoing reasons, the Bankruptcy Court's order denying Woods's motion to void the sale of 70 Russell Street is AFFIRMED.

IV. CONCLUSION

The Bankruptcy Court's orders are AFFIRMED. A judgment in each appeal will enter separately.

SO ORDERED.

/s/ Leo T. Sorokin
United States District Judge

¹² This is so whether the sale was consummated on March 4, 2019 (the date on the deed) or on March 6, 2019 (the date the Trustee asserts the closing concluded and the deed was registered).

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

In re R. SUSAN WOODS,) Civil No. 20-30047-LTS
)
Appellant.)
)

JUDGMENT

September 29, 2020

SOROKIN, J.

Pursuant to the Order of the Court dated today, Doc. No. 29, the decision of the
Bankruptcy Court is AFFIRMED. Each side shall bear its own fees and costs.

SO ORDERED.

/s/ Leo T. Sorokin
United States District Judge

United States Court of Appeals For the First Circuit

No. 20-1992

IN RE: R. SUSAN WOODS,

Debtor.

R. SUSAN WOODS,

Appellant,

v.

JOSEPH B. COLLINS, Trustee,

Appellee.

Before

Howard, Chief Judge,
Thompson and Barron, Circuit Judges.

ORDER OF COURT

Entered: July 19, 2021

The petition for panel rehearing is denied.

By the Court:

Maria R. Hamilton, Clerk

cc:

R. Susan Woods
Joseph B. Collins

United States Court of Appeals For the First Circuit

No. 20-1993

IN RE: R. SUSAN WOODS,

Debtor.

R. SUSAN WOODS,

Appellant,

v.

JOSEPH B. COLLINS, Trustee,

Appellee.

Before

Howard, Chief Judge,
Thompson and Barron, Circuit Judges.

ORDER OF COURT

Entered: July 19, 2021

The petition for panel rehearing is denied.

By the Court:

Maria R. Hamilton, Clerk

cc:

R. Susan Woods
Joseph B. Collins
Andrea O'Connor
Richard King

**Additional material
from this filing is
available in the
Clerk's Office.**