

EXHIBIT 1

**United States Court of Appeals
For the First Circuit**

No. 22-1308

IN RE: STEVEN C. FUSTOLO,

Debtor,

STEVEN C. FUSTOLO,

Appellant,

v.

THE PATRIOT GROUP, LLC; 50 THOMAS PATTON DRIVE LLC,

Appellees.

Before

Barron, Chief Judge,
Lynch and Montecalvo, Circuit Judges.

JUDGMENT

Entered: February 8, 2023

This is a second-tier bankruptcy appeal, through which debtor-appellant Steven C. Fustolo challenges the bankruptcy court's order denying a motion to recuse. The court has carefully reviewed the parties' briefs and relevant portions of the record. Assuming Fustolo's claim is not waived for failure to raise it in the district court, see In re Reyes-Colon, 922 F.3d 13, 18 (1st Cir. 2019), we conclude the bankruptcy court did not abuse its discretion in denying Fustolo's motion to recuse, see United States v. Gottesfeld, 18 F.4th 1, 17 (1st Cir. 2021) (standard of review). Accordingly, we affirm. Appellee's motion for sanctions is denied. Any remaining pending motions, to the extent not mooted by the foregoing, are denied.

Affirmed. See 1st Cir. R. 27.0(c).

By the Court:

Maria R. Hamilton, Clerk

cc:

David M. Nickless

Evan Fray-Witzer

James L. O'Connor Jr.

Travis J. McDermott

John Gilgun Mateus

David Himelfarb

Jack Irving Siegal

Michael P. Burke

Michael J. Fencer

Jonathan M. Horne

EXHIBIT 2

**United States Court of Appeals
For the First Circuit**

No. 20-1308

IN RE: STEVEN C. FUSTOLO,

Debtor,

STEVEN C. FUSTOLO,

Appellant,

v.

THE PATRIOT GROUP, LLC; 50 THOMAS PATTON DRIVE LLC,

Appellees.

Before

Barron, Chief Judge,
Lynch, Kayatta, Gelpí
and Montecalvo, Circuit Judges.

ORDER OF COURT

Entered: April 12, 2023

The petition for rehearing having been denied by the panel of judges who decided the case and the petition for rehearing en banc having been submitted to the active judges of this court and a majority of the judges not having voted that the case be heard en banc, it is ordered that the petition for rehearing and petition for rehearing en banc be denied.

By the Court:

Maria R. Hamilton, Clerk

cc:

David M. Nickless

Evan Fray-Witzer

James L. O'Connor Jr.

Travis J. McDermott

John Gilgun Mateus

David Himelfarb

Jack Irving Siegal

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