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Counsel for GUC Recovery Trustee

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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In re:	:	Chapter 11
	:	
JCK LEGACY COMPANY, <i>et al.</i> ,	:	Case No. 20-10418 (MEW)
	:	
Debtors. ¹	:	(Jointly Administered)
	:	
-----	X	Related Docket Nos. 1436, 1456, 1460, 1463, 1491

**REPLY OF GUC RECOVERY TRUSTEE TO ALBERTO COLT-SARMIENTO
LETTER RESPONSE TO GUC RECOVERY TRUSTEE’S OBJECTION TO PROOF
OF CLAIM NO. 2725 FILED BY ALBERTO COLT-SARMIENTO ON THE MERITS**

William A. Brandt, Jr., in his capacity as trustee (the “**GUC Recovery Trustee**”) of the JCK Legacy GUC Recovery Trust created under GUC Recovery Trust Agreement and the confirmed *First Amended Joint Chapter 11 Plan of Distribution of JCK Legacy Company and Its Affiliated Debtors and Debtors in Possession* [Docket No. 879], through undersigned counsel, files this reply to the response filed by Alberto Colt-Sarmiento (“**Mr. Colt-Sarmiento**”) to the *GUC Recovery Trustee’s Objection to Proof of Claim No. 2725 Filed By Alberto Colt-Sarmiento on the Merits* (the “**Objection**”) [Docket No. 1436].

¹ The Debtors in these chapter 11 cases and the last four characters of each Debtor’s tax identification number are: JCK Legacy Company (0478) and Herald Custom Publishing of Mexico, S. de R.L. de C.V. (5UZ1). The location of the GUC Recovery Trustee’s service address for purposes of these chapter 11 cases is: 110 East 42 Street, Suite 1818 New York, NY 10017.



REPLY

1. On July 15, 2022, the GUC Recovery Trustee received a letter response (the “**Response**”) from Mr. Colt-Sarmiento regarding the Objection. *See* Docket No. 1491. The Response seeks another extension of the response deadline because Mr. Colt-Sarmiento is still unable to access the library at the State of Washington Department of Corrections. Response at 1. Besides, Mr. Colt-Sarmiento suggests that the Court adjourn a hearing on the Objection indefinitely until he is able to complete research on his “second appeal” and “once done [he] can focus on this case again.” *Id.* at 2.

2. The GUC Recovery Trustee opposes any further extension and respectfully requests that the Court deny Mr. Colt-Sarmiento’s extension request and issue a ruling on the Objection regarding the merits of his claims. Mr. Colt-Sarmiento previously raised the issue of inability to access the Department of Correction’s library to research issues raised in the Objection and requested an extension of the previous response deadline: May 4, 2022. *See* Docket Nos. 1436, 1456, 1460. The GUC Recovery Trustee agreed to an extension and filed and served Mr. Colt-Sarmiento the *Amended Notice of Objection and Hearing*. *See* Docket No. 1463.

3. Almost four months has passed since Mr. Colt-Sarmiento received the Objection on or around March 28, 2022. A copy of the Certified Mail Receipt is attached as **Exhibit A**. Although a claimant is entitled to weigh in on a claim objection, Mr. Colt-Sarmiento’s claims completely lack merit such that additional time is not necessary. Mr. Colt-Sarmiento asserted claims against the News Tribune,² arguing that certain statements reported in the newspaper’s article about his criminal trial in which he was convicted of second-degree murder and other

² Capitalized terms used and not otherwise defined herein shall have the meaning ascribed to them in the Objection.

charges, was defamatory and tortious. As detailed in the Objection, the News Tribune's reporting was true and is covered by the fair reporting privilege, and the tort claims fail as a matter of law.

4. In sum, the arguments made and evidence submitted are enough for the Court to issue a ruling without further delay.

CONCLUSION

WHEREFORE, the GUC Recovery Trustee respectfully requests that the Court: (a) sustain the Objection; and (b) grant such other and further relief as the Court deems just and proper.

Dated: July 15, 2022
New York, New York

/s/ Leo T. Crowley
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Counsel for GUC Recovery Trustee

Exhibit A

Certified Mail Receipt

From: Jennifer Westwood
To: [Akuffo, Kwame O.](#)
Cc: [!NA KCC McClatchy](#)
Subject: RE: Alberto Colt-Sarmiento
Date: Tuesday, April 5, 2022 1:25:09 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[McClatchy - Certified Receipt - Alberto Colt-Sarmiento - 040522.pdf](#)



Kwame,

Attached please find the certified mail receipt we received today. It was signed for on 3/28.

Additionally, the tracking number for the priority package is 9481716931490046810506. It was delivered on 3/25. Please let us know if you need anything else.

Tracking Number: 9481716931490046810506

Status
 Delivered, PO Box
March 25, 2022 at 8:07 am
SHELTON, WA 98584

Your item has been delivered and is available at a PO Box at 8:07 am on March 25, 2022 in SHELTON, WA 98584.

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Proof of Delivery

Tracking History

March 25, 2022, 8:07 am
Delivered, PO Box
SHELTON, WA 98584
Your item has been delivered and is available at a PO Box at 8:07 am on March 25, 2022 in SHELTON, WA 98584.

Best,

Jennifer Westwood

KCC

Senior Consultant > Corporate Restructuring

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| CERTAINTY | INGENUITY | ADVANTAGE |

From: Jennifer Westwood <jwestwood@kccllc.com>

Sent: Tuesday, March 22, 2022 12:24 PM

To: 'Akuffo, Kwame O.' <kwame.akuffo@pillsburylaw.com>

Cc: !NA KCC McClatchy <McClatchyInfo@kccllc.com>