

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

IN RE: WOLDEYOHANNES,
Debtor.

No. 3:22-cv-1030 (SRU)

AWET, LLC,
Appellant,

v.

ALYSSA S. PETERSON, et al.,
Appellees.

RULING ON APPELLEE ALYSSA S. PETERSON’S MOTION TO COMPEL

Appellant AWET, LLC (“AWET”) has appealed the Amended Memorandum of Decision and Order Denying Movant’s Motion to Reopen, entered by the bankruptcy court. *See* Order Denying Reopening, *In re Hannah Woldeyohannes*, Bankr. No. 18-21369 (AMN), Doc. No. 176; Notice of Appeal from Bankruptcy Court, *In re Hannah Woldeyohannes*, Dkt. No. 3:22-cv-1030 (SRU) [hereinafter *Appeal*], Doc. No. 1.

In connection with the appeal, appellee Alyssa S. Peterson, a creditor who purchased an asset of the bankruptcy estate from the bankruptcy trustee, has objected to AWET’s motion to reopen. *Appeal*, Doc. No. 15, at 1-2. She also seeks an order compelling the United States Trustee (“the Trustee”) to file “a simple fact affidavit” intended to “help expedite a decision” from this Court and to assist her in pursuing “derivative claims” in these proceedings. *Appeal*, Doc. No. 15, at 1. The Trustee opposes Peterson’s motion. *Appeal*, Doc. No. 16.

For the following reasons, the Court declines to provide Peterson the relief she seeks through the motion to compel.

A district court has appellate jurisdiction over a final judgment or order of a bankruptcy court. 28 U.S.C. § 158(a)(1). Because this Court operates as a reviewing court of the bankruptcy court's order, its jurisdiction is limited to reviewing the issues decided by the bankruptcy court based upon the record before the Bankruptcy Court. *In re Traylor*, 2020 WL 3481654, *2 (D. Conn. June 26, 2020). Peterson seeks to introduce new facts into the record for the appeal through her motion, but this Court is “not the trier of facts” and generally will not make findings of fact in an appellate proceeding. *In re Hotel Hollywood*, 95 B.R. 130, 132 (B.A.P. 9th Cir. 1988); *see also Julie Rsch. Lab'ys, Inc. v. Select Photographic Eng'g, Inc.*, 998 F.2d 65, 67 (2d Cir. 1993).

Moreover, because Peterson's motion suggests that she may intend to advance arguments not made to the Bankruptcy Court and/or to marshal evidence outside of the record below, she is expressly cautioned that this Court's jurisdiction is limited to reviewing the issues decided by the Bankruptcy Court based upon the record on appeal. *See In re Traylor*, 2020 WL 3481654 at *2.

Accordingly, Peterson's motion to compel, doc. no. 15, is **denied**.

So ordered.

Dated at Bridgeport, Connecticut, this 22nd day of February 2023.

/s/ STEFAN R. UNDERHILL
Stefan R. Underhill
United States District Judge