

SIGNED.



Dated: October 29, 2009

James M. Marlar
JAMES M. MARLAR
Chief Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

In re:)
Global Aircraft Solutions, Inc., et al.,)
Debtors.)

Chapter 11
Case No. 4-09-bk-01655-JMM
(Jointly Administered)

This filing applies to:)
 All Debtors)
 Specified Debtors)
 Global Aircraft Solutions, Inc.)
 Hamilton Aerospace Technologies, Inc.)
 World Jet Corporation)
 Hamilton Aerospace Mexico S.A. de C.V.)

Pamir Airways, a corporation organized)
under the laws of Afghanistan,)
Plaintiff,)

Adv. No. 4-09-ap-00526-JMM

vs.)
Global Aircraft Solutions, Inc., a Nevada)
corporation; Renegade Venture Corp. d/b/a)
Hamilton Aerospace Technologies, Inc., a)
Delaware corporation; John B. Sawyer and)
Esmerelda Sawyer, husband and wife; Aidan)
International, LLC, a Nevada limited liability)
company; Alden Kawika Crowley and Nadia)
Crowley, husband and wife; Victory Park)
Credit Opportunities Master Fund Ltd. f/k/a)
Victory Park Master Fund, Ltd., an Illinois)
corporation; Newjet Engine Finance, LLC, a)
Florida limited liability company; Newjet)
Engine Services, LLC, a Florida limited)
liability company; and Gordon Hamilton and)
Jane Doe Hamilton, husband and wife,)
Defendants.)

**MEMORANDUM DECISION RE:
MOTION FOR PARTIAL
SUMMARY JUDGMENT**

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1 **PROCEDURE**

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3 Before the court are the Trustee's Motion for Partial Summary Judgment (DN 77), as
4 well as Pamir's Motion for Partial Summary Judgment (DN 104). The Trustee seeks to gain a
5 decision that his legal interest in an airframe and two jet engines is superior to both Pamir and the
6 Newjet entities. Both Pamir and the Newjet entities resist that attempt.

7 On the date of the hearing, October 28, 2009, Pamir and the Trustee announced a
8 settlement. Thus, as to those parties, the court need not determine which one has the superior
9 interest in any of the disputed property.

10 As for the Newjet entities, they have recently obtained new counsel, and they have
11 filed several pleadings within this week. They have an interest only in the two jet engines. The first
12 question, however, is whether Newjet's recent pleadings should be considered. While the court has
13 read them, and allowed counsel to argue, the court finds that the responses were filed too late, and
14 permission to file late responses was not sought. Nor were adequate reasons (excusable neglect)
15 given as to why the Newjet entities failed to timely plead. Other parties have been prejudiced by
16 these maneuvers.

17 That said, the court finds that even if those pleadings had been timely, the arguments
18 made by the Newjet entities do not raise a material and genuine issue of material fact which would
19 require a trial on the merits.¹ Thus, on the law, the court finds that the Trustee has made the
20 prevailing argument.

21 This court has core jurisdiction over the matters raised by the Trustee's motion.
22 28 U.S.C. § 157(b) (A), (B), (K) and (O).

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¹ Prior to the hearing, the court read the Newjet pleadings, and, at the hearing, its
counsel argued Newjet's position.

1 **MERITS**

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3 Cases such as this one are never easy, as they involve competing interests in the same
4 property.

5 However, the case at bar does not carry with it novel legal or factual issues. Nor are
6 there critical issues in dispute which would warrant a trial.

7 Based on the Trustee's avoiding powers as a hypothetical lien creditor, the court finds
8 that as of the petition's filing date of January 30, 2009, his interest is superior to any unrecorded lien
9 or ownership claims which might be asserted by the Newjet entities. 11 U.S.C. § 544.
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11 **RULING**

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13 The Trustee's Motion for Partial Summary Judgment against Newjet Engine Services,
14 LLC, and Newjet Engine Finance, LLC, will be GRANTED. Any competing motion on the same
15 issues will be denied. Counsel for the Trustee shall lodge an appropriate form of judgment as soon
16 as practicable.

17 As the finality of this legal decision is crucial to the future of the reorganized Debtor,
18 this court also finds and concludes that FED. R. CIV. P. 54(b) (FED. R. BANKR. P. 7054) language is
19 appropriate, and should be included in the partial judgment submitted. Once entered, then, the
20 10-day appeal period on the Newjet issues will commence. FED. R. BANKR. P. 8002.
21

22 DATED AND SIGNED ABOVE.

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24 COPIES to be sent by the Bankruptcy
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