Docket #0182 Date Filed: 06/26/2026

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

In re: IMPAC MORTGAGE HOLDINGS, INC., *et al.,* Reorganized Debtors.	Chapter 11 Case No. 26-10593 (CTG) **Related Docket No. 171**

ORDER DENYING MOTION FOR STAY PENDING APPEAL

On May 29, 2026, the Court confirmed the debtors' chapter 11 plan.[1] No party objected to confirmation, so the hearing on confirmation was a fully consensual one.[2] On June 10, 2026, the plan became effective.[3] Two days later, on June 12, 2026, Waseem Naik filed a notice of appeal from the confirmation order.[4] Naik thereafter moved this Court for stay pending appeal.[5] The debtors oppose the motion.[6] For the reasons described below, the motion for a stay is denied.

In considering a motion for stay pending appeal, courts apply a four-factor test: (1) whether the appellant has made a strong showing that they are likely to succeed on the merits; (2) whether the appellant will be irreparably injured absent a stay;

[1] D.I. 165.

[2] *See* May 28, 2026 Hr'g Tr. at 4-6 (debtors' counsel describing resolution of all informal objections); *id.* at 16-17 (Court asks whether there is "[a]ny other party in interest [that] wish[es] to be heard," and hearing no response, stating that "I view my job as resolving disputes and it doesn't look like you have given me any disputes to resolve.").

[3] D.I. 169 (notice of effective date).

[4] D.I. 170.

[5] D.I. 171.

[6] D.I. 180.

(3) whether the stay will substantially harm other interested parties in the litigation; and (4) whether the stay is in the interest of the public.[7] The Supreme Court and the Third Circuit have explained that the most important factors are the first two – the likelihood of success on the merits and risk of irreparable injury.[8] If a movant does not satisfy both of these first two factors, "the inquiry into the balance of harms and the public interest is unnecessary, and the stay should be denied without further analysis."[9]

The Third Circuit has held that the likelihood of success on the merits will be satisfied when there is "a reasonable chance, or probability, of winning."[10] Here, likelihood of success on the merits is not satisfied. Naik forfeited his right to appeal by failing to object to confirmation of the chapter 11 plan. As the Third Circuit has explained, under the "party presentation principle," courts typically resolve disputes that are presented to them by the parties.[11] A party's failure to present an issue to a trial court therefore typically operates as a forfeiture of its right to present the issue on appeal.[12] Naik accordingly has not established a likelihood of success on the merits.

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[7] *In re Revel AC, Inc.*, 802 F.3d 558, 565 (3d Cir. 2015). *See also Republic of Philippines v. Westinghouse Elec. Corp.*, 949 F.2d 653, 658 (3d Cir. 1991).

[8] *Revel,* 802 F.3d at 568; *Nken v. Holder*, 556 U.S. 418, 434 (2009).

[9] *Revel,* 802 F.3d at 571 (internal brackets omitted).

[10] *Id.* at 568.

[11] *United States v. Dowdell*, 70 F.4th 134, 140-141 (3d Cir. 2023) ("The policy supporting waiver and forfeiture is the party presentation principle, which applies in both civil and criminal cases, in the first instance and on appeal.") (internal quotation and citation omitted).

[12] *Id.* at 141. While the failure to provide notice on a party would of course operate as an exception to this principle, the record here contains evidence of the debtors effecting on

To prove irreparable harm, "a stay movant must demonstrate an injury that is neither remote nor speculative, but actual and imminent."[13] The Third Circuit has held that if the harm was self-inflicted, it does not qualify as irreparable harm.[14] Naik failure to object to confirmation, however, is the cause of his harm. Naik accordingly has failed to demonstrate irreparable injury. Under the principles described in *Nken* and *Revel*, that is the end of the analysis and the Court need not address the balancing of the four-factors.[15]

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defendant. D.I. 101, Ex. D., at 85 of 87 (certificate of service, attesting to service on Waseem Naik, by first-class mail, on April 29, 2026). Naik's motion for a stay asserts that the notice was not received until after the Court entered the confirmation order on May 29, D.I. 171 at 4 of 8, but points to no evidence in support of that naked assertion. In the absence of such evidence, Naik has not met his burden of rebutting the debtors' sworn certification.

[13] *Revel,* 802 F.3d at 571.

[14] *Caplan v. Fellheimer Eichen Braverman & Kaskey,* 68 F.3d 828, 839 (3d Cir. 1995) ("Because defendants have acted to permit the outcome which they find unacceptable, we must conclude that such an outcome is not an irreparable injury. If the harm complained of is self-inflicted, it does not qualify as irreparable.") (citing 11A Charles A. Wright, Arthur R. Miller and Mary Kay Kane, *Federal Practice & Procedure* § 2948.1 pp. 152-53 (1995)).

[15] The debtors also argue that the consummation of the plan renders the motion for a stay moot. D.I. 180 at 7-8. The Court understands this to be an argument that because the action Naik seeks to have stayed has already occurred, the motion for a stay is constitutionally moot, rather than an argument that his appeal is mooted under the equitable mootness doctrine. *Id.* at 8 (describing the argument as one grounded in "'real mootness' rather than equitable mootness") (quoting *In re Container Store Grp., Inc.*, No. 24-90627, 2025 WL 4226766, at *10 (Bankr. S.D. Tex. Apr. 7, 2025). A matter is constitutionally moot, however, only when it is literally impossible for a court to grant any effectual relief to the prevailing party. *Chafin v. Chafin*, 568 U.S. 165 (2013). In view of the breadth of federal courts' equitable authority to craft appropriate remedies, the Court does not conclude it is unable to provide *any* relief in these circumstances, and therefore does not rest this holding on mootness grounds.

For the foregoing reasons, the motion to stay pending appeal is hereby DENIED.

Dated: June 26, 2026

CRAIG T. GOLDBLATT
UNITED STATES BANKRUPTCY JUDGE