

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
MASSACHUSETTS

Jiewen Lin v. Binglin Zhong, Ant Bicycle Inc., Seabusiness Inc., and
Couree Inc.

Lin v. Zhong · No. No. 21-cv-10510-GAO · Decided March 23, 2026

SUMMARY

The United States District Court for the District of Massachusetts denied Binglin Zhong’s motion to vacate a default judgment entered in favor of Jiewen Lin. The court held that the motion was untimely under Federal Rule of Civil Procedure 60(b)(1), having been filed nearly four years after judgment, and further concluded that Zhong could not establish excusable neglect. The court also explained that Rule 60(b)(6) could not be used to circumvent the one-year limitation applicable to Rule 60(b)(1).

CASE DETAILS

COURT	United States District Court for the District of Massachusetts
WRITING FOR THE COURT	Donald L. Cabell
JURISDICTION	United States District Court for the District of Massachusetts
DECIDED	March 23, 2026
DOCKET	No. 21-cv-10510-GAO
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Binglin Zhong moved under Federal Rules of Civil Procedure 55(c) and 60(b)(1) to vacate a default judgment entered against him in an action to confirm and enforce a Chinese arbitration award. The court denied the motion.
STANDARD OF REVIEW	A Rule 60(b) motion is subject to the applicable time limits, and whether neglect is excusable is determined equitably by considering the totality of the circumstances, including prejudice, length and reason for delay, and good faith.
PRECEDENTIAL VALUE	Unpublished federal district court order; persuasive rather than precedential outside the case.
PARTIES	Binglin Zhong v. Jiewen Lin

TOPICS

default judgment

default

civil procedure

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Zhong's motion to vacate the default judgment under Rule 60(b)(1) was timely when filed nearly four years after entry of judgment.
2. Whether Zhong established mistake, inadvertence, surprise, or excusable neglect warranting relief from the default judgment under Rule 60(b)(1).
3. Whether Zhong could recast his language-barrier and unfamiliarity arguments as grounds for relief under Rule 60(b)(6) to avoid Rule 60(b)(1)'s one-year deadline.

HOLDINGS

1. A motion seeking relief from a judgment for mistake, inadvertence, surprise, or excusable neglect under Rule 60(b)(1) must be filed no more than one year after entry of the judgment. Zhong's motion, filed nearly four years after judgment, was time-barred.
2. Even if timely, Zhong's motion would fail because the circumstances did not establish excusable neglect. His receipt of litigation materials, business and litigation experience, and knowledge of the judgment more than a year before filing showed that his failure to defend was not excusable.
3. A party may not invoke Rule 60(b)(6) based on the same language-barrier and unfamiliarity reasons that fall within Rule 60(b)(1), because Rule 60(b)(6) cannot be used to circumvent Rule 60(b)(1)'s one-year deadline.

KEY QUOTATIONS

“A movant may not use the concept of “reasonable time” available for motions filed for reasons (4) through (6) to extend the one-year limit.” (at 2)

“But to be clear, the motion to vacate would fail on the merits even if timely, because the defendant cannot show his failure to defend the suit was the result of excusable neglect.” (at 4)

“The reason for relief set forth under 60(b)(6) cannot be the reason for relief sought under another subsection of 60(b).” (at 7)

FACTUAL BACKGROUND

Lin obtained a 2020 arbitration award against Zhong in China and brought this federal action to confirm and enforce it. Zhong received correspondence concerning the litigation but claimed that his limited English skills and unfamiliarity with the American legal system prevented him from understanding the case. The record showed that Zhong had lived in the United States since 2014, operated a Massachusetts business, had been involved in other commercial litigation, and communicated with Lin's representative about post-judgment

collection efforts in February 2024. He did not move to vacate the August 17, 2021 default judgment until July 2, 2025.

PROCEDURAL HISTORY

Jiewen Lin filed suit on March 25, 2021, seeking confirmation and enforcement of a 2020 Chinese arbitration award against Binglin Zhong. Zhong failed to appear, was defaulted on June 14, 2021, and a default judgment for more than \$3.5 million was entered on August 17, 2021. Zhong moved to vacate the judgment on July 2, 2025, asserting a language barrier, unfamiliarity with the U.S. legal system, and a potentially meritorious defense. The court held the motion untimely under Rule 60(b)(1) and concluded that it would also fail on the merits.

DISPOSITION

other

CASES CITED

- Kemp v. United States, 596 U.S. 528, 533 (2022)
- United States v. Marin, 720 F.2d 229, 231 (1st Cir. 1983)
- Ackermann v. United States, 340 U.S. 193, 197 (1950)
- Davila-Alvarez v. Escuela de Medicina Universidad Central del Caribe, 257 F.3d 58, 64 (1st Cir. 2001)
- Gonzalez v. Walgreens Co., 918 F.2d 303, 305 (1st Cir. 1990)
- Ungar v. Pal. Liberation Org., 599 F.3d 79, 85 (1st Cir. 2010)
- Hesling v. CSX Transp., Inc., 396 F.3d 632, 643 (5th Cir. 2005)
- Claremont Flock Corp. v. Alm, 281 F.3d 297 (1st Cir. 2002)
- Waterfall Victoria Grantor Trust Series II, Series G v. Blodgett, 2022 WL 20726190, at *5 (D. Mass. Sept. 30, 2022)