UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CHAPTER IV
LOCAL RULES GOVERNING
BANKRUPTCY APPEALS, CASES, AND PROCEEDINGS

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CHAPTER IV

LOCAL RULES GOVERNING BANKRUPTCY APPEALS, CASES, AND PROCEEDINGS[1]

I. APPEALS

RULE 1 (8001-1). SCOPE OF RULES

In conformity with the Federal Rules of Bankruptcy Procedure, these rules govern procedure in appeals, withdrawals of reference and other matters referred from the United States Bankruptcy Court to the United States District Court, Central District of California. When these rules provide for the making of a motion or application in the bankruptcy court, the procedure for making such motion or application shall be in accordance with the practice of the bankruptcy court.

RULE 2 (8001-2). NOTICE OF APPEAL; HOW AND WHERE TAKEN

2.1 (8003-2.1) Content of the Notice of Appeal. A notice of appeal must designate the judgment, order, or part thereof from which the appeal is taken and attach a copy of the judgment or order, if available.

2.2 (8018-2.2) Joint or Consolidated Appeals. If two or more persons are entitled to appeal from a judgment or order of the bankruptcy court and their interests are such as to make joint appeal practicable, they may file a joint notice of appeal, or may join in an appeal after filing separate timely notices of appeal, and they may thereafter proceed on appeal as a single appellant. Appeals may be consolidated by order of the district court upon its own motion, upon motion of a party, or upon stipulation of the parties to the multiple appeals.

2.3 (8001-2.3) Certification of Interested Parties and Notice of Related Cases. Certification as to interested parties and notice of related cases, as prescribed in Local Civil Rules 7.1-1 and 83-1.3, shall be filed by the appellant with the notice of appeal.

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[1] Citations to these rules should be in the following format: "C.D. Cal. L. Bankr. R. __."

2.4 (8004-2.4) Serving the Notice of Appeal. Within three days after the filing of a notice of appeal, the clerk of the bankruptcy court shall serve upon all parties to the appeal a copy of the notice of appeal. The clerk of the bankruptcy court shall forthwith transmit a copy of the notice, a copy of the order or judgment from which the appeal is taken and a copy of the docket to the clerk of the district court.

2.5 (8001-2.5) Payment of Fees. Upon the filing of any separate or joint notice of appeal from the bankruptcy court, the appellant shall pay to the clerk of the bankruptcy court such fees as are established by statute in addition to the docket fee prescribed by the Judicial Conference of the United States.

RULE 3 (8006-3). THE RECORD ON APPEAL

3.1 (8006-3.1) Certificate of Readiness. Upon the filing of the transcripts in the bankruptcy court, or alternatively, when the bankruptcy court receives notice that no transcripts will be ordered, the clerk of the bankruptcy court shall transmit a Certificate of Readiness to the district court. The certificate shall attest that all documents which comprise the record are available to parties in the bankruptcy court clerk's office. The district court shall forthwith notify the parties of the date of filing the Certificate of Readiness and this date shall constitute the date of entry on the docket for purposes of F.R.B.P. 8007 and 8009.

3.2 (8018-3.2) Retention of the Transcript and Clerk's Record. The transcript and record on appeal shall be retained by the clerk of the bankruptcy court for use by the parties in preparing their briefs until requested by the district court.

3.3 (8009-3.3) Excerpts of Record. Excerpts of record shall be filed in accordance with F.R.B.P. 8009 (b). A party shall file excerpts of record separately from the briefs. Each mandatory chambers copy shall have a cover styled as described in Rule 32 (a) of the Federal Rules of Appellate Procedure.

Pursuant to F.R.B.P. Rule 8009 (b)(9), the excerpts of record shall include the transcripts necessary for adequate review in light of the standard of review to be applied to the issues before the district court. The court, in its discretion, may consider only those portions of the transcript included in the excerpts of record.

3.4 (8007-3.4) Transmittal of the Record upon Request. The bankruptcy court shall transmit the record to the district court within ten (10) days of receiving a written request from the clerk of the district court.

RULE 4 (8009-4). BRIEFS

4.1 (8009-4.1) Time for Filing, Form and Number of Briefs. Unless otherwise provided in these rules or ordered by the Court, briefs shall be prepared and filed in accordance with F.R.B.P. 8009 and 8010 and Rule 32 (a) of the Federal Rules of Appellate Procedure. The appellee's brief shall attach a certification as to interested parties and notice of related cases as prescribed by Local Civil Rules 7.1-1 and 83-1.3.

4.2 (8010-4.2) Length of Briefs. Except with permission of the district court, the appellant's and appellee's opening briefs shall not exceed 30 pages, and reply briefs shall not exceed 15 pages, exclusive of pages containing the table of contents, tables of citations, proof of service, the certifications required by this rule, and any addendum containing statutes, rules, regulations or similar material.

4.3 (8018-4.3) Briefs in Cases Involving Multiple Appellants or Appellees. In cases involving more than one appellant or appellee, including cases consolidated for purposes of the appeal, all parties are encouraged to join in a single brief to the greatest extent practicable.

4.4 (8018-4.4) Consequence of Failure to File Briefs. If an appellant fails to file a brief within the time provided by these rules, the district court may dismiss the appeal on its own motion or upon motion of the appellee. If an appellee fails to file a brief within the time provided by these rules, the district court may deem it a consent to the granting of the relief sought on appeal.

4.5 (8009-4.5) Extensions of Time for Filing Briefs. A motion for an extension of time for filing a brief shall be filed in the district court within the time limits prescribed by F.R.B.P. 8009 and shall be accompanied by a proof of service of the motion reflecting service on the other interested parties. The motion and accompanying declaration shall state the date the brief is due, how many previous extensions have been granted, when the brief was first due, and whether any previous requests for extension of time have been denied. The motion and declaration must also state the reason(s) why such an extension is necessary, the amount of additional time requested, and the position of the opponent(s) as to the

proposed extension or why the moving party has been unable to obtain a statement of the opponent's position.

RULE 5 (8011-5). MOTIONS

5.1 (8011-5.1) Emergency Motions. If a movant certifies that to avoid immediate irreparable harm relief is needed on an emergency basis, the motion shall be governed by F.R.B.P. 8005, if applicable, and F.R.B.P. 8011 (d).

5.2 (8018-5.2) Appendix. An appendix to the emergency motion shall be served and filed with the motion and shall include the following:

5.2.1 (8018-5.2.1) Conformed Copy of Notice of Appeal. A conformed copy of the notice of appeal;

5.2.2 (8018-5.2.2) Conformed Copy of Judgment, Order or Decree. A conformed copy of the judgment, order, or decree from which the appeal is taken;

5.2.3 (8018-5.2.3) Stay Pending Appeal. If the motion is for a stay pending appeal, a copy of the bankruptcy court's order denying the movant a stay pending appeal or an affidavit by the movant stating that a stay had been denied.

5.3 (8018-5.3) Withdrawal of the Election to the District Court. Motions to withdraw the election for the bankruptcy appeal to be heard by the district court and to refer the matter to the Bankruptcy Appellate Panel shall be filed in the district court in accordance with Local Civil Rule 7.

RULE 6 (8014-6). COSTS ON APPEAL

Costs for the bankruptcy appeal shall be taxed by the clerk of the district court in accordance with F.R.B.P. 8014 and Local Civil Rule 54.

RULE 7 (8001-7). VOLUNTARY DISMISSALS OF APPEALS

7.1 (8001-7.1) Before the Certificate of Readiness Is Filed in the District Court. When an appeal is dismissed by the bankruptcy court in accordance with F.R.B.P. 8001(c)(1), the appellant shall promptly file a notice of the dismissal in the district court.

7.2 (8001-7.2) After the Certificate of Readiness Is Filed in the District Court. When an appeal is dismissed by the district court in accordance with F.R.B.P. 8001(c)(2), the appellant shall promptly file a notice of the dismissal in the bankruptcy court.

RULE 8 (8018-8). PRO HAC VICE APPEARANCES[2]

Attorneys who have been granted permission to appear pro hac vice in a particular case or in a particular proceeding in a case by the bankruptcy court in accordance with Bankruptcy Court Local Rule 2090-1(b) may proceed pro hac vice in that same bankruptcy case or proceeding if it is subsequently filed in or referred to the district court.

II. MOTIONS TO WITHDRAW THE REFERENCE

RULE 9 (5011-9). MOTIONS TO WITHDRAW THE REFERENCE

A motion to withdraw the reference of a case or proceeding pending in the bankruptcy court shall be filed, with proof of service of the motion reflecting service on the other interested parties, with the clerk of the district court. Such a motion shall be made in accordance with F.R.B.P. 5011. Certification as to interested parties and notice of related cases, as prescribed in Local Civil Rules 7.1-1 and 83-1.3, shall be filed by the moving party with the motion to withdraw. A conformed copy of the motion to withdraw shall be delivered by the moving party to the bankruptcy judge presiding over the case or proceeding.

Opposition and reply papers to the motion to withdraw shall be filed in the district court in accordance with Local Civil Rule 7. Opposition papers shall include a certification as to interested parties and notice of related cases as prescribed in Local Civil Rules 7.1-1 and 83-1.3.

END OF CHAPTER IV -
LOCAL RULES GOVERNING BANKRUPTCY APPEALS, CASES, AND PROCEEDINGS

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[2] Rule 8 amended, effective 12/1/2012.