

LOCAL RULES – CENTRAL DISTRICT OF CALIFORNIA

**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 PROCEEDINGS¹**

I. APPEALS

RULE 1 (8001). SCOPE OF RULES²

This Chapter of the Local Rules governs bankruptcy appeals, motions to withdraw the reference, and other bankruptcy related matters that are presented to the District Court. An extensively revised and reorganized version of the national appellate bankruptcy rules, which appear in Part VIII of the Federal Rules of Bankruptcy Procedure, Rule 8001 *et seq.*, became effective on December 1, 2014. This Chapter of the Local Rules was thereafter revised to conform to those national appellate bankruptcy rules. Attorneys and litigants are advised to consult the Local Bankruptcy Rules of the United States Bankruptcy Court for the Central District of California, Rule 8000-1 *et seq.*, and the Federal Rules of Bankruptcy Procedure, Rule 8001 *et seq.*, as well as the official Advisory Committee Notes appended to each individual rule.

Unless the Federal Rules of Bankruptcy Procedure or these Local Rules state otherwise, the Federal Rules of Appellate Procedure, the Federal Rules of Civil Procedure, the Federal Rules of Evidence, and the Ninth Circuit Rules shall apply.

RULE 2. NOTICE OF APPEAL³

2.1 (8012) 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.

¹ Citations to these rules should be in the following format: “C.D. Cal. L. Bankr. R. ___.”

² Rule 1 amended, effective 12/1/15.

³ Rule 2 amended, effective 12/1/15.

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2.2 (8002) *Premature Notice of Appeal.* If the appellant files a notice of appeal before the entry of the judgment or order being appealed, then the appellant shall forward to the clerk of the district court a copy of the judgment or order being appealed immediately upon entry of that judgment or order.

RULE 3. [ABROGATED (Rule 3 addressed The Record on Appeal, which is now covered by Fed. R. Bankr. P. 8010 & 8018.)] ⁴

RULE 4. BRIEFS ⁵

4.1 (8018(b)) *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.

4.2 (8018(a)) *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 Fed. R. Bankr. P. 8018 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. MOTIONS ⁶

5.1 (8026(b)) *Emergency Motion; Appendix.* Any emergency motion shall include an appendix that provides the following information:

5.1.1 (8026(b)) *Conformed Copy of Notice of Appeal.* A conformed copy of the notice of appeal;

⁴ Rule 3 abrogated, effective 12/1/15.

⁵ Rule 4 amended, effective 12/1/15.

⁶ Rule 5 amended, effective 12/1/15.

5.1.2 (8026(b)) Conformed Copy of Judgment, Order or Decree. A conformed copy of the judgment, order, or decree from which the appeal is taken;

5.1.3 (8026(b)) Stay Pending Appeal. If the emergency motion seeks 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;

5.2 (8026(b)) 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. [ABROGATED (Rule 6 addressed Costs on Appeal, which is now covered by Fed. R. Bankr. P. 8021.)]⁷

RULE 7. [ABROGATED (Rule 7 addressed Voluntary Dismissals of Appeals, which is now covered by Fed. R. Bankr. P. 8023.)]⁸

RULE 8 (8026(b)). PRO HAC VICE APPEARANCES

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). 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

⁷ Rule 6 abrogated, effective 12/1/15.

⁸ Rule 7 abrogated, effective 12/1/15.

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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