

LOCAL BANKRUPTCY RULE 8000-1

RULES APPLICABLE TO BANKRUPTCY APPEALS

(a) APPEALS TO DISTRICT COURT

All bankruptcy appeals before the district court shall be governed by Chapter IV, Local Rules Governing Bankruptcy Appeals, Cases and Proceedings, of the district court.

(b) APPEALS TO BANKRUPTCY APPELLATE PANEL

For the purposes of these Local Bankruptcy Rules, bankruptcy appellate panel shall mean the United States Bankruptcy Appellate Panel of the Ninth Circuit. The Rules of the Bankruptcy Appellate Panel apply to all bankruptcy appeals pending before the bankruptcy appellate panel.

(c) DIRECT APPEALS TO NINTH CIRCUIT

In appeals arising out of bankruptcy cases filed on or after October 17, 2005, a certification of a judgment, order, or decree of the court to the Ninth Circuit Court of Appeals, as permitted by 28 U.S.C. § 158(d)(2), shall be made in accordance with Rules 8001(f) and 8003 of the Federal Rules of Bankruptcy Procedure, as well as any applicable interim rules approved by the Committee on Rules of Practice and Procedure of the United States Judicial Conference and the Judicial Conference of the United States.

LOCAL BANKRUPTCY RULE 8001-1

FILING OF NOTICE OF APPEAL

Filing of notices of appeal shall be governed by Rule 2.2 of Chapter IV, Local Rules Governing Bankruptcy Appeals, Cases and Proceedings, of the district court.

LOCAL BANKRUPTCY RULE 8002-1**LEAVE TO APPEAL; INTERLOCUTORY ORDERS****(a) APPLICABILITY**

This Local Bankruptcy Rule shall be applicable only to appeals referred to the bankruptcy appellate panel. Appeals referred to the district court shall be governed by Local Rule 3 of Chapter IV, Local Rules Governing Bankruptcy Appeals, Cases and Proceedings, of the district court.

(b) MOTION FOR LEAVE TO APPEAL

Leave to appeal under 28 U.S.C. § 158(a) shall be sought by filing a motion for leave with the clerk within the time provided by F.R.B.P. 8002 for filing a notice of appeal, with proof of service by the applicant in accordance with F.R.B.P. 8008(b).

(c) CONTENT OF MOTION; ANSWER

The motion shall include all elements required by F.R.B.P. 8003(a). Within 10 days after service of the motion, an adverse party may file an answer in opposition with the clerk.

(d) DISPOSITION

Unless a party to the appeal has filed with the clerk of the bankruptcy appellate panel a written objection to the disposition of the appeal by the bankruptcy appellate panel, the clerk shall transmit the motion for leave to appeal and any answer thereto to the clerk of the bankruptcy appellate panel as soon as all parties have filed answers or the time for filing an answer has expired. If such an objection is duly filed after the motion has been referred to the bankruptcy appellate panel but before it has been determined, then the motion shall be transferred to the district court for decision. The motion and answer shall be submitted without oral argument unless otherwise ordered.

(e) **LEAVE TO APPEAL GRANTED OR DENIED; FILING OF RECORD**

If leave to appeal is granted, the clerk shall notify counsel for appellant within 5 court days. The record shall be designated and transmitted and the appeal docketed in accordance with F.R.B.P. 8006 and 8007. The time fixed by those Rules for designating and transmitting the record and docketing the appeal shall run from the date of the notice by the clerk of entry of the order granting leave to appeal.

(f) **APPEAL IMPROPERLY TAKEN REGARDED AS A MOTION FOR LEAVE TO APPEAL**

If a timely notice of appeal is filed where the proper mode of proceeding is by a motion for leave to appeal under this Rule, the notice of appeal will be deemed a timely motion for leave to appeal. The appellate court may enter an order either granting or denying leave to appeal or directing that a motion for leave to appeal be filed. The motion shall be filed within 10 days of the entry of the appellate court's order, unless specified otherwise in the order.

LOCAL BANKRUPTCY RULE 8003-1

FORM AND TIME OF CONSENT

Form and time of consent shall be governed by Rules 2.1.1 and 2.1.2 of Chapter IV, Local Rules Governing Bankruptcy Appeals, Cases and Proceedings, of the district court.

LOCAL BANKRUPTCY RULE 8004-1

NOTICE OF REFERENCE TO APPELLATE COURT

- (a)** Within 3 days after the filing of a Notice of Appeal, the clerk shall serve upon all parties to the appeal a copy of the Notice of Appeal, Notice of Referral of Appeal, Transcript Order Form, Notice of Transcript, and a copy of the below-referenced applicable order:

 - (1) Amended Order Establishing and Continuing the Bankruptcy Appellate Panel of the Ninth Circuit (referencing appeals originating in bankruptcy cases filed on or before 10/22/94).
 - (2) Order Continuing Bankruptcy Appellate Panels of the Ninth Circuit (referencing appeals originating in bankruptcy cases filed after 10/22/94).
- (b)** A copy of the notice of appeal shall also be transmitted to the clerk of the bankruptcy appellate panel or clerk of the district court.

LOCAL BANKRUPTCY RULE 8005-1

BRIEFS IN APPEALS BEFORE DISTRICT COURT

Briefs in appeals before the district court shall be governed by Rule 5 of Chapter IV, Local Rules Governing Bankruptcy Appeals, Cases and Proceedings, of the district court.

LOCAL BANKRUPTCY RULE 8006-1

COSTS ON APPEAL TO DISTRICT COURT

Costs on appeal to the district court shall be governed by Rule 54-6 of Chapter I, Local Civil Rules, of the district court.

LOCAL BANKRUPTCY RULE 8007-1

EMERGENCY MOTIONS IN APPEALS TO DISTRICT COURT

Emergency motions in appeals to the district court shall be governed by Rule 6.3 of Chapter IV, Local Rules Governing Bankruptcy Appeals, Cases and Proceedings, of the district court.