

## **Rule 403. Appeals to the District Court**

### **1. Manner of Appeal**

#### **a. Generally**

Appeals to the District Court from the Bankruptcy Court shall be taken in the manner prescribed in Part VIII of the Bankruptcy Rules, Rules 8001 et. seq.

#### **b. Bankruptcy Court Opinion and Order**

Appellant shall provide with the opening brief a copy of the Bankruptcy Court opinion and order from which the appeal is being taken..

### **2. Dismissal for Non-Compliance With Bankruptcy Rule 8006**

Whenever the appellant fails to designate the contents of the record on appeal or to file a statement of the issues to be presented on appeal within the time required by Bankruptcy Rule 8006, the Bankruptcy Clerk shall forward forthwith to the Clerk of the District Court a partial record consisting of a copy of the order or judgment appealed from, the notice of appeal, a copy of the docket entries and such other papers as the Bankruptcy Clerk deems relevant to the appeal. (The District Court may thereafter order the Bankruptcy Clerk to transmit any other relevant papers to the Clerk of the District Court). When the partial record has been filed in the District Court the Court may, upon motion of the appellee (which is to be filed in the District Court) or upon its own initiative, dismiss the appeal for non-compliance with Bankruptcy Rule 8006 after giving the appellant an opportunity to explain the non-compliance and upon considering whether the non-compliance had prejudicial effect on the other parties.

### **3. Dismissal for Non-Compliance With Bankruptcy Rule 8009**

Whenever the appellant fails to serve and file a brief within the time required by Bankruptcy Rule 8009, the District Court may, upon motion of the appellee (to be filed in the District Court) or upon its own initiative, dismiss the appeal after giving the appellant an opportunity to explain the non-compliance and upon considering whether the non-compliance had prejudicial effect on the other parties.

### **4. Procedure Regarding Motion To Stay Pending Appeal**

An appellant seeking a stay pending appeal by the District Court of an order entered by the Bankruptcy Court shall file with the Clerk of the District Court a motion to stay and copies of all papers in the record of the Bankruptcy Court relevant to the appeal. Upon the filing of these papers the Clerk of the District Court shall immediately open a civil file and the District Court shall give immediate consideration to the motion to stay. If the underlying appeal is ultimately perfected, it will be assigned the same civil action number as was assigned to the motion to stay.

### **5. Bankruptcy Court Certification Regarding Interlocutory Appeal**

Whenever there has been filed in the District Court an application for leave to appeal an interlocutory order of the Bankruptcy Court, the Bankruptcy Court shall, upon request of the District Court, submit to the District Court a written certification stating whether, in its opinion, the interlocutory order involves a controlling question of law as to which there is substantial ground for difference of opinion and whether an immediate appeal of it may materially advance the ultimate termination of the case. The District Court shall thereafter determine whether to grant or deny the application for leave to appeal.