

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

Admin. No: 85-6

IN RE: AMENDMENT TO LOCAL :  
BANKRUPTCY RULES :  
:

O R D E R

FILED by \_\_\_\_\_ D.C.

JAN 29 1985

ROBERT H. MARCH  
CLERK OF DIST. CT.  
S.D. OF FLA. - MIAMI

Good cause appearing therefor, it is

ORDERED and ADJUDGED that the following new Bankruptcy Rule 13 is hereby adopted as of January 2, 1985 as it relates to Bankruptcy Appeals, to-wit:

RULE 13. BANKRUPTCY APPEALS.

Bankruptcy appeals to the district court are governed by the Bankruptcy Rules, particularly Rule 8001 through 8019. As is authorized by Rule 8018, those rules are supplemented as follows:

A. The bankruptcy court is authorized and directed to dismiss an appeal filed after the time specified in Rule 8002 and an appeal in which appellant has failed to file a designation of the items for the record or a statement of the issues as required by Rule 8006. The bankruptcy court is also authorized and directed to hear, under Rule 8006(b), motions to extend the foregoing deadlines and to consolidate appeals which present similar issues from a common record. Bankruptcy court orders entered under this subsection may be reviewed by the district court on motion filed within 10 days after entry of the order sought to be reviewed.

B. The briefing schedule specified by Rule 8009 may be altered only by order of the district court. If the clerk of the district court does not receive appellant's brief within the time specified by Rule 8009 he shall furnish the district judge to whom the appeal is assigned with a proposed order for dismissal of the appeal.

C. Upon receipt of the appellant's brief, the district court clerk shall furnish the district judge with a proposed order in blank which either dispenses with oral argument or calendars a hearing.

D. Upon receipt of the district court's opinion, the district court clerk shall enter judgment in accordance with Rule 8016(a) and in accordance with Rule 8016(b), shall immediately transmit to each party and to the clerk of the bankruptcy court a notice of entry together with a copy of the court's opinion.

E. If an appeal remains pending three months after its entry on the district court docket, the clerk shall advise the district judge of the status of the appeal.

F. The bankruptcy court clerk is directed to enclose a copy of this rule with the notice of appeal given by him in accordance with B.R. 8004 to each party. Failure to receive such a copy will not suspend this rule.

G. This rule is not intended to exhaust or restrict the district court's discretion as to any aspect of any appeal.

DONE and ORDERED at Miami, Southern District of Florida, this 22 day of ~~DECEMBER~~ <sup>January</sup>, A.D., 198~~4~~<sup>5</sup>.

FOR THE COURT:

  
\_\_\_\_\_  
JAMES LAWRENCE KING  
CHIEF UNITED STATES DISTRICT JUDGE