RULES APPLICABLE TO BANKRUPTCY APPEALS

(a) **Rules applicable to bankruptcy appeals.**

(1) All Appeals. In addition to rules in Part VIII of the Federal Rules of Bankruptcy Procedure and Third Amended District Court General Order No. 38, LBR 8001.1 applies to all appeals from a judgment, order, or decree of a judge.

(2) Bankruptcy Appellate Panel (BAP). For the purposes of these Local Bankruptcy Rules, BAP shall mean the United States Bankruptcy Appellate Panel of the Ninth Circuit.

(b) **Filing of notice of appeal.**

An appellant shall file the notice of appeal together with the appropriate filing fee with the clerk of the bankruptcy court.

(c) **Form and time of consent to the BAP.**

(1) Consent. The consent of a party to allow an appeal to be heard and determined by the BAP shall be deemed to have been given unless written objection is filed with the clerk of the bankruptcy court either:

(A) by appellant with the notice of appeal or motion for leave to appeal; or

(B) by any other party within thirty (30) days from the date of service of notice of the appeal.

(C) When an appellant files both a notice of appeal and a motion for leave to appeal, consent will be deemed revoked if an objection to BAP determination is filed with respect to either pleading.

(2) Effect of Timely Objection. Upon timely receipt of a written objection to an appeal being heard and determined by the BAP, jurisdiction over the appeal shall be immediately transferred to the district court and the bankruptcy court clerk shall not forward any appeal documents, or any further documents, to the BAP. If the objection is timely, but filed after some of the appeal documents have been transferred to the BAP, the BAP clerk shall promptly return to the bankruptcy court clerk all appellate documents for administration.

(3) Objection Filed with Notice of Motion. If a written objection is filed with the notice of appeal or motion for leave to appeal, the bankruptcy court clerk shall not be required to forward any appeal documents to the BAP.

(d) **Transmittal of record.**

When the record is complete for purposes of appeal to either the district court or the BAP, a copy thereof will be transmitted, and the original bankruptcy court record shall remain in the office of the bankruptcy court clerk.

Related Authority:
28 U.S.C. § 158
Fed. R. Bankr. P. 8001-8019

Advisory Committee Notes:

The clerk will provide parties to an appeal, and to others upon request, copies of Amended General Order No. 38, as amended by General Order No. 113. In the event an appeal is heard by the BAP (*see* LBR 8001.1(c)), the BAP rules shall apply. Pursuant to LBR 1001.1(b) if an appeal is heard by the district court, it may order that the Local Rules of Civil Practice for the United States District Court for the District of Idaho shall apply.