

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	2:10-cv-05005-JHN	Date	December 21, 2010
Title	In re Lynda Peterson		

Present: The Honorable	JACQUELINE H. NGUYEN
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Alicia Mamer Deputy Clerk	Not Reported Court Reporter / Recorder	N/A Tape No.
Attorneys Present for Plaintiffs: Not present	Attorneys Present for Defendants: Not present	

Proceedings: ORDER TO SHOW CAUSE (In Chambers)

On June 25, 2010, Appellant Lynda Peterson filed a notice of appeal from the Bankruptcy Court's June 15, 2010 Order on the Chapter 7 Trustee's Motion for Carve-Out. (Docket no. 2.)

On July 8, 2010, Appellee filed a Motion for Approval of Carve-Out Stipulation Between Chapter 7 Trustee and PNC Bank. (Docket no. 3.) This Motion is the same motion whose resolution at the Bankruptcy Court is the subject of the present appeal; this Court's resolution of the Motion before the record on appeal is complete would therefore be inappropriate. Accordingly, the Motion is DENIED without prejudice.

On September 17, 2010, the Court set the briefing schedule for the appeal. (Docket no. 12.) Pursuant to that order, Appellant filed her opening brief on October 26, 2010. (Docket no. 14.) The scheduling order required Respondent's opposition brief to be filed within twenty days of receipt of Appellant's opening brief. However, the Court has not received Respondent's opposition brief.

On November 22, 2010, the bankruptcy court clerk notified the Court that neither a statement of issues nor a designation of the record had been filed as required by Federal Rule of Bankruptcy Procedure 8006. (Docket no. 15.)

The parties are hereby ordered to submit a joint status report, **by no later than January 14, 2011**, addressing the following:

1. Appellant is to clarify, by conferring with the bankruptcy court clerk as necessary and taking other appropriate steps, why the record is not complete and what steps remain to have the record prepared for appeal.
2. Appellee is to clarify its purpose in filing its Motion for Approval of Carve-Out Stipulation. Additionally, Appellee is ordered to show cause as to why the opposition brief was not filed within twenty days of receipt of Appellant's opening brief, as ordered by the Court.

Failure to comply with this Order may result in the imposition of sanctions and/or dismissal of the appeal.

IT IS SO ORDERED.

	:	N/A
Initials of Preparer		AM

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