

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 14-3543 FMO	Date	June 11, 2014
Title	In Re: Michael Joel Kamen		

Present: The Honorable	Fernando M. Olguin, United States District Judge		
Vanessa Figueroa	None	None	None
Deputy Clerk	Court Reporter / Recorder		Tape No.
Attorney Present for Plaintiff(s):		Attorney Present for Defendant(s):	
None Present		None Present	

Proceedings: (In Chambers) Order to Show Cause Re: Dismissal for Lack of Jurisdiction

On May 8, 2014, this bankruptcy action was appealed to this court pursuant to 28 U.S.C. §§ 158(a) & (b). (See Notice of Appeal, filed on May 8, 2014). The bankruptcy order being appealed is the Order Appointing Howard Weg as Receiver, filed on April 21, 2014. (See *id.* at Exh. A). While appellant has not sought leave to appeal, the court will consider appellant's notice of appeal as a motion for leave to appeal. See Fed. R. Bankr. P. 8003(c).

District courts have jurisdiction to hear appeals from final judgments, orders and decrees, and interlocutory orders and decrees with leave of the court. See 28 U.S.C. §§ 158(a)(1) & (3). It appears to the court that the appointment of a receiver constitutes an interlocutory order, which is not appealable as of right. See *In re Protron Digital Corp.*, 2011 WL 1585564, *4 (C.D. Cal. 2011) ("Granting leave is appropriate if the order involves a controlling question of law where there is substantial ground for difference of opinion and when the appeal is in the interest of judicial economy because an immediate appeal may materially advance the ultimate termination of the litigation.") (internal quotation and citation omitted).

Based on the foregoing, IT IS ORDERED that:

1. No later than **June 18, 2014**, appellant shall show cause in writing why this action should not be dismissed for lack of jurisdiction. **Failure to file a response to the order to show cause by the deadline set forth above shall be deemed consent to the dismissal of this action.**

2. Appellees shall, no later than **June 25, 2014**, file a written response to appellant's response referenced in paragraph one above.

3. A copy of all papers filed with the court shall be delivered to the drop box outside chambers at Suite 520, Spring Street Courthouse, 312 North Spring Street, **no later than 12:00 noon the following business day**. All chambers copies shall comply fully with the document

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formatting requirements of Local Rule 11-3, including the "backing" requirements of Local Rule 11-3.5. Counsel may be subject to sanctions for failure to deliver a mandatory chambers copy in full compliance with this Order and Local Rule 11-3.

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