

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. **CV 14-5743 FMO** Date **August 5, 2014**

Title **In re: GGW Brands, LLC, et al.**

Present: The Honorable **Fernando M. Olguin, United States District Judge**

Vanessa Figueroa

None

None

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorney Present for Plaintiff(s):

Attorney Present for Defendant(s):

None

None

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

On July 23, 2014, this bankruptcy action was appealed to this court pursuant to 28 U.S.C. § 158(a) or § 158(b). (See, generally, Notice of Appeal). The bankruptcy order being appealed is the Order Holding Joseph Francis and Perfect Science Labs, LLC in Contempt of Court, of July 18, 2014. (See id. at 1).

District courts have jurisdiction to hear appeals from “final judgments, orders and decrees,” and “with leave of court, from other interlocutory orders and decrees.” 28 U.S.C. §§ 158(a)(1) & 158(a)(3). In general, “[s]anctions orders are interlocutory orders that are not appealable until final judgment is entered.” Markus v. Gschwend (in re: Markus), 313 F.3d 1146, 1151 (9th Cir. 2002). See also Oliner v. Kontrabecki, 305 B.R. 510, 520 & 521 (N.D. Cal. 2004) (“Orders of civil contempt entered against a party during the course of a pending civil action are not generally appealable until final judgment.”) The record does not indicate that final judgment has been entered. Rather, the bankruptcy court’s ruling sets a “continued hearing” on July 31, 2014, in which “the Court will consider what additional sanctions, if any, including issuance of arrest warrants for Francis and [Perfect Science Labs, LLC], might be appropriate.” (Court’s Final Ruling re: “Order to Show Cause Why Joseph R. Francis and Perfect Science Labs, LLC Should Not be Held in Contempt” (Docket #585), dated July 17, 2014, at 30). Thus, it appears that final judgment has not been entered. Moreover, the Notice of Appeal does not include a copy of the order dated July 18, 2014. Thus, the record is incomplete. Based on the foregoing, it appears that the court does not have jurisdiction over this case.

Accordingly, IT IS ORDERED that:

1. No later than **August 12, 2014**, appellants shall show cause in writing why this action should not be dismissed for lack of jurisdiction. Appellees may submit a response in the same time period.
2. Failure to file a response to the order to show cause by the deadline set forth above

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shall be deemed consent to the dismissal of this action.

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 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.

Initials of Preparer 00 : 00
vdr