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NO JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

IN RE DEBTOR: KATHLEEN)	Case No. CV 15-00084 DDP
KELLOGG-TAXE; KATHLEEN)	
KELLOGG-TAXE; RONALD TAXE;)	[USDC 2:12-bk-51208 RN
JOHN SABA; GREGORY GRANTHAM,)	2:13-ap-01781 RN]
)	
Plaintiff,)	ORDER GRANTING MOTION TO STRIKE
)	APPELLANT RONALD TAXE'S OPENING
v.)	BRIEF AND DISMISS APPEAL
)	
CAROLYN A. DYE, CHAPTER 7)	[Dkt. No. 32]
TRUSTEE,)	
)	
Defendants.)	

Presently before the Court is trustee Caroyln A. Dye's motion to strike appellant Ronald Taxe's ("Taxe") opening brief (Dkt. No. 22) and dismiss Taxe's appeal. The motion was unopposed.

The Court granted Taxe two continuances after Taxe filed motions for extensions of time to file his opening brief. (See Dkt. Nos. 9, 14 (motions); 10, 15 (orders).) The Court in its second order granting an extension of time stated: "Because this is the second extension of time, there will be no further continuances

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cc: US Bankruptcy Court & US Trustee's Office

1 absent unusual circumstances." (Dkt. No. 15.) Appellants Taxe and
2 Kathleen Kellogg-Taxe ("Kellogg-Taxe") had filed separate motions
3 for continuances each time and the Court's second order set a
4 deadline of July 30, 2015, for both briefs. On July 30, 2015, only
5 appellant Kellogg-Taxe filed a third motion for a continuance,
6 providing the Court with reasons for the request; the trustee
7 stipulated to the continuance. (Dkt. No. 19.) The Court granted
8 this continuance, but only as to Kellogg-Taxe: "the Court hereby
9 GRANTS the Motion of Appellant Kathleen Kellogg-Taxe *only* to extend
10 the time to file *her* opening brief and record." (Dkt. No. 21
11 (emphasis added).) Taxe was not a party to the stipulation and
12 did not file a motion for a continuance. Thus, Taxe's brief was
13 due on July 30, 2015.

14 Taxe filed a over-sized brief, which was not compliant with
15 local rules, along with an appendix on August 17 and 18, 2015.
16 (Dkt. Nos. 22, 23.) Taxe's brief was not timely and provided no
17 reason for the untimeliness or other procedural problems. Most
18 importantly, there is insufficient cause to grant Taxe any further
19 continuances considering the substance of his appeal.

20 Therefore, Taxe's brief is stricken from the docket and his
21 appeal is DISMISSED with prejudice. (Dkt. Nos. 22, 23.) Trustee
22 Carolyn A. Dye's Motion to Dismiss is GRANTED. (Dkt. No. 32.)

23
24 IT IS SO ORDERED.

25
26 Dated: October 19, 2015



27 DEAN D. PREGERSON
28 United States District Judge