

JS-6

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

In re

HERMAN MUENNICHOW,

Debtor,

HELANYNE MUENNICHOW,

Appellant,

v.

DAVID SEROR,

Appellee.

Case Nos.: CV 21-07737-CJC

Bankruptcy Case Nos.: BK 17-10673-VK

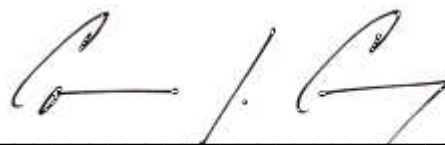
**ORDER DISMISSING APPEAL OF
BANKRUPTCY COURT'S ORDER**

Appellant Helanyne Muennichow appeals a denial from the Bankruptcy Court for the Central District of California on an application for authority to employ Caldwell Banker Residential Brokerage and Help-U-Sell Inland Valley as Real Estate Broker on

1 behalf of David Seror, the trustee, for the bankruptcy estate of Hermann Muennichow,
2 the debtor. (Dkt. 1 at 4.) On September 29, 2021, Helanyne Muennichow filed a Notice
3 of Appeal. (Dkt. 1.) That same day, the Bankruptcy Court filed a Notice Regarding
4 Appeal, explaining the deadlines and requirements for the appeal. (Dkt. 3.) As relevant
5 here, the Bankruptcy Court explained that Helanyne Muennichow “**must file . . . [a]**
6 **designation of record,**” and a “**notice regarding the ordering of transcripts**” within 14
7 days of filing the notice of appeal. (Dkt. 3 at 1 [emphases in original].) The Bankruptcy
8 Court further stated that “[t]he failure of either party to comply with time
9 requirements as stated in this notice and applicable rules may result in the dismissal
10 of the appeal.” (Dkt. 3 at 2 [emphasis in original].) The Bankruptcy Court’s notice
11 conforms to the Federal Rules of Bankruptcy Procedure, which require an appellant to
12 serve and file with their brief excerpts of the record as an appendix. Fed. R. B. Proc.
13 8009, 8018(b).

14
15 Appellant failed to file excerpts of record. This is problematic not just as a
16 technical failure to follow the rules. Absent these excerpts, the Court is unable to assess
17 the merits of the appeal. Accordingly, the Court **DISMISSES** the appeal. *See, e.g., In re*
18 *Lou*, 116 F.3d 1486 (9th Cir. 1997) (finding no abuse of discretion where district court
19 *sua sponte* dismissed appeal because party filed excerpts of record late); *Recinos v.*
20 *MorEquity, Inc.*, 2012 WL 2503960, at *2 (D. Nev. June 28, 2012) (dismissing
21 bankruptcy appeal for failure to file excerpts of record).

22
23 DATED: January 7, 2022



24
25 CORMAC J. CARNEY
26 UNITED STATES DISTRICT JUDGE
27
28