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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

TIMOTHY DAVID REYNOLDS and
FAITH DANIELLE REYNOLDS,

Appellants,

v.

FORD MOTOR CREDIT COMPANY,
LLC, and MICHAEL MEYER, CHAPTER
13 TRUSTEE,

Appellee.

CASE NO. CV F 10-1388 LJO

**ORDER TO SET
BRIEFING SCHEDULE**

On September 15, 2010, this Court ordered appellants Timothy David Reynolds and Faith Danielle Reynolds (“appellants”) to show cause why this appeal should not be dismissed for failure to prosecute the appeal. Appellants failed to comply with F.R.B.P. 8006 and , failed to file within 14 days a designation of record, statement of issues on appeal and a notice regarding the ordering of transcripts with the bankruptcy court, and failed to take any action to proceed in this case. On September 17, 2010, appellants responded to the order to show cause. Appellants explained, *inter alia*, that the necessary documents were filed on September 16, 2010 with the bankruptcy court. On September 21, 2010, the certificate of record issued. The certificate of record was issued, however, before the statutorily-mandated time frame had elapsed to allow appellee to designate its items for the record. Accordingly, the bankruptcy court filed a noticed to disregard the certificate of record on September 22, 2010.

The bankruptcy court re-issued its certificate of record on October 8, 2010. Inexplicably, neither

1 party advised the court of the certification of the record. As a result, this Court's clerk of court has not
2 issued its briefing schedule in this matter. This Court has obtained the certificate of record and
3 DIRECTS the clerk of this court to file it as of the date of this order.

4 In addition, this Court SETS the following briefing schedule:

- 5 1. Appellants' opening brief shall be filed and served no later than **November 1, 2010**;
- 6 2. Appellee's response brief shall be filed and served no later than **November 15, 2010**;
- 7 3. Appellants' reply brief, if any, shall be filed and served no later than **November 29,**
8 **2010**;
- 9 4. A hearing on the appeal is set on **December 13, 2010** at 8:30 a.m. in Courtroom 4 (LJO).

10 Because this Court has set a hearing date, appellants are not required to notify the court
11 in writing that the appeal is ready for oral argument, as directed by the briefing schedule
12 issued on September 21, 2010 (Doc. 5); however, if the appeal is **not** ready for a hearing,
13 appellants must so notify this Court in writing. The notice, which shall be filed and
14 served no later than **November 29, 2010**, shall include specific reasons why the hearing
15 should not proceed.

16
17 IT IS SO ORDERED.

18 **Dated: October 15, 2010**

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE

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