

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

<p>In re</p> <p>MORTGAGE FUND '08 LLC,</p> <p style="text-align: center;">Debtor.</p> <hr/> <p>SUSAN L. UECKER, in her capacity as Trustee of the Mortgage Fund '08 Liquidating Trust,</p> <p style="text-align: center;">Appellant,</p> <p style="text-align: center;">v.</p> <p>A VERY NICE POOL COMPANY, LTD., a California corporation,</p> <p style="text-align: center;">Appellee.</p>
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Case No. [15-cv-00077-SI](#)
Consolidated with 15-cv-251 SI and 15-cv-252 SI

**ORDER GRANTING MOTION TO
CONSOLIDATE FOR PURPOSES OF
BRIEFING AND ANY ORAL
ARGUMENT**

Re: Dkt. No. 3

Appellant Susan Uecker has filed a motion to consolidate this appeal and the related appeals in *Uecker v. Cianci*, Case No.15-cv-0251 SI, and *Uecker v. DeMarsh*, Case No. 15-cv-0252 SI, for purposes of the record on appeal, briefing and for any oral argument. Appellees in the three cases have filed responses to the motion, and they generally agree that the appeals should be consolidated.

The parties agree that there should be a single record for all three appeals, with any duplicate items omitted, that one case should be designated the lead case and that all papers should be filed in the lead case. The parties disagree whether there should be three or four briefs. The Court will adopt the appellees' proposed briefing schedule to allow the appellee in *DeMarsh* the opportunity to file a separate brief.

Accordingly, the Court GRANTS the motion and orders that there should be a single record for all three appeals, with any duplicate items omitted. The Court designates *Uecker v. A*

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Very Nice Pool Company, Ltd., Case No.15-cv-0251 SI, as the lead case, and all papers should be filed in that case. Upon the completion by the parties of the perfection of the record pursuant to BR 8006 and 8007, the Bankruptcy Court will transmit a copy of the record on appeal to this Court for docketing.

Appellant shall file a single opening brief applicable to all three cases. The appellant must serve and file the opening brief not exceeding 35 pages in length 28 days after the record on appeal has been entered on the District Court docket.

The *DeMarsh* appellee shall file an opposition brief and the *Very Nice Pool* and *Cianci* appellees shall file a separate consolidated opposition brief. The appellees must serve and file briefs not exceeding 25 pages in length 21 days after service of the opening brief.

Appellant shall file a single reply brief. Appellant must serve and file the reply brief not exceeding 20 pages in length 14 days after service of the appellees' briefs. Upon completion of the briefing, the Court will set a date for oral argument if needed; otherwise the matters will be deemed submitted for decision.

IT IS SO ORDERED.

Dated: March 31, 2015


SUSAN ILLSTON
United States District Judge