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3 IN THE UNITED STATES DISTRICT COURT  
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA

5 IN RE: CAROLINE BROWN,  
6 Debtor.

No. 11-03894 CW

ORDER REGARDING  
BANKRUPTCY APPEAL

7 \_\_\_\_\_  
8 SUMI LIM,  
9 Plaintiff/Appellant,

10 v.

11 CAROLINE BROWN,  
12 Defendant/Appellee.  
13 \_\_\_\_\_/

14 On October 5, 2011, the Court granted Appellant Sumi Lim  
15 fourteen additional days in which to file her opening brief, which  
16 was due on October 19, 2011. On October 18, 2011, Appellant filed  
17 a document entitled, "Bankruptcy Court Prohibits the Continuation  
18 of This Case," in which she indicates that Debtor/Appellee Caroline  
19 Brown received a discharge in her bankruptcy case and, as a result,  
20 Appellant cannot continue this appeal. Appellant indicates that  
21 she will cease to litigate this case.

22 The Court knows of no rule that prevents an appeal of an  
23 adversary proceeding after the debtor has received a discharge in  
24 the underlying bankruptcy case. However, if the appellant does not  
25 seek and obtain a stay pending appeal, the appeal may be moot. See  
26 Fed. Rules Bankr. Proc. 8005. Furthermore, the Court notes that  
27 Federal Rule of Bankruptcy Procedure 8006 requires that the record  
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1 on appeal include the judgment, order or decree appealed from, and  
2 any opinion, findings of fact and conclusions of law of the court.  
3 Furthermore, Bankruptcy Local Rule 8007-1 requires that the record  
4 on appeal include a transcript of the hearing of the bankruptcy  
5 court at which the court made findings of fact and conclusions of  
6 law. The record on appeal designated by Appellant includes the  
7 bankruptcy court's August 11, 2011 Order Re: Plaintiff's Motion to  
8 Correct Clerical Error in June 30, 2011 Order. The record does not  
9 contain the opinion or findings of fact and conclusions of law of  
10 the bankruptcy court or the transcript of the relevant hearing.

11 In light of the above, if Appellant wishes to proceed with her  
12 appeal, within seven days from the date of this order, she must  
13 file with the Court a declaration to that effect. If she fails to  
14 file a declaration within this time period, her appeal will be  
15 dismissed for failure to prosecute. If she timely notifies the  
16 Court that she wishes to proceed with her appeal, she must perfect  
17 the record and file her opening brief within twenty-one days from  
18 the date of this order.

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IT IS SO ORDERED.

Dated: 10/24/2011

  
\_\_\_\_\_  
CLAUDIA WILKEN  
United States District Judge

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 RE:CAROLINE BROWN,

Case Number: CV11-03894 CW

5 Plaintiff,

**CERTIFICATE OF SERVICE**

6 v.

7 RE:CAROLINE BROWN et al,

8 Defendant.

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9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,  
10 Northern District of California.

11 That on October 24, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said  
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said  
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located  
14 in the Clerk's office.

15 USBC Manager-San Francisco  
16 United States Bankruptcy Court  
17 235 Pine Street  
18 P.O. Box 7341  
19 San Francisco, CA 94120-7341

20 Sumi Lim  
21 1815 Spruce St. #203  
22 Berkeley, CA 94709

23 Thomas E. Carlson  
24 U.S. Bankruptcy Court  
25 235 Pine Street  
26 P.O. Box 7341  
27 San Francisco, CA 94120-7341

28 Dated: October 24, 2011

Richard W. Wieking, Clerk  
By: Nikki Riley, Deputy Clerk