

United States District Court
For the Northern District of California

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E-filed on: 3/6/2009

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re: WCH, Inc.,
dba WINCHESTER CONVALESCENT
HOSPITAL,
dba SAN JOSE SUBACUTE CARE,

Debtor.

No. C-08-05331 RMW
ORDER TO SHOW CAUSE

WCH, Inc., *dba* WINCHESTER
CONVALESCENT HOSPITAL, *dba* SAN
JOSE SUBACUTE CARE,

Appellant,

v.

FREDERICK S. WYLE, Chapter 11 Trustee,

Appellee.

On November 25, 2008, the court received WCH's notice of appeal from the bankruptcy court's order approving the trustee's sale of substantially all of the estate's assets. *See* Docket No. 3. On December 5, 2008, the trustee Wyle counter-designated portions of the record for appeal. Docket No. 1; *but see* Docket No. 5 (Feb. 11, 2009) (which appears to be a duplicate of docket entry no. 1). WCH has not filed an opening brief.

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No. C-08-05331 RMW
TSF

1 As the confused order of the docket entries indicate, the court cannot clearly discern the
2 status of WCH's appeal. Pursuant to Bankruptcy Local Rule 8010-1(a)(1), WCH should have filed
3 its opening brief within 30 days of the docketing of its appeal, i.e., in December of 2008.

4 Accordingly, the court enters the following order:

- 5 1. WCH shall file its opening brief by March 13, 2009 and further briefing shall be filed
6 pursuant to Bankruptcy Local Rule 8010-1(a); or
- 7 2. WCH shall show cause why it should not be required to file its opening brief by
8 March 13, 2009.

9 A failure by WCH to file its opening brief by March 13 or show cause why its brief should
10 not be filed by that date will result in the court issuing an order to show cause why the appeal should
11 not be dismissed for want of prosecution.

12
13 DATED: 2/27/2009



RONALD M. WHYTE
United States District Judge

