

E-filed on: 03/20/09

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.

ORDER TO SHOW CAUSE  
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TSF

1 On March 6, 2009, the court issued an order setting a deadline for WCH to file its opening  
2 brief or to show cause why it could not do so by the deadline. WCH did not file a response to the  
3 order to show cause. Accordingly, the court issues this second order to show cause as to why  
4 WCH's appeal should not be dismissed for want of prosecution. WCH must file its response by  
5 March 27, 2009. A failure by WCH to file a response to this order by March 27 will result in the  
6 court dismissing WCH's appeal for want of prosecution.

7  
8 DATED: 03/17/09

  
RONALD M. WHYTE  
United States District Judge

1 **Notice of this document has been electronically sent to:**

2 **Counsel for HCW:**

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7 Counsel are responsible for distributing copies of this document to co-counsel that have not  
8 registered for e-filing under the court's CM/ECF program.

9 **Notice of this document has been mailed to:**

10 **USBC Manager – San Jose**

11 USBC Manager-San Jose  
12 US Bankruptcy Court  
13 280 South First Street  
14 Room 3035  
15 San Jose, CA 95113

14 **Honorable Marilyn Morgan**

15 Marilyn Morgan  
16 U.S. Bankruptcy Court  
17 280 South First Street  
18 Room 3035  
19 San Jose, CA 95113

19 **Dated:**      03/20/09

20 JAS  
21 **Chambers of Judge Whyte**