

United States District Court
For the Northern District of California

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E-FILED on 7/2/10

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

JACQUELINE C. MELCHER,
Appellant,
v.
JOHN W. RICHARDSON,
Appellee.

No. C-10-01856 RMW

ORDER TO DESIGNATE THE RECORD
AND STATE ISSUES TO BE PRESENTED

Appellant filed a notice of appeal on April 14, 2010. The bankruptcy appeal was transferred to this court on April 29, 2010. Pursuant to Federal Rule of Bankruptcy Procedure 8006, appellant was required to filed with the clerk of the Bankruptcy Court and serve on the appellee a designation of the items to be included in the record on appeal and a statement of issues to be presented within 14 days of filing the notice of appeal. Appellant has failed to do so. Consequently, on June 1, 2010, the court issued an order to show cause why the case should not be dismissed for lack of prosecution.

Appellant claims that she did not receive notice that the appeal had been transferred to this court and thus did not know whether her appeal was being heard at the Bankruptcy Appellate Panel or at the district court.¹ However, regardless of whether the appeal is to be heard by the Bankruptcy


¹ The court therefore attaches the notice of filing transfer of appeal to district court, which was filed on April 30, 2010, to this order.

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Appellate Panel or by this court, appellant was required to file a designation of the record with the clerk of the Bankruptcy Court within 14 days after filing the notice of appeal.

The court hereby orders appellant to file with the clerk of the Bankruptcy Court and serve on appellee a designation of the items to be included in the record on appeal and a statement of the issues to be presented no later than July 16, 2010. Further failures to comply with time limits or other rules of court may well result in dismissal of the case. Appellant has a responsibility to inform herself as to the requirements for perfecting the record and pursuing her appeal.

DATED: 7/2/10



RONALD M. WHYTE
United States District Judge

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3

4 Jacqueline C. Melcher

No. C-10-01856 RMW

5 Appellant,

6 v.

7 John W. Richardson

8 Appellee.
9 _____/

10 RE: Jacqueline C. Melcher aka Jacqueline Carlin

11 Bankruptcy Case: 01-53251

12 Adversary No.:

13 BAP No.: NC-10-1136

14 Appellant: Jacqueline C. Melcher aka Jacqueline Carlin
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16 This Court has received a copy of the Notice of Appeal and objection to referral to the
17 Bankruptcy Appellate Panel.

18 The appeal has been assigned the following case number, C-10-01856 RMW before the
19 Honorable Ronald M. Whyte.

20 Upon the completion by parties of the perfection of the record pursuant to BR 8006 and
21 8007, the Bankruptcy Court will transmit a copy of the record on appeal to this court for docketing.
22

23 Pursuant to Fed. R. Bankr. P. 8010 and B.L.R. 8010-1, the appellant must serve and file a
24 brief not exceeding 25 pages in length 30 days after the record on appeal has been entered on the
25 District Court docket.

26 The appellee must serve and file a brief not exceeding 25 pages in length 20 days after
27 service of appellant's brief. If the appellee has filed a cross-appeal, the brief of appellee must
28 contain the issues and argument pertinent to the cross-appeal, denominated as such.

