

Under Fed. R. Bankr. P. 8018(b)(1), “the appellant must serve and file with [his] principal brief excerpts of the record as an appendix” That rule also specifies what the appendix must contain, and subsection (c) explains the appropriate format. Fed. R. Bankr. P. 8018(c). Rule 8014, which governs parties’ briefs, requires that an appellant’s argument section “contain . . . citations to the authorities and parts of the record on which the appellant relies.” Fed. R. Bankr. P. 8014(a)(8).

Spenlinhauer’s opening brief does not cite to the bankruptcy record, nor is it accompanied by an appendix that contains relevant parts of the record. Accordingly, appellee’s emergency motion to strike Spenlinhauer’s opening brief is GRANTED.

It is hereby ORDERED that appellant Robert Spenlinhauer file an amended opening brief and appendix that complies with all federal and local rules by June 27, 2016. In accordance with Fed. R. Bankr. P. 8018, appellee shall file his opposition brief within thirty days after receiving service of appellant’s amended opening brief, or by July 27, 2016. Appellant shall file any reply brief by August 10, 2016. A formal scheduling order and hearing notice will follow.

So Ordered.

Dated: June 16, 2016

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge