UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

)
In re ROBERT J. SPENLINHAUER,)
individually and as trustee and)
beneficiary of RJS REALTY TRUST,) Chapter 11
C.C. CANAL REALTY TRUST, and) 13-17191-JNF
CLASSIC AUTO REALTY TRUST,)
CLASSIC AUTO REALTT TRUST,)
Debter)
Debtor.)
)
)
ROBERT J. SPENLINHAUER,)
)
Appellant,	
) Bankruptcy Appeal No.
v.) 15-14223-FDS
)
WILLIAM K. HARRINGTON,)
United States Trustee for Region 1)
)
Appellee.)
)

ORDER ON APPELLEE'S MOTION TO STRIKE

SAYLOR, J.

This is an appeal from an order of the United States Bankruptcy Court for the District of Massachusetts. Debtor-appellant Robert Spenlinhauer has appealed the Bankruptcy Court's decision to appoint William K. Harrington as a Chapter 11 Trustee.

On June 14, 2016, Spenlinhauer filed his opening brief. The brief does not cite to the bankruptcy record, nor is it accompanied by an appendix containing relevant excerpts of the record. Appellee has moved to strike Spenlinhauer's opening brief for failure to comply with Fed. R. Bankr. P. 8014 and 8018. In accordance with Fed. R. Bankr. P. 8013, appellee requested expedited review of his motion.

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.

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

Dated: June 16, 2016