

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF PUERTO RICO

3 NOREEN WISCOVITCH-RENTAS,

4  
5 Appellant,

6 v.

7 PHARMACEUTICAL PROCESSES,

8  
9 Appellee.

Civil Nos. 08-1738 (JAF)  
08-1739 (JAF)

10 **ORDER**

11 On June 7, 2008, Appellant Noreen Wiscovitch-Rentas, the Chapter  
12 7 trustee of Debtor Maxon Engineering, filed notices of appeal of the  
13 judgment issued by the United States Bankruptcy Court dismissing  
14 adversary proceedings against consolidated Appellees Pharmaceutical  
15 Processes and José Camuy. Case No. 08-1738, Docket No. 1; Case  
16 No. 08-1739, Docket No. 1. On October 9, 2008, Appellant filed a  
17 motion to consolidate several related bankruptcy cases pending on  
18 appeal, and an extension of time to file the appellate brief. Case  
19 No. 08-1738, Docket No. 2. We consolidated the two cases pending  
20 before this court, 08-1738 and 08-1739, on October 27, 2008. Case  
21 No. 08-1738, Docket No. 3. On November 17, 2008, Appellant filed her  
22 appellate brief. Case No. 08-1738, Docket No. 4.

23 On December 17, 2008, we issued an order to show cause as to why  
24 we should not dismiss the appeal for failure to timely file an

1 appellate brief. Case No. 08-1738, Docket No. 6. Appellant responded  
2 on December 19, 2008. Case No. 08-1738, Docket No. 7.

3 Federal Rule of Bankruptcy Procedure 8009(a) provides that  
4 “[u]nless the district court . . . excuses the filing of briefs or  
5 specifies different time limits, [t]he appellant shall serve and file  
6 a brief within 15 days after entry of the appeal.” We may dismiss an  
7 appeal for failure to file a brief or request an extension within the  
8 time allotted by Rule 8009(a). Rodríguez-Quesada v. U.S. Trustee, 222  
9 B.R. 193, 199 (D.P.R. 1998); see Case No. 08-1733, Docket No. 13.  
10 Appellant filed her request for an extension of time three months  
11 after the entry of the appeal and filed her appellate brief more than  
12 four months after the entry of the appeal. Appellant has not provided  
13 adequate reasons for her tardiness. Accordingly, we find the appeal  
14 untimely.

15 We note that were we to rule on the merits of this case, we  
16 would adopt the opinion and order entered by the district court in  
17 08-1740, mutatis mutandis, affirming the decision of the bankruptcy  
18 court in the related case. See Case No. 08-1740, Docket No. 8.

19 For the reasons stated herein, we **DISMISS** Appellant’s appeals in  
20 Case Nos. 08-1738 and 08-1739 **WITH PREJUDICE**.

21 **IT IS SO ORDERED.**

22 San Juan, Puerto Rico, this 11<sup>th</sup> day of March, 2009.

23 s/José Antonio Fusté  
24 JOSE ANTONIO FUSTE  
25 Chief U.S. District Judge