

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
www.flsb.uscourts.gov

CLERK'S INSTRUCTIONS FOR APPEALS

1. All notices of appeal filed in the Bankruptcy Court under Federal Rule of Bankruptcy Procedure 8003 and 8004 shall be transmitted promptly to the Clerk of the District Court for docketing and the opening of a new civil case [See U.S. District Court Local Rule 87.4]. Within 14 days after filing the notice of appeal or entry of an order disposing of the last timely motion of a type specified in Bankruptcy Rule 8002(b) (whichever is later), or entry of an order by the District Court granting leave to appeal, the appellant shall file with the clerk of the bankruptcy court a designation of the items to be included in the record on appeal and a statement of issues to be presented (Bankruptcy Rule 8009). **Failure to timely file this designation and statement of issues may result in dismissal of the appeal pursuant to this court's Local Rule 8009-1(A) and Local Rule 87.4(c), United States District Court, Southern District of Florida.** The designation shall include the title and docket number of each paper designated.

2. Within 14 days after the service of the designation and the statement of issues of the appellant the appellee may file and serve on the appellant a designation of additional items to be included in the record on appeal, and if the appellee has filed a cross appeal, the appellee as cross appellant shall file and serve a statement of issues to be presented on the cross appeal, and a designation of additional items to be included in the record. The appellee's designation shall include the title and docket number of each additional item designated.

3. If any transcripts of untranscribed proceedings are designated by a party, that party shall immediately, upon the filing of the designation, order the transcript(s) from the court reporter and make satisfactory arrangements for payment of its costs. All transcript orders must be made on the local form "Transcript Request Form" enclosed for this purpose, and a copy filed with the clerk at the time of filing the designation (Bankruptcy Rule 8009). On receipt of a request for a transcript, the reporter shall complete the Reporter's Acknowledgment and file a copy with the clerk (Bankruptcy Rule 8010). [See also "Guidelines on Electronic Availability of Transcripts and Procedures for Transcript Redaction."]

4. If a document is placed under seal by the bankruptcy court, it may still be designated as part of the record on appeal. The party must identify the document without revealing confidential or secret information, but the bankruptcy clerk must not transmit it to the clerk of court where the appeal is pending as part of the record. In accordance with Bankruptcy Rule 8009(f) Sealed Documents, the party must file a motion with the court where the appeal is pending to accept the document under seal. If the motion is granted the movant must notify the bankruptcy court of the ruling, and then the bankruptcy clerk will promptly transmit the sealed document to the clerk of the court where the appeal is pending.

5. When the record is complete for purposes of the appeal, the bankruptcy clerk will electronically transmit the record to the clerk of the district court. Once the record has been transmitted to the district court, any subsequently filed document relating to the appeal must be filed in the district court.

6. Motions For Leave To Appeal (Bankruptcy Rule 8004). The clerk will electronically transmit the motion, notice of appeal and any answer to the clerk of the district court as soon as all parties have filed answers or the time for filing an answer has expired. The designation and statement of the issues should not be filed with the clerk of the bankruptcy court as required under Bankruptcy Rule 8009, until entry of an order by the district court granting leave to appeal (Local Rule 8004-1).