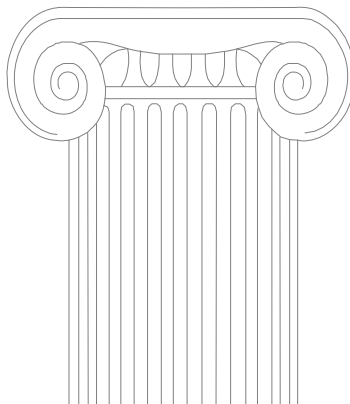


UNITED STATES  
BANKRUPTCY APPELLATE PANEL  
OF THE TENTH CIRCUIT  
LOCAL RULES

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PROPOSED REVISIONS  
JANUARY 28, 2010

WITH PART VIII OF THE  
FEDERAL RULES OF BANKRUPTCY PROCEDURE  
AS OF MARCH 1, 2002





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**PART VIII, FEDERAL RULES OF BANKRUPTCY PROCEDURE  
WITH THE LOCAL RULES OF THE  
UNITED STATES BANKRUPTCY APPELLATE PANEL  
OF THE TENTH CIRCUIT**

**Rule 8001. Manner of Taking Appeal; Voluntary Dismissal; Certification to Court of Appeals**

**(a) Appeal as of right; how taken**

An appeal from a judgment, order, or decree of a bankruptcy judge to a district court or bankruptcy appellate panel as permitted by 28 U.S.C. § 158(a)(1) or (a)(2) shall be taken by filing a notice of appeal with the clerk within the time allowed by Rule 8002. An appellant's failure to take any step other than timely filing a notice of appeal does not affect the validity of the appeal, but is ground only for such action as the district court or bankruptcy appellate panel deems appropriate, which may include dismissal of the appeal. The notice of appeal shall (1) conform substantially to the appropriate Official Form, (2) contain the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their respective attorneys, and (3) be accompanied by the prescribed fee. Each appellant shall file a sufficient number of copies of the notice of appeal to enable the clerk to comply promptly with Rule 8004.

**(b) Appeal by leave; how taken**

An appeal from an interlocutory judgment, order, or decree of a bankruptcy judge as permitted by 28 U.S.C. § 158(a)(3) shall be taken by filing a notice of appeal, as prescribed in subdivision (a) of this rule, accompanied by a motion for leave to appeal prepared in accordance with Rule 8003 and with proof of service in accordance with Rule 8008.

**(c) Voluntary dismissal**

**(1) Before docketing**

If an appeal has not been docketed, the appeal may be dismissed by the bankruptcy judge on the filing of a stipulation for dismissal signed by all the parties, or on motion and notice by the appellant.

**(2) After docketing**

If an appeal has been docketed and the parties to the appeal sign and file with the clerk of the district court or the clerk of the bankruptcy appellate panel an agreement that the appeal be dismissed and pay any court costs or fees that may be due, the clerk of the district court or the clerk of the bankruptcy appellate panel shall enter an order dismissing the appeal. An appeal may also be dismissed on motion of the appellant on terms and conditions fixed by the district court or bankruptcy appellate panel.

**(d) [Abrogated]**

**(e) Election to have appeal heard by district court instead of bankruptcy appellate panel; withdrawal of election**

**(1) Separate writing for election**

An election to have an appeal heard by the district court under 28 U.S.C. § 158(c)(1) may be made only by a statement of election contained in a separate writing filed within the time prescribed by 28 U.S.C. § 158(c)(1).

**(2) Withdrawal of election**

A request to withdraw the election may be filed only by written stipulation of all the parties to the appeal or their attorneys of record. Upon such a stipulation, the district court may either transfer the appeal to the bankruptcy appellate panel or retain the appeal in the district court.

**(f) Certification for direct appeal to court of appeals**

**(1) Timely appeal required**

A certification of a judgment, order, or decree of a bankruptcy court to a court of appeals under 28 U.S.C. § 158(d)(2) shall not be effective until a timely appeal has been taken in the manner required by subdivisions (a) or (b) of this rule and the notice of appeal has become effective under Rule 8002.

**(2) Court where certification made and filed**

A certification that a circumstance specified in 28 U.S.C. § 158(d)(2)(A)(i)-(iii) exists shall be filed in the court in which a matter is pending for purposes of 28 U.S.C. § 158(d)(2) and this rule. A matter is pending in a bankruptcy court until the docketing, in accordance with Rule 8007(b), of an appeal taken under 28

U.S.C. § 158(a)(1) or (2), or the grant of leave to appeal under 28 U.S.C. § 158(a)(3). A matter is pending in a district court or bankruptcy appellate panel after the docketing, in accordance with Rule 8007(b), of an appeal taken under 28 U.S.C. § 158(a)(1) or (2), or the grant of leave to appeal under 28 U.S.C. § 158(a)(3).

**(A) Certification by court on request or court's own initiative**

(i) Before docketing or grant of leave to appeal. Only a bankruptcy court may make a certification on request or on its own initiative while the matter is pending in the bankruptcy court.

(ii) After docketing or grant of leave to appeal. Only the district court or bankruptcy appellate panel involved may make a certification on request of the parties or on its own initiative while the matter is pending in the district court or bankruptcy appellate panel.

**(B) Certification by all appellants and appellees acting jointly**

A certification by all the appellants and appellees, if any, acting jointly may be made by filing the appropriate Official Form with the clerk of the court in which the matter is pending. The certification may be accompanied by a short statement of the basis for the certification, which may include the information listed in subdivision (f)(3)(C) of this rule.

**(3) Request for certification; filing; service; contents**

**(A)** A request for certification shall be filed, within the time specified by 28 U.S.C. § 158(d)(2), with the clerk of the court in which the matter is pending.

**(B)** Notice of the filing of a request for certification shall be served in the manner required for service of a notice of appeal under Rule 8004.

**(C) A request for certification shall include the following:**

**(i)** the facts necessary to understand the question presented;

**(ii)** the question itself;

(iii) the relief sought;

(iv) the reasons why the appeal should be allowed and is authorized by statute or rule, including why a circumstance specified in 28 U.S.C. § 158(d)(2)(A)(i)-(iii) exists; and

(v) an attached copy of the judgment, order, or decree complained of and any related opinion or memorandum.

(D) A party may file a response to a request for certification or a cross request within 14 days after the notice of the request is served, or another time fixed by the court.

(E) Rule 9014 does not govern a request, cross request, or any response. The matter shall be submitted without oral argument unless the court otherwise directs.

(F) A certification of an appeal under 28 U.S.C. § 158(d)(2) shall be made in a separate document served on the parties.

#### **(4) Certification on court's own initiative**

(A) A certification of an appeal on the court's own initiative under 28 U.S.C. § 158(d)(2) shall be made in a separate document served on the parties in the manner required for service of a notice of appeal under Rule 8004. The certification shall be accompanied by an opinion or memorandum that contains the information required by subdivision (f)(3)(C)(i)-(iv) of this rule.

(B) A party may file a supplementary short statement of the basis for certification within 14 days after the certification.

#### **(5) Duties of parties after certification**

A petition for permission to appeal in accordance with F. R. App. P. 5 shall be filed no later than 30 days after a certification has become effective as provided in subdivision (f)(1).

#### ***L. R. 8001-1. Separate Notices of Appeal Required***

*A separate notice of appeal, together with the prescribed fee, is required*

*with respect to each order being appealed. A party may not seek review of multiple orders using a single notice of appeal.*

***L. R. 8001-2. Entry of Appearance, Statement of Interested Parties, and Statement Regarding Oral Argument, One Document***

*Within 14 days after the date of the notice that the appeal has been docketed with this court, counsel for each party, or a pro se party, must file the following with this court:*

- (a) *Entry of Appearance.*** *The Entry of Appearance (“Appearance”) must contain the filer’s name, address, telephone and facsimile numbers, and e-mail address. Attorneys whose names subsequently appear on filed papers must also file an Appearance.*

  - (1) *Deemed Appearance.*** *While the court requires an Appearance from all attorneys in the appeal, attorneys who authorize their names to appear on filed papers are deemed to have entered an Appearance.*
  - (2) *Withdrawal.*** *An attorney who has entered an Appearance may not withdraw without leave of court.*
  
- (b) *Statement of Interested Parties.*** *All parties, other than governmental parties, must file a Statement of Interested Parties (“Statement”) disclosing by name any interested party who is not listed in the notice of appeal. If there is none, a statement to that effect must be filed.*

  - (1) *Interested Party.*** *The term “interested party” includes all persons, associations, firms, partnerships, corporations, guarantors, insurers, affiliates, or other legal entities that are financially interested in the outcome of the appeal.*

- (2) **Corporations.** *When a corporation is a party to an appeal, the Statement must identify any parent corporation and any publicly held corporation that owns, directly or indirectly, 10% or more of the equity interest in the corporation. If there are none, a statement to that effect must be filed.*
- (3) **Prior Attorneys.** *The Statement must include the names of attorneys who have previously appeared for a party in the case or proceeding below but who have not entered an appearance in this court.*
- (4) **Obligation to Amend.** *A party who learns that an otherwise undisclosed party is an interested party must immediately file an amended Statement.*
- (c) **Statement Regarding Oral Argument.** *The Statement Regarding Oral Argument must indicate whether the party is requesting oral argument. A party may amend its request no later than the filing of its initial brief.*
- (d) **One Document.** *The Entry of Appearance, Statement of Interested Parties, and Statement Regarding Oral Argument may be combined into one document.*

***L. R. 8001-3. Statement of Election***

*An appellant's statement of election to have its appeal heard in the district court under 28 U.S.C. § 158(c)(1)(A) and Fed. R. Bankr. P. 8001(e) must be filed with the bankruptcy court. Any other party electing to have the appeal heard in the district court under 28 U.S.C. § 158(c)(1)(B) must file its statement of election with this court. A cross-appellant seeking to have its appeal and the appellant's appeal heard in the district court must file a separate statement of election in each appeal.*

***L. R. 8001-4. Payment of Fees to Bankruptcy Court***

*Fees prescribed by the Miscellaneous Fee Schedule issued in accordance with 28 U.S.C. § 1930 must be paid to the bankruptcy court.*

***L. R. 8001-5. Proceedings In Forma Pauperis, Fee Waiver***

*A motion to proceed in forma pauperis or to waive the fee must be filed with the bankruptcy court.*

**Rule 8002. Time for Filing Notice of Appeal**

**(a) Fourteen-day period**

The notice of appeal shall be filed with the clerk within 14 days of the date of the entry of the judgment, order, or decree appealed from. If a timely notice of appeal is filed by a party, any other party may file a notice of appeal within 14 days of the date on which the first notice of appeal was filed, or within the time otherwise prescribed by this rule, whichever period last expires. A notice of appeal filed after the announcement of a decision or order but before entry of the judgment, order, or decree shall be treated as filed after such entry and on the day thereof. If a notice of appeal is mistakenly filed with the district court or the bankruptcy appellate panel, the clerk of the district court or the clerk of the bankruptcy appellate panel shall note thereon the date on which it was received and transmit it to the clerk and it shall be deemed filed with the clerk on the date so noted.

**(b) Effect of motion on time for appeal**

If any party makes a timely motion of a type specified immediately below, the time for appeal for all parties runs from the entry of the order disposing of the last such motion outstanding. This provision applies to a timely motion:

- (1) to amend or make additional findings of fact under Rule 7052, whether or not granting the motion would alter the judgment;
- (2) to alter or amend the judgment under Rule 9023;
- (3) for a new trial under Rule 9023; or
- (4) for relief under Rule 9024 if the motion is filed no later than 10 days after the entry of judgment. A notice of appeal filed after announcement or entry of the judgment, order, or decree but before disposition of any of the above motions is ineffective to appeal from the judgment, order, or decree, or part thereof, specified in the notice of appeal, until the entry of the order disposing of the last such motion outstanding. Appellate review of an order disposing of any of the above motions requires the party, in compliance with Rule 8001, to amend a previously filed notice of appeal. A party intending to challenge an alteration or amendment of the judgment, order, or decree shall file a notice, or an amended notice, of

appeal within the time prescribed by this Rule 8002 measured from the entry of the order disposing of the last such motion outstanding. No additional fees will be required for filing an amended notice.

**(c) Extension of time for appeal**

(1) The bankruptcy judge may extend the time for filing the notice of appeal by any party, unless the judgment, order, or decree appealed from:

(A) grants relief from an automatic stay under § 362, § 922, § 1201, or § 1301;

(B) authorizes the sale or lease of property or the use of cash collateral under § 363;

(C) authorizes the obtaining of credit under § 364;

(D) authorizes the assumption or assignment of an executory contract or unexpired lease under § 365;

(E) approves a disclosure statement under § 1125; or

(F) confirms a plan under § 943, § 1129, § 1225, or § 1325 of the Code.

(2) A request to extend the time for filing a notice of appeal must be made by written motion filed before the time for filing a notice of appeal has expired, except that such a motion filed not later than 21 days after the expiration of the time for filing a notice of appeal may be granted upon a showing of excusable neglect. An extension of time for filing a notice of appeal may not exceed 14 days from the expiration of the time for filing a notice of appeal otherwise prescribed by this rule or 10 days from the date of entry of the order granting the motion, whichever is later.

**(d) Requirement of leave to appeal**

If leave to appeal is required by 28 U.S.C. § 158(a) and has not earlier been granted, the authorization of a direct appeal by a court of appeals under 28 U.S.C. § 158(d)(2) shall be deemed to satisfy the requirement for leave to appeal.

## **Rule 8003. Leave to Appeal**

### **(a) Content of motion; answer**

A motion for leave to appeal under 28 U.S.C. § 158(a) shall contain: (1) a statement of the facts necessary to an understanding of the questions to be presented by the appeal; (2) a statement of those questions and of the relief sought; (3) a statement of the reasons why an appeal should be granted; and (4) a copy of the judgment, order, or decree complained of and of any opinion or memorandum relating thereto. Within 14 days after service of the motion, an adverse party may file with the clerk an answer in opposition.

### **(b) Transmittal; determination of motion**

The clerk shall transmit the notice of appeal, the motion for leave to appeal and any answer thereto to the clerk of the district court or the clerk of the bankruptcy appellate panel as soon as all parties have filed answers or the time for filing an answer has expired. The motion and answer shall be submitted without oral argument unless otherwise ordered.

### **(c) Appeal improperly taken regarded as a motion for leave to appeal**

If a required motion for leave to appeal is not filed, but a notice of appeal is timely filed, the district court or bankruptcy appellate panel may grant leave to appeal or direct that a motion for leave to appeal be filed. The district court or the bankruptcy appellate panel may also deny leave to appeal but in so doing shall consider the notice of appeal as a motion for leave to appeal. Unless an order directing that a motion for leave to appeal be filed provides otherwise, the motion shall be filed within 14 days of entry of the order.

### **(d) Requirement of leave to appeal**

If leave to appeal is required by 28 U.S.C. § 158(a) and has not earlier been granted, the authorization of a direct appeal by a court of appeals under 28 U.S.C. § 158(d)(2) shall be deemed to satisfy the requirement for leave to appeal.

#### ***L. R. 8003-1. Transmittal of Motion for Leave to Appeal and Notice of Appeal***

*Immediately after a motion for leave to appeal and notice of appeal are filed, the bankruptcy court clerk must notify the bankruptcy appellate panel clerk of the filing. Any answer to a motion for leave to appeal must be filed with this court.*

#### **Rule 8004. Service of the Notice of Appeal**

The clerk shall serve notice of the filing of a notice of appeal by mailing a copy thereof to counsel of record of each party other than the appellant or, if a party is not represented by counsel, to the party's last known address. Failure to serve notice shall not affect the validity of the appeal. The clerk shall note on each copy served the date of the filing of the notice of appeal and shall note in the docket the names of the parties to whom copies are mailed and the date of the mailing. The clerk shall forthwith transmit to the United States trustee a copy of the notice of appeal, but failure to transmit such notice shall not affect the validity of the appeal.

#### **Rule 8005. Stay Pending Appeal**

A motion for a stay of the judgment, order, or decree of a bankruptcy judge, for approval of a supersedeas bond, or for other relief pending appeal must ordinarily be presented to the bankruptcy judge in the first instance. Notwithstanding Rule 7062 but subject to the power of the district court and the bankruptcy appellate panel reserved hereinafter, the bankruptcy judge may suspend or order the continuation of other proceedings in the case under the Code or make any other appropriate order during the pendency of an appeal on such terms as will protect the rights of all parties in interest. A motion for such relief, or for modification or termination of relief granted by a bankruptcy judge, may be made to the district court or the bankruptcy appellate panel, but the motion shall show why the relief, modification, or termination was not obtained from the bankruptcy judge. The district court or the bankruptcy appellate panel may condition the relief it grants under this rule on the filing of a bond or other appropriate security with the bankruptcy court. When an appeal is taken by a trustee, a bond or other appropriate security may be required, but when an appeal is taken by the United States or an officer or agency thereof or by direction of any department of the Government of the United States a bond or other security shall not be required.

##### ***L. R. 8005-1. Stay Pending Appeal***

- (a) *Motion.*** *A motion for stay pending appeal under Fed. R. Bankr. P. 8005 must state whether the motion was first presented to the bankruptcy court; if not, the motion must explain why it was not so presented.*
  
- (b) *Appendix.*** *The motion must be accompanied by an appendix containing the following:*

- (1) *a copy of the bankruptcy court's order denying a motion for stay or a copy of the transcript of the bankruptcy court's hearing on the motion, unless the motion was not first presented to the bankruptcy court; and*
  - (2) *a copy of any document filed in the bankruptcy court that is needed to decide the motion.*
- (c) ***Emergency Motion.*** *If the motion is an emergency motion, the moving party must also comply with Fed. R. Bankr. P. 8011(d) and 10th Cir. BAP L.R. 8011-1.*

### **Rule 8006. Record and Issues on Appeal**

Within 14 days after filing the notice of appeal as provided by Rule 8001(a), entry of an order granting leave to appeal, or entry of an order disposing of the last timely motion outstanding of a type specified in Rule 8002(b), whichever is later, the appellant shall file with the clerk and serve on the appellee a designation of the items to be included in the record on appeal and a statement of the issues to be presented. Within 14 days after the service of the appellant's statement 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 the issues to be presented on the cross appeal and a designation of additional items to be included in the record. A cross appellee may, within 14 days of service of the cross appellant's statement, file and serve on the cross appellant a designation of additional items to be included in the record. The record on appeal shall include the items so designated by the parties, the notice of appeal, the judgment, order, or decree appealed from, and any opinion, findings of fact, and conclusions of law of the court. Any party filing a designation of the items to be included in the record shall provide to the clerk a copy of the items designated or, if the party fails to provide the copy, the clerk shall prepare the copy at the party's expense. If the record designated by any party includes a transcript of any proceeding or a part thereof, the party shall, immediately after filing the designation, deliver to the reporter and file with the clerk a written request for the transcript and make satisfactory arrangements for payment of its cost. All parties shall take any other action necessary to enable the clerk to assemble and transmit the record.

#### ***L. R. 8006-1. Record on Appeal***

*Once a party has designated the record on appeal in accordance with Fed R. Bankr. P. 8006, the party should not provide copies of the designated items to the bankruptcy court. The record must be brought before this court*

*by the parties in the appendices as required by Fed. R. Bankr. P. 8009(b) and 10th Cir. BAP L. R. 8009-1(b).*

**Rule 8007. Completion and Transmission of the Record; Docketing of the Appeal**

**(a) Duty of reporter to prepare and file transcript**

On receipt of a request for a transcript, the reporter shall acknowledge on the request the date it was received and the date on which the reporter expects to have the transcript completed and shall transmit the request, so endorsed, to the clerk or the clerk of the bankruptcy appellate panel. On completion of the transcript the reporter shall file it with the clerk and, if appropriate, notify the clerk of the bankruptcy appellate panel. If the transcript cannot be completed within 30 days of receipt of the request the reporter shall seek an extension of time from the clerk or the clerk of the bankruptcy appellate panel and the action of the clerk shall be entered in the docket and the parties notified. If the reporter does not file the transcript within the time allowed, the clerk or the clerk of the bankruptcy appellate panel shall notify the bankruptcy judge.

**(b) Duty of clerk to transmit copy of record; docketing of appeal**

When the record is complete for purposes of appeal, the clerk shall transmit a copy thereof forthwith to the clerk of the district court or the clerk of the bankruptcy appellate panel. On receipt of the transmission the clerk of the district court or the clerk of the bankruptcy appellate panel shall enter the appeal in the docket and give notice promptly to all parties to the judgment, order, or decree appealed from of the date on which the appeal was docketed. If the bankruptcy appellate panel directs that additional copies of the record be furnished, the clerk of the bankruptcy appellate panel shall notify the appellant and, if the appellant fails to provide the copies, the clerk shall prepare the copies at the expense of the appellant.

**(c) Record for preliminary hearing**

If prior to the time the record is transmitted a party moves in the district court or before the bankruptcy appellate panel for dismissal, for a stay pending appeal, for additional security on the bond on appeal or on a supersedeas bond, or for any intermediate order, the clerk at the request of any party to the appeal shall transmit to the clerk of the district court or the clerk of the bankruptcy appellate panel a copy of the parts of the record as any party to the appeal shall designate.

***L. R. 8007-1. Transmission of the Record***

- (a) ***Notification of Notice of Appeal.*** *Immediately after a notice of appeal is filed, the bankruptcy court clerk must notify the bankruptcy appellate panel clerk of the filing of the notice of appeal.*
- (b) ***Supplemental Notification of Motions and Statements.*** *After the notice of appeal has been filed and notification made:*
- (1) *if any motion regarding the appealed judgment or order is filed, the bankruptcy court clerk must immediately notify the bankruptcy appellate panel clerk of the filing of the motion and any order disposing of the motion; and*
- (2) *if any statement of election to have the appeal heard in the district court is filed, the bankruptcy court clerk must immediately notify the bankruptcy appellate panel clerk of the filing of the statement of election.*
- (c) ***Transmission of the Record.*** *Compliance with this rule constitutes transmission of the record on appeal under Fed. R. Bankr. P. 8007(b).*

**Rule 8008. Filing and Service**

**(a) Filing**

Papers required or permitted to be filed with the clerk of the district court or the clerk of the bankruptcy appellate panel may be filed by mail addressed to the clerk, but filing is not timely unless the papers are received by the clerk within the time fixed for filing, except that briefs are deemed filed on the day of mailing. An original and one copy of all papers shall be filed when an appeal is to the district court; an original and three copies shall be filed when an appeal is to a bankruptcy appellate panel. The district court or bankruptcy appellate panel may require that additional copies be furnished. Rule 5005(a)(2) applies to papers filed with the clerk of the district court or the clerk of the bankruptcy appellate panel if filing by electronic means is authorized by local rule promulgated pursuant to Rule 8018.

**(b) Service of all papers required**

Copies of all papers filed by any party and not required by these rules to be served by the clerk of the district court or the clerk of the bankruptcy appellate panel shall, at or before the time of filing, be served by the party or a person acting for the party on all other parties to the appeal. Service on a party represented by counsel shall be made on counsel.

**(c) Manner of service**

Service may be personal or by mail. Personal service includes delivery of the copy to a clerk or other responsible person at the office of counsel. Service by mail is complete on mailing.

**(d) Proof of service**

Papers presented for filing shall contain an acknowledgment of service by the person served or proof of service in the form of a statement of the date and manner of service and of the names of the persons served, certified by the person who made service. The clerk of the district court or the clerk of the bankruptcy appellate panel may permit papers to be filed without acknowledgment or proof of service but shall require the acknowledgment or proof of service to be filed promptly thereafter.

***L. R. 8008-1. Filing and Service***

- (a) *Mandatory Electronic Case Filing System.*** *This court has adopted a mandatory electronic case filing system (“ECF”) effective [date]. Persons subject to mandatory ECF shall be known as e-filers.*
- (b) *ECF Procedures and Guidance, System Requirements.*** *ECF procedures and guidance, and system requirements are posted on the Tenth Circuit Bankruptcy Appellate Panel website.*
- (c) *Non-Electronic Filing and Service.*** *Persons exempt from mandatory ECF must file and serve documents in accordance with Fed. R. Bankr. P. 8008. Persons subject to mandatory ECF must serve persons exempt from mandatory ECF in accordance with Fed. R. Bankr. P. 8008.*
- (d) *“Mail” Defined.*** *As used in Fed. R. Bankr. P. 8008, the term “mail” includes:*

  - (1)** *first-class mail;*

- (2) *any other class of mail that is at least as expeditious as first-class mail; or*
  - (3) *dispatch to a third-party commercial carrier for delivery within 3 calendar days.*
- (e) ***E-mail and Facsimile Filings.*** *Any person exempt from mandatory ECF may file a document by e-mail or facsimile. A document filed by e-mail or facsimile is considered filed on the date that it is received by this court, except that a document received on a Saturday, Sunday, legal holiday or day that the court is closed, is considered filed as of the next business day.*
- (f) ***Format.*** *Any document filed by paper must be reproduced on 8 1/2" x 11", white, opaque, unglazed paper, with printing on only one side of the page. Any document filed by e-mail, facsimile, or through ECF must also be formatted on 8 1/2" x 11" pages.*

***L. R. 8008-2. Privacy Protection***

*An appeal in a case or proceeding in which privacy protection was governed by Fed. R. Bankr. P. 9037 is governed by the same rule on appeal. In all other appeals, privacy protection is governed by Fed. R. Civ. P. 5.2. The bankruptcy appellate panel clerk will NOT redact personally identifiable information that the filer neglects to redact.*

**Rule 8009. Briefs and Appendix; Filing and Service**

**(a) Briefs**

Unless the district court or the bankruptcy appellate panel by local rule or by order excuses the filing of briefs or specifies different time limits:

- (1) The appellant shall serve and file a brief within 14 days after entry of the appeal on the docket pursuant to Rule 8007.
- (2) The appellee shall serve and file a brief within 14 days after service of the brief of appellant. If the appellee has filed a cross appeal, the brief of the appellee shall contain the issues and argument pertinent to the cross appeal, denominated as such, and the response to the brief of the appellant.

(3) The appellant may serve and file a reply brief within 14 days after service of the brief of the appellee, and if the appellee has cross-appealed, the appellee may file and serve a reply brief to the response of the appellant to the issues presented in the cross appeal within 14 days after service of the reply brief of the appellant. No further briefs may be filed except with leave of the district court or the bankruptcy appellate panel.

**(b) Appendix to brief**

If the appeal is to a bankruptcy appellate panel, the appellant shall serve and file with the appellant's brief excerpts of the record as an appendix, which shall include the following:

- (1) The complaint and answer or other equivalent pleadings;
- (2) Any pretrial order;
- (3) The judgment, order, or decree from which the appeal is taken;
- (4) Any other orders relevant to the appeal;
- (5) The opinion, findings of fact, or conclusions of law filed or delivered orally by the court and citations of the opinion if published;
- (6) Any motion and response on which the court rendered decision;
- (7) The notice of appeal;
- (8) The relevant entries in the bankruptcy docket; and
- (9) The transcript or portion thereof, if so required by a rule of the bankruptcy appellate panel.

An appellee may also serve and file an appendix which contains material required to be included by the appellant but omitted by appellant.

***L. R. 8009-1. Briefs and Appendix***

- (a) ***Time for Filing Appellant's Brief and Appendix.*** *The appellant's brief and appendix must be filed within 45 days after the date of the notice that the appeal has been docketed with this court.*

- (b) **Appendix.** *In accordance with 10th Cir. BAP L. R. 8006-1, the appendix constitutes the record on appeal and must contain all excerpts from the record relevant to the appeal.*
- (1) **Form.** *An appendix must be separate from a brief.*
  - (2) **Cover.** *An appendix must have a cover page containing the following:*
    - (a) *the case caption;*
    - (b) *the title “Appendix,” with the name of the filing party; and*
    - (c) *counsel or a pro se party’s name, address, telephone and facsimile numbers, and ECF e-mail address.*
  - (3) **Table of Contents.** *An appendix must include a table of contents which gives the full name of each document contained in the appendix, the bankruptcy docket number, and the page number in the appendix on which it begins.*
  - (4) **Pagination.** *Each page in the appendix must have its own page number in sequential order.*
  - (5) **Order of Documents.** *A copy of the bankruptcy court docket sheet, which includes the entry of the notice of appeal, must be the first document in the appendix. Copies of documents filed with the bankruptcy court should be arranged in chronological order according to the filed date, with any exhibit or transcript included as of the date of the hearing.*
  - (6) **Transcripts.** *The appendix must contain all transcripts necessary for this court’s review. Transcripts submitted to this court must be prepared in accordance with Fed. R. Bankr. P. 5007(a) and Fed. R. Bankr. P. 8007(a).*
  - (7) **Exhibits.** *The appendix must contain all exhibits filed in the bankruptcy court necessary for this court’s review.*
  - (8) **Documents Considered.** *Only documents properly before the bankruptcy court may be included in the appendix and considered by this court.*

- (9) **Multiple Parties.** *If multiple parties file separate briefs, they may file separate appendices; however, parties should not duplicate items included in a previously-filed appendix and may adopt the items by reference.*
- (10) **Exemptions.** *If documents to be included in an appendix are not susceptible of copying, or are so voluminous that copying is excessively burdensome or costly, a party should file a motion to exempt the documents from the appendix and file them separately.*
- (11) **Sealed Documents.** *Copies of documents filed under seal with the bankruptcy court should be filed in paper in an addendum separate from the appendix, accompanied by a motion to place the addendum under seal with this court.*

## **Rule 8010. Form of Briefs; Length**

### **(a) Form of briefs**

Unless the district court or the bankruptcy appellate panel by local rule otherwise provides, the form of brief shall be as follows:

#### **(1) Brief of the appellant.**

The brief of the appellant shall contain under appropriate headings and in the order here indicated:

- (A) A table of contents, with page references, and a table of cases alphabetically arranged, statutes and other authorities cited, with references to the pages of the brief where they are cited.
- (B) A statement of the basis of appellate jurisdiction.
- (C) A statement of the issues presented and the applicable standard of appellate review.
- (D) A statement of the case. The statement shall first indicate briefly the nature of the case, the course of the proceedings, and the disposition in the court below. There shall follow a statement of the facts relevant to the

issues presented for review, with appropriate references to the record.

(E) An argument. The argument may be preceded by a summary. The argument shall contain the contentions of the appellant with respect to the issues presented, and the reasons therefor, with citations to the authorities, statutes and parts of the record relied on.

(F) A short conclusion stating the precise relief sought.

**(2) Brief of the appellee.**

The brief of the appellee shall conform to the requirements of paragraph (1)(A)-(E) of this subdivision, except that a statement of the basis of appellate jurisdiction, of the issues, or of the case need not be made unless the appellee is dissatisfied with the statement of the appellant.

**(b) Reproduction of statutes, rules, regulations, or similar material**

If determination of the issues presented requires reference to the Code or other statutes, rules, regulations, or similar material, relevant parts thereof shall be reproduced in the brief or in an addendum or they may be supplied to the court in pamphlet form.

**(c) Length of briefs**

Unless the district court or the bankruptcy appellate panel by local rule or order otherwise provides, principal briefs shall not exceed 50 pages, and reply briefs shall not exceed 25 pages, exclusive of pages containing the table of contents, tables of citations and any addendum containing statutes, rules, regulations, or similar material.

***L. R. 8010-1. Form of Briefs***

(a) ***Cover.*** *A cover must contain the following:*

- (1) *the case caption;*
- (2) *the title "Brief," with the name of the filing party; and*
- (3) *counsel or a pro se party's name, address, telephone and facsimile numbers, and ECF e-mail address.*

(b) ***Text.*** *Word processor or typewriter text must be no smaller than a 12-point font and, except for indented quoted material and footnotes, must be double-spaced. Each page must have 1" margins on all*

*sides, with no text other than page numbers appearing within the margins.*

- (c) **References to Appendix.** *References to documents in an appendix must be to pages of the appendix (e.g., Appellant App. at 27, or Appellee Supp. App. at 14).*
- (d) **Statement of Related Cases.** *A party who knows of a related case pending before the United States Supreme Court or any United States Court of Appeals, District Court, or Bankruptcy Appellate Panel must include as the last page of its brief a statement listing the related case(s). A related case is one that involves substantially the same litigants and substantially the same fact pattern or legal issues as the pending appeal.*
- (e) **Length of Brief.** *The Statement of Related Cases is excluded from the page limits in Fed. R. Bankr. P. 8010(c).*
- (f) **Length of Amicus Brief.** *An amicus brief must not exceed 20 pages without leave of court.*

## **Rule 8011. Motions**

### **(a) Content of motions; response; reply**

A request for an order or other relief shall be made by filing with the clerk of the district court or the clerk of the bankruptcy appellate panel a motion for such order or relief with proof of service on all other parties to the appeal. The motion shall contain or be accompanied by any matter required by a specific provision of these rules governing such a motion, shall state with particularity the grounds on which it is based, and shall set forth the order or relief sought. If a motion is supported by briefs, affidavits or other papers, they shall be served and filed with the motion. Any party may file a response in opposition to a motion other than one for a procedural order within seven days after service of the motion, but the district court or the bankruptcy appellate panel may shorten or extend the time for responding to any motion.

### **(b) Determination of motions for procedural orders**

Notwithstanding subdivision (a) of this rule, motions for procedural orders, including any motion under Rule 9006, may be acted on at any time, without awaiting a response

thereto and without hearing. Any party adversely affected by such action may move for reconsideration, vacation, or modification of the action.

**(c) Determination of all motions**

All motions will be decided without oral argument unless the court orders otherwise. A motion for a stay, or for other emergency relief may be denied if not presented promptly.

**(d) Emergency motions**

Whenever a movant requests expedited action on a motion on the ground that, to avoid irreparable harm, relief is needed in less time than would normally be required for the district court or bankruptcy appellate panel to receive and consider a response, the word "Emergency" shall precede the title of the motion. The motion shall be accompanied by an affidavit setting forth the nature of the emergency. The motion shall state whether all grounds advanced in support thereof were submitted to the bankruptcy judge and, if any grounds relied on were not submitted, why the motion should not be remanded to the bankruptcy judge for reconsideration. The motion shall include the office addresses and telephone numbers of moving and opposing counsel and shall be served pursuant to Rule 8008. Prior to filing the motion, the movant shall make every practicable effort to notify opposing counsel in time for counsel to respond to the motion. The affidavit accompanying the motion shall also state when and how opposing counsel was notified or if opposing counsel was not notified why it was not practicable to do so.

**(e) Power of a single judge to entertain motions**

A single judge of a bankruptcy appellate panel may grant or deny any request for relief which under these rules may properly be sought by motion, except that a single judge may not dismiss or otherwise decide an appeal or a motion for leave to appeal. The action of a single judge may be reviewed by the panel.

***L. R. 8011-1. Motions***

- (a) Statement Regarding Opposition.*** *A motion, other than a procedural motion or a motion for stay, must state whether any party to the appeal opposes the relief sought.*
- (b) Reply.*** *If a response to a motion is filed, the movant may file a reply to the response within 7 days after service of the response. The court will not consider any further response or reply without leave of court.*

## **Rule 8012. Oral Argument**

Oral argument shall be allowed in all cases unless the district judge or the judges of the bankruptcy appellate panel unanimously determine after examination of the briefs and record, or appendix to the brief, that oral argument is not needed. Any party shall have an opportunity to file a statement setting forth the reason why oral argument should be allowed. Oral argument will not be allowed if (1) the appeal is frivolous; (2) the dispositive issue or set of issues has been recently authoritatively decided; or (3) the facts and legal arguments are adequately presented in the briefs and record and the decisional process would not be significantly aided by oral argument.

### ***L. R. 8012-1. Oral Argument***

- (a) ***Telephone or Video Conference.*** *A party may request, or the court may determine, that oral argument be conducted telephonically or by video conference.*
- (b) ***Change of Date, Method, or Place of Hearings.*** *Before filing a request to change the date, method, or place of a hearing, a party must give the bankruptcy appellate panel clerk as much advance notice as possible. After the date of the notice of oral argument, the date, method, or place assigned for hearing will not be changed without leave of court.*
- (c) ***Failure to File Brief.*** *An appellee who has not filed a brief may not participate in oral argument without leave of court.*
- (d) ***Notification of Appearance.*** *Within 14 days after the date of the notice of oral argument, each party who has filed a brief must file a statement indicating who will appear at oral argument on behalf of the party. Any party who fails to file the required statement may not participate in oral argument without leave of court.*

## **Rule 8013. Disposition of Appeal; Weight Accorded Bankruptcy Judge's Findings of Fact**

On an appeal the district court or bankruptcy appellate panel may affirm, modify, or reverse a bankruptcy judge's judgment, order, or decree or remand with instructions for further proceedings. Findings of fact, whether based on oral or documentary evidence,

shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the bankruptcy court to judge the credibility of the witnesses.

#### **Rule 8014. Costs**

Except as otherwise provided by law, agreed to by the parties, or ordered by the district court or the bankruptcy appellate panel, costs shall be taxed against the losing party on an appeal. If a judgment is affirmed or reversed in part, or is vacated, costs shall be allowed only as ordered by the court. Costs incurred in the production of copies of briefs, the appendices, and the record and in the preparation and transmission of the record, the cost of the reporter's transcript, if necessary for the determination of the appeal, the premiums paid for cost of supersedeas bonds or other bonds to preserve rights pending appeal and the fee for filing the notice of appeal shall be taxed by the clerk as costs of the appeal in favor of the party entitled to costs under this rule.

##### ***L. R. 8014-1. Filing of Bill of Costs***

*A bill of costs must be filed with the bankruptcy court.*

#### **Rule 8015. Motion for Rehearing**

Unless the district court or the bankruptcy appellate panel by local rule or by court order otherwise provides, a motion for rehearing may be filed within 14 days after entry of the judgment of the district court or the bankruptcy appellate panel. If a timely motion for rehearing is filed, the time for appeal to the court of appeals for all parties shall run from the entry of the order denying rehearing or the entry of a subsequent judgment.

##### ***L. R. 8015-1. Motion for Rehearing***

- (a) *Rehearing Not Routine.*** *A motion for rehearing should not be filed routinely. Rehearing will be granted only if a significant issue has been overlooked or misconstrued by the court.*
- (b) *Content.*** *The motion must state with particularity each point of law or fact that the moving party believes the court has overlooked or misapprehended and must argue in support of the motion.*
- (c) *Number of Motions.*** *This court will consider only one*

*motion for rehearing from each party to the appeal.*

**Rule 8016. Duties of Clerk of District Court and Bankruptcy Appellate Panel**

**(a) Entry of judgment**

The clerk of the district court or the clerk of the bankruptcy appellate panel shall prepare, sign and enter the judgment following receipt of the opinion of the court or the appellate panel or, if there is no opinion, following the instruction of the court or the appellate panel. The notation of a judgment in the docket constitutes entry of judgment.

**(b) Notice of orders or judgments; return of record**

Immediately on the entry of a judgment or order the clerk of the district court or the clerk of the bankruptcy appellate panel shall transmit a notice of the entry to each party to the appeal, to the United States trustee, and to the clerk, together with a copy of any opinion respecting the judgment or order, and shall make a note of the transmission in the docket. Original papers transmitted as the record on appeal shall be returned to the clerk on disposition of the appeal.

***L. R. 8016-1. Bankruptcy Appellate Panel Clerk Authorized to Act on Certain Matters***

*Subject to review by the court, the bankruptcy appellate panel clerk may act on any of the following:*

**(a) *Motions.***

- (1)** *To extend time to file a document or perform an act required by these rules or Fed. R. Bankr. P. 8006, 8007, 8009, 8011, or 8014;*
- (2)** *To supplement or correct a document filed with this court;*
- (3)** *To consolidate appeals;*
- (4)** *To substitute parties;*
- (5)** *To appear as amicus curiae;*

- (6) *To expedite or continue cases;*
- (7) *To substitute counsel, or to allow counsel who has entered an appearance to withdraw;*
- (8) *To voluntarily dismiss an appeal;*
- (9) *To exempt documents from an appendix under 10th Cir. BAP L.R. 8009-1(b)(10);*
- (10) *To place documents under seal under 10th Cir. BAP L.R. 8009-1(b)(11);*
- (11) *Any other motion the court may authorize.*

**(b) Other Matters.**

- (1) *To deny an election to have an appeal heard by a district court which is not in compliance with 28 U.S.C. § 158(c)(1); and*
- (2) *To deny motions that do not comply with these rules or the Federal Rules of Bankruptcy Procedure.*

**L. R. 8016-2. Entry of an Order**

*An order is entered when it is noted on the docket.*

**L. R. 8016-3. Mandate**

- (a) **Issue Date.** *This court's mandate must issue immediately after the time to file a motion for rehearing expires, unless the mandate is stayed under subdivision (c) of this rule or the court shortens or enlarges the time.*
- (b) **Stay of Mandate.** *Unless this court orders otherwise, the mandate is stayed until the court resolves the following:*
  - (1) *a timely-filed motion for rehearing;*
  - (2) *a motion for stay of judgment under Fed. R. Bankr. P. 8017(b) that is filed before the mandate is issued; or*

- (3) *a motion to stay the mandate that is filed before the mandate is issued.*
- (c) **Issue After Stay.** *If this court stays its mandate pending appeal, the mandate must issue immediately after this court files the mandate from the appellate court.*
- (d) **Mandate.** *The mandate consists of a certified copy of this court's order or judgment and a copy of any opinion.*

## **Rule 8017. Stay of Judgment of District Court or Bankruptcy Appellate Panel**

### **(a) Automatic stay of judgment on appeal**

Judgments of the district court or the bankruptcy appellate panel are stayed until the expiration of 14 days after entry, unless otherwise ordered by the district court or the bankruptcy appellate panel.

### **(b) Stay pending appeal to the court of appeals**

On motion and notice to the parties to the appeal, the district court or the bankruptcy appellate panel may stay its judgment pending an appeal to the court of appeals. The stay shall not extend beyond 30 days after the entry of the judgment of the district court or the bankruptcy appellate panel unless the period is extended for cause shown. If before the expiration of a stay entered pursuant to this subdivision there is an appeal to the court of appeals by the party who obtained the stay, the stay shall continue until final disposition by the court of appeals. A bond or other security may be required as a condition to the grant or continuation of a stay of the judgment. A bond or other security may be required if a trustee obtains a stay but a bond or security shall not be required if a stay is obtained by the United States or an officer or agency thereof or at the direction of any department of the Government of the United States.

### **(c) Power of court of appeals not limited**

This rule does not limit the power of a court of appeals or any judge thereof to stay proceedings during the pendency of an appeal or to suspend, modify, restore, or grant an injunction during the pendency of an appeal or to make any order appropriate to preserve the status quo or the effectiveness of the judgment subsequently to be entered.

**Rule 8018. Rules by Circuit Councils and District Courts; Procedure When There is No Controlling Law**

**(a) Local rules by circuit councils and district courts**

(1) Circuit councils which have authorized bankruptcy appellate panels pursuant to 28 U.S.C. § 158(b) and the district courts may, acting by a majority of the judges of the council or district court, make and amend rules governing practice and procedure for appeals from orders or judgments of bankruptcy judges to the respective bankruptcy appellate panel or district court consistent with—but not duplicative of—Acts of Congress and the rules of this Part VIII. Local rules shall conform to any uniform numbering system prescribed by the Judicial Conference of the United States. Rule 83 F.R.Civ.P. governs the procedure for making and amending rules to govern appeals.

(2) A local rule imposing a requirement of form shall not be enforced in a manner that causes a party to lose rights because of a nonwillful failure to comply with the requirement.

**(b) Procedure when there is no controlling law**

A bankruptcy appellate panel or district judge may regulate practice in any manner consistent with federal law, these rules, Official Forms, and local rules of the circuit council or district court. No sanction or other disadvantage may be imposed for noncompliance with any requirement not in federal law, federal rules, Official Forms, or the local rules of the circuit council or district court unless the alleged violator has been furnished in the particular case with actual notice of the requirement.

***L. R. 8018-1. Admission to Practice***

(a) ***Admission.*** *An attorney is admitted to practice before this court if the attorney is:*

- (1) *admitted to practice by and a member in good standing of the United States Court of Appeals for the Tenth Circuit; or*
- (2) *admitted to practice by and a member in good standing of a United States District Court within the Tenth Circuit; or*
- (3) *admitted to practice by a United States Bankruptcy Court in the case or proceeding on appeal.*

(b) ***Student Practice.*** *A law student may appear before this court after*

*the following conditions are satisfied:*

- (1) *Qualifications of Student.*** *The student must:*
  - (a) be enrolled and in good standing in a law school accredited by the American Bar Association, or a recent law school graduate awaiting the first bar examination after the student's graduation or the result of that examination;*
  - (b) have completed the equivalent of 4 semesters of legal studies; and*
  - (c) be familiar with the Federal Rules of Bankruptcy Procedure, the American Bar Association Code of Professional Responsibility, and the rules of this court.*
  
- (2) *Consent of Party.*** *The party must state that it consents to the law student's appearance on its behalf, and the statement must be filed with this court; and*
  
- (3) *Supervising Attorney.*** *An attorney who is admitted to practice before this court must supervise the student. The supervising attorney must:*
  - (a) assume personal professional responsibility for the quality of the student's work;*
  - (b) guide and assist the student as necessary or appropriate under the circumstances;*
  - (c) sign all documents filed with this court;*
  - (d) appear with the student in any oral presentations before this court;*
  - (e) supplement any written or oral statement made by the student to this court or other parties to the appeal if this court so requests; and*
  - (f) file with this court a written certification that the student meets the qualifications of this rule and the attorney has agreed to supervise the student in accordance with this rule.*

### ***L. R. 8018-2. Discipline***

*This court may discipline attorneys and parties as provided in the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure and may refer a disciplinary matter to the appropriate authority.*

***L. R. 8018-3. Diligent Prosecution of Appeals***

- (a) ***Reporting Changes.*** Counsel or pro se parties must immediately file with this court a statement of any change in name, address, telephone and facsimile numbers, or ECF e-mail address. E-filers must also immediately update their PACER Service Center Appellate ECF Account with any changes.
- (b) ***Failure to Comply.*** Failure to comply with these rules or the Federal Rules of Bankruptcy Procedure may delay consideration or lead to denial of the relief being sought.
- (c) ***Dismissal for Failure to Prosecute.*** When an appellant fails to comply with these rules or the Federal Rules of Bankruptcy Procedure, the bankruptcy appellate panel clerk may, after notice and on order to show cause, enter an order dismissing the appeal.

***L. R. 8018-4. Courtroom Photography, Television and Radio Broadcasts***

*For the purposes of the September 1994 resolution of the Judicial Conference of the United States, which prohibits taking photographs in the courtroom or its environs in connection with any judicial proceedings, the environs of this court's courtrooms include the courtrooms utilized by this court, this court's clerk's office, and any hallways in the immediate vicinity of those courtrooms and office. Using radio, television, or other means for live or delayed broadcasting is forbidden in areas from which photography is excluded.*

***L. R. 8018-5. Citation of this Court's Unpublished Decisions***

*This court's unpublished decisions may be cited for their persuasive value, but are not precedential except under the doctrines of law of the case, claim preclusion, and issue preclusion.*

***L. R. 8018-6. Certification of Questions of State Law***

- (a) ***Certification and Stay.*** When state law permits, this court may certify a state law question to that state's highest court in accordance with that court's rules and may stay the case to await the state court's decision.

- (b) **Motion.** Certification may be raised on motion of a party or on this court's own motion. A party seeking certification must file a separate motion no later than with its first brief.

**L. R. 8018-7. Case Involving Constitutional Question**

- (a) **Written Notice Required.** Within 14 days after the date of the notice that the appeal has been docketed with this court, a party must file a written notice with this court if the party:
- (1) questions the constitutionality of an Act of Congress in a proceeding in which the United States or its agency, officer, or employee is not a party in an official capacity; or
  - (2) questions the constitutionality of a state statute in a proceeding in which the state's attorney general is not a party in an official capacity.
- (b) **Bankruptcy Appellate Panel Clerk Certification.** If a written notice is filed, the bankruptcy appellate panel clerk must certify that fact to the appropriate attorney general.
- (c) **Time Period to Appear.** An attorney general may appear in the appeal within 30 days after the date that the bankruptcy appellate panel clerk serves its certification.

**L. R. 8018-8. Submission of Supplemental Authority**

*If pertinent and significant authorities come to a party's attention after the party's brief has been filed, but before this court's issuance of a decision, the party should promptly file a statement with this court setting forth the citations to such authorities. The statement must not exceed two pages. Any response must be made within 7 days after service of the statement and must not exceed two pages.*

**L. R. 8018-9. Calculation of Time**

- (a) **Application of Fed. R. Bankr. P. 9006.** Unless otherwise specified, Fed. R. Bankr. P. 9006(a), (b), (c), (e), and (f) apply to appeals before this court.
- (b) **Legal Holiday.** "Legal holiday," as defined in Fed. R. Bankr. P.

9006(a), includes any day appointed as a holiday by the state in which this court's clerk's office is located or the state of the district in which the matter originated.

***L. R. 8018-10. Applicable Rules***

- (a) ***Application of the Federal Rules of Bankruptcy Procedure.*** Unless otherwise altered or suspended by these rules or by court order, Part VIII of the Federal Rules of Bankruptcy Procedure and all relevant Official Forms apply to proceedings in this court.
- (b) ***Application of the Federal Rules of Appellate Procedure.*** In cases in which Part VIII of the Federal Rules of Bankruptcy Procedure and these rules are silent as to a particular manner of practice, the court may order application of the Federal Rules of Appellate Procedure or the Tenth Circuit Rules.

***L. R. 8018-11. Citation and Effective Date of These Rules***

- (a) ***Citation.*** These rules may be cited as follows: 10th Cir. BAP L.R. \_\_.
- (b) ***Effective Date.*** These rules are effective [date].

**Rule 8019. Suspension of Rules in Part VIII**

In the interest of expediting decision or for other cause, the district court or the bankruptcy appellate panel may suspend the requirements or provisions of the rules in Part VIII, except Rules 8001, 8002, and 8013, and may order proceedings in accordance with the direction.

**Rule 8020. Damages and Costs for Frivolous Appeal**

If a district court or bankruptcy appellate panel determines that an appeal from an order, judgment, or decree of a bankruptcy judge is frivolous, it may, after a separately filed motion or notice from the district court or bankruptcy appellate panel and reasonable opportunity to respond, award just damages and single or double costs to the appellee.