

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

IN RE:	*	
EMERGENCY AMENDMENT TO		MISC. NO. 00-308
LOCAL RULE 404	*	MISC. NO. 10-642

STANDING ORDER 2015-03

Pursuant to Local Rule 605.2 and for good cause shown, the full bench considered and approved the following emergency amendment to Local Rule 404:¹

2. Dismissal for Non-Compliance with Bankruptcy Rule ~~8006~~**[8009]**

Whenever the appellant fails to designate the contents of the record on appeal or to file a statement of the issues to be presented on appeal within the time required by Bankruptcy Rule ~~8006~~**[8009]**, the Bankruptcy Clerk shall transmit forthwith to the Clerk of the District Court a partial record consisting of a copy of the order or judgment appealed from, the notice of appeal, a copy of the docket entries and such other documents as the Bankruptcy Clerk deems relevant to the appeal. (The District Court may, thereafter, order the Bankruptcy Clerk to transmit any other relevant documents to the Clerk of the District Court.) When the partial record has been filed in the District Court, the Court may, upon motion of the appellee (which is to be filed in the District Court) or upon its own initiative, dismiss the appeal for non-compliance with Bankruptcy Rule ~~8006~~**[8009]** after giving the appellant an opportunity to explain the non-compliance and upon considering whether the non-compliance had prejudicial effect on the other parties.

3. Dismissal for Non-compliance with Bankruptcy Rule ~~8009~~**[8018]**

Whenever the appellant fails to serve and file a brief within the time required by Bankruptcy Rule ~~8009~~**[8018]**, the District Court may, upon motion of the appellee (to be filed in the District Court) or upon its own initiative, dismiss the appeal after giving the appellant an opportunity to explain the non-compliance and upon considering whether the non-compliance had prejudicial effect on the other parties.

4. Procedure Regarding Motion to Stay Pending Appeal


After seeking appropriate relief under Bankruptcy Rule ~~8005~~**[8007]**, an appellant seeking a stay pending appeal by the District Court of an order entered by the Bankruptcy Court shall file with the Clerk of the District Court a motion to stay and copies of all documents in the record of the Bankruptcy Court relevant to the appeal. Upon the filing of these documents, the Clerk of the District Court shall immediately open a civil file and the District Court shall give immediate consideration to the motion to stay. If the underlying appeal is ultimately perfected, it will be assigned the same civil action number as was assigned to the motion to stay.

¹ The new language appears in bold between the brackets. Deleted language is crossed out.

According, it is hereby ORDERED that:

1. The above emergency amendment to Local Rule 404 is approved, effective March 12, 2015;
2. This amendment applies to all cases filed or pending on or after March 12, 2015, to the extent practicable, unless otherwise ordered by the presiding judge; and
3. The Clerk is directed to provide prompt public notice of this amendment, to publish amended Local Rules, and to submit this amendment for public consideration under Local Rule 605.1 during the next regular amendment cycle.

March 12, 2015
Date


Catherine C. Blake, Chief Judge
United States District Court