

RULES FOR APPEALS

The material in this section describes deadlines contained in the rules applicable to appeals, including to District courts and Bankruptcy Appellate Panels, including deadlines to file appeals and briefing.

DUE DATE	ACTION	CODE §	RULE	EXPLANATION; TIME TO ACT
	Appeals heard by district court	28 USC § 158(a)		
	Appeals heard by Bankruptcy Appellate Panel (BAP) (where applicable)	28 USC § 158(c)(1)	8005	Subject to 28 USC § 158(b) and (d)(2), each appeal under 28 USC § 158(a) shall be heard by a 3-judge panel of the bankruptcy appellate panel service, unless: (a) the appellant elects at the time of the filing of the appeal; or (b) any other party elects, not later than 30 days after service of the notice of appeal, to have such appeal heard by the district court.
	Direct appeals to the Court of Appeals from judgments, orders and decrees of the bankruptcy court	28 USC § 158(d)(2)		The appropriate court of appeals shall have jurisdiction of appeals described in the first sentence of § 158(a) if the bankruptcy court, the district court, or the bankruptcy appellate panel involved, acting on its own motion or on the request of a party to the judgment, order, or decree described in such first sentence, or all the appellants and appellees (if any) acting jointly, certify that: (1) the judgment, order, or decree involves a question of law as to which there is no controlling decision of the court of appeals for the circuit or of the Supreme Court, or involves a matter of public importance; (2) the judgment, order, or decree involves a question of law requiring resolution of conflicting decisions; or (3) an immediate appeal from the judgment, order, or decree may materially advance the progress of the case or proceeding in which the appeal is taken; and if the court of appeals authorizes the direct appeal of the judgment, order, or decree.

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	Certifying for direct appeal to Court of Appeals	28 USC § 158(d)(2)	8006(a)-(c)	<p>A certification of a judgment, order, or decree of a bankruptcy court to a court of appeals under 28 USC § 158(d)(2) is effective when (1) the certification has been filed; (2) a timely appeal has been taken under Rule 8003 or 8004; and (3) the notice of appeal has become effective under Rule 8002.</p> <p>The certification shall be filed with the clerk of the court where a matter is pending. A matter is pending in a bankruptcy court for 30 days after the effective date of the first notice of appeal. A matter is pending in the district court or BAP thereafter.</p> <p>Only the court where the matter is pending may certify a direct review on request of the parties or on its own motion.</p> <p>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 Rule 8006(f)(2).</p>
	Form and service of the certification	28 USC § 158(d)(2)(A)	8006(f)(5)	<p>A certification of a direct appeal shall be made in a separate document served on the parties in the manner required for service of a notice of appeal under Rule 8003(c)(1).</p>

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	Request for certification of direct appeal	28 USC § 158(d)(2)(E)	8006(f)	<p>A request for certification shall be filed, within 60 days of entry of the order, judgment or decree, with the clerk of the court in which the matter is pending.</p> <p>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 8003(c)(1).</p> <p>A party may file a response to a request for certification within 14 days or another time fixed by the court. A party may file a cross-request within 14 days after the request is served or within 60 days after the entry of the judgment, order, or decree, whichever occurs first.</p>
	Time for filing notice of appeal		8002(a)	<p>Must be filed with clerk within 14 days of date of entry of judgment, order, or decree appealed from; if a timely notice of appeal is filed, 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 time otherwise prescribed in Rule 8002, whichever last expires; notice of appeal filed after the announcement of a decision or order but before entry of the judgment, order, or decree is treated as filed after such entry and on the date of entry.</p>
	Time for filing notice of appeal when after motion to amend		8002(b)	<p>If timely motion is filed by any party under Rules 7052(b) (amend or make additional findings of fact), 9023 (alter or amend judgment), or 9023 (for new trial), the time for appeal for all parties shall run from entry of order disposing of the last such motion outstanding.</p>

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	Extension of time		8002(d)	The bankruptcy court may extend time for filing notice of appeal by any party for period not to exceed 21 days from expiration of time otherwise prescribed by Rule 8002 (or 14 days from entry of order granting the extension request, whichever is later); request to extend time must be made before time for filing notice of appeal has expired, except that a request made no more than 21 days after expiration of time for filing notice of appeal may be granted upon a showing of excusable neglect, unless the judgment or order appealed from: (A) grants relief from the automatic stay; (B) authorizes the sale of property or the use of cash collateral; (C) authorizes the obtaining of credit under § 364; (D) authorizes the assumption or assignment of any executory contract or unexpired lease under § 365; (E) approves a disclosure statement under § 1125; or (F) confirms a plan under §§ 943, 1129, or 1325.
	Motion for leave to appeal; answer		8004(d)	If motion for leave to appeal is not filed, but notice of appeal is, notice is treated as motion, unless court orders motion to be filed; if court orders motion to be filed, it must be done within 14 days of entry of order, unless the court orders otherwise.
			8004(b)(2)	Answer in opposition to motion for leave to appeal under 28 USC § 158(a) or a cross-motion must be filed within 14 days after service of the motion.
	Election to have appeal heard by District Court instead of Bankruptcy Appellate Panel		8005	To elect to have an appeal heard by the district court, a party must file a statement of election in conformity with the appropriate Official Form within the time provided by 28 USC § 158(c)(1).

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	Designation of record and issues on appeal		8009(a)-(b)	<p>The appellant must file with the bankruptcy clerk and serve the designation and statement within 14 day after (1) appellant's notice of appeal as of right becomes effective under Rule 8002, or (2) an order granting leave to appeal is entered. A designation and statement served early is treated as being served on the first timely day.</p> <p>Within 14 days after service of appellant's designation, appellee may file and serve on appellant a designation of additional items to be included in record and, if appellee has filed a cross appeal, the appellee/cross appellant shall file and serve a statement of issues to be presented on cross appeal and a designation of additional items to be included in record.</p> <p>Cross appellee may, within 14 days of service of designation and statement, file and serve on cross appellant a designation of additional items to be included in record.</p> <p>Within the time prescribed by Rule 8009(a)(1), the appellant must order in writing from the reporter any transcripts not already on file and file a copy of the order with the bankruptcy clerk or file with the bankruptcy clerk a certificate stating appellant is not ordering a transcript.</p> <p>Within 14 days after the appellant files a copy of the transcript order or certificate of not ordering a transcript, the cross-appellant shall do the same.</p>
	Corporate Disclosure Statement		8012(b) 8012(a)	<p>A party must file its corporate disclosure statement required by Rule 8012(a) with its principal brief or upon the filing of a motion, response, petition, or answer in the district court or BAP, whichever occurs first, unless a local rule requires earlier filing.</p>

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	Motions; response		8013(a)	<p>A request for an order or other relief must be made by filing with the district or BAP clerk, a motion with proof of service on all other parties to appeal.</p> <p>Unless ordered otherwise, any party may file a response to a motion other than one for a procedural order within 7 days after service of the motion, and the movant may file a reply within 7 days of service of the response.</p>
	Determination of motions for procedural orders		8013(b)	Motions for procedural orders, including any motion under Rule 9006(b) or (c), may be acted on at any time, without awaiting a response and without hearing.
	Intervening in an Appeal		8013(g)	A motion or notice of intervention must be filed within 30 days of the appeal being docketed.
	Cross-Appeals-Briefs		8016(e)	<p>Unless the district court or DAP by order excuses the filing of briefs or specifies different time limits, appellant must serve and file principal brief within 30 days after the docketing of notice that record has been transmitted or is available electronically.</p> <p>Appellee must serve and file principal and response brief within 30 days after service of Appellant's principal brief.</p> <p>Appellant may serve and file response and reply brief within 30 days after service of the appellee's principal and response brief.</p> <p>Appellee may serve and file reply brief within 14 days after service of appellant's response and reply brief, but must be filed at least 7 days before the scheduled argument unless good cause is shown to allow a later filing.</p>

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	Serving and Filing Briefs; Appendices (in cases that do not involve cross-appeals)		8018	<p>Unless the district court or DAP by order excuses the filing of briefs or specifies different time limits, appellant must serve and file opening brief within 30 days after the docketing of notice that record has been transmitted or is available electronically.</p> <p>Appellee must serve and file answering brief within 30 days after service of appellant's opening brief.</p> <p>If no cross-appeal is filed, Appellant may serve and file a reply brief to within 14 days after service of answering brief, but must be filed at least 7 days before the scheduled argument unless good cause is shown to allow a later filing.</p>
	Motion for rehearing		8022	May be filed within 14 days after entry of the judgment on appeal. A motion for rehearing does not toll the time for taking an appeal to the court of appeals.
	Automatic stay of judgment on appeal		8025(a)	Judgments of the district court or BAP are stayed until expiration of 14 days after entry.
	Stay pending appeal to Court of Appeals		8025(b)	After notice and motion, district court or BAP may stay judgment pending an appeal; stay shall not extend beyond 30 days after entry of judgment unless period is extended for cause, except that if before expiration of stay an appeal to court of appeals is filed by party obtaining stay, stay shall continue until final disposition by court of appeals (bond may be required).
	Suspension of Rules in Part VIII		8028	The district court, BAP or court of appeals may suspend the requirements of the rules in Part VIII, except Rules 8001-8007, 8012, 8020, 8024-8026, and 8028.