



U.S. DISTRICT COURT DISTRICT OF NEW JERSEY

OFFICE OF THE CLERK
*Martin Luther King Building and U.S. Courthouse
50 Walnut Street, Room 4015
Newark, New Jersey 07101*

CAMDEN OFFICE
Mitchell H. Cohen Building and
U.S. Courthouse
One John F. Gerry Plaza
Fourth & Cooper Streets, Room 1050
Camden, New Jersey 08101

TRENTON OFFICE
Clarkson S. Fisher Building and
U.S. Courthouse
402 East State Street, Room 2020
Trenton, New Jersey 08608

NOTICE TO THE BAR

June 24, 2025

PROPOSED AMENDMENT TO LOCAL CIVIL RULES

Notice is hereby given to the Bar and all interested parties that the United States District Court for the District of New Jersey proposes to amend the Court's Local Civil Rules by adding new rules entitled, "Bankruptcy Appeals filed in the District Court," which shall be included as the new 600-series rules, Civ. Rule 601.1, et. seq. The proposed new rules are posted for public comment as required by 28 U.S.C. §2071(b) at <http://www.njd.uscourts.gov> and read as follows:

BANKRUPTCY APPEALS FILED IN THE DISTRICT COURT

Civ. RULE 601.1 Bankruptcy Court Rules; Local Rules.

(a) Authority. The Bankruptcy Judge(s) may make and amend rules governing practice and procedure in all matters referred to and pending before them.

(b) Notice to District Court. The Bankruptcy Court must give notice to the District Court of any amendment to the Local Rules of Bankruptcy Procedure of the United States Bankruptcy Court for this District prior to such rules taking effect. After notice is given, such amendment shall take effect on the date specified by the Bankruptcy Court, unless abrogated by the District Court.

(c) Applicability of Local Rules. In proceedings before a Bankruptcy Judge, the Local Rules of Bankruptcy Procedure of the United States Bankruptcy Court for this District apply. In proceedings before the District Court, these Local Rules shall apply unless the Court otherwise directs.

Civ. RULE 601.2 Appeals to the District Court.

Except as otherwise provided in this Rule or elsewhere in these Rules, or unless otherwise ordered by the District Court, appeals or motions for leave to appeal to the District Court from any judgment, order or decree of a Bankruptcy Judge shall be governed by the applicable provisions of the Federal Rules of Bankruptcy Procedure, Rules 8001 et. seq. and the Local Rules of Bankruptcy Procedure of the United States Bankruptcy Court for this District, D.N.J.

LBR 1001-1 et. seq. The appellant must comply with the provisions of Federal Rule of Bankruptcy Procedure 8009(b) regarding a transcript order, if any.

(a) Appeals of Right. Upon the filing of a notice of appeal to the District Court, the Bankruptcy Clerk shall promptly transmit the following to the District Court in accordance with Federal Rule of Bankruptcy Procedure 8003:

- i. Notice of appeal;
- ii. Judgment, order, or decree that is the subject of the appeal; and
- iii. Appellate transmittal form.

(b) Appeals by Leave of Court. Upon the filing of the requisite motion for leave to appeal and notice of appeal in accordance with Federal Rule of Bankruptcy Procedure 8004, the Bankruptcy Clerk shall promptly transmit the following to the District Court:

- i. Notice of appeal;
- ii. Order or decree that is the subject of the appeal;
- iii. Appellate transmittal form; and
- iv. Motion for leave to appeal filed in accordance with all requirements under Local Civil Rule 7.1, unless the motion is deemed to be emergent and subject to the requirements under Federal Rule of Bankruptcy Procedure 8013(a).

(c) Extensions of Time by a Bankruptcy Judge. Extensions of time for filing notices of appeal may be granted by the Bankruptcy Judge in accordance with Federal Rule of Bankruptcy Procedure 8002(d). Extensions of time for filing motions for leave to appeal and designations of the record or issues on appeal may be granted by the Bankruptcy Judge under Federal Rule of Bankruptcy Procedure 8002(d)(3).

(d) Stays Pending Appeal to the District Court. When a motion is made in the District Court in accordance with Federal Rule of Bankruptcy Procedure 8007(b) to stay a judgment, order or decree of a Bankruptcy Judge or for any other relief pending appeal, the movant shall set forth the reasons why a stay should be granted and the legal authorities supporting the stay, and file the following with its motion:

- i. a copy of the judgment, order or decree that the movant seeks to have stayed;
- ii. a copy of the Bankruptcy Judge's order denying the movant's motion to stay; and
- iii. written decision(s) and/or transcript(s) of any oral decision(s) of the Bankruptcy Judge stating the reasons for the orders referred to in paragraphs (1) and (2) of this subsection.

Such motion and any related objection(s) and replies shall be governed by the applicable provisions of Local Civil Rule 7.1.

(e) Written Opinion. The Bankruptcy Judge whose order is the subject of an appeal may, within 10 days of the docketing of the notice of appeal, file a written opinion in support of the order or a written supplemental opinion that amplifies any earlier written opinion or recorded oral bench ruling or opinion.

(f) Motion to Expedite Appeal & Deadline to file. A motion to expedite an appeal must be filed within 14 days of the docketing of the appeal in the District Court. If the basis to expedite the appeal arises after the 14-day period expires, a party to the appeal may file a motion to expedite the appeal within 7 days of the occurrence or event that is the basis of the motion. A motion to expedite an appeal may be combined with an emergency motion under Federal Rule of Bankruptcy Procedure 8013(d).

Civ. RULE 601.3 Prosecuting Appeal.

(a) Designation of Record and Statement of Issues. An appellant must, within 14 days after filing the notice of appeal, file with the Bankruptcy Court a designation of items to be included in the record on appeal and a statement of issues to be presented on appeal. Within 14 days after service of the appellant's designation, an appellee may file a designation of additional items to be included in the record on appeal. The appellee shall not file a statement of issues unless it is also a cross-appellant.

(b) Required Contents & Prohibited Contents, Designation. The designation must include the judgment, order, or decree that is the subject of the appeal, any related findings or conclusions stated on the record or set forth in a written opinion, transcript(s) (if any), and motions, objections, and memoranda related to the judgment, order, or decree on appeal. Except for a written or supplemental opinion as authorized under Local Civil Rule 601.2, the designation shall not include any documents that were not before the Bankruptcy Court at the time the decision on appeal was rendered.

(c) Transcript(s). If a party intends to include a transcript of a hearing as part of the record on appeal, that party must order the transcript in writing from the reporter at the time it files its designation and make satisfactory arrangements for its payments.

(d) Request for Mediation and Stay of Briefing Schedule. If any party seeks mediation, that party must file a formal Request for Mediation, which is accessible on the Court's website, within 14 days of the filing of the designation of record. Within 7 days after filing of that Request for Mediation, an opposing party may file an opposition to that request. Within 7 days after the filing of the opposition, if any, the District Court shall rule on that Request for Mediation; if the District Court does not issue a ruling within 7 days, that Request shall be deemed denied. Unless otherwise ordered by the Court, a Request for Mediation, pending resolution, or a Mediation Order stays the briefing schedule set forth in Federal Rule of Bankruptcy Procedure 8018. Notwithstanding a Request for Mediation, the District Court may elect at any time to send any case to

mediation, pursuant to Local Civil Rule 301.1.

(e) Effect of Failure to Designate Record.

a. Ground for Dismissal. The appellant's failure to file the designation of the record and statement of issues required under Federal Rule of Bankruptcy Procedure 8009(a) and these Local Rules is a ground for dismissal of the appeal.

b. Bankruptcy Clerk Certification to District Court. The Clerk of the Bankruptcy Court shall transmit to the District Court a certification of an appellant's failure to timely file the designation of the record and statement of issues required by Federal Rule of Bankruptcy Procedure 8009(a) and these Local Rules.

c. Dismissal. Upon receipt from the Bankruptcy Court of a certification of an appellant's failure to timely file the designation of the record and statement of issues, the District Court will enter an order to show cause as to why appellant's failure should not warrant dismissal of the appeal. If appellant fails to respond within 14 days or responds but fails to demonstrate sufficient good cause, the District Court shall dismiss the appeal.

Civ. RULE 601.4 Other Grounds for Dismissal of Appeals.

(a) Dismissal for Failure to File Timely Notice of Appeal. The District Court may dismiss an appeal if the notice of appeal is not filed within the time specified in Federal Rule of Bankruptcy Procedure 8002.

(b) Dismissal for Failure to Pay Fees. If a notice of appeal is docketed in the District Court without prepayment of the applicable fees, the appellant must pay the fee to the Clerk of the Bankruptcy Court within 14 days after docketing of the appeal in the District Court, unless an in forma pauperis application is pending. The Clerk of the Bankruptcy Court shall transmit to the District Court a certification of an appellant's failure to pay the fee within the 14-day period. If the appellant fails to timely pay the fee, the District Court may dismiss the appeal.

Civ. RULE 601.5 Briefs & Appendices.

Upon confirmation by the Bankruptcy Clerk that the record on appeal is complete in accordance with Bankruptcy Rule 8010 and these Local Civil Rules, and the applicable fee is paid, the District Court will set the briefing schedule, the form of which shall be governed by Bankruptcy Rules 8014 and 8015.

(a) Brief of Appellant

i. Issues Raised Below and Related Litigation. In addition to the sections enumerated in Federal Rule of Bankruptcy Procedure 8014(a), the brief of appellant must include the following: a statement of the issues presented as required by Rule 8014(a)(5); a designation by reference to specific pages of the appendix or location in the record at which each issue on appeal was raised,

objected to, and ruled upon; and after the statement of issues presented, a statement of all appeals which arose from the debtor's bankruptcy case previously or currently pending in the District Court or Court of Appeals; whether the matter on appeal has been before the District Court or Court of Appeals previously; and whether the appellant is aware of any other pending judicial proceeding in a federal or state court that presents issues which if decided may be relevant to the issues presented by the appellant's appeal and not duplicative of cases cited in the body of appellant's brief.

ii. Standard of Review. The brief of the appellant must include under a separate heading before the discussion of the issues a statement of which standard or scope of review is applicable to each issue on appeal (e.g., whether the Bankruptcy Court abused its discretion; whether the Bankruptcy Court's fact findings are clearly erroneous; whether the Bankruptcy Court erred in formulating or applying a legal precept).

(b) Brief of Appellee

i. Related Litigation and Standard of Review. In addition to the sections of a brief enumerated in Federal Rule of Bankruptcy Procedure 8014(b), the brief of appellee must also include the sections required by the Local Civil Rules.

ii. Appellee's Single Brief, if Multiple Appellants. The brief of an appellee who has been permitted to file one brief in consolidated appeals of two or more appellants must contain an appropriate cross reference index which clearly identifies and relates appellee's answering contentions to the specific contentions of the various appellants. The index must contain an appropriate reference by appellee to the question raised and the page in the brief of each appellant.

(c) Appendix to Brief

i. Appendix to Brief: Separate Filing. Except as provided in subdivision (b), an appendix to a brief shall be filed as a separate document from the brief.

ii. Volume One of Appellant's Appendix. Volume one of an appellant's multivolume appendix must consist only of (1) the notice of appeal, (2) the judgment, order, or decree from which the appeal is taken, (3) any findings, conclusions, or opinions relevant to the appeal, and (4) any order granting a certificate of direct appeal. Volume one of the appellant's appendix shall be attached to the appellant's brief, but the content shall not count towards the page or type-volume limitations on the brief.

iii. Hyperlinks. In addition to an electronic appendix, hyperlinks to the appendix may be added to the brief. If hyperlinks are used, the brief must also contain immediately preceding the hyperlink a reference to the paper appendix page. Hyperlinks to testimony must be to a transcript. A motion must be filed and

granted seeking permission to hyperlink to an audio or video file before such links may be included in the brief or appendix. Hyperlinks may not be used to link to sealed or restricted documents.

iv. Documents Sealed in the Bankruptcy Court. Records sealed in the Bankruptcy Court are sealed on appeal without the need for filing an additional motion to seal. Sealed documents must be in a separate volume, filed under a separate docket entry as sealed documents, and listed in the table of contents of the appendix as sealed documents.

Civ. RULE 601.6 Disclosure of Corporate Affiliations and Financial Interest.

(a) Deadline for Filing Disclosures. The disclosure statements and list described in subdivisions (b)-(d) shall be filed not later than 30 days after the appeal is docketed in the District Court.

(b) Corporate Disclosure. A corporation that is a party to an appeal must file a corporate disclosure statement on a form provided by the District Court that, as required by Federal Rule of Bankruptcy 8012-1(a), identifies any parent corporation and any publicly owned corporation that owns 10% or more of its stock. The statement must be filed whether or not the corporation has anything to report.

(c) All Parties Disclosure. A party to an appeal who knows of a publicly owned corporation that has a financial interest in the outcome of the litigation must file a disclosure statement that identifies the corporation and its interest.

(d) Appellant's Disclosure. The appellant must promptly file a list identifying:

i. the debtor, if not named in the caption;

ii. the members of the creditors committee or, if a committee has not been appointed, the 20 largest unsecured creditors on the list filed under Federal Rule of Bankruptcy 1007(d); and

iii. any entity not named in the caption which was an active participant in Bankruptcy Court proceeding giving rise to the appeal.

Civ. RULE 601.7 Motion for Extension of Time to File a Brief

(a) Motion for an Extension of Time May Be Ruled on Before Expiration of Response Period. A motion for an extension of time to file a brief is a motion for a procedural order under Federal Rule of Bankruptcy Procedure 8013(b), which may be ruled on at any time without the court awaiting a response.

(b) Disposition of Certain Motion. A motion for an extension of time should be made at least 3 days in advance of the due date for filing the brief. A timely first request for an

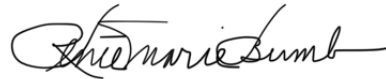
extension of 14 days or less ordinarily will be granted. An additional extension will not be granted unless the ground for extension was not foreseeable when the first request was made.

Comments must be received by the Clerk of the Court by July 24, 2025 and should be addressed as follows:

Melissa E. Rhoads, Clerk of Court
United States District Court
Martin Luther King, Jr., Bldg. & U.S. Courthouse
50 Walnut Street
Newark, NJ 07101

or sent by e-mail to: localrules@njd.uscourts.gov

For the Court

A handwritten signature in black ink, appearing to read "Renée Marie Bumb", written in a cursive style.

Renée Marie Bumb
Chief U.S. District Judge