APPELLATE NOTICE, DESIGNATION AND BRIEFING TIMETABLE

APPEAL FROM BANKRUPTCY COURT TO DISTRICT COURT

Step	Action	Deadline	Authority	Notes
1	Motion to Reconsider	**14 days** from entry of order/judgment	**Rule 8002(b)(1)**[1] **Rule 9023(b)** (Motion for New Trial or to Alter or Amend Judgment) **Rule 7052** (Motion to Amend or Add Findings/Conclusions)	• Triggered by entry of judgment order or decree • May be extended if extension requested before 14 day deadline • Delays deadline for filing notice of appeal
2	Notice of Appeal	**14 days** from entry of order/decree/judgment or **14 days** from order ruling on *Step 1*, if applicable	**Rule 8002(a)(1)**	• Filed in bankruptcy court with fee • Attach copy of order/judgment/decree, • May be extended by motion filed prior to deadline • No extension permitted if plan confirmation, stay relief, sales, assumption of executory contract • Post-deadline nunc pro tunc extensions requires excusable neglect
2A	Notice of Cross-Appeal	**14 days** from *Step 2*	**Rule 8002(a)(3)**	• Filed in bankruptcy court with fee • Attach copy of order, judgment, or decree

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[1] All further "Rule ___" references are to the Federal Rules of Bankruptcy Procedure unless otherwise designated.

Step	Action	Deadline	Authority	Notes
3	Appellant's Statement of Issues on Appeal & Designation of Record	**14 days** after *Step 2*	**Rule 8009(a)(1)**	• Attach docket sheet, notice of appeal, ECF Documents, transcripts, & trial exhibits
4	Appellee's/Cross Appellant's Statement of Issues on Appeal & Designation of Record	**14 days** after *Step 3*	**Rule 8009(a)(2)**	• Attach docket, notice of appeal, ECF Documents, & transcripts • Suggestion: try not to include items already in the record from *Step 3*[2]
5	Appellant's/Cross Appellee's Designation of Record Appellant	**14 days** after *Step 4*		
-	Following submission of Statement(s) and Designation(s) the Bankruptcy Clerk assembles the record numbering each page of the pleading, motion, transcript or other designated document.	No Deadline[3]	**Rule 8010**	

[2] There is also a benefit to the "be kind, rewind" policy when designating a record. When designating a motion entered on the docket it helps (everybody) if the include the response is designated as well, even though filed by another party. This makes referencing the record easier when briefing because the district clerk supplements the record for cross designations and assigns a new volume number to the cross-designated items. If docket entries that will obviously be designated are not included in the original record designations, there may be multiple volumes of the record when it's quite likely there's only need for one volume. ROA __ (Volume #) p. __ is the common record citation format. If there's only one Volume #, then the need to search through multiple district court docket entries to find the correct volume is alleviated.

[3] The length of time required to assemble the record depends on several factors. If there is a cross appeal or an unfilled transcript order the bankruptcy clerk may have to supplement the record and assign a new volume number to the supplement.

Step	Action	Deadline	Authority	Notes
6	Bankruptcy Clerk transmits the assembled record to the Clerk for the United States District Court	No Deadline		• Be wary of proving clients timelines because this can somewhat unpredictable
7	District Clerk enters Notice of Docketing on Appeal			
8	Appellants' Briefing Deadline	*Step 7* plus **30 days**	**Rule 8016(e)(1)**	
9	Appellee's Briefing Deadline	*Step 8* plus **30 days**	**Rule 8016(e)(2)**	
10	Appellant's/Cross Appellee's Reply and Response Brief Deadline	*Step 9* plus **30 days**	**Rule 8016(e)(3)**	• Appellant's Response only applies when a cross appeal has been filed
11	Appellee's/Cross Appellant's Reply Deadline	*Step 10* plus **14 days**	**Rule 8016(e)(4)** **Rule 8016(c)(4)**	• Scope limited to Cross Appeal Issue(s) only