



UNITED STATES BANKRUPTCY COURT

EASTERN DISTRICT OF MISSOURI
THOMAS F. EAGLETON U.S. COURTHOUSE
111 SOUTH TENTH STREET, FOURTH FLOOR
ST. LOUIS, MISSOURI 63102

www.moeb.uscourts.gov

DANA C. MCWAY
CLERK OF COURT

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REVISED PUBLIC NOTICE APPEAL INSTRUCTIONS

Notice is hereby given that all appeals filed in this Court must be in compliance with the following instructions. Unless either party elects to have the appeal go to the District Court, the appeal will be heard by the Bankruptcy Appellate Panel. A Separate Election is required to appeal to the District Court.

1. General Information

Notice of Appeal

Under Federal Rule of Bankruptcy Procedure 8001(a), an appeal is initiated by filing a Notice of Appeal with the Bankruptcy Court. The Notice of Appeal shall:

- (1) conform substantially to Official Form 17 available at http://www.uscourts.gov/bkforms/bankruptcy_forms.html#official;
- (2) be accompanied by the prescribed fee (see below); and
- (3) 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. The Office of the United States Trustee shall be included in the list of parties. The Court prefers the appellant to serve the Notice of Appeal and file a Certificate of Service.

Fee

The filing fee and the docketing fee can be obtained from <http://www.moeb.uscourts.gov/goi-frame.htm> and must be paid in full at the time of filing a Notice of Appeal.

Separate Election

If the appellant wants the appeal to be heard by the District Court, the appellant must file with the Bankruptcy Court, a Separate Election to have the appeal heard by the District Court. Any other party seeking to have the appeal heard by the District Court must file an election with the Bankruptcy Appellate Panel within 30 days of service of the Notice of Appeal (28 U.S.C. § 158 (c)). Sample forms for appellant and appellee's election to the District Court are provided in an appendix to the local rules for the Bankruptcy Appellate Panel. Those rules and instructional manual are available from the Eighth Circuit Court of Appeals website at www.ca8.uscourts.gov/index.html.

Designation of Record

In an appeal to the District Court, unless the time for filing is extended, the appellant must file with the Bankruptcy Court its designation of the items to be included in the record on appeal and a statement of the issues to be presented within ten (10) days of the date of the filing the Notice of Appeal (Fed. R. Bankr. P. 8006). The appellant and appellee are responsible for delivering hard copies of all documents, pleadings, exhibits, and transcripts referenced in the Designation of Record to the **District Court** when such documents are due.

Transcript

If you need to request a transcript, please call Tina Schenck (314) 244-4807, Robert Reese (314) 244-4804, or Diane Lovell at (314) 244-4813.

Direct Appeal

Section 158(d) of Title 28 was amended under the BAPCPA of 2005 to provide the Circuit Courts of Appeal with discretion to accept bankruptcy appeals without intermediate appellate decision. The Circuit Court may accept a direct appeal if the appropriate Court or party certifies the direct appeal is necessary to address a matter of first impression or of public importance, resolve conflicting decisions, or materially advance the progress of the case.

2. Summary of Filing Requirements

Appeals to the Bankruptcy Appellate Panel

To appeal to the Bankruptcy Appellate Panel, the appellant must file with the Bankruptcy Court:

1. A Notice of Appeal (please serve and provide a Certificate of Service); and
2. The filing fee, payable to Clerk, U.S. Bankruptcy Court. Filing a Notice of Appeal through CM/ECF requires use of the Internet Credit Card Program.

All documents filed after the Notice of Appeal should be filed with the **Bankruptcy Appellate Panel**.

Appeals to the District Court

To appeal to the District Court, the appellant must file with the Bankruptcy Court:

1. The Notice of Appeal (please serve and provide a Certificate of Service);
2. The filing fee, payable to Clerk, U.S. Bankruptcy Court. Filing a Notice of Appeal through CM/ECF requires use of the Internet Credit Card Program;
3. The appellant's Separate Election to have appeal heard by the District Court; and
4. The U.S. District Court cover sheet (available on the website of the U.S. District Court for the Eastern District of Missouri at www.moed.uscourts.gov).
5. The Designation of the Record and Issues on Appeal.

All documents filed after the Notice of Appeal and Designations should be filed with the **District Court**.

Direct Appeal to the Circuit Court

To appeal directly to the Circuit Court from the Bankruptcy Court, the appellant must file with the Bankruptcy Court:

1. The Notice of Appeal (please serve and provide a Certificate of Service);
2. A Notice of Certification of Direct Appeal (28 U.S.C. § 158(d)(2)) (Official Form 24, http://www.uscourts.gov/bkforms/bankruptcy_forms.html#official); and
3. The filing fee, payable to Clerk, U.S. Bankruptcy Court. Filing a Notice of Appeal through CM/ECF requires use of the Internet Credit Card Program.

If the direct appeal is authorized by the Circuit Court, all documents filed after authorization should be filed with the **Circuit Court**.

A handwritten signature in blue ink that reads "Dana C. McWay". The signature is written in a cursive style and is centered within a light gray rectangular box.

Dana C. McWay

Clerk of Court

Revised: May 8, 2008