



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

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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 the appropriate Official Form (see attached); (2) be accompanied by the prescribed fee; 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 should 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 A \$5.00 filing fee and \$100.00 docketing fee 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's 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.

Designation of Record

In an appeal to the District Court, unless the time for filing is extended, the appellant must file 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 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 Robert Brimmer at (314) 244-4810 or Linda Truccano at (314) 422-4809.

2. Summary of Filing Requirements

Appeals to the Bankruptcy Appellate Panel

To appeal to the Bankruptcy Appellate Panel, 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.

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;
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 this Court's website at www.moeb.uscourts.gov or the website of the U.S. District Court for the Eastern District of Missouri at www.moed.uscourts.gov).

Thank you for your cooperation.

Dana C. McWay
Clerk of Court