

**UNITED STATES BANKRUPTCY APPELLATE PANEL
OF THE TENTH CIRCUIT**

IN RE GENERAL ORDERS OF THE
UNITED STATES BANKRUPTCY
APPELLATE PANEL OF THE
TENTH CIRCUIT.

GENERAL ORDER NO. 5
November 13, 2009

Before CORNISH, Chief Judge, BOHANON, MICHAEL, NUGENT, BROWN,
THURMAN, RASURE, KARLIN, and ROMERO, Bankruptcy Judges.

WHEREAS, the Judicial Conference of the United States has approved amendments to the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, and the Federal Rules of Appellate Procedure, which address the method in which time is calculated in the federal courts; and

WHEREAS, the Supreme Court of the United States has adopted the rule amendments proposed by the Judicial Conference and transmitted the same to Congress pursuant to the Rules Enabling Act; and

WHEREAS, absent further action by Congress, the rule amendments will become effective December 1, 2009; and

WHEREAS, Federal Rule of Appellate Procedure 26, Federal Rules of Bankruptcy Procedure 8001, 8002, 8003, 8006, 8009, 8015, 8017, 9006, and Federal Rule of Civil Procedure 6, are among the rules being amended and impact practice before this Court; and

WHEREAS, the amended rules now count intermediate weekends and holidays for all time periods, with the time periods having been amended as follows: five day periods are now seven days; ten day periods are now fourteen days; fifteen day periods are now fourteen days; twenty day periods are now twenty-one days; and twenty-five day periods are now twenty-eight days; and

WHEREAS, the Court has reviewed its local rules of practice with the participation of the Clerk of the Court and has determined that changes to Local Rules 8006-1(b), 8011-1(c), 8018-3(f), 8018-8(a), and 8018-9(b), as set forth in Exhibit A, may be necessary to conform to the amendments to the federal rules; and

WHEREAS, the Court has determined that the December 1, 2009, effective date does not provide sufficient time to promulgate rules under the Rules Enabling Act.

Accordingly, it is HEREBY ORDERED THAT:

- (1) The amendments to the federal rules of practice as defined in this General Order are adopted effective December 1, 2009.
- (2) The amendments shall govern all appeals thereafter commenced, and to all time periods calculated in pending appeals subsequent to that date.
- (3) The Local Rules Committee is directed to incorporate the amendments attached to this General Order as Exhibit A when it considers amendments to the Local Rules.
- (2) This General Order shall automatically terminate on the effective date of any future amendments to the Local Rules.

For the Panel:



Barbara A. Schermerhorn, Clerk of Court

Exhibit A
Proposed Amendments to the
United States Bankruptcy Appellate Panel of the Tenth Circuit
Local Rules

L. R. 8006-1. Record and Issues on Appeal

- (b) ***Copy of Designation of Record and Statement of Issues.*** A party who files a designation of record or statement of issues with the bankruptcy court must file a copy with this court within ~~10~~ **14** days after the date of the notice that the appeal has been docketed with this court.

L. R. 8011-1. Motions

- (c) ***Reply.*** If a response to a motion is filed, the movant may file a reply to the response within **5 7** days after service of the response. The court will not consider any further response or reply without leave of court.

L. R. 8018-3. Statement of Interested Parties

- (f) ***Time of Filing.*** The Statement of Interested Parties must be filed within ~~10~~ **14** days after the date of the notice that the appeal has been docketed with this court, or when a party files a motion with this court, whichever is earlier.

L. R. 8018-8. Case Involving Constitutional Question

- (a) **Written Notice Required.** Within ~~10~~ **14** days after the date of the notice that the appeal has been docketed with this court, a party must file a written notice with this court if the party:
- (1) questions the constitutionality of an Act of Congress in a proceeding in which the United States or its agency, officer, or employee is not a party in an official capacity;
or
 - (2) questions the constitutionality of a state statute in a proceeding in which the state's attorney general is not a party in an official capacity.

L. R. 8018-9. Supplemental Authority

- (b) **Response.** Any response to the letter must be made by letter addressed to this court, must not exceed two pages, and must be filed and served within ~~5~~ **7** days after service of the original letter.