

BAP Quick Reference Guide

(Revised 12/1/2014)

WHAT	WHO	WHEN	WHERE FILED	REMARKS
<p style="text-align: center;">Notice of Appeal Fed. R. Bankr. P. 8003 and 1st Cir. BAP L.R. 8003-1</p>	Appellant	Within 14 days from entry of an order, judgment, or decree.	Bankruptcy Court	Counsel or all appellants must sign. Notice must substantially conform to Official Form 17(a).
<p style="text-align: center;">Appellant's Election to the District Court 28 U.S.C. § 158(c)(1)(A); Fed. R. Bankr. P. 8005; 1st Cir. BAP L.R. 8005-1</p>	Appellant	When filing the Notice of Appeal.	Bankruptcy Court	Must indicate election on Notice of Appeal.
<p style="text-align: center;">Other Party's Election to the District Court 28 U.S.C. § 158(c)(1)(B); Fed. R. Bankr. P. 8005; 1st Cir. BAP L.R. 8005-1</p>	Party other than appellant	Within 30 days after the Bankruptcy Court's service of the notice of appeal.	BAP	Must substantially conform to Official Form 17(b). BAP will transfer case to district court. Appellee may waive if files documents related to appeal.
<p style="text-align: center;">Cross - Appeal Fed. R. Bankr. P. 8002(a)(3) and 8016</p>	Party other than appellant	Within 14 days of the date on which the first Notice of Appeal was filed unless otherwise allowed.	Bankruptcy Court	Counsel or all cross-appellants must sign.

<p>Motion for Leave to Appeal Interlocutory Order Fed. R. Bankr. P. 8004;</p>	Appellant	With the Notice of Appeal.	Bankruptcy Court	Appellant must serve on all parties.
<p>Designation of the Record Fed. R. Bankr. P. 8009, 8010; 1st Cir. BAP L.R. 8009-1(a), 8010-1</p>	Appellant	Within 14 days after the later of: (1) the date of filing the notice of appeal; (2) the date of entry of an order granting leave to appeal; or (3) the date of entry of the order disposing of the last timely Rule 8002(b) motion.	Bankruptcy Court	Appellant must serve on all parties.
<p>Designation of Additional Items to be Included in the Record; Statement of Issues Fed. R. Bankr. P. 8009; 1st Cir. BAP L.R. 8009-1</p>	Cross-Appellant (mandatory); Appellee (optional)	Within 14 days after service of the appellant's Designation of Record and Statement of Issues.	Bankruptcy Court	Must be served on all parties.
<p>Ordering Transcript Fed. R. Bankr. P. 8009, 8010;</p>	Appellant or appellee, if transcript is necessary.	Within 14 days after Notice of Appeal or order granting leave.	Bankruptcy Court	Rules now allow for Statement to be filed regarding proceedings and/or designation or appendix under certain circumstances.

<p>Brief - Opening Fed. R. Bankr. P. 8014, 8015, 8016, 8017, 8018; 1st Cir. BAP L.R. 8014-1, 8015-1,8018-1</p>	<p>Appellant</p>	<p>Within 14 days of receiving a Briefing Order from the BAP Clerk's Office; the Briefing Order issues once the Designation of Record and Statement of Issues are docketed at the BAP.</p>	<p>BAP</p>	<p>If not filed electronically, the BAP considers the briefs and appendices filed on the date mailed.</p>
<p>Appendix Fed. R. Bankr. P. 8015</p>	<p>Appellant (required); Appellee (optional)</p>	<p>The Appendix must be filed with the brief.</p>	<p>BAP</p>	<p>The appendix is a document separate from the brief. The appellant and/or appellee shall include only necessary portions of transcripts.</p>
<p>Brief - Response Fed. R. Bankr. P. 8014, 8015, 8018; 1st Cir. BAP L.R. 8014-1, 8018-1</p>	<p>Appellee</p>	<p>Within 30 days after service of appellant's brief.</p>	<p>BAP</p>	<p>If not filed electronically, briefs and appendices are considered filed on the date mailed.</p>
<p>Brief - Reply Fed. R. Bankr. P. 8014, 8015, 8018; 1st Cir. BAP L.R. 8014-1, 8018-1</p>	<p>Appellant (optional)</p>	<p>Within 14 days after service of appellee's brief.</p>	<p>BAP</p>	

<p>Translations Required 1st Cir. BAP L.R. 8011-1</p>	All parties	Whenever a party cites to a statute, rule, regulation, document, or an opinion of the Supreme Court of Puerto Rico or other court in Puerto Rico and the cited authority is not available in the bound English volumes.	BAP	An official, certified, or stipulated translation must be filed. The BAP will disregard documents not in the English language unless translations are furnished.
<p>Motion Practice Fed. R. Bankr. P. 8013; 1st Cir. BAP R. 8013-1, 8011-1</p>	Movant	Varies.	BAP	Movant must file written motion and signed certificate of service.
<p>Response to Motion Fed. R. Bankr. P. 8013; 1st Cir. BAP L.R. 8013-1</p>	Non-Moving Party	Within 14 days after service of motion.	BAP	Party must serve response on all parties.
<p>Motion for Extension Of Time Fed. R. Bankr. P. 8013 1st Cir. BAP R. 8013-1,</p>	Party filing the brief or other pleading	As needed.	BAP	Movant must serve all parties. Motion must provide justification for the extension.
<p>Emergency Motions Fed. R. Bankr. P. 8013(d); 1st Cir. BAP L.R. 8013-1</p>	Any party	Varies.	BAP	Movant must plainly title motion as one for emergency or expedited relief and must fully disclose the circumstances warranting emergency consideration. Counsel must provided a verified statement.

<p>Summary Disposition Fed. R. Bankr. P. 8001; 1st Cir. BAP R. 8011-1(f)</p>	<p>Any party or sua sponte by the BAP</p>	<p>Varies.</p>	<p>BAP</p>	<p>Warranted if the Panel lacks jurisdiction, if no substantial question is presented, or in cases of obvious error.</p>
<p>Stay Pending Appeal Fed. R. Bankr. P. 8007 1st Cir. BAP L.R. 8007-1</p>	<p>Movant</p>	<p>Pursuant to 1st Cir. BAP L.R. 8011(c), “relief may be denied if [motion] not presented promptly.”</p>	<p>With the Bankruptcy Court: in the first instance. With the BAP: if Bankruptcy Court denies motion or otherwise does not rule.</p>	<p>If first motion filed at BAP, movant must explain why did not file at bankruptcy court.</p>
<p>Statement Regarding Submission on the Briefs, or for Oral Argument Fed. R. Bankr. P. 8019; 1st Cir. BAP L.R. 8019-1</p>	<p>Any party</p>	<p>Once principal briefs are filed.</p>	<p>BAP</p>	<p>Any party may include a statement in its brief setting forth the reasons why oral argument should or should not be heard and where the party would prefer it to be heard.</p> <p>Motions for the same purpose may be filed at any time.</p> <p>The Panel may dispense with oral argument and consider the appeal on the briefs if it deems argument unnecessary.</p>

<p>Motion for Rehearing Fed. R. Bankr. P. 8022</p>	<p>Any party</p>	<p>Within 14 days after entry of judgment.</p>	<p>BAP</p>	<p>Movant must serve on all parties. A timely motion for rehearing tolls the time for appeal to the court of appeals for all parties until the entry of the order denying the rehearing or entry of a subsequent judgment.</p>
<p>Notice of Appeal to the United States Court of Appeals for the First Circuit Fed. R. App. P. 4(a), as made applicable by Fed. R. App. P. 6</p>	<p>Any party</p>	<p>Within 30 days after date of entry of opinion or order disposing of appeal (60 days if the United States is a party).</p>	<p>BAP</p>	<p>Appellant, other than the United States, must attach filing fee and sufficient copies for the BAP to serve all parties.</p>