

# BAP Quick Reference Guide

(Revised August 2022)

WHAT	WHO	WHEN	WHERE FILED	REMARKS
<p style="text-align: center;"><b>Notice of Appeal</b></p> <p>Fed. R. Bankr. P. 8003; 1st Cir. BAP L.R. 8003-1</p>	Appellant	Due within 14 days from entry of an order, judgment, or decree.	Bankruptcy Court	Counsel or all appellants must sign. Notice must conform substantially to Official Form 417A. Notice of Appeal must be accompanied by prescribed filing fee.
<p style="text-align: center;"><b>Appellant's Election to District Court</b></p> <p>28 U.S.C. § 158(c)(1)(A); Fed. R. Bankr. P. 8005; 1st Cir. BAP L.R. 8005-1(b)(1)</p>	Appellant	Due when filing the Notice of Appeal.	Bankruptcy Court	Must indicate election within Notice of Appeal. Failure to elect within Notice of Appeal results in waiver of right to election.
<p style="text-align: center;"><b>Appellee's Election to District Court</b></p> <p>28 U.S.C. § 158(c)(1)(B); Fed. R. Bankr. P. 8005; 1st Cir. BAP L.R. 8005-1(b)(2)</p>	Party other than Appellant	Due within 30 days after the Bankruptcy Court's service of the Notice of Appeal.	BAP	Must conform substantially to Official Form 417B. BAP will transfer case to district court. Appellee may waive election upon filing of appeal-related documents.
<p style="text-align: center;"><b>Notice of Cross-Appeal</b></p> <p>Fed. R. Bankr. P. 8002(a)(3) and 8016</p>	Party other than Appellant	Due 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 style="text-align: center;"><b>Motion for Leave to Appeal Interlocutory Order</b></p> <p>Fed. R. Bankr. P. 8004</p>	Appellant	File with the Notice of Appeal.	Bankruptcy Court	Appellant must serve on all parties. A party may file a response to motion for leave within 14 days after motion is served.

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<p><b>Designation of Items to be included in the Record on Appeal;</b>  <b>Statement of Issues</b>            Fed. R. Bankr. P. 8009; 8010;            1st Cir. BAP L.R. 8009-1; 8010-1</p>	Appellant	Due 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><b>Designation of Additional Items to be Included in the Record; Statement of Issues for Cross-Appeal</b></p>	Cross-Appellant (both required); Appellee (Designation of Additional Items to be Included in the Record, optional)	Due 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><b>Ordering Transcript</b>            Fed. R. Bankr. P. 8009(b); 8010</p>	Appellant or Appellee, if transcript is necessary	Due within 14 days after Notice of Appeal or order granting leave to appeal.	Bankruptcy Court	Arrangements for payment must be made at the time of ordering. Rules allow for Statement to be filed in lieu of transcript regarding proceedings and/or designation or appendix under certain circumstances.

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<p><b>Brief—Opening</b>            Fed. R. Bankr. P. 8014, 8015, 8016, 8017, and 8018;            1st Cir. BAP L.R. 8014-1, 8015-1, and 8018-1</p>	<p>Appellant</p>	<p>Due within 30 days of issuance of briefing order. Typically, the briefing order is issued after the bankruptcy court certifies that the record on appeal is complete.</p>	<p>BAP</p>	<p>Electronic filing is required for attorney filers. Filing by mail is required for unrepresented filers except in extraordinary circumstances announced from time to time on the BAP’s website, in which case email filing will also be permitted. The BAP considers briefs and appendices filed on the date mailed. Appellant’s failure to file brief timely may result in dismissal of the appeal. Appellant’s brief not to exceed 30 pages.</p>
<p><b>Appendix</b>            Fed. R. Bankr. P. 8015 and 8018;            1st Cir. BAP L.R. 8015-1, 8018-1</p>	<p>Appellant (required);            Appellee (optional)</p>	<p>The Appendix must be filed concurrently with the brief.</p>	<p>BAP</p>	<p>The appendix is a document separate from the brief. Must include necessary portions of the record and transcripts.</p>
<p><b>Brief—Response</b>            Fed. R. Bankr. P. 8014, 8015, and 8018;            1st Cir. BAP L.R. 8014-1, 8018-1</p>	<p>Appellee</p>	<p>Due within 30 days after service of the Appellant’s brief.</p>	<p>BAP</p>	<p>Electronic filing is required for attorney filers. Filing by mail is required for unrepresented filers except in extraordinary circumstances announced from time to time on the BAP’s website, in which case email filing will also be permitted. The BAP considers briefs and appendices filed on the date mailed. Appellee’s failure to file brief may result in loss of the right to be heard at oral argument. Appellee’s brief not to exceed 30 pages.</p>

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<p><b>Brief—Reply</b>            Fed. R. Bankr. P. 8014, 8015, and 8018;            1st Cir. BAP L.R. 8014-1, 8018-1</p>	<p>Appellant (optional)</p>	<p>Due within 14 days after service of Appellee’s brief.</p>	<p>BAP</p>	<p>Reply brief not to exceed 15 pages.</p>
<p><b>Translations Required</b>            1st Cir. BAP L.R. 8011-1</p>	<p>All parties</p>	<p>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 or material is not otherwise available in English.</p>	<p>BAP</p>	<p>An official, certified, or stipulated translation must be filed. The BAP will disregard documents not in the English language unless translations are furnished.</p>
<p><b>Motion Practice</b>            Fed. R. Bankr. P. 8011, 8013;            1st Cir. BAP L.R. 8013-1, 8011-1</p>	<p>Movant</p>	<p>Varies. Consult relevant rule.</p>	<p>BAP</p>	<p>Movant must file written motion and signed certificate of service.</p>
<p><b>Response to Motion</b>            Fed. R. Bankr. P. 8013</p>	<p>Respondent</p>	<p>Due, typically, within seven (7) days after motion is served. BAP can act on procedural motions without waiting for a response.</p>	<p>BAP</p>	<p>Party must serve response on all parties.</p>
<p><b>Motion for Extension of Time</b>            Fed. R. Bankr. P. 8013;            1st Cir. BAP L.R. 8013-1, 8018-1</p>	<p>Any party</p>	<p>File as needed. Motion must be filed before the expiration of the applicable deadline.</p>	<p>BAP</p>	<p>Movant must serve on all parties.</p>

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<p><b>Emergency Motions</b>            Fed. R. Bankr. P. 8013(d);            1st Cir. BAP L.R. 8013-1(d)</p>	<p>Any party</p>	<p>Varies.</p>	<p>BAP</p>	<p>Movant must plainly title motion as one for emergency or expedited relief and must fully disclose the circumstances warranting emergency consideration. Counsel's affidavit setting out the nature of the emergency is required. Movant must telephone the BAP prior to filing and notify opposing counsel and/or unrepresented parties. The motion must include a date or period within which it seeks such determination and request that the period for response be reduced to a specified date or period.</p>
<p><b>Summary Disposition</b>            1st Cir. BAP L.R. 8013-1(c)</p>	<p>On motion by 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><b>Stay Pending Appeal of Bankruptcy Court order</b>            Fed. R. Bankr. P. 8007;            1st Cir. BAP L.R. 8007-1</p>	<p>Movant</p>	<p>Either before or after the notice of appeal is filed, the BAP may deny a motion for stay "if it is not presented promptly."</p>	<p>Bankruptcy Court: in the first instance             BAP: if Bankruptcy Court denies motion or otherwise does not rule.</p>	<p>If the motion is an emergency motion, it must also comply with Fed. R. Bankr. P. 8013(d) and 1st Cir. BAP L.R. 8013-1(d)</p>

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<p align="center"><b>Request for Oral Argument</b></p> <p>Fed. R. Bankr. P. 8019; 1st Cir. BAP L.R. 8019-1</p>	<p>Any party</p>	<p>Upon filing of principal briefs or in a motion requesting submission or argument filed at any time</p>	<p>BAP</p>	<p>Both appellant and appellee must include a statement in its brief setting forth the reasons why oral argument is/is not necessary. Preference for location of argument may also be included.</p> <p>Notwithstanding a request for oral argument, the Panel may dispense with a hearing and consider the appeal on the briefs if it determines “oral argument is unnecessary because: (1) the appeal is frivolous; (2) the dispositive issue or issues have been authoritatively decided; or (3) the facts and legal arguments are adequately presented in the briefs and record, and the decisional process would not be significantly aided by oral argument.”</p>
<p align="center"><b>Motion for Rehearing</b></p> <p>Fed. R. Bankr. P. 8022; 1st Cir. BAP L.R. 8022-1</p>	<p>Any party</p>	<p>Due 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 U.S. Court of Appeals for all parties until the entry of the order denying the rehearing or entry of a subsequent judgment. Responses to a motion for rehearing are to be filed within 7 days after service of the motion.</p>

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<p style="text-align: center;"><b>Notice of Appeal to the United States Court of Appeals for the First Circuit</b></p> <p>Fed. R. App. P. 4(a), as made applicable by Fed. R. App. P. 6</p>	<p>Any party</p>	<p>Due within 30 days after date of entry of judgment or order disposing of appeal (60 days if United States is a party).</p>	<p>BAP</p>	<p>Appellant, other than the United States, must include the filing fee.</p>