

FILED

APR 15 2004

BANKRUPTCY APPELLATE PANEL
OF THE SIXTH CIRCUIT

LEONARD GREEN, Clerk

In re: 6th CIR. BAP LBR 8009-3
FORM OF APPENDIX TO BRIEFS
AMENDMENT OF RULE

GENERAL ORDER

At the direction of the panel 6th Cir. BAP LBR 8009-3 is hereby amended to provide as follows:

6th Cir. BAP LBR 8009-3. As Amended 2004. Forms of Appendix to Briefs – Appeal.

(a) **Organization and Presentation.** The appendix shall be bound separately from the brief. The appendix shall be reproduced on white paper by any copying process producing a clearly legible image. Papers in the appendix shall be organized as follows: a table of contents shall be first; relevant entries on the bankruptcy court docket shall be second; other items shall follow in the order listed on the docket (unless so voluminous as to be separately bound). If the appendix includes both items from the bankruptcy court case docket and items from an adversary proceeding docket, entries on the case docket shall precede entries on the adversary proceeding docket. If this organization is impossible or inappropriate for a particular appeal, any different organization shall be explained in a note to the table of contents.

(b) **Pagination.** The appendix shall be paginated and the table of contents shall (i) describe each document contained therein; (ii) set forth for each such document the corresponding record entry number from the docket sheet of the court below, where available; and (iii) show the page within the appendix where such document first appears. The table of contents shall also contain an alphabetical listing of those witnesses whose testimony is included in the appendix, with a reference to the date and proceeding, if other than trial, where such testimony begins and shall also indicate the corresponding page(s) in the appendix.

Where the appendix is divided into more than one volume, each volume shall be consecutively paginated and shall contain a table of contents conforming with the requirements of this subsection. The table of contents in each volume shall include the contents of all volumes of the appendix.

(c) **Number of Copies.** Five copies of each appendix shall be filed. One copy of the appendix shall be served on each other party.

(d) **Portions of Transcript.** Pursuant to Rule 8009(b)(9), the appendix shall include the portions of the transcript necessary for adequate review of the issues before the panel. The panel is required to consider only those portions of the transcript included in the appendix.

(e) **Appendix as Public Record.** Appendices filed with the BAP are public records. To have an appendix sealed, a timely motion must be filed.

(f) **Failure to Conform to Rule.** The panel clerk shall return any appendix that does not conform to the above rules to the party submitting the appendix for filing with a statement of the deficiency and a deadline of not more than 10 days for resubmitting the corrected appendix.

IT IS SO ORDERED.

ENTERED BY ORDER OF THE PANEL

A handwritten signature in cursive script, appearing to read "Leonard Green", is written over a horizontal line.

Leonard Green, Clerk