

SO 1.31 Procedures for consideration by the District Court of matters in cases or proceedings referred to the Bankruptcy Court.

1. Appeals to the District Court. Appeals from judgements, orders or decrees of a Bankruptcy Judge shall be governed by Part VIII of the **Bankruptcy Rules** (Section 8001, et seq.) and **LR 83.4**.

2. Motions Seeking Relief from a District Judge. Motions filed seeking relief from a District Judge, including motions under **28 USC 157(d)** [for withdrawal of reference], **28 USC 157(c)(1)** [objections to proposed findings of fact and conclusions of law] and **Bankruptcy Rule 8005** [for stay pending appeal], shall be governed by the rules set forth below.

A. Original Motion.

(1) Applicable Rules. The Local Rules for the United States District Court for the Western District of Louisiana shall be applicable in all motions filed in bankruptcy cases or proceedings seeking relief from a District Judge. In those instances where the **Bankruptcy Rules** require a report from the bankruptcy judge, e.g. **Bankruptcy Rule 5011(b) & 9027(e)**, the local Bankruptcy Rules shall apply until such report is issued.

(2) Place of Filing. All motions described in 2A(1) above shall be filed with the clerk of the bankruptcy court.

(3) Contents of Motion. In addition to the normal requirements of documents filed in the bankruptcy Court, motions described in 2A(1) above shall include:

(a) A clear and concise statement opposite the title of the action that “RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE”.

(b) A designation of the portions of the record of the proceedings in the Bankruptcy Court that will reasonably be necessary or pertinent for consideration of the motion by the District Court.

(c) A list showing each party with an interest in the motion and for each party shown, their attorney along with such attorney’s mailing and e-mail address.

B. Subsequent Filings. Any filing in a matter under this section subsequent to the “Original Motion” set forth in 2A above shall be filed with the Clerk of the District Court and shall comply with all the rules of such court.

C. Duties of the Clerk of the Bankruptcy Court. Upon filing of an original motion, as set forth in 2A above, the Clerk of the Bankruptcy Court shall promptly transmit to the Clerk of the District Court:

(1) A certified or electronic copy of the motion and all attachments to the motion, and

(2) A certified or electronic copy of the portion of the Bankruptcy Court record designated in accordance with 2A(3)(b) above. When copies of records are made under 2C(2)(a) above, the Clerk of the Bankruptcy Court may charge the moving party for these copies under the fee schedule applicable to the United States Courts.

D. No Automatic Stay of Bankruptcy Court Proceedings. There shall be no automatic stay of Bankruptcy Court proceedings as a result of the filing of any motion under 2A above. Any stay of proceedings will result only from an order of the Bankruptcy Court or the District Court.

E. Obligation of the Parties. It shall be the obligation of each and every party and their attorney to apprise both the Bankruptcy Court and the District Court of any orders entered in either court which would significantly affect matters pending in either court.