United States Bankruptcy Court
Southern District of New York

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In the Matter of   General Order M-477

ADOPTION OF AMENDMENTS TO
LOCAL BANKRUPTCY RULES

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       The Bankruptcy Judges of this District having considered proposed technical amendments to the Local Bankruptcy Rules that do not require public notice and opportunity to comment; and the Bankruptcy Judges of this District having determined in accordance with Federal Rule of Bankruptcy Procedure 9029 and Federal Rule of Civil Procedure 83 that the annexed amendments to the Local Bankruptcy Rules should be adopted, it is

       ORDERED that the annexed amendments to the Local Bankruptcy Rules be, and the same hereby are, adopted, effective December 1, 2014.

Dated: New York, New York
     December 1, 2014

                        /s/ Cecelia G. Morris
                        Chief United States Bankruptcy Judge

AMENDMENTS TO THE LOCAL BANKRUPTCY RULES FOR THE SOUTHERN DISTRICT OF NEW YORK

PART VIII: APPEALS

Rule 8003-1   COPIES OF NOTICE OF APPEAL FOR PRO SE PARTIES

Upon the filing of a notice of appeal, the appellant shall provide the Clerk with sufficient copies of the notice and address labels for all pro se parties to be served to permit the Clerk to comply with Bankruptcy Rule 8003(c).

Comment

This rule is derived from Former Local Bankruptcy Rule 8004-1 and was renumbered to conform to the 2014 amendments to Part VIII of the Bankruptcy Rules and amended to require copies of the notice of appeal and address labels only for parties appearing pro se, which is consistent with the 2014 amendment to Bankruptcy Rule 8003(c). For all other parties, service of the notice of appeal is by electronic means pursuant to Bankruptcy Rule 8001(c).

Although the appellant is required to provide address labels, envelopes should not be provided.

Rule 8007-1   SUPERSEDEAS BOND

(a)   A supersedeas bond, where the judgment is for a sum of money only, shall be in the amount of the judgment plus 11% to cover interest and such damages for delay as may be awarded, plus $250 to cover costs.

(b)   When the stay may be effected as of right solely by the giving of the supersedeas bond, but the judgment or order is not solely for a sum of money, the Court, on notice, shall fix the amount of the bond. In all other cases, the Court may, on notice, grant a stay on such terms as to security and otherwise as it may deem proper.

(c)   On approval, a supersedeas bond shall be filed with the Clerk, and a copy thereof, with notice of filing, promptly served on all parties affected thereby. If the appellee raises objections to the form of the bond or to the sufficiency of the surety, the Court shall hold a hearing on notice to all parties.

Comment

This rule is derived from Former Local Bankruptcy Rule 8005-1 and was renumbered to conform to the 2014 amendments to Part VIII of the Bankruptcy Rules.

Rule 8009-1   **RECORD ON APPEAL**

(a)   *Furnishing and Transmitting Record on Appeal*. Except as provided in subdivision (b) of this rule, a party filing a designation of items to be included in a record on appeal shall cause to be filed on the CM/ECF system, unless previously filed, a copy of each item designated and attached to the designation.

(b)   *Documents of Unusual Bulk or Weight and Physical Exhibits.* Documents of unusual bulk or weight and physical exhibits shall remain in the custody of the attorney producing them, who shall permit their inspection by any party for the purpose of preparing the record on appeal and who shall be charged with the responsibility for their safekeeping and transportation to the appellate court.

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Comment

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This rule is derived from Former Local Bankruptcy Rule 8007-1 and was renumbered to conform to the 2014 amendments to Part VIII of the Bankruptcy Rules.

Rule 8024-1   ORDER, JUDGMENT, OR REMAND BY APPELLATE COURT

An order or judgment of an appellate court, when filed in the office of the Clerk, shall automatically become the order or judgment of the Court and be entered as such by the Clerk without further order. If the order or judgment of the appellate court remands for further proceedings, a motion for such further proceedings shall be referred to the Judge who heard the proceeding below unless the appellate court orders otherwise.

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Comment

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This rule is derived from Former Local Bankruptcy Rule 8016-1 and was renumbered to conform to the 2014 amendments to Part VIII of the Bankruptcy Rules.

If a proceeding has been remanded by the appellate court, it is the responsibility of the parties to file a motion for further proceedings in the court to which it was remanded.

Rule 9025-1 SURETIES

(e) *Approval of Bonds of Corporate Sureties*. Except as otherwise provided by sections 303 and 322(b) of the Bankruptcy Code, Bankruptcy Rule 2010, and Local Bankruptcy Rule 8007-1, all bonds, undertakings, and stipulations of corporate sureties holding certificates of authority from the Secretary of the Treasury, where the amount of such bonds or undertakings has been fixed by a Judge, an order of the Court, a statute, or Local Bankruptcy Rule 8007-1, may be approved by the Clerk.

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Comment

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Subdivisions (a), (b), (c), and (d) of this rule are derived from Former Local Bankruptcy Rule 28 and are an adaptation of Civil Rule 65.1.1(a), (b), (d), and (e) of the Local District Rules. Subdivision (b) of this rule has been modified to conform to Civil Rule 65.1.1(b) of the Local

District Rules. Subdivision (e) of this rule is derived from Former Local Bankruptcy Rule 29 and is an adaptation of Civil Rule 65.1.1(f) of the Local District Rules.

Subdivision (e) was amended in 2014 to change the reference to Local Bankruptcy Rule 8005-1 to Local Bankruptcy Rule 8007-1 to conform to the 2014 amendments to Part VIII of the Bankruptcy Rules.

Rule 9072-1 CUSTODY OF EXHIBITS

Comment

This rule is derived from Former Local Bankruptcy Rule 27 and is an adaptation of Civil Rule 39.1 of the Local District Rules. Former subdivision (c) of this rule has been included, as modified, in Local Bankruptcy Rule 8009-1(b). As used in this rule, "exhibits" includes trial exhibits admitted into evidence, in a case, adversary proceeding, or contested matt