

GENERAL ORDER No 57
ADOPTION OF INTERIM BANKRUPTCY PROCEDURE RULES

Whereas on April 20, 2005, the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (the Act) was enacted into law; and

Whereas most provisions of the Act are effective on October 17, 2005; and

Whereas the Advisory Committee on Bankruptcy Rules has prepared Interim Rules designed to implement the substantive and procedural changes mandated by the Act; and

Whereas the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States (JCUS Standing Rules Committee) has also approved these Interim Rules and recommends the adoption of the Interim Rules to provide uniform procedures for implementing the Act; and

Whereas the Interim Rules include Rules 8001(f) and 8003(d), pertaining to direct appeals to the court of appeals as authorized by 28 USC § 158(d)(2); and

Whereas the court needs interim rules in place in order to implement 28 USC § 158(d)(2) and the general effective date of the Act has not provided sufficient time for the court to promulgate rules with appropriate public notice and an opportunity for comment;

NOW THEREFORE, pursuant to 28 USC § 2071, Rule 83 of the Federal Rules of Civil Procedure, the final version of Interim Rules 8001(f) and 8003(d), as recommended by the JCUS Standing Rules Committee, are adopted in their entirety without change by a majority of the judges of this court to be effective October 17, 2005, for appeals arising out of bankruptcy cases filed on or after October 17, 2005. For cases and proceedings not covered by the Act, the Federal Rules of Bankruptcy Procedure and the Local Rules of this court, other than the Interim Rules, shall apply. The Interim Rules shall remain in effect until further order of the court or until permanent rules are adopted under the Rules Enabling Act.

ADOPTED: October 25, 2005

FOR THE COURT:



Vaughn R Walker
United States District Chief Judge