



MEMORANDUM

To: Bankruptcy Practitioners, Middle District of Georgia
From: Kyle George, Clerk of Court
Subject: Abrogation of LBR 8010-1

March 6, 2025

1. At a recent Judges Meeting, the judges of this Court reviewed the Local Bankruptcy Rules (LBR) with a view to examine our local appellate rules to reduce redundancy. LBR 8010-1 Transmission of Record – Appeal was noted as a rule that could be abrogated as redundant.

2. The current LBR 8010-1 is:

LBR 8010-1. Transmission of Record - Appeal

(a) **Transmittal of Skeletal Record.** In addition to the requirements under FRBP 8003(d), upon the failure of an appellant to properly file a designation of record and issues on appeal as required by FRBP 8009, the Clerk of the Bankruptcy Court shall prepare and transmit a skeletal record consisting of the order being appealed, the notice of appeal, and any documents filed after the notice of appeal that relate to the appeal.

(b) **Expedited Appeal.** Any party requesting expedited treatment of an appeal under these Rules shall file with the Clerk of the Bankruptcy Court a request for expedited treatment that substantially conforms with the Clerk's Instructions.

3. LBR 8010-1 Transmission of Record – Appeal, ***Rationale for Abrogation***

a. LBR 8010-1(a) Transmittal of Skeletal Record provides for the transmission of all documents then filed with the Bankruptcy Court to the District Court, as described in the paragraph above. Thus, the local rule is redundant to FRBP 8003(d) which requires the clerk to “promptly send it [the notice of appeal] to the district clerk.”

b. LBR 8010-1(b) Expedited Appeal is abrogated because FRBP 8013(a)(2)(B) Motion to Expedite an Appeal provides guidance on the filing of a Motion to Expedite an Appeal in the District Court appeal.

4. For your reference, FRBP 8013(a)(2)(B) states:

(B) Motion to Expedite an Appeal. A motion to expedite an appeal must explain what justifies considering the appeal ahead of other matters. The motion may be filed as an emergency motion under (d). If it is granted, the district court or BAP may accelerate the time to:

- (i) send the record;
- (ii) file briefs and other documents;
- (iii) conduct oral argument; and
- (iv) resolve the appeal.

5. If you have any questions or wish to provide commentary or feedback to the proposed rule abrogation, please contact me at kyle_george@gamb.uscourts.gov.