

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

In re Jordana M. Bauman

No. 24-CV-1564 JLS (BLM) (S.D. Cal. Mar. 14, 2025) · No. 24-CV-1564 JLS (BLM) · Decided March 14,
2025

OPINION

In Re: Jordana Marinkovic Bauman

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10

11 IN RE: JORDANA M. BAUMAN, Case No.: 24-CV-1564 JLS (BLM)

12 Debtor,

ORDER TO SHOW CAUSE

13 14 15

MEL MARIN,

16 Appellant, 17

18 MICHAEL KOCH,

Appellee. 19 20 On September 4, 2024, pro se Appellant Mel Marin filed a bankruptcy appeal.¹
ECF

21 No. 1. Appellant subsequently filed a Motion for Extension of Time to File Requests to
22 Proceed in Forma Pauperis (“IFP”), followed by his Motion for Leave to Proceed IFP. 23 ECF
Nos. 7, 8. Then, on October 21, 2024, Appellant filed Emergency Motions to Stay 24 Pending
Appeal and to Stay the State Court Action. ECF Nos. 11, 12. The case, originally 25 assigned to
Judge James E. Simmons, was subsequently transferred to this Court. ECF 26 27 1 Notably,
Appellant represents he is the brother of the Debtor in the underlying action, Jordana Bauman, 28
1 No. 14. On October 31, 2024, the Court granted Appellant’s Motion for Leave to Proceed
2 IFP, but denied Appellant’s Emergency Motions.² ECF No. 15. The Court then ordered 3 the
Parties to perfect the record in accordance with Federal Rule of Bankruptcy Procedure 4 8009 on
or before January 16, 2025. ECF No. 16 at 2. 5 On December 13, 2024, Appellant filed a Motion
to Clarify Status After Bankruptcy 6 Filing, notifying the Court of his own bankruptcy filing and
suggesting that the case be 7 stayed. ECF No. 17. The Court denied Appellant’s Motion as
Appellant had not 8 adequately explained why such stay was justified. ECF No. 18 at 2. 9 On
January 16, 2025, the Court received Appellant’s Designation of Record and 10 Points to Be
Raised. ECF No. 19. Appellee Michael Koch then filed Supplements to 11 Transmittal of Appeal,

including Appellee's Designation of Record on Appeal and 12 Appendix, and Appellee's Certificate that Transcript is Not Being Requested. ECF

13 Nos. 20, 21. However, on February 13, 2025, Appellant filed a Motion for Clarification
14 and Extension of Time to Perfect the Record, citing issues with a "bankruptcy window 15
clerk" and confusion with the Court's prior Order. See generally ECF No. 22. On
16 February 20, 2025, the Court received a Notice of Unperfected Appeal, indicating that
17 Appellant had not taken action to perfect this appeal as provided by Federal Rule of 18
Bankruptcy Procedure 8009 because the record on appeal was not submitted by electronic 19
media, as required. ECF No. 23. Later that same day, Appellant filed a Motion to Stay the 20
Appeal to Allow the Lower Court to Correct the Record. ECF No. 24. 21 In its Order on February
21, 2025, the Court noted its concern with Appellant's 22 repeated filings requesting clarification,
extensions, or stays of this appeal. ECF No. 25 23 at 4. Nonetheless, the Court granted Appellant's
Motion for an Extension of Time to 24 Perfect the Record and denied his Motion for Stay. *Id.* The
Court ordered Appellant to 25 perfect the record on appeal in accordance with Federal Rule of
Bankruptcy 26 27 2 The Court also denied Debtor Jordana Bauman's Motion for Leave to Proceed
IFP (ECF No. 9) as 28 1 || Procedure 8009 on or before March 7, 2025, and advised no further
extension would be 2 || granted absent extraordinary circumstances. *Id.* at 4—5. 3 On March 7,
2025, Appellant filed a Supplement to Transmittal of Appeal. ECF 4 ||No. 26. However, on March
11, 2025, the Court received another Notice of Unperfected 5 || Appeal, indicating that Appellant
had not taken action to perfect this appeal as provided by 6 || Federal Rule of Bankruptcy
Procedure 8009. ECF No. 31. Specifically, the Notice advises 7 || that the "electronic media
contains multiple PDF files that collectively exceed 35 MB" and 8 directs Appellant to the
requirements sent on September 3, 2024, entitled "Important Tips 9 || Regarding the Attached
Notice of Appeal." *Id.* 10 Given this deficiency, the Court ORDERS Appellant to perfect his
appeal by April 11 ||/3, 2025. The Court cautions Appellant again that failure to perfect his appeal,
this time by 12 || April 3, 2025, may result in dismissal of this appeal. See, e.g., Fed. R. Bankr. P.
8003(a)(2), 13 || 8020(b); *Omstead v. Dell, Inc.*, 594 F.3d 1081, 1084 (9th Cir. 2010); see also *In*
re Marsh, 14 F. App'x 727, 729 (9th Cir. 2001) (holding that a three month delay in designating
the 15 ||record on appeal was an "inexcusably flagrant violation of the court's rules" and
warranted 16 || dismissal). 17 The Court accordingly VACATES all other briefing deadlines on
this appeal, to be 18 || reset if and when Appellant perfects the record. 19 IT IS SO ORDERED. 20
|| Dated: March 14, 2025 . tt 21 jen Janis L. Sammartino 9 United States District Judge 23 24 25
26 27 9g ||* The Court notes the document "Important Tips Regarding the Attached Notice of
Appeal" can also be found at ECF No. 1-3 at 5 (CM/ECF pagination).