

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Alicia Marie Richards et al. v. Richard A. Marshack et al.

Richards · No. 8:22-cv-02197-SB · Decided March 16, 2023

SUMMARY

The United States District Court for the Central District of California dismissed Alicia Marie Richards’s appeal as duplicative of another pending appeal challenging the same bankruptcy court order. The court noted that any intended appeal from a different bankruptcy order required a new notice of appeal and denied any request for additional time.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Stanley Blumenfeld, Jr.
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 16, 2023
DOCKET	8:22-cv-02197-SB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from the bankruptcy court's order denying the debtor's motion to alter or amend an order granting the trustee's motion to interplead homestead proceeds from the sale of property.
PRECEDENTIAL VALUE	Unknown
PARTIES	Alicia Marie Richards et al. v. Richard A. Marshack et al.

TOPICS

[appellate procedure](#) [bankruptcy](#) [civil procedure](#)

PRACTICE AREAS

[bankruptcy](#) [appellate procedure](#) [civil procedure](#)

QUESTIONS PRESENTED

- Whether the appeal should be dismissed because it duplicated another appeal challenging the same bankruptcy court order.

2. Whether the debtor should receive additional time to prosecute her various appeals.

HOLDINGS

1. An appeal that duplicates another appeal challenging the same order should be dismissed.
2. The request for additional time was denied because the court had already addressed and denied it in the related appeal.

KEY QUOTATIONS

“Debtor acknowledges that these two appeals are “duplicate[s].””

“To the extent Debtor seeks to prosecute another appeal, she must file an appropriate notice of appeal.”

FACTUAL BACKGROUND

The debtor appealed a bankruptcy court order denying her motion to alter or amend an order granting the trustee's motion to interplead homestead proceeds from the sale of property. A separate appeal before the same district court challenged the same bankruptcy order. The debtor acknowledged that the two appeals were duplicates.

PROCEDURAL HISTORY

Alicia Marie Richards filed a notice of appeal from an October 18, 2022 bankruptcy court order. The district court noted that a separate appeal pending before it challenged the same order and that Richards acknowledged the two appeals were duplicates. The court dismissed this case and stated that any intended appeal from a different bankruptcy order would require an appropriate notice of appeal.

DISPOSITION

dismissed

CASES CITED

- Cowan v. Brown, No. 16-56673, 2017 WL 5514688, at *1

OPINION

In Re Alicia Marie Richards

PER CURIAM.

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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

ALICIA MARIE RICHARDS et al., Case No. 8:22-cv-02197-SB Appellants,

y ORDER DISMISSING CASE

RICHARD A. MARSHACK et al., Bankruptcy No.: 8:21-bk-10635-SC Appellees. Debtor Alicia

Marie Richards, who is an Appellant here and in numerous other appeals pending before this Court, filed a notice of appeal of the bankruptcy court's Order Denying Debtor's Motion to Alter or Amend Order Granting Trustee's Motion to Interplead Homestead from Sale of Property, dated October 18, 2022. Dkt. No. 1. The Court is considering a separate appeal from this order. See Case No. 8:22-cv-01951-SB, Dkt. No. 1. Debtor acknowledges that these two appeals are "duplicate[s]." Dkt. No. 9 at 3 of 5. Accordingly, this case is DISMISSED. See, e.g., Cowan v. Brown, No. 16-56673, 2017 WL 5514688, at *1 (dismissing an appeal as duplicative when it challenged the same order as another appeal). Debtor has suggested that she intended to appeal a different bankruptcy court order and that she requires additional time to conduct research and prepare documents for filing. Dkt. No. 9. To the extent Debtor seeks to prosecute another appeal, she must file an appropriate notice of appeal. To the extent Debtor requests additional time to prosecute her various appeals, the Court has already addressed her request, which is denied. See Case No. 8:22-cv-01951-SB, Dkt. No. 21. IT IS SO ORDERED. Date: March 16, 2023 Ofs Stanley Blumenfeld, Jr. United States District Judge