

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