

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Harold T. Ocker v. Elizabeth Ocker

Ocker · No. CV-25-04149-PHX-KML; CV-25-04259-PHX-KML · Decided January 7, 2026

SUMMARY

The United States District Court for the District of Arizona determined that two appeals arising from the same bankruptcy ruling were duplicative. Because the certificate of readiness had been filed in the later appeal, the court dismissed the earlier appeal, CV-25-04149-PHX-KML, and directed that future proceedings occur in CV-25-04259-PHX-KML. The court also reminded the self-represented appellant that documents must be properly filed and that his opening brief was due within 14 days of January 5, 2026.

CASE DETAILS

COURT	United States District Court for the District of Arizona
WRITING FOR THE COURT	Krissa M. Lanham
JURISDICTION	United States District Court for the District of Arizona
DECIDED	January 7, 2026
DOCKET	CV-25-04149-PHX-KML; CV-25-04259-PHX-KML
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appellant filed two notices of appeal from related bankruptcy-court rulings. The district court determined that the appeals were duplicative, dismissed the earlier appeal in CV-25-4149, and directed that proceedings continue in CV-25-4259.
PRECEDENTIAL VALUE	unknown
PARTIES	Harold T. Ocker v. Elizabeth Ocker

TOPICS

- appellate procedure
- bankruptcy
- civil procedure

PRACTICE AREAS

- bankruptcy
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

1. Whether two appeals from related bankruptcy-court rulings were duplicative and whether one appeal should therefore be dismissed.
2. Whether documents and communications sent to the court's chambers email address constituted properly filed documents.

HOLDINGS

1. The two appeals were duplicative because both sought review of the bankruptcy court's denial of Harold Ocker's motion for relief from judgment or order; therefore, one appeal had to be dismissed.
2. Documents or communications sent to the court's chambers email address, which may be used only to submit proposed orders, are not properly filed and will not be considered unless filed through the proper filing process.

KEY QUOTATIONS

“A party may not send any other type of document or communication to that address. Sending documents to that address does not result in the documents being filed and the court will only consider documents that have been properly filed.” (at 2)

“Although Harold is proceeding without counsel, he is reminded that he “must follow the same rules of procedure that govern other litigants.”” (at 2)

“Because the two cases are duplicative and the certificate of readiness has been filed in CV-25-4259, that appeal will continue and the earlier filed appeal, CV-25-4149, is dismissed.” (at 3)

FACTUAL BACKGROUND

The bankruptcy court denied Ocker's motion concerning an amended objection to a joint motion to approve a settlement agreement. Ocker then filed one appeal from the November 4 order and another from the November 5 minute entry, both of which sought review of the denial of his motion for relief. The district court found the appeals duplicative and noted that the certificate of readiness had been filed in CV-25-4259 but not in CV-25-4149.

PROCEDURAL HISTORY

The bankruptcy court held a hearing on November 4, 2025, construed Harold Ocker's amended objection as a motion for relief from judgment or order under Bankruptcy Rule 9024, and denied the motion on the record. The bankruptcy court issued a written ruling on November 4 and docketed a minute entry on November 5. Ocker filed separate appeals from the two rulings. After directing the parties to address consolidation, the district court concluded that both appeals sought review of the same denial, retained CV-25-4259 because its certificate of readiness had been filed, and dismissed CV-25-4149.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

The appeal in CV-25-4149 was dismissed, all future proceedings were directed to occur in CV-25-4259, and the clerk was ordered to docket the order in both cases. The appellant was reminded that his opening brief in CV-25-4259 must be received within 14 days of January 5, 2026.

CASES CITED

- King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987)
- Lacey v. Maricopa County, 693 F.3d 896 (9th Cir. 2012)

OPINION

Ocker

PER CURIAM.

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6 IN THE UNITED STATES DISTRICT COURT

7 FOR THE DISTRICT OF ARIZONA

8 9 Harold T Ocker, No. CV-25-04149-PHX-KML

CV-25-04259-PHX-KML

10 Appellant,

ORDER

11 v. 12 Elizabeth Ocker, 13 Appellee. 14 15 In November 2025, appellant Harold T. Ocker filed two notices of appeal related to 16 a bankruptcy proceeding. On December 5, 2025, the court ordered the parties to file in the 17 second appeal statements explaining whether the two appeals should be consolidated. CV- 18 25-4259, Doc. 5. Harold's statement was due December 15, 2025, but he did not file 19 anything. Instead, on December 17, 2025, Harold sent an email to chambers that included 20 two documents, one of which indicated Harold was experiencing difficulties in filing 21 documents. On December 22, 2025, appellee Elizabeth Ocker filed a statement arguing the 22 two appeals "are duplicative as they both appeal the same order." CV-25-4259, Doc. 7 at 23 1. Thus, "rather than consolidating the two appeals," Elizabeth believes the court "should 24 dismiss the second appeal." CV-25-4259, Doc. 7 at 1. On December 28, 2025, Ocker sent 25 two additional emails to chambers that appear to be attempts to file documents. Finally, on 26 January 5, 2026, the bankruptcy court filed the certificate of readiness in CV-25-4259. CV- 27 25-4259, Doc. 8. 28 Beginning with Harold's emails, the chambers' email address may be used only for 1 the submission of proposed orders. A party may not send any other type of document or 2 communication to that address. Sending documents to that address does not result in the 3 documents being filed and the court will only consider documents that have been properly 4 filed. Although Harold is proceeding without counsel, he is reminded that he "must follow 5 the same rules of procedure that govern other litigants." King v. Atiyeh, 814 F.2d 565, 567 6 (9th Cir. 1987), overruled on other grounds by Lacey v. Maricopa Cnty., 693 F.3d 896 (9th

7 Cir. 2012). Harold must arrange for the proper filing of all documents.

8 As for Elizabeth's argument that the two appeals are duplicative, that is correct.¹ 9 The bankruptcy court held a hearing on November 4, 2025. At that hearing, the bankruptcy 10 judge discussed Ocker's "Amended Objection to Joint Motion to Approve Settlement 11 Agreement." CV-25-4259, Doc. 7-1 at 2. The court construed that objection as a "Motion 12 for Relief from Judgment or Order under Bankruptcy Rule 9024." CV-25-4259, Doc. 7-1 13 at 2. The bankruptcy court heard arguments from the parties and denied that motion on the 14 record. Also on November 4, 2025, the court issued a written ruling that provided 15 additional explanation for denying Ocker's motion. CV-25-4259, Doc. 7-1. The following 16 day, November 5, 2025, the bankruptcy court signed and docketed the minute entry 17 discussing the November 4 hearing. Bankruptcy Case No. 24-1131-PS, Doc. 219. Ocker 18 filed two notices of appeal. The first purports to appeal from the November 4 order and 19 was docketed under case number CV-25-4149, the second purports to appeal from the

20 November 5 minute entry and was docketed under case number CV-25-4259. But both 21 appeals seek review of the denial of Harold's Motion for Relief from Judgment and one 22 appeal must be dismissed. 23 The certificate of readiness was filed in CV-25-4259 but no certificate has been filed 24 1 According to Elizabeth, both notices of appeal identify the relevant order as one issued 25 on November 4, 2025. CV-25-4259, Doc. 7 at 2. That is not entirely accurate. The first notice of appeal states Harold "appeals from the Order entered November 4, 2025, denying 26 his Amended Objection (treated as a Rule 9024 motion) and any subsequent orders related thereto." CV-25-4149-PHX-KML, Doc. 1 at 5. The second notice of appeal states Ocker 27 appeals "from the Order entered on November 5, 2025 (Docket No. 219), by the Honorable Paul Sala, denying Debtor's Motion under Bankruptcy Rule 9019 and Federal Rule of Civil

28 Procedure 60(b)." CV-25-4259, Doc. 1 at 5. Thus, the two notices of appeal purport to identify two different orders, one dated November 4 and one dated November 5. in CV-25-4149. Because the two cases are duplicative and the certificate of readiness has 2|| been filed in CV-25-4259, that appeal will continue and the earlier filed appeal, CV-25- || 4149, is dismissed. Harold is reminded that his opening brief must be received by the Clerk's Office within 14 days of January 5, 2026. 5 IT IS ORDERED the appeal in CV-25-4149 is DISMISSED. All future 6 || proceedings will occur in CV-25-4259. 7 IT IS FURTHER ORDERED the Clerk of Court shall docket this order in CV-25- 4149 and CV-25-4259. 9 Dated this 7th day of January, 2026. 10 Honorable Krissa M. Lanham 13 United States District Judge 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 -3-