

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JEFFREY BARON,

Appellant,

v.

SIDNEY BENNETT CHESNIN, et al.,

Appellees.

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Civil Action No. **3:13-CV-1746-L**

ORDER

Before the court is Appellant’s Rule 8003(c) Motion for Relief (Doc. 2), filed May 20, 2013; Appellant’s Motion for Extension of Time to File Appellant’s Brief (Doc. 3), filed May 21, 2013; and Appellant’s Emergency Motion for Stay Pending Appeal of Order Granting Petitioning Creditors Partial Summary Judgment, Order for Relief, and Order Appointing Interim Trustee (Doc. 4), filed August 5, 2013. In his Rule 8003(c) motion, Appellant Jeffrey Baron (“Appellant” or “Baron”) requests leave from the court to consider this interlocutory appeal from the involuntary bankruptcy proceeding initiated by attorneys who performed legal services on his behalf.

Interlocutory appeals are not favored because they interfere with the overriding goal of the bankruptcy system and the expeditious resolution of pressing economic difficulties. *In re Hunt Int’l Res. Corp.*, 57 B.R. 371, 372 (N.D. Tex. 1985). As a result, leave for an interlocutory appeal is granted only in exceptional circumstances that justify overriding the general policy of not allowing such appeals. *Id.* Section 158(a)(3) does not set forth a standard for determining whether to grant leave to appeal an interlocutory order from a bankruptcy court, but many district courts have adopted the standard under 28 U.S.C. § 1292(b). *Ichinose v. Homer National Bank*, 946 F.2d 1169, 1177 (5th

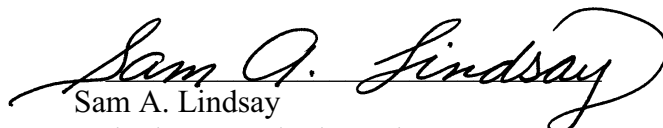
Cir. 1991). To be appealable under this standard, an interlocutory order must: (1) involve a controlling issue of law; (2) present a question upon which there is substantial ground for difference of opinion; and (3) an immediate appeal of this order must materially advance the ultimate termination of the litigation. *Id.*

Federal Rule of Bankruptcy Procedure 8003(c) states that a motion for leave must contain “a copy of the judgment, order, or decree complained of and of any opinion or memorandum relating thereto.” The only bankruptcy order attached to Baron’s Rule 8003(c) motion is an April 5, 2013 order denying a motion by Baron to dismiss the involuntary bankruptcy proceeding for lack of jurisdiction. Baron’s motion for leave, however, appears to complain generally regarding the propriety of the involuntary bankruptcy proceeding.

Specifically, Baron contends in his rule 8003(c) motion that the involuntary bankruptcy proceeding violates the Fifth Circuit’s order as to the receivership created by the district court. Baron contends that his creditors should not be allowed to run to the bankruptcy court for relief to avoid an unfavorable ruling by the Fifth Circuit. According to Baron, “[t]he Bankruptcy Court has taken jurisdiction to attempt enforcement of the order [by the district court] directing the receiver to pay the lawyer claimants, as if the District Court did not stay the order and as if [the] Court of Appeals had never handed down its decision reversing the receivership.” Appellant’s Rule 8003(c) Mot. 9. Baron further asserts that his creditors lack standing to bring the involuntary bankruptcy because an involuntary bankruptcy cannot be imposed to collect disputed claims for which no judgment has been obtained. Appellees have not responded to Baron’s Rule 8003(c) motion for leave.

After careful consideration of the motion for leave, the court concludes that Appellant's Rule 8003(c) Motion for Relief (Doc. 2) should be and is hereby **denied**. Baron appears to seek leave to appeal matters unrelated to the jurisdictional order and for which no order has been entered by the bankruptcy court or attached to the motion for leave. Further, the court concludes that Baron's request to appeal the bankruptcy court's order denying his motion to dismiss for lack of jurisdiction does not satisfy all of the requirements for interlocutory appeals under section 1292(b) and does not present exceptional circumstances that justify overriding the general policy of not allowing interlocutory appeals of bankruptcy court orders. In light of the court's determination that Baron's motion for leave to file an interlocutory appeal should be denied, the court **denies as moot** his Motion for Extension of Time to File Appellant's Brief (Doc. 3) and Emergency Motion for Stay Pending Appeal of Order Granting Petitioning Creditors Partial Summary Judgment, Order for Relief, and Order Appointing Interim Trustee (Doc. 4). In light of the court's decision denying the motion for leave to file an interlocutory appeal, the purported appeal filed by Baron on May 7, 2013, is hereby **dismissed**.

It is so ordered this 6th day of August, 2013.


Sam A. Lindsay
United States District Judge