

OCT 27 2008

HAROLD S. MARENUS, CLERK  
U.S. BKCY. APP. PANEL  
OF THE NINTH CIRCUIT

UNITED STATES BANKRUPTCY APPELLATE PANEL  
OF THE NINTH CIRCUIT

In re: ) BAP No. EC-08-1244  
)  
CITY OF VALLEJO, ) Bk. No. 08-261813  
)  
)  
Debtor. )

INTERNATIONAL ASSOCIATION OF )  
FIREFIGHTERS, LOCAL 1186; )  
VALLEJO POLICE OFFICERS' )  
ASSOCIATION; INTERNATIONAL )  
BROTHERHOOD OF ELECTRICAL )  
WORKERS, LOCAL 2376, )  
Appellants, )

v. )  
)  
CITY OF VALLEJO; UNITED STATES )  
TRUSTEE; WELLS FARGO BANK, )  
N.A.; UNION BANK OF CALIFORNIA, )  
Appellees. )

ORDER GRANTING LEAVE TO APPEAL

Before: DUNN, HOLLOWELL and JURY, Bankruptcy Judges.

On September 18, 2008, Appellants filed a notice of appeal and a motion for leave to appeal the bankruptcy court's September 8, 2008, order for relief under Chapter 9.<sup>1</sup> On September 29,

<sup>1</sup> Appellants' notice of appeal indicates that the United States Trustee and the City of Vallejo are the only appellees. Failure to identify and include in an appeal necessary parties may preclude the BAP judges from granting the relief that Appellants seek to obtain by way of the appeal. Additionally, all papers filed by Appellants in this appeal must be served on all appellees. See Fed.R.Bankr.P. 8008(b). If Appellants believe that any other party should be listed as an appellee, a notice re additional parties should be filed with the BAP as soon as possible.

1 2008, Appellees City of Vallejo, Union Bank of California and  
2 Wells Fargo Bank filed oppositions to the motion for leave to  
3 appeal.

4 An order for relief under Chapter 9 is an interlocutory  
5 order. See Silver Sage Partners, Ltd. v. City of Desert Hot  
6 Springs (In re City of Desert Hot Springs), 339 F.3d 782, 792  
7 (9th Cir. 2003).

8 Appeal of an interlocutory order requires leave of the  
9 Panel. See 28 U.S.C. § 158.

10 The Panel regards the factors enunciated in 28 U.S.C.  
11 § 1292(b) as informing its analysis of whether to grant leave to  
12 appeal an interlocutory bankruptcy court order. Thus, leave is  
13 appropriate if the proposed appeal involves (1) a controlling  
14 question of law, (2) as to which there is substantial ground for  
15 difference of opinion, and (3) interests of judicial economy  
16 would be served because an immediate appeal may materially  
17 advance ultimate termination of the litigation or avoid wasted  
18 litigation. E.g., Lompa v. Price (In re Price), 79 B.R. 888, 889  
19 (9th Cir. BAP 1987), aff'd, 871 F.2d 97 (9th Cir. 1989).

20 Leave to appeal is warranted in this case.

21 Accordingly, leave to appeal is hereby ORDERED GRANTED.

22 No later than **Monday, November 10, 2008**, Appellants must  
23 file a response indicating that a statement of issues, a  
24 designation of record, and a notice re transcripts have been  
25 filed with the bankruptcy court. A briefing schedule will be  
26 issued concurrently with the entry of this order. Appellants'  
27 opening brief must be filed no later than **Wednesday, November 26,**  
28 **2008.**