

Rule 9070-1

EXHIBITS

(a) **General Provisions.**

(1) **Submission of Exhibits When All Parties Are Represented by Counsel.**

If all parties in an adversary proceeding or contested matter are represented by counsel, unless the Court orders otherwise, exhibits shall be exchanged and submitted via CM/ECF. The filing of exhibits via CM/ECF shall be considered the parties' exchange of exhibits as required by Local Rule 7001-1(m).

(2) **Submission of Exhibits if a Party Is Not Represented by Counsel.**

If any party in an adversary proceeding or contested matter is not represented by counsel, the *pro se* party(ies) shall file paper copies of exhibits no later than seven days before the scheduled trial. The Clerk will upload exhibits of *pro se* parties via CM/ECF. This shall constitute the *pro se* party's exchange of exhibits with represented parties. Represented parties shall provide paper copies of exhibits to the *pro se* party(ies) at least seven days before the scheduled trial and shall also submit the exhibits via CM/ECF.

(3) **Redaction of Personal Data Identifiers.**

In compliance with Local Rule 1001-3, the following Personal Data Identifiers shall be redacted from all exhibits submitted to the Court whether in paper or electronic format: Social Security numbers, names of minor children, dates of birth, and financial account numbers other than the last four digits of the account number.

(4) **Exhibit List.**

Each party shall prepare a separate Exhibit List in the form attached as Appendix A. The Exhibit List shall list each exhibit in numerical order and include the following: case caption, identity of the party submitting the exhibits (*e.g.*, plaintiff, defendant, debtor, creditor, etc.), and columns with the following headings: "Exhibit Number," "Document Description," "Date Identified," "Date Admitted," and "With or Without Objection." No markings should be made in the "Date Identified" and "Date Admitted" columns, which shall be used by the courtroom deputy to record the exhibits that are identified and offered into evidence and those that are received into evidence. Each party shall provide two copies of the Exhibit List to the courtroom deputy before the start of the trial. After the conclusion of the trial, the courtroom deputy will file a completed Exhibit List on the case or adversary proceeding docket.

(5) **Numbering Exhibits and Exhibit Cover Sheet.**

Exhibits, whether submitted in paper or electronic format, shall be numbered commencing with Arabic numeral 1. Each exhibit shall be preceded by an 8 1/2 x 11-inch Exhibit Cover Sheet in the form attached as Appendix B.

(6) **Exhibits Other than Paper Documents.**

Objects other than paper documents to be introduced into evidence shall be photographed and listed on the Exhibit List.

An Exhibit Cover Sheet shall be attached to the photograph. If possible, the physical object shall be brought to court for the trial.

(7) ***Oversized Paper Documents.*** Paper documents that are larger than 8 1/2 x 11 inches shall be photocopied to a reduced 8 1/2 x 11-inch copy and listed on the Exhibit List. Exhibit Cover Sheets shall be attached to both the original oversized exhibit and to the reduced copy of the exhibit (“substitute”), using the same exhibit number for both the original exhibit and the corresponding substitute. Unless the Court orders otherwise, at the conclusion of the trial or hearing at which the oversized exhibit is offered, the Clerk will return the original exhibit to counsel. If an appeal is taken, only the substitute will be included in the record on appeal.

(b) ***Procedure for Use of Electronically Stored Exhibits.***

(1) ***Format of Exhibits.*** Each exhibit, together with the Exhibit Cover sheet, shall be electronically stored in an individual Portable Document Format (PDF) file. Each PDF file shall have a unique identification name and number (e.g., “Debtor’s Exhibit 1”). To facilitate the filing of exhibits via CM/ECF, the individual PDF files should be contained in a single folder. If an exhibit includes Personal Data Identifiers, the party filing the exhibit shall electronically file a redacted copy of exhibit and, if appropriate, seek to file the unredacted exhibit under seal as provided for in Local Rules 1001-2 and 5005-4.

(2) ***CM/ECF Electronic Exhibit Upload.*** Parties shall file their Exhibit List and all electronic exhibits using the CM/ECF Electronically Stored Exhibit Upload no later than seven days before trial as set forth in Local Rule 7001-1 for the exchange of exhibits. The filing of the Exhibit List and exhibits via the CM/ECF Electronically Stored Exhibit Upload shall effectuate a party’s delivery of exhibits to opposing parties. Instructions on the CM/ECF Electronically Stored Exhibit Upload are located on the Court’s website at www.flmb.uscourts.gov.

(3) ***Electronic Upload of Exhibits Other than Paper Documents and Oversized Paper Exhibits.*** PDF’s of photographs of exhibits other than paper exhibits and of reduced photocopies of oversized paper documents, as described in sections (a)(6) and (a)(7), shall be uploaded using the CM/ECF Electronically Stored Exhibit Upload.

(4) ***Use of Electronically Stored Exhibits in Court.*** The electronically stored exhibits filed via CM/ECF Electronically Stored Exhibit Upload are the official exhibits for purposes of the trial.

(5) ***Preparation of Exhibits for Use by Witness, Counsel, and the Court.*** A party using exhibits during the examination of a witness shall, at the commencement of the examination, provide paper copies of the exhibits to be used during the examination to the Court, the witness, and the other parties. If a witness will testify regarding more than one exhibit or to voluminous exhibits, the exhibits for that witness shall be placed in binder or folder. If an exhibit is voluminous and the entire exhibit is not relevant to the witness’s testimony, the witness’s binder or folder may include only the relevant portion of the exhibit. To facilitate the use of exhibits by the witness, counsel for the parties, and the Court, each witness’s exhibits shall be

placed in a separate binder or folder. Parties should confirm the preferred procedure for preparing exhibit binders with the assigned judge's chambers. A party's failure to include a previously exchanged exhibit in a witness's individual binder or folder shall not bar the party from offering the exhibit into evidence. The paper copies of exhibits that are not removed from the courtroom following their use will be disposed of by the courtroom deputy.

(6) ***Additional Exhibits.*** In the event that additional exhibits that were not uploaded via the CM/ECF Electronically Stored Exhibit Upload are offered or introduced into evidence during the course of the trial, a complete set of such additional exhibits shall be filed via the CM/ECF Electronically Stored Exhibit Upload with the title "[Party's Name]'s Additional Exhibits" within seven days following the conclusion of the trial.

(c) ***Procedure for Use of Exhibits Submitted in Paper Format.***

(1) ***Copies of Exhibits for the Courtroom Deputy.*** At the commencement of a trial, each party shall deliver to the courtroom deputy two copies of the Exhibit List and a complete set of the exhibits to be introduced into evidence in paper format. Original exhibits shall not be stapled or permanently bound. Any exhibits introduced at a trial that have not been pre-marked shall be tendered to and marked by the courtroom deputy as they are presented into evidence.

(2) ***Copies of Exhibits for Witnesses, Opposing Counsel, and the Court.*** Additional copies of the exhibits shall be provided for use by witnesses, to opposing counsel, and the judge. If a witness will testify regarding more than one exhibit or to voluminous exhibits, the exhibits for that witness shall be placed in a binder or folder. If an exhibit is voluminous and the entire exhibit is not relevant to the witness's testimony, the witness's binder or folder may include only the relevant portion of the exhibit. To facilitate the use of exhibits by the witness, counsel for the parties, and the Court, each witness's exhibits shall be placed in a separate binder or folder. Parties should confirm the preferred procedure for preparing exhibit binders with the assigned judge's chambers. However, a party's failure to include a previously exchanged exhibit in a witness's individual binder or folder shall not bar the party from offering the exhibit into evidence.

(3) ***Disposal of Paper Exhibits.*** The Clerk, with or without notice, may dispose of any unclaimed paper exhibits unless the Clerk is notified by a party that it intends to reclaim that party's exhibits within 30 days after the later of the entry of an order or judgment concluding the matter or proceeding, the entry of an order determining any post-judgment motions if no appeal is pending, or if a notice of appeal has been filed, the filing of the mandate. Parties shall bear any costs associated with reclaiming exhibits.

(d) ***Objections to Admissibility of Exhibits.*** Written objection to the admission of an exhibit into evidence on the grounds that the exhibit (1) lacks authentication or (2) does not qualify as an exception to the hearsay rule as a record of a regularly conducted activity under Fed. R. Evid. 803(6) must be filed before the close of business on the second day before trial or the objection will be deemed waived.

Notes of Advisory Committee

2019 Amendment

Amended sections (a) and (b) clarify the procedures for the submission of exhibits by parties who are represented by counsel and parties who represent themselves *pro se*. New section (d) Objections to Admissibility of Exhibits is consistent with the revision to Local Rule 7001-1(m)(3). Amended section (d) clarifies the types of objections to the admission of exhibits into evidence that are required to be filed before the close of business on the second day before trial. This amendment to the rule is effective July 1, 2019.

2017 Amendment

This rule is amended to replace and incorporate the provisions of Administrative Order FLMB-2015-06, which governs the use of electronically stored exhibits. Other revisions include a provision for exhibits with Personal Data Identifiers (referring to Local Rules 1001-2 and 5005-4), and a clarification that the exhibits used for each witness shall be placed in a separate binder or folder. This amendment to the rule is effective July 1, 2017.

2012 Amendment

This amendment adopts new procedures to accommodate the use of electronic scanning of exhibits, which can be impaired by the use of permanently bound or stapled originals. Paragraph (g) was amended to permit the Clerk to dispose of exhibits left unclaimed for 30 days. This amendment incorporates archived Administrative Orders 99-0001-MIS-ORL and 99-00001-MIS-JAX “General Order for Disposal of Unclaimed Exhibits.” A sample Exhibit List (Appendix A) and Exhibit Cover Sheet (Appendix B) are provided. The addition of headings and subheadings is intended to be a stylistic rather than substantive change. This amendment to the rule is effective March 15, 2012.

1997 Amendment

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference’s Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment to the rule was effective on April 15, 1997. This rule was formerly Local Rule 2.13. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendment to Local Rule 2.13(e) requires that additional copies of exhibits shall be made available for use by witnesses. The deletion of the word “period” after “trial” is stylistic; no substantive change is intended.

The provisions in Local Rule 2.13(h), which dealt with notification to counsel of the obligation to pick up exhibits and the consequence of the failure to do so, have been deleted as this is now dealt with exclusively by Local Rule 2.13(i). For purposes of Local Rule 2.13(i), the term “post-judgment motion” shall mean a timely motion; (1) to amend or make additional findings of fact under Fed. R. Bankr. P. 7052, whether or not granting the motion would alter the judgment; (2) to alter or amend the judgment under Fed. R. Bankr. P. 9023; (3) for a new trial under Fed. R. Bankr. P. 9023; or (4) for relief under Fed. R. Bankr. P. 9024 if the motion is filed no later than ten (10) days after the entry of judgment. These amendments to the rule were effective on February 15, 1995.

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
DIVISION**

In Re:

Case No. _____

[Name of Debtor(s)],

Chapter _____

Debtor*.

[Name of Plaintiff],

Adv. Pro. No. _____

Plaintiff,

v.

[Name of Defendant],

Defendant.

[Plaintiff/Defendant's] Exhibit List

(Hearing on Acme Bank's Complaint to Determine Dischargeability (Doc. No. 1))

Hearing Date: _____

Exh. #	Document Description	Date Identified	Date Admitted	With or Without Objection
1	Promissory Note			

*All references to "Debtor" shall include and refer to both debtors in a case filed jointly by two individuals.

APPENDIX A

Exhibit Cover Sheet

Party
submitting: _____ **Ex. #** ____

Admitted: Yes or No (circle one)

Debtor: _____

Case No.: _____

Adv. Pro. No.: _____

**Nature of Hearing/
Docket No:** _____

**United States Bankruptcy Court
Middle District of Florida**

Dated _____ , 20__.

By: _____, **Deputy Clerk**

APPENDIX B