



United States Bankruptcy Court Middle District of Florida

MEMORANDUM

From: Hon. Lori V. Vaughan
Judicial Liaison to Local Rules Lawyers' Advisory Committee

To: Interested Parties

Subject: Amendments to Local Rules

Date: June 1, 2022

The Bankruptcy Judges of the Middle District of Florida have approved amendments to the Local Rules, effective July 1, 2022. A brief summary of the revisions is set forth below. However, the amended Local Rules should be reviewed in their entirety.

The Bankruptcy Judges thank the members of the Local Rules Lawyers' Advisory Committee: Hon. Jason A. Burgess, David W. Fineman, Elena Paras Ketchum, Daniel A. Velasquez, and Kim Osment, for their hard work and assistance.

Rule 1001-2 Case Management and Electronic Filing System – CM/ECF

This amendment allows for service on debtor's counsel under Fed. R. Bankr. P. 7004(g) to be made electronically through CM/ECF.

Rule 1004-1.1 Petition – Filing on Debtor's Behalf by a Court-Appointed Representative, Holder of Power of Attorney, Proposed Next Friend, or Guardian ad Litem

This amendment outlines a procedure for waiving the credit counseling requirement under 11 U.S.C. § 109(h) for an incapacitated person as well as a procedure in the event a debtor becomes incapacitated after a petition is filed. This amendment also removes the limitation on a Filing Party's authority to act pending a status conference.

Rule 2004-1 Examination of Debtor and Others

This amendment adds a new section (h) that provides that the prevailing party may be awarded expenses incurred in making or opposing motions to compel pursuant to Fed. R. Civ. P. 37(a)(5).

Rule 2016-1 Compensation of Professionals

This amendment modifies the rule to clarify that all fee applications may be served on negative notice in accordance with Local Rule 2002-4. Subsection (c)(3)(C) is also amended to clarify the procedure for final fee applications to be approved at confirmation in Chapter 11 cases.

Rule 4001-1 Automatic Stay

This amendment adds new subsection (c)(10) which deems use of the negative notice procedure under Local Rule 2002-4 in connection with a request for relief from the automatic stay as an acknowledged waiver of the timing requirements for hearings contained in 11 U.S.C. § 362(e).

Rule 5011-1 Withdrawal of Reference

This amendment revises section (a) to provide that the form, format, and length of any legal memoranda should comply with the Local Rules of the District Court. Section (c) is revised to provide that motions for withdrawal of the reference must be filed no later than 30 days after service of the initial pleading or such other time period as ordered by the Court; the United States or an officer or agency thereof shall move for withdrawal of the reference no later than 35 days after service of the initial pleading or such other time period as ordered by the Court.

Rule 9072-1 Orders – Proposed

This amendment adds a provision to section (b) requiring that an agreed order should include “Agreed” or “Consented” in the title. Section (d) is revised to remove the ability to submit an agreed order signed by all parties without a prior filed motion.