



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: July 15, 2021

The Bankruptcy Judges of the Middle District of Florida have approved amendments to the Local Rules, effective August 1, 2021. 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: Jason A. Burgess, David W. Fineman, Elena Paras Ketchum, Daniel A. Velasquez, and Raymond Waguespack, for their hard work and assistance.

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

This amendment deletes the requirement for the Clerk to keep a registry of authorized Electronic Filing Users because, due to current internal procedures, this is no longer necessary.

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 renumbers the rule to conform to Fed. R. Bankr. P. 1004.1 (Petition for Infant or Incompetent Person). Section (b)(4) is revised to state that the Court “may” (as opposed to “will”) schedule a status conference.

Rule 1071-1 Divisions – Bankruptcy Court

This amendment revises the section (c) on division assignments to mirror the language of 28 U.S.C. § 1408 regarding venue.

Rule 2002-1 Notice to Creditors and Other Interested Parties

This amendment revises section (i) to provide a procedure for address corrections and removal of parties from the mailing matrix when mail is returned as undeliverable.

Rule 2004-1 Examination of Debtor and Others

This amendment revises the rule to conform with Fed. R. Bankr. P. 2004(c) (effective December 1, 2020) to add the term “electronically stored information” to the description of items produced during discovery.

Rule 2016-1 Compensation of Professionals

This amendment modifies the deadline for filing final fee applications to be considered at the confirmation hearing in Chapter 11 cases.

Rule 2081-1 Chapter 11 – General

This amendment revises section (b)(4) to require a list of only those officers, directors and insiders receiving salaries or benefits from the debtor. This amendment further revises section (d) to require the filing of a Check Register in the form of Appendix B by Small Business Debtors, which register shall accompany the debtor’s Small Business Monthly Operating Report and the Schedule of Receipts and Disbursements also required to be completed and filed by Small Business Debtors.

Rule 2090-1 Attorneys – Admission to Practice and Pro Hac Vice Admission

This amendment revises section (c)(1) to require motions for pro hac vice admission include the attorney’s state and bar number. The amendment also revises section (c)(2) to set forth requirements for government attorneys who are not admitted in Middle District.

Rule 2091-1 Attorneys – Duties of Debtor’s Counsel

This amendment permits an attorney who represents a debtor on a *pro bono* basis to limit the representation to specified tasks in accordance with the Rules of Professional Conduct.

Rule 2091-2 Attorneys – Withdrawals and Substitutions

This amendment revises section (d) to reflect that the Court will accept a joint stipulation for substitution of counsel if it is either signed by the client or includes a representation that the client consents to the substitution. In addition, new subsection (3) is added to section (e) regarding the procedure for substitution of counsel within the same law firm. Finally, the amendment adds new section (f) regarding the procedure for substitution of counsel not in the same law firm as attorney of record in the event the attorney of record is deceased.

Rule 3002-1 Deadline for Filing Proofs of Claim in Reinstated Cases; Late-Filed Proofs of Claim; Service of Proofs of Claim on Pro Se Debtors

This amendment adds a provision requiring creditors to serve *pro se* Chapter 13 debtors with proofs of claim.

Rule 3022-1 Final Report/Decree (Chapter 11)

This amendment adds new section (a) establishing the deadline for filing a motion for final decree in Subchapter V cases. New section (b)(2)(C) requires individual Chapter 11 debtors seeking a discharge to file a statement certifying under penalty of perjury whether the provisions of 11 U.S.C. § 522(q)(1) are applicable to their case. This amendment also includes an objection procedure pursuant to which any interested party may object to the statement required by subparagraph (b)(2)(C) prior to the entry of an order of discharge.

Rule 3071-1 Applications for Administrative Expenses

This amendment shortens the time for filing administrative claims from 21 to 14 days before the confirmation hearing in Chapter 11, 12, and 13 cases.

Rule 4004-2 Modification of Deadline for Objections to Discharge [NEW RULE]

This new rule creates a uniform procedure for extending the deadline for filing objections to discharge in reinstated cases.

Rule 4007-1 Modification of Deadline for Objecting to Dischargeability of a Debt [NEW RULE]

This new rule creates a uniform procedure for extending the deadline for filing objections to dischargeability in reinstated cases.

Rule 5073-1 Photography, Recording Devices & Broadcasting; Electronics in the Courthouse

This amendment revises the rule to reference new Middle District of Florida Local Rules 5.01 (Broadcasting, Recording, and Photographing) and 7.02 (Electronics in Courthouse) (effective on January 1, 2021). The title of the rule is also amended to conform with the Uniform Numbering System for Local Bankruptcy Court Rules.

Rule 5077-1 Transcripts of Court Proceedings

This amendment clarifies the rule to state that the Court's official court reporters file transcripts in CM/ECF.

Rule 6004-1 Sale of Estate Property

This amendment adds new section (a) requiring that requests to sell property include a description of the property sufficient for identification.

Rule 9013-3 Proof of Service in Bankruptcy Cases, Adversary Proceedings, and Contested Matters

This amendment revises section (e) to correct a grammatical error, but no substantive change is being made.

Rule 9072-1 Orders – Proposed

This amendment makes a minor revision to the section (b)(6) language required at the end of an order.