



United States Bankruptcy Court
Middle District of Florida
Sam M. Gibbons United States Courthouse
801 North Florida Avenue
Tampa, Florida 33602

MEMORANDUM

From: Chief Judge Caryl E. Delano
Judicial Liaison to Local Rules Lawyers' Advisory Committee

To: Interested Parties

Subject: Amendments to Local Rules

Date: July 16, 2020

The Bankruptcy Judges of the Middle District of Florida have approved amendments to the Local Rules, effective August 1, 2020. In addition, a revised Rule 2002-1 will go into effect on December 1, 2020. 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, Jacob A. Brown, Esq., Lara R. Fernandez, Esq., Andrew V. Layden, Esq., Luis E. Rivera, Esq., and Raymond Waguespack, for their hard work and assistance.

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

- The amendment moves former sections (h) *Waiver of Service by Mail* and (m) *Access to CM/ECF by Non-Electronic Filing Users* to sections (d) and (e) to more prominently locate them in the rule.
- Re-lettered subsection (e)(2) clarifies that a *pro se* debtor's election to receive electronic notice is not a waiver of service by mail; however, orders and notices served by the Court will not be served by mail on a *pro se* debtor who has elected to receive electronic notification.
- Re-lettered section (h) *Retention of Original Papers* is revised to require attorneys to retain the written and fully executed contracts required of debt relief agencies by 11 U.S.C. §528(a)(1) and § 528(a)(2).
- Re-lettered section (i) clarifies requirements for filing proofs of service.

2002-1 Notice to Creditors and Other Interested Parties (to be effective December 1, 2020)

- Under current Federal Rule of Bankruptcy Procedure 2002(h), the Court may limit notice to creditors in Chapter 7 cases to those creditors who have filed claims. An amendment to Rule 2002(h) allows the Court to limit notice to creditors in Chapter 12 and 13 cases to those creditors who have filed claims. In addition, revised Rule 2002(h) distinguishes between voluntary and involuntary Chapter 7 cases and reflects the 2017 amendment to Rule 3002(c). Under Rule 3002(c), the deadline for filing proofs of claims in voluntary Chapter 7, Chapter 12, and Chapter 13 cases is 70 days after the order for relief; in involuntary Chapter 7 cases the deadline for filing proofs of claim is 90 days after the order for relief.
- Amended Local Rule 2002-1, to be effective on December 1, 2020, limits notice in Chapter 12 and Chapter 13 cases as authorized by amended Rule 2002(h).

2002-4 Negative Notice Procedure

- The amendment revises the Negative Notice Legend to (1) simplify the language and (2) eliminate the requirement for service by mail on the moving party's attorney unless the moving party is not represented by an attorney.

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

- The amendment clarifies that admission to practice in the Middle District is not required for an attorney to prepare and file a motion for payment of unclaimed funds. The title of the rule is also revised to include the words "Pro Hac Vice Admission" so that the Court's requirements for pro hac vice admission are more easily located in the Local Rules' Table of Contents.

3002-1 Deadline for Filing Proofs of Claim in Reinstated Cases; Late-Filed Proofs of Claim

- The amendment revises section (b) of the rule to distinguish between "tardily filed" claims that, under 11 U.S.C. § 726(a)(3), receive distribution only after all timely filed claims are paid in full, and tardily filed claims that receive distributions with timely filed claims if the holder of the claim did not have notice or actual knowledge in time for timely filing of a proof of claim under 11 U.S.C. § 726(a)(2)(C).

3020-1 Chapter 11 -- Confirmation

- The revision to section (c)(1)(A) clarifies that if the confirmation order provides for payments of a fixed sum of money to a class of general nonpriority unsecured creditors (a "pot plan"), the Distribution Schedule otherwise required to be attached to the confirmation order shall be filed no later than 30 days after all objections to claims are resolved. The amendment also clarifies that Post-Confirmation Avoidance & Claim Litigation Reports are required only if the Court so orders.

9072-1 Orders -- Proposed

- The amendment adds additional language to section (d) to provide if an agreed order resolves a matter that is set for hearing, the order shall state that the scheduled hearing is cancelled.