

Rule 1001-1

SCOPE OF RULES; SHORT TITLE

(a) **Promulgation and Application.** These rules are promulgated in accordance with Fed. R. Bankr. P. 9029. These rules apply to all cases under title 11 and in all civil proceedings arising under title 11, or arising in or related to cases under title 11 in the United States Bankruptcy Court for the Middle District of Florida (the “Court”).

(b) **Implementation.** These rules are intended to supplement and complement the Bankruptcy Code and Federal Rules of Bankruptcy Procedure. These rules shall be construed, administered, and employed by the Court and the parties to secure the just, speedy, and inexpensive determination of every case, contested matter, and adversary proceeding.

(c) **Failure to Comply.** The Court, on its own motion or on the motion of any party in interest, may impose sanctions for failure to comply with these rules, including, without limitation, dismissal of the case or the proceeding, conversion of the case, denial of the motion filed by the party, striking of pleadings or other submissions, the staying of any further proceedings until verification of compliance with these rules has been filed with the Court or as may otherwise be appropriate under the circumstances. However, notwithstanding the foregoing, for good cause, the Court may suspend the requirements set forth in these rules and may order proceedings in accordance with its direction.

(d) **Local Rules of the District Court.** The Local Rules of the United States District Court for the Middle District of Florida governing civil and criminal proceedings shall not apply to cases or proceedings in this Court except as provided for in these rules or otherwise ordered by this Court.

(e) **Citation.** These rules shall be cited as “Local Rules.”

Notes of Advisory Committee

2016 Amendment

This amendment includes a revision to section (b) that is consistent with the 2015 amendment to Fed. R. Civ. P. 1 and new section (c), which incorporates the provisions regarding sanctions for failure to comply with the Local Rules set forth in abrogated Local Rule 9011-3 Sanctions. This amended rule is effective July 1, 2016.

2015 Amendment

The amendments to this rule are stylistic and effective July 1, 2015.

2004 Amendment

This rule is amended to reflect conformity in the citation of Fed. R. Bankr. P. and Local Rules.

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 was effective on April 15, 1997. Paragraphs (a) through (d) of this rule were formerly Local Rule 1.01(a) through (d). Paragraph (e) of this rule was formerly Local Rule 1.01(f). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Notes of Advisory Committee¹

1995 Amendment

The amendments to subparagraphs (a) and (b) of Local Rule 1.01 are stylistic. No substantive change is intended.

A new subparagraph (e) is added to specify that the definitions of words and phrases contained in 11 U.S.C. §§ 101, 902, and 1101, and Fed. R. Bankr. P. 9001, and the rules of construction contained in 11 U.S.C. § 102 also apply in the Local Rules.

Subparagraph (f) has been amended to expand the method of citation of the Local Rules to include the designation "(Bankr. M.D. Fla.)." References to the "Local Rules" as used herein shall mean the Local Rules (Bankr. M.D. Fla.).

These amendments were effective on February 15, 1995. The Court's Order Amending Local Rules of the United States Bankruptcy Court for the Middle District of Florida, No. 95-001-MIS-TPA, entered on February 2, 1995, adopting these amendments provides that "[t]hese amendments govern all cases and proceedings commenced on or after February 15, 1995, and, insofar as practicable, all cases and proceedings then pending."

¹Pursuant to the Order Reconstituting Local Rules Lawyers' Advisory Committee, No. 94-004-MIS-TPA, dated February 23, 1994, the Court reconstituted the membership of the Local Rules Lawyers' Advisory Committee (which shall be referred to herein as the "Advisory Committee") and requested the Advisory Committee to make such recommendations as appropriate generally concerning the Local Rules and specifically concerning the impact of the December 1, 1993, amendments to the Federal Rules of Civil Procedure. The Advisory Committee has drafted these

notes with their proposed amendments to assist the Court, the bar, and the public in understanding the proposed amendments and in interpreting and following the rules if adopted by the Court.