

Rule 9004-1

PAPERS, CAPTION, MOTIONS, DEMANDS FOR JURY TRIAL, INJUNCTIVE RELIEF, EMERGENCY HEARINGS

(a) ***Caption.*** The first page of all petitions, pleadings, motions, and other papers filed with the Court shall contain a caption as in the Official Forms and in addition shall state in the title the name and designation of the party (*e.g.*, Debtor, Creditor [name], Plaintiff, Defendant, or the like) on whose behalf the paper is submitted, and a title descriptive of the paper's contents.

(b) ***Motions.*** A motion filed with the Court shall request only one form of relief unless the request seeks alternative forms of relief under the same provision of the Bankruptcy Code or Federal Rules of Bankruptcy Procedure (*e.g.*, motion to dismiss or convert; motion for relief from stay, or in the alternative, adequate protection; motion to enforce automatic stay and for sanctions).

(c) ***Demand for Jury Trial.*** If demand for jury trial is contained within a pleading, the title of the pleading shall include the words "Demand for Jury Trial" or the equivalent.

(d) ***Injunctive Relief.*** If a pleading contains a prayer for injunctive relief pursuant to Fed. R. Bankr. P. 7065, the title of the pleading shall include the words "Injunctive Relief Sought" or the equivalent.

(e) ***Emergency Hearings.*** If a motion or pleading requests an emergency hearing, the title of the motion or pleading shall include the words "Emergency Hearing Requested" or the equivalent. Emergency hearings shall only be held where direct, immediate, and substantial harm will occur to the interest of an entity in property, to the bankruptcy estate, or to the debtor's ability to reorganize if the parties are not able to obtain an immediate resolution of any dispute. An emergency motion will not be acted upon or set for an emergency hearing without completion and filing of a Certification of Necessity of Request for Emergency Hearing in the form available on the Court's website, www.flmb.uscourts.gov, setting forth sufficient facts justifying the need for an emergency hearing. In addition, the filer shall also alert the Clerk's office that an emergency paper has been filed by completing and submitting the "Emergency Matters – Electronic Case Filing" form on the Court's website at www.flmb.uscourts.gov.

Notes of Advisory Committee

2017 Amendment

This amendment renumbers the rule from 9004-2 and revises the title to better reflect the contents of the rule. Other revisions are stylistic. This amended rule is effective July 1, 2017.

2015 Amendment

This amendment is primarily stylistic. Section (b) clarifies that motions filed with the Court shall request only one form of relief unless the request seeks alternative forms of relief under the same provision of the Bankruptcy Code or Federal Rules of Bankruptcy Procedure. This amendment is effective July 1, 2015.

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation.

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.

Paragraph (a) of this rule formerly was Local Rule 2.02(b). Paragraphs (b) through (f) of this rule formerly were paragraphs (a) through (e) of Local Rule 2.03. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Local Rule 2.03(c) has been amended to make clear that the Certificate of Necessity of Request for Emergency Hearing which must be filed in connection with an emergency motion must set forth sufficient facts to justify the need for an emergency hearing.

These amendments were effective on February 15, 1995.