

Rule 9072-1

ORDERS – PROPOSED

(a) ***Procedure for Submission.*** Proposed orders shall be submitted using the “Order Upload” process in CM/ECF.

(1) ***Orders to Be Provided to Opposing Counsel for Review.*** Attorneys shall provide a copy of any proposed order to opposing counsel prior to submitting the order to the Court.

(2) ***Competing Orders.*** If counsel do not agree on the form of a proposed order, they may submit competing orders using the “Order Upload” option in CM/ECF’s Bankruptcy and Adversary Menus and checking the box on the submission screen that indicates “Dispute as to Form.” Counsel shall then upload the order in both PDF and Microsoft Word formats.

(b) ***Format.*** Proposed orders should follow the format set forth in the Court’s Style Guide available on the Court’s website, www.flmb.uscourts.gov, and shall include the following:

- (1) case name and full case number;
- (2) descriptive title, including name and docket number of the matter ruled upon and substance of the Court’s ruling, *e.g.*, granted or denied;
- (3) if the matter was heard by the Court, the date of the hearing;
- (4) if the matter relates to a scheduled hearing and a hearing on the matter is no longer necessary, a statement that the hearing is cancelled;
- (5) if the matter was served using the negative notice provisions of Local Rule 2002-4, the language set forth in Local Rule 2002-4(e); and
- (6) the following sentence at the end of the order:

Attorney [or Trustee] [insert name of attorney/trustee] is directed to serve a copy of this order on interested parties who do not receive service by CM/ECF and file a proof of service within three days of entry of this order.

(c) ***Time for Submission of Orders.***

(1) ***“Accompanying Orders” That May Be Submitted Upon the Filing of Motion or Application.*** The Court has designated a list, available on the Court’s website, www.flmb.uscourts.gov, of the types of motions and applications that do not ordinarily require notice and a hearing. At the time that a listed motion or application is filed, counsel, following

the Court's guidelines for the submission of proposed orders, may submit a proposed order. Notwithstanding the foregoing, the Court may schedule a hearing on the motion or application.

(2) **Negative Notice.** Orders on papers served using the Negative Notice Procedures of Local Rule 2002-4 shall be submitted electronically to the Court after the expiration of the response period and within three business days of such expiration.

(3) **After Hearing.** Orders resulting from a hearing shall be submitted within three business days of the hearing.

(d) **Agreed Orders.** Agreed or consent orders may be submitted if:

(1) The parties have previously filed an agreed or joint motion that is signed by all necessary parties;

(2) The movant represents in the motion that the movant has obtained consent of the other parties to the entry of a proposed order attached to the motion;

(3) A separate consent with the signature of all necessary parties is filed;

(4) An agreed order signed by all necessary parties is submitted (no prior motion required); or

(5) The movant submits an order that recites in the preamble that the submitting party represents that the other parties have agreed to the form and content of the order, *e.g.*, "By submission of this order for entry, the submitting counsel represents that the opposing party consents to its entry."

An agreed order that resolves a matter that is set for hearing shall state that the scheduled hearing is cancelled.

(e) **Amended Orders.** Amended orders shall include a footnote on the order's first page that states the reason for the amendment. If a party requires the substantive amendment of a previously entered order, the party may file a motion for entry of an amended order together with a proposed amended order or may submit an agreed amended order. If the amendment does not affect the substance of the ruling (*e.g.*, merely corrects a legal description or other scrivener's error), a proposed amended order may be submitted without filing a motion for entry of an amended order.

Notes of Advisory Committee

2020 Amendment

This 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. This amendment to the rule is effective August 1, 2020.

2019 Amendment

This amendment to section (a) incorporates procedures for submitting competing orders through CM/ECF. Amended section (b)(4) provides that if a proposed order cancels a hearing, that provision shall be set forth in the order. Section (b)(6) updates instructions regarding the service of orders. Section (e) clarifies the procedures for the submission of amended orders. This amendment to the rule is effective July 1, 2019.

2015 Amendment

This amendment includes section (b)(1) and refers to the “Accompanying Orders” list posted on the Court’s website. The amendment to the rule is effective July 1, 2015.

2014 Amendment

This amendment clarifies the information to be included in proposed orders submitted to the Court, provides that orders on papers served using the negative notice procedures of Local Rule 2002-4 shall be submitted after the expiration of the response period and within three business days of the response period, changes the time for submission of orders after hearings to three “business” days, and establishes procedures for the submission of agreed and amended orders. This amendment to the rule is effective July 1, 2014.

2004 Amendment

This amendment allows Electronic Filing Users to submit proposed orders to the Court by electronic means. The Clerk will be responsible for setting up an electronic acceptance system in order to transmit proposed orders from parties to judges’ chambers.

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 to the rule was effective on April 15, 1997.

This rule was formerly Local Rule 2.11. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendments are stylistic. No substantive change is intended. These amendments to the rule were effective on February 15, 1995.