



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

MEMORANDUM

From: Hon. Caryl E. Delano *CD*
Judicial Liaison to Local Rules Lawyers' Advisory Committee

To: Interested Parties

Subject: Amendments to Local Rules

Date: June 1, 2015

The Bankruptcy Judges of the Middle District of Florida have approved the following new and amended Local Rules, effective July 1, 2015. A brief summary of the revisions is set forth below. However, the new and amended Local Rules should be reviewed in their entirety.

- L.R.1001-2 Case Management and Electronic Filing System – CM/ECF**
New section (c) of the rule requires Electronic Filing Users to convert papers maintained in electronic format from the word processing original to Portable Document Format (PDF). This does not apply to papers originally in paper form, such as client records or exhibits. In addition, section (d) reduces the time during which Electronic Filing Users must retain paper copies bearing original signature from four years to two years.
- L.R. 1009-1 Amendments to Lists & Schedules**
Amended section (e) requires that the Notice of Deadline to File Proof of Claim, if any, be served upon newly added creditors in amended Schedules D, E and F.
- L.R. 1073-1 Assignment of Cases**
This amendment clarifies that a successive case filed by or against a debtor will be assigned to the judge assigned to the previously filed case unless the successive case is filed in a different Division. In that event, the case will not be reassigned to the Division of the previous case, but parties in interest may move for a transfer of venue to the original venue and assigned judge. The amendment also clarifies that the Chief Judge shall designate the judge to whom the Clerk shall assign Fort Myers cases.

L.R. 1074-1 Corporations and Other Non-Individual Persons

This amendment incorporates the Court's current practice permitting agents, such as employees or principals, of non-individual persons (*e.g.*, corporations, limited liability companies, etc.) to attend meetings of creditors and, with the Court's permission, other hearings on objections to claims and other limited matters.

L.R. 2015-1 Trustee Expenditures

The amendment in section (c) authorizes Chapter 7 trustees to pay any unpaid filing fees from available funds in cases where the debtor is either not required to pay a filing fee or has failed to do so.

L.R. 2016-1 Compensation of Professionals

This amendment provides that when fee applications are served using the negative notice procedures of Local Rule 2002-4, the negative notice legend and the title of the application shall be located on the first page of the application, and the Chapter 11 Fee Application Summary [previously titled the Chapter 11 Fee Application Cover Page] shall be the second page of the application.

L.R. 2090-1 Attorneys -- Admission to Practice

New section (d) was previously section (a) of Local Rule 2090-2.

L.R. 2092-1 Appearances by Law Students

This amendment eliminates the requirement that qualified law students comply with applicable requirements promulgated by the Supreme Court of Florida and the Florida Bar. This amendment also clarifies that, in addition to the requirement that the supervising lawyer or a lawyer with the same law firm as the supervising lawyer review all papers prepared by the qualified law student, the papers shall be filed using that lawyer's CM/ECF User ID.

L.R. 3018-1 Ballots – Voting on Plans

The amendment to section (d) prescribes a form of ballot tabulation available on the Court's website and specifies that the ballot tabulation shall be filed with the Court two days prior to the confirmation hearing.

L.R. 3071-1 Applications for Administrative Expenses

The amendment to section (b) specifies that applications for administrative expenses in Chapter 11, 12, and 13 cases must be filed before the later of 21 days in advance of the confirmation hearing, or with respect expenses arising after the original deadline, 21 days in advance of a continued confirmation hearing, and 30 days after the last event giving rise to the claim.

L.R. 4003-2 Lien Avoidance

The amendment is stylistic and conforms the rule to current practice.

L.R. 4008-1 Reaffirmation Agreements

This new rule incorporates procedures adopted by the Court as set forth in the memorandum to counsel from Chief Judge Jennemann dated August 27, 2014 (available under Emailed Blast Notifications on the Court's website).

L.R. 5005-1 Filing Papers – Requirements

This amendment is stylistic and conforms the rule 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. This amendment incorporates portions of text previously included in Local Rules 5005-2 and 5005-3.

L.R. 5011-1 Withdrawal of Reference

The revisions to this rule are mainly stylistic.

L.R. 5072-1 Courtroom Decorum

This amendment is primarily stylistic. New section (b)(13) directs counsel and parties to the Court's Policies and Procedures on Telephonic Appearances.

L.R. 7033-1 Interrogatories to Parties

This amendment reflects the changes in word processing technology.

L.R. 7055-2 Judgments by Default

The amendments are stylistic and state the requirements for statements of non-military status.

L.R. 8001-1 Notice of Appeal

Amended and renumbered as Local Rule 8003-1 to correspond to the amendments and renumbering of the rules in Part VIII of the Federal Rules of Bankruptcy Procedure.

L.R. 8003-1 Notice of Appeal

This rule was formerly Local Rule 8001-1. The rule is amended and renumbered to correspond to the amendments and renumbering of the rules in Part VIII of the Federal Rules of Bankruptcy Procedure.

L.R. 8007-1 Completion of Record – Appeal

Renumbered as Local Rule 8009-1 to correspond to the amendments and renumbering of the rules in Part VIII of the Federal Rules of Bankruptcy Procedure.

L.R. 8009-1 Completion of Record – Appeal

This rule was formerly Local Rule 8007-1. The rule is renumbered to correspond to the amendments and renumbering of the rules in Part VIII of the Federal Rules of Bankruptcy Procedure.

L.R. 9001-1 Definitions

This amendment is primarily stylistic. In addition, section (a) defines “CM/ECF.”

L.R. 9004-2 Caption – Papers, General

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.

L.R. 9011-4 Signatures

The amendment to section (a) requires attorneys to include their telephone number in their signature block and eliminates the requirement that they include their fax number.

L.R. 9013-1 Proof of Service

This new rule substantially replaces abrogated Local Rules 7005-1 (Proof of Service – Adversary Proceedings) and 9014-1 (Service and Proof of Service – Contested Matters).

L.R. 9016-1 Subpoenas before Trial

This new rule requires subpoenas before trial to be filed with the Court in addition to being served on each party to the adversary proceeding or contested matter.

L.R. 9027-1 Removal/Remand

This amendment requires the removing party, in addition to filing the state court record with the notice of removal, to also file the operative pleadings, etc. as separate docket entries.

L.R. 9072-1 Orders – Proposed

This amendment includes section (b)(1) and refers to the “Accompanying Orders” list posted on the Court’s website.

In addition, a number of Local Rules will be abrogated effective July 1, 2015, as they have been superseded by current CM/ECF practice or incorporated by newly promulgated or amended rules. Those rules are as follows:

L.R. 1002-1 Filing of the Petition

Duplicative of other rules.

- L.R. 1019-1 Conversion – Procedure Following Chapter 11 Confirmation**
Duplicative of Fed. R. Bankr. P. 2002(a)(4).
- L.R. 5003-1 Electronic Documents – Entry of**
Superseded by Local Rule 1001-2
- L.R. 5003-2 Court Orders – Entry of**
Superseded by current CM/ECF procedures.
- L.R. 5005-2 Filing of Petition and Other Papers**
Relevant provisions are incorporated in amended Local Rule 5001-1.
- L.R. 5005-3 Filing Papers – Size of Papers**
Relevant provisions that have not been superseded by current CM/ECF practices are incorporated in amended Local Rule 5005-1.
- L.R. 7005-1 Proof of Service – Adversary Proceedings and Contested Matters**
Relevant provisions are incorporated in new Local Rule 9013-1.
- L.R. 7005-3 Service by Electronic Means Under Rule 5(b)(2)(E)**
Superseded by Local Rule 1001-2.
- L.R. 9014-1 Service and Proof of Service – Contested Matters**
Replaced by new Local Rule 9013-1.
- L.R. 9033-1 Review of Proposed Findings of Fact and Conclusions of Law in Non-Core Proceedings**
Fed. R. Bankr. P. 9033 addresses objections to proposed findings of fact and conclusions of law.
- L.R. 9036-1 Notice by Electronic Transmission; Service by Facsimile**
Superseded by Local Rule 1001-2.
- L.R. 9070-2 Attachments – Electronic Submission of**
Superseded by Local Rule 1001-2.

The Bankruptcy Judges would like to thank the members of the Local Rules Lawyers' Advisory Committee for their assistance. The members are Donald Kirk, Esq., Chair, Gregory Champeau, Esq., Betsy Cox, Esq., Lara Fernandez, Esq., Raymond Waguespack, and Richard Webber, Esq.

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