




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 
Judicial Liaison to Local Rules Lawyers' Advisory Committee

To: Interested Parties

Subject: Amendments to Local Rules

Date: June 19, 2017

The Bankruptcy Judges of the Middle District of Florida have approved the following new and amended Local Rules, effective July 1, 2017. A brief summary of the revisions is set forth below. However, the new and amended Local Rules should be reviewed in their entirety.

1001-3 Privacy Policy Regarding Public Access to Electronic Case Files

The rule is revised to provide that parties wishing to file papers containing personal data identifiers may file a motion for leave to file under seal.

1002-1 Petition Filing on Debtor's Behalf by a Representative, Holder of Power of Attorney, Guardian ad Litem, or Next Friend

This new rule establishes procedures for the filing of voluntary petitions by court-appointed representatives, holders of powers of attorney, guardians ad litem, and next friends. If a petition is filed by the holder of a power of attorney, the Court will enter an order to show cause why the case should not be dismissed; if the case is filed by a "next friend" or seeking to be appointed as "guardian ad litem," then the petition shall be accompanied by a motion. If no motion is filed, the Court will enter an order to show cause. The rule specifies the information and documents that must be filed in support of a motion or in response to an order to show cause. This rule is based upon Local Rules 1002.1 Petition -- General and 1004.1 Petition-Infant or Incompetent Person, United States Bankruptcy Court, District of Oregon.

2004-1 Examination of Debtor and Others

The rule is revised to require that the parties meet and confer prior to any scheduled hearing on a motion for protective order relating to an examination under Fed. R. Bankr. P. 2004.

4001-1 Automatic Stay

In addition to formatting changes, the rule is revised to include Middle District judges' policy of waiving the 14-day stay under Fed. R. Bankr. P. 4001(a)(3) for real estate, but not for automobiles, "absent compelling circumstances."

5005-4 Sealed Papers

The rule is revised to clarify that it does not apply to documents being reviewed by the Court *in camera* (which are not filed on the docket) and to specify the types of papers that may be filed under seal without prior court approval: motions for writ of garnishment, attachment, or execution; adversary complaints seeking injunctive relief; trustees' motions to inspect or enter upon property without notice; and motions for temporary restraining orders that are requested to be granted without notice. The revisions are consistent with current clerk's office procedures.

7001-1 Adversary Proceedings – Procedures

In addition to formatting changes, the rule is revised to require that pleadings requesting injunctive relief so state in the title of the pleading and, consistent with Fed. R. Civ. P. 5, to state that discovery papers must not be filed with the Court. Section (k)(5) is revised to more clearly explain when a proceeding or issue is not subject to the entry of final orders or judgments because it is either non-core or statutorily core but involves state law claims.

7026-1 Discovery – General

The rule is revised to state that, as with Fed. R. Civ. P. 5, discovery papers must not be filed with the Court. The revised Rule also requires that motions to compel and motions for protective order include a certification that counsel has met and conferred.

9004-1 Papers, Caption, Motions, Demands for Jury Trial, Injunctive Relief, Emergency Hearings

The title of the rule (renumbered from 9004-2) is revised to better reflect the contents of the rule.

9070-1 Exhibits

The rule is revised to replace Administrative Order FLMB-2015-06 governing the use of electronically stored exhibits. The rule makes clear that the exhibits used for each witness shall be placed in a separate binder or folder. However, the failure to include an exhibit in a witness's binder is not ground for excluding the exhibit from being admitted into evidence.

The Bankruptcy Judges would like to thank the members of the Local Rules Lawyers' Advisory Committee for their assistance. The members are Jacob A. Brown, Esq., Lara R. Fernandez, Esq., Andrew V. Layden, Esq., Luis E. Rivera, Esq., and Raymond Waguespack.

CED/lis