

[Proposed Amended]

Rule 9070-1

EXHIBITS

(a) ***Electronic Exhibits.***

(1) ***Required Use of Electronic Exhibits.*** Except for unrepresented parties as provided in subsection (d) below, or otherwise in this rule, all parties are required to submit exhibits electronically for any hearing or trial where exhibits will be submitted.

(2) ***Format of Exhibits.*** Each exhibit must be electronically stored in an individual Portable Document Format (PDF) file. Each PDF file must have a unique identification name and number (*e.g.*, “Debtor’s Exhibit No. 1”). To facilitate the filing of exhibits via CM/ECF, the individual PDF files should be contained in a single file.

(3) ***Numbering Exhibits.*** Exhibits must be numbered commencing with Arabic numeral 1. The first page of each exhibit must be stamped in the lower right corner with the name of the submitting party and the exhibit number (*e.g.*, “Debtor’s Ex. No. 1” or “Plaintiff’s Ex. No. 1”).

(4) ***Redaction of Personal Data Identifiers.*** In compliance with Local Rule 1001-3, the following Personal Data Identifiers must be redacted from all exhibits submitted to the Court: Social Security numbers, names of minor children, dates of birth, and financial account numbers other than the last four digits of the account number. If appropriate, the party submitting the exhibit should seek to file the unredacted exhibit under seal as provided for in Local Rules 1001-2 and 5005-4.

(5) ***Exhibits Other than Paper Documents.*** Objects other than paper documents to be introduced into evidence must be photographed and listed on the Exhibit List. The photograph must be marked with the name of the submitting party and exhibit number and will serve as the electronic exhibit. If possible, the physical object should be brought to court for the trial.

(6) ***Oversized Paper Documents.*** Paper documents exceeding 8 1/2 x 11 inches must be photocopied to a reduced 8 1/2 x 11-inch copy and listed on the Exhibit List. The original oversized exhibit and the reduced copy of the exhibit (“substitute”) must be marked with the name of the submitting party and exhibit number, using the same exhibit number for both the original exhibit and the corresponding substitute. Unless the Court orders otherwise, at the conclusion of the trial or hearing at which the oversized exhibit is offered, the Clerk will return the original exhibit to counsel or to the submitting party. If an appeal is taken, only the substitute will be included in the record on appeal.

(b) ***Uploading and Exchanging Exhibits Before Trial.***

(1) ***Exhibit List.*** Each party must prepare an Exhibit List in the form attached as Appendix A. The Exhibit List must list each exhibit in numerical order and include the following: case caption, identity of the party submitting the exhibits (*e.g.*, plaintiff, defendant, debtor, creditor, etc.), and columns with the following headings: “Exhibit Number,” “Document Description,” “Date Identified,” “Date Admitted,” and “With or Without Objection.” No markings should be made in the “Date Identified” and “Date Admitted” columns, which will be used by the courtroom deputy to record the exhibits that are identified and offered into evidence, and those that are received into evidence. Each party must provide two copies of the Exhibit List to the courtroom deputy before the start of the trial. After the conclusion of the trial, the courtroom deputy will docket the completed Exhibit List.

(2) ***CM/ECF Electronic Exhibit Upload.*** Parties must file their Exhibit List and all exhibits electronically using the CM/ECF Electronically Stored Exhibit Upload no later than seven days before trial as set forth in Local Rule 7001-1 for the exchange of exhibits. The filing of the Exhibit List and exhibits via the CM/ECF Electronically Stored Exhibit Upload is considered the parties’ exchange of exhibits as required by Local Rule 7001-1(n). Instructions for the CM/ECF Electronically Stored Exhibit Upload are located on the Court’s website at www.flmb.uscourts.gov.

(c) ***Additional Exhibits.*** If exhibits that were not uploaded through the CM/ECF Electronically Stored Exhibit Upload are offered or introduced into evidence during the trial, a complete set of such additional exhibits must be filed through the CM/ECF Electronically Stored Exhibit Upload with the title “[Party’s Name]’s Additional Exhibits” within seven days following the conclusion of the trial.

(d) ***Unrepresented Parties.*** Unrepresented parties in an adversary proceeding or contested matter are required to comply with the provisions of this rule except that they may file with the Court paper copies of their exhibits and Exhibit List. Paper copies must be filed no later than seven days before the scheduled trial. The Clerk will upload exhibits of unrepresented parties through CM/ECF. This upload will constitute the unrepresented party’s exchange of exhibits with represented parties. Represented parties must provide paper copies of their exhibits to any unrepresented party at least seven days before the scheduled trial in addition to submitting exhibits through CM/ECF.

(e) ***Objections to Admissibility of Exhibits.*** Written objection to the admission of an exhibit into evidence on the grounds that the exhibit (1) lacks authentication or (2) does not qualify as an exception to the hearsay rule as a record of a regularly conducted activity under Fed. R. Evid. 803(6) must be filed before the close of business on the second day before trial or the objection will be deemed waived.

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
DIVISION**

In Re:

Case No. _____

Chapter _____

[Name of Debtor(s)],

Debtor*.

[Name of Plaintiff],

Adv. Pro. No. _____

Plaintiff,

v.

[Name of Defendant],

Defendant.

[Plaintiff/Defendant's] Exhibit List

(Hearing on Acme Bank's Complaint to Determine Dischargeability (Doc. No. 1))

Hearing Date: _____

Exh. #	Document Description	Date Identified	<i>Date Admitted</i>	<i>With or Without Objection</i>
1	Promissory Note			

*All references to "Debtor" shall include and refer to both debtors in a case filed jointly by two individuals.

APPENDIX A