UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA

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LOCAL RULES

OF THE

UNITED STATES BANKRUPTCY COURT

FOR THE

MIDDLE DISTRICT OF FLORIDA

* * *

WITH AMENDMENTS

EFFECTIVE AUGUST 15, 2024

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T A B L E O F C O N T E N T S

Rule 1001-1

SCOPE OF RULES; SHORT TITLE

(a) ***Promulgation and Application.*** These rules are promulgated in accordance with Fed. R. Bankr. P. 9029. These rules apply to all cases under title 11 and in all civil proceedings arising under title 11, or arising in or related to cases under title 11 in the United States Bankruptcy Court for the Middle District of Florida (the "Court").

(b) ***Implementation.*** These rules are intended to supplement and complement the Bankruptcy Code and Federal Rules of Bankruptcy Procedure. These rules shall be construed, administered, and employed by the Court and the parties to secure the just, speedy, and inexpensive determination of every case, contested matter, and adversary proceeding.

(c) ***Failure to Comply.*** The Court, on its own motion or on the motion of any party in interest, may impose sanctions for failure to comply with these rules, including, without limitation, dismissal of the case or the proceeding, conversion of the case, denial of the motion filed by the party, striking of pleadings or other submissions, the staying of any further proceedings until verification of compliance with these rules has been filed with the Court or as may otherwise be appropriate under the circumstances. However, notwithstanding the foregoing, for good cause, the Court may suspend the requirements set forth in these rules and may order proceedings in accordance with its direction.

(d) ***Local Rules of the District Court.*** The Local Rules of the United States District Court for the Middle District of Florida governing civil and criminal proceedings shall not apply to cases or proceedings in this Court except as provided for in these rules or otherwise ordered by this Court.

(e) ***Citation.*** These rules shall be cited as "Local Rules."

Notes of Advisory Committee

2016 Amendment

This amendment includes a revision to section (b) that is consistent with the 2015 amendment to Fed. R. Civ. P. 1 and new section (c), which incorporates the provisions regarding sanctions for failure to comply with the Local Rules set forth in abrogated Local Rule 9011-3 Sanctions. This amendment to the rule is effective July 1, 2016.

2015 Amendment

The revisions to this rule are primarily stylistic. This amendment to the rule is effective July 1, 2015.

2004 Amendment

This rule is amended to reflect conformity in the citation of Fed. R. Bankr. P. and Local Rules.

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. Paragraphs (a) through (d) of this rule were formerly Local Rule 1.01(a) through (d). Paragraph (e) of this rule was formerly Local Rule 1.01(f). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Notes of Advisory Committee[1]

1995 Amendment

The amendments to subparagraphs (a) and (b) of Local Rule 1.01 are stylistic. No substantive change is intended.

A new subparagraph (e) is added to specify that the definitions of words and phrases contained in 11 U.S.C. §§ 101, 902, and 1101, and Fed. R. Bankr. P. 9001, and the rules of construction contained in 11 U.S.C. § 102 also apply in the Local Rules.

Subparagraph (f) has been amended to expand the method of citation of the Local Rules to include the designation "(Bankr. M.D. Fla.)." References to the "Local Rules" as used herein shall mean the Local Rules (Bankr. M.D. Fla.).

These amendments were effective on February 15, 1995. The Court's Order Amending Local Rules of the United States Bankruptcy Court for the Middle District of Florida, No. 95-001-MIS-TPA, entered on February 2, 1995, adopting these amendments provides that "[t]hese amendments govern all cases and proceedings commenced on or after February 15, 1995, and, insofar as practicable, all cases and proceedings then pending."

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[1]Pursuant to the Order Reconstituting Local Rules Lawyers' Advisory Committee, No. 94-004-MIS-TPA, dated February 23, 1994, the Court reconstituted the membership of the Local Rules Lawyers' Advisory Committee (which shall be referred to herein as the "Advisory Committee") and requested the Advisory Committee to make such recommendations as appropriate generally concerning the Local Rules and specifically concerning the impact of the December 1, 1993, amendments to the Federal Rules of Civil Procedure. The Advisory Committee has drafted these

notes with their proposed amendments to assist the Court, the bar, and the public in understanding the proposed amendments and in interpreting and following the rules if adopted by the Court.

Rule 1001-2

CASE MANAGEMENT AND ELECTRONIC CASE FILING SYSTEM – CM/ECF

(a) ***Case Management/Electronic Case Filing System.*** The Court has established an online case management and electronic case filing system ("CM/ECF"), on which the Court maintains paperless court files and dockets, and which allows a party with a login and password issued by the Clerk ("Electronic Filing User") to electronically file papers in court files.

(b) ***Electronic Filing Users.*** Attorneys filing papers with the Court must be Electronic Filing Users. Those persons entitled to become Electronic Filing Users include attorneys admitted to practice in the United States District Court for the Middle District of Florida, United States Trustees and their assistants, private trustees, governmental units, commercial claim filers, or others as may be provided by administrative order. To become an Electronic Filing User, attorneys and other parties must complete CM/ECF training and register with the Clerk. The Clerk will establish registration, training, and certification procedures, which will include administering a CM/ECF training program. Electronic Filing Users must adhere to all requirements as promulgated by the Clerk and posted on the Court's website, www.flmb.uscourts.gov. The Clerk will maintain and promulgate the requirements and guidelines as necessary.

(c) ***Restriction on Use of User Login and Password.*** No Electronic Filing User or other person may knowingly permit or cause to permit an Electronic Filing User's password to be used by anyone other than an authorized agent of the Electronic Filing User. An attorney is not permitted to use another attorney's password to file a paper with the Court using CM/ECF. An Electronic Filing User agrees to protect the security of the Electronic Filing User's login and password and must immediately notify the Clerk if the security of their password has been compromised. An Electronic Filing User may be subject to sanctions for failure to comply with this provision.

(d) ***Waiver of Service by Mail.*** Registration as an Electronic Filing User constitutes (1) waiver of the right to receive notice by first-class mail and the right to service by first-class mail or personal service and (2) consent to receive notice electronically and consent to electronic service, except with regard to service of a summons and complaint on the defendant(s) under Fed. R. Bankr. P. 7004. Waiver of notice and service by first-class mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022 and to service of a summons and complaint on debtor's attorney under Fed. R. Bankr. P. 7004(g).

(e) ***Access to CM/ECF by Non-Electronic Filing Users.***

(1) ***PACER Access.*** Any person or organization, including parties appearing before the Court *pro se,* may access CM/ECF at the Court's website by obtaining a login and password from PACER (Public Access to Court Electronic Records), available at www.pacer.gov. Those who have PACER access but who are not Electronic Filing Users may retrieve docket sheets and court papers but may not file documents electronically.

(2) ***Request by Pro Se Debtors to Receive Electronic Notification.*** Individual *pro se* debtors who have an Internet email address may request to receive electronic notification of filings made in their bankruptcy cases by submitting the form available on the Court's website at www.flmb.uscourts.gov/cmecf. If a *pro se* debtor elects to receive electronic notification, the Court will serve notices and orders upon the debtor electronically and will not serve the debtor by mail. However, a *pro se* debtor's election to receive electronic notification of filings is not otherwise a waiver of service by mail.

(f) ***Format.*** Papers filed electronically must be submitted in Portable Document Format (PDF). Papers in electronic format must be converted to PDF from the word processing original, not scanned, to permit text searches and to facilitate transmission and retrieval and must be on white paper 8-1/2 inches wide by 11 inches long, with one-inch margins. If only a paper copy of a paper to be filed with the Court (*e.g.*, an original or copy of an exhibit) is available, it may be converted to PDF format by scanning.

(g) ***Signatures.***

(1) ***CM/ECF User Login and Password Serve as Attorney's Signature.*** A filing made through an Electronic Filing User's CM/ECF account and authorized by the Electronic Filing User, together with the Electronic Filing User's name on a signature block, constitutes the Electronic Filing User's signature for all purposes for which a signature is required in connection with cases and proceedings before the Court, including Fed. R. Bankr. P. 9011, the Federal Rules of Bankruptcy Procedure, and the Local Rules.

(2) ***Client Signatures.*** Attorneys may file papers signed by their clients by including a scanned paper bearing the client's signature or, subject to the retention requirements of section (h) of this rule, by including the client's name on a signature block.

(3) ***Papers Requiring More Than One Signature.*** Electronically filed papers that require the signatures of more than one party must be filed:

(A) by filing a scanned signature page that contains all necessary signatures;

(B) by including a signature block for each signatory together with an attestation by the filing attorney that concurrence in the filing of the paper has been obtained from each of the other signatories. The filing attorney's attestation may be included after the signature block of the additional signatory or may take the form of a declaration attached to the paper. An acceptable form of attestation is:

> "*Filer's Attestation: Pursuant to Local Rule 1001-2(g)(3) regarding signatures, [name of filing attorney] attests that concurrence in the filing of this paper has been obtained*;"
>
> or

(C) in any other manner approved by the Court.

(h) ***Retention of Original Papers.*** Electronic Filing Users must retain paper copies bearing original signatures of the following papers for two years after the closing of the case:

(1) petitions, lists of creditors, schedules, Statements of Financial Affairs, and Statements About Your Social Security Numbers;

(2) affidavits, other papers that require verification under Fed. R. Bankr. P. 1008, and unsworn declarations as provided for in 28 U.S.C. § 1746;

(3) the written and fully executed contracts required of debt relief agencies by 11 U.S.C. § 528(a)(1) and § 528(a)(2); and

(4) proofs of service executed by a non-lawyer in compliance with Local Rule 9013-3.

On request, the Electronic Filing User must provide original documents for review to the Court, the Office of the United States Trustee, or any party in interest as ordered by the Court.

(i) ***Proof of Service.*** Proof of service of a paper is not required if service of the paper is effectuated on Electronic Filing Users when the paper is filed via CM/ECF. However, when a filing party serves a paper on a person who is not an Electronic Filing User, the filing party, or the party directed by the Court to serve the paper (*e.g.,* a Court order), must file a proof of service with the paper or within three days after its service.

(j) ***Electronic Filing of Proofs of Claim and Related Documents.*** Claimants who are not Electronic Filing Users may file proofs of claim in paper or through the eProof of Claim hyperlink on the Court's website, www.flmb.uscourts.gov. All claimants who have filed or expect to file ten or more claims and/or claim-related papers, such as transfers of claims and withdrawals of claims, within a one-year period, must file these claims and documents electronically through CM/ECF or the eProof of Claim hyperlink.

(k) ***Electronic Ballot Filing in Chapter 11 Cases.*** Parties may file paper ballots with the Court under Local Rule 3018-1, but are encouraged to electronically file ballots through the Chapter 11 eBallot hyperlink on the Court's website, www.flmb.uscourts.gov.

(l) ***Filing Papers Under Seal.*** Local Rule 5005-4 governs the filing of papers under seal.

(m) ***Unavailability of CM/ECF or Hyperlinks.*** Electronic Filing Users may file paper documents whenever CM/ECF is inaccessible or an Electronic Filing User's computer system is not functioning. Filers of proofs of claim who cannot access the Court's eProof of Claim hyperlink and filers of ballots who cannot access the Court's eBallot hyperlink may file paper proofs of claim and ballots. After-hours emergency filing procedures are set forth in Local Rule 5001-2.

Notes of Advisory Committee

2023 Amendment

This amendment to section (f) specifies the format of papers filed electronically. Other changes are stylistic. This amendment to the rule is effective August 1, 2023.

2022 Amendment

This amendment allows for service on debtor's counsel under Fed. R. Bankr. P. 7004(g) to be made electronically through CM/ECF. This amendment to the rule is effective July 1, 2022.

2021 Amendment

This amendment eliminates the requirement for the Clerk to keep a registry of authorized Electronic Filing Users because, due to current internal procedures, this is no longer necessary. This amendment to the rule is effective August 1, 2021.

2020 Amendment

This amendment moves former sections (h) and (m) to sections (d) and (e) to locate them more prominently in the rule. Re-lettered section (e)(2) clarifies that a *pro se* debtor's election to receive electronic notice is not a waiver of service by mail; however, orders and notices served by the Court will not be served by mail. Re-lettered section (h) is revised to require attorneys to retain the written and fully executed contracts required of debt relief agencies by 11 U.S.C. § 528(a)(1) and § 528(a)(2). And re-lettered section (i) clarifies requirements for filing proofs of service. This amendment to the rule is effective August 1, 2020.

2019 Amendment

This amendment revises section (e)(1) to be consistent with Fed. R. Bankr. P. 5005(a)(2)(C), effective December 1, 2018 ("a filing made through a person's electronic-filing account and authorized by that person, together with that person's name in a signature block constitutes the person's signature," and eliminating the "/s/" requirement); section (f)(3) to require that a paper copy of proofs of service filed by a non-lawyers be retained for two years after the closing of the case; and section (g) to be consistent with Fed. R. Civ. P. 5 (d)(1)(B), effective December 1, 2018 (proof of service is not required when a paper is served using the Court's electronic-filing system). This amendment to the rule is effective July 1, 2019.

2016 Amendment

This amendment incorporates the provisions regarding the signature of papers filed via CM/ECF set forth in abrogated Local Rule 9011-4 Signatures. The amendment also cross-

references Local Rule 5005-4 Sealed Papers. Other revisions are stylistic. This amendment to the rule is effective July 1, 2016.

2015 Amendment

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. This amendment to the rule is effective July 1, 2015.

2014 Amendment

This amendment revises section (e) to provide that claimants who have filed or expect to file ten or more claims (reduced from 25) with a one-year period shall file their claims and claims-related papers electronically. This amendment to the rule is effective July 1, 2014.

2013 Amendment

This amendment reflects current CM/ECF practices and electronic filing procedures, including the requirement that attorneys filing papers with the Court be Electronic Filing Users. This amendment supersedes and replaces archived Administrative Orders FLMB 2003-4, FTM 2005-2, JAX-2004-2, ORL-2004-2, and TPA 2005-05 (establishing deadlines for attorneys to participate in CM/ECF) and archived Administrative Orders FTM-2008-1, JAX-2006-5, ORL-2008-1, and TPA-2008-10 (establishing deadlines for claimants to electronically file proofs of claim and related papers).

2004 Amendment

This amendment is adapted from the "Model Local Bankruptcy Court Rules for Electronic Case Filing" approved on September 11, 2001, by the Judicial Conference of the United States Courts. This amendment sets out overall electronic filing guidance and requirements yet allows the Clerk flexibility in managing the details of this system. It is contemplated that the Clerk will actively coordinate such activities with members of the Bankruptcy Bar in the District.

This amendment also establishes a presumption that once attorneys or others become an "Electronic Filing User," they will file all documents in cases assigned to CM/ECF by electronic means only. Consistent with Fed. R. Bankr. P. 5005, this rule strongly encourages attorney participation while not making electronic filing mandatory. (Fed. R. Bankr. P. 5005 in part states that a court "may permit" papers to be filed electronically and provides that the Clerk "shall not refuse to accept for filing any paper presented . . . solely because it is not presented in proper form.")

Rule 1001-3

PRIVACY POLICY REGARDING PUBLIC ACCESS TO ELECTRONIC CASE FILES

(a) ***Application of Rule.*** In compliance with the policy of the Judicial Conference of the United States, and the E-Government Act of 2002, parties shall not include, or shall partially redact where inclusion is necessary, the following Personal Data Identifiers from papers filed with the Court, including exhibits thereto, whether filed electronically or in paper, unless otherwise ordered by the Court or required by statute, the Federal Rules of Bankruptcy Procedure, or the Official Forms. This rule applies to:

(1) ***Social Security Numbers.*** If an individual's Social Security number must be included in a paper filed with the Court, only the last four digits of that number shall be used.

(2) ***Names of Minor Children.*** If the involvement of a minor child must be mentioned, only the initials of that child shall be used.

(3) ***Dates of Birth.*** If an individual's date of birth must be included in a paper filed with the Court, only the year shall be used.

(4) ***Financial Account Numbers.*** If financial account numbers are relevant, only the last four digits of these numbers shall be used.

(b) ***Responsibility.*** The responsibility for redacting these Personal Data Identifiers rests solely with counsel and the parties. The Clerk will not review papers for compliance with this rule.

(c) ***Unredacted Papers Containing Personal Data Identifiers May Be Filed Under Seal.*** In compliance with the E-Government Act of 2002, papers containing Personal Data Identifiers that are relevant to the case may be filed in unredacted form under seal pursuant to Local Rule 5005-4. The filer shall also file a redacted copy via CM/ECF.

Notes of Advisory Committee

2017 Amendment

This amendment provides that parties wishing to file papers that include Personal Data Identifiers that are relevant to the case may file a motion for leave to file the papers under seal. This amendment to the rule is effective July 1, 2017.

2015 Amendment

The revisions to this rule are primarily stylistic. This amendment to the rule is effective July 1, 2015.

2004 Amendment

This amendment serves as guidance for implementing the Judicial Conference Privacy Policy and the E-Government Act of 2002.

PART I.

COMMENCEMENT OF CASE; PROCEEDINGS RELATING TO PETITION AND ORDER FOR RELIEF

Rule 1004-1.1

PETITION – FILING ON DEBTOR'S BEHALF BY A COURT-APPOINTED REPRESENTATIVE, HOLDER OF POWER OF ATTORNEY, PROPOSED NEXT FRIEND, OR GUARDIAN AD LITEM

(a) ***Filing of a Petition by a Court-Appointed Representative.*** If a bankruptcy petition is filed on a debtor's behalf by a representative, such as a guardian or conservator, appointed by a court of competent jurisdiction before the filing of the petition, a copy of the appointment instrument shall be filed with the petition.

(b) ***Filing of a Voluntary Petition by the Holder of a Power of Attorney, Proposed Guardian Ad Litem, or Proposed Next Friend.***

(1) ***Declaration Required.*** Petitions filed by the holder of a power of attorney, proposed guardian ad litem, or proposed next friend ("Filing Party") shall be accompanied by a copy of the power of attorney, if any, and the Filing Party's declaration under penalty of perjury ("Declaration"). The Filing Party shall serve a copy of the petition and the Declaration on the debtor, all creditors, the U.S. Trustee, any governmental entity from which the debtor is receiving funds, and the debtor's closest relative, if known.

(2) ***Contents of Declaration.*** The Declaration shall include the following information:

(A) the reason for filing the bankruptcy petition;

(B) the Filing Party's name, address, and relationship to the debtor;

(C) whether a representative was appointed for the debtor under nonbankruptcy law before the petition was filed;

(D) if applicable, whether the power of attorney expressly authorizes the filing of a bankruptcy petition, and whether the debtor was a minor or has been adjudicated an incompetent person prior to the date of the power of attorney;

(E) if applicable, why appointment of the Filing Party as next friend or guardian ad litem is necessary, including the reasons why the debtor is unable to file the petition himself or herself or otherwise unable to manage his or her financial affairs;

(F) if applicable, why appointment of the Filing Party would be in the debtor's best interest;

(G) the fee, if any, that the Filing Party would charge the debtor for serving as next friend or guardian ad litem;

(H) the Filing Party's professional and criminal history, if any;

(I) the Filing Party's competence to handle the debtor's financial affairs, including the Filing Party's knowledge of the debtor's financial affairs;

(J) whether the Filing Party has any current or potential future interest in the debtor's financial affairs; and

(K) whether any of the debtor's debts were incurred for the benefit of the Filing Party.

(3) ***Required Documents.*** If appointment as guardian ad litem or next friend is sought on behalf of an incompetent person, the Declaration shall be accompanied by the following documents:

(A) a letter from the debtor's physician regarding the debtor's ability to conduct the debtor's own financial affairs that may be filed under seal as set forth in Local Rule 5005-4; and

(B) a copy of any power of attorney or other document giving the Filing Party the authority to act for the debtor.

(4) ***Status Conference Regarding Filing Party's Authority and Appointment of Guardian Ad Litem or Next Friend.*** If a bankruptcy petition is filed on the debtor's behalf by the holder of a power of attorney, proposed guardian ad litem, or proposed next friend, the Court may schedule a status conference to consider the following:

(A) the Filing Party's authority to file the case on the debtor's behalf and, if applicable, the appointment of the Filing Party as the debtor's guardian ad litem or next friend; and

(B) dismissal of the case if the Filing Party has not complied with the requirements of this rule.

(5) ***Waiver of Credit Counseling Requirement Under 11 U.S.C. § 109(h).*** Regardless of when the debtor becomes incapacitated, the debtor may be excused from the requirement to receive credit counseling under 11 U.S.C. § 109(h) upon motion by the Filing Party.

(c) ***Subsequent Incapacitation.*** Should the debtor become incapacitated at any time after the filing of the Petition, the holder of a power of attorney, proposed guardian ad litem, or proposed next friend shall follow the procedures as outlined in section (b) above before any subsequent filing or requirement on behalf of the debtor.

Notes of Advisory Committee

2022 Amendment

This amendment outlines a procedure for waiving the credit counseling requirement under 11 U.S.C. § 109(h) for an incapacitated person as well as a procedure in the event a debtor becomes incapacitated after a petition is filed. This amendment also removes the limitation on a Filing Party's authority to act pending a status conference. This amendment to the rule is effective July 1, 2022.

2021 Amendment

This amendment renumbers the rule to be consistent with Fed. R. Bankr. P. 1004.1 (Petition for Infant or Incompetent Person). Section (b)(4) is revised to state that the Court "may" (as opposed to "will") schedule a status conference. This amendment to the rule is effective August 1, 2021.

2019 Amendment

This amendment provides a single procedure for petitions filed by the holder of a power of attorney or proposed guardian ad litem/next friend. The amended rule more clearly lists the information to be included in the required supporting declaration and the documents to be filed. In all cases, the Court will schedule a status conference to consider the filing party's authority to file the case on the debtor's behalf and the dismissal of the case if the listed requirements are not met. This amendment to the rule is effective July 1, 2019.

2017

This rule establishes procedures for the filing of voluntary petitions by court-appointed representatives, holders of powers of attorney, guardians ad litem, and next friends. 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 new rule is effective July 1, 2017.

Rule 1007-1

**LISTS, SCHEDULES, STATEMENTS,
AND OTHER REQUIRED DOCUMENTS**

(a) ***Requirements at Commencement of Case.*** The following shall be submitted at the commencement of a case for relief:

(1) ***Chapter 7, 9, 13, or 12.*** The petition and a list of creditors or a master mailing matrix, in accordance with Local Rule 1007-2.

(2) ***Chapter 11.*** The petition, a list of creditors or a master mailing matrix, a list of equity security holders, and a list of creditors holding the twenty largest unsecured claims, in accordance with Local Rule 1007-2.

(3) ***All Chapters.*** Individual debtors are required to file the Statement About Your Social Security Numbers form signed under penalty of perjury by the individual debtor. In cases filed by Electronic Filing Users, the Electronic Filing User shall maintain the original Statement About Your Social Security Numbers for a period of four years after closing the case. Failure to submit the Statement About Your Social Security Numbers may lead to dismissal of the case.

(b) ***Payment Advices Not Filed with the Court Unless Ordered.*** Copies of payment advices or other evidence of payment ("Payment Advices") shall not be filed with the Court unless otherwise ordered. Pursuant to 11 U.S.C. § 521(a)(1)(B)(iv) and Fed. R. Bankr. P. 1007(b)(1)(E), unless the Court orders otherwise, the debtor is required to file with the Court copies of all Payment Advices or other evidence of payment received within 60 days before the date of the filing of the petition by the debtor from any employer of the debtor. The purpose of this requirement is accomplished by requiring that Payment Advices be provided to the United States Trustee, the trustee, or any creditor requesting copies. Additionally, privacy concerns are accommodated by not requiring the filing of the Payment Advices.

(c) ***Requirement to Provide Payment Advices to the Trustee.*** The debtor shall provide Payment Advices to the trustee and, if requested, to the United States Trustee, and to any creditor who timely requests copies of the Payment Advices, at least seven days before the time of the meeting of creditors conducted pursuant to 11 U.S.C. § 341. To be considered timely, a creditor's request must be received at least 14 days before the first date set for the meeting of creditors.

Notes of Advisory Committee

2019 Amendment

This rule is revised to update the name of the Official Form "Statement of Social Security Number" to the Official Form's new name "Statement About Your Social Security Numbers." This amendment to the rule is effective July 1, 2019.

2013 Amendment

This amendment specifies that a list of creditors or a master mailing matrix must be filed with bankruptcy petitions. Local Rule 1007-2 provides that debtors who are not represented by an attorney must submit a master mailing matrix with their petition. This amendment to the rule is effective July 1, 2013.

2012 Amendment

This amendment incorporates archived Administrative Orders FLMB-2010-1 and JAX-2006-1 "Orders on Filing Payment Advices Pursuant to 11 U.S.C. § 521(a)(1)(B)(iv)." The amendment exercises the Court's discretion provided by Section 521(a)(1)(B)(iv) and Fed. R. Bankr. P. 1007(b)(1)(E) to waive the requirement of filing Payment Advices with the Court. In doing so, the Court recognizes that the underlying purpose of these provisions is accomplished by requiring that Payment Advices be provided to the United States Trustee, the trustee, or any creditor requesting copies. Additionally, privacy concerns are addressed by avoiding filing Payment Advices in the public record. The addition of headings and subheadings is a stylistic rather than substantive change.

This amendment to the rule is effective March 15, 2012.

2004 Amendment

This amendment deletes the requirement to submit additional paper copies of petitions, schedules, or creditor lists. Those copies, which were distributed to case trustees, Internal Revenue Service, Securities and Exchange, or to the United States Trustee, will now be accessible on the Court's Electronic Filing System. It also deletes the requirement for an individual debtor not represented by an attorney to file a statement of assistance received in connection with the filing of the case. Fed. R. Bankr. P. 2016(c) requires every bankruptcy petition preparer to file a declaration under penalty of perjury disclosing any fee received from or on behalf of the debtor in compliance with Section 110(h)(1). Further, in compliance with the Judicial Conference's policy on privacy, the rule requires the debtor's social security number be "submitted" to the court, rather than "filed." An Electronic Filing User is responsible for submitting the Statement of Social Security Number containing an image of the debtor's original signature as a separate non-viewable entry in CM/ECF and for submitting the debtor's full social security number during the case filing or case upload process.

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.

Paragraph (a) of this rule was formerly Local Rule 2.04(g). Paragraph (b) of this rule was formerly Local Rule 2.04(c). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

New subparagraph (c) to Local Rule 2.04 adds a requirement that individuals in bankruptcy cases who are not represented by an attorney are required to file with the petition an executed statement of assistance received in connection with the filing of the case in a form available from the Clerk's Office.

These amendments to the rule were effective on February 15, 1995.

Rule 1007-2

MAILING – LIST OR MATRIX

(a) ***Master Mailing Matrix.***

(1) ***Debtors Not Represented by Counsel.*** A debtor who is not represented by an attorney must submit a master mailing matrix with the bankruptcy petition. The matrix shall include the names and complete mailing addresses of all creditors and any general partners of the debtor; it shall not include the names or addresses of the debtor, any joint debtor, or the United States Trustee. In addition, the matrix shall be provided to the Clerk in a computer-readable format as published on the Court's website, www.flmb.uscourts.gov. In the event a *pro se* debtor is unable to provide the matrix in computer-readable format, the debtor shall follow such directions as the Clerk may reasonably give to facilitate conversion of the matrix into computer-readable format.

(2) ***Debtors Represented by Counsel.*** When filing a bankruptcy petition, the attorney representing the debtors shall upload the names and addresses of the debtor's creditors via CM/ECF.

(b) ***Chapter 11 Local Rule 1007-2 Parties in Interest List.*** In Chapter 11 cases, the Clerk shall maintain the list of creditors holding the 20 largest unsecured claims filed by the debtor pursuant to Fed. R. Bankr. P. 1007(d) and shall designate this list as the "Local Rule 1007-2 Parties in Interest List" in CM/ECF. Upon appointment of a committee of unsecured creditors, the Clerk shall add the names and addresses of the committee members, counsel for the committee, if any, and authorized agents of the committee, if any, to the Local Rule 1007-2 Parties in Interest List and shall remove the names and addresses of the creditors holding the 20 largest unsecured claims. The Clerk shall also add to this list the names and addresses of parties who have filed requests for notice pursuant to Local Rule 2002-1(f).

(c) ***Equity Security Holders Mailing Matrix.*** In Chapter 11 cases in which there are equity security holders (except publicly traded equity securities), the Clerk shall maintain the list of equity security holders filed by the debtor pursuant to Fed. R. Bankr. P. 1007(a)(3) in CM/ECF and shall designate this list as the "Equity Security Holders Matrix."

Notes of Advisory Committee

2019 Amendment

This amendment revises sections (a)(1) and (a)(2) to clarify that attorneys representing debtors are required to upload a list of creditors via CM/ECF. This amendment to the rule is effective July 1, 2019.

2013 Amendment

This amendment clarifies that only debtors not represented by an attorney are required to file a master mailing matrix with their petitions. Attorneys are required to file petitions electronically via CM/ECF. The computer software and CM/ECF system generate the required matrixes. This amendment to the rule is effective July 1, 2013.

2004 Amendment

This amendment removes the requirement for Electronic Filing Users to file matrices in paper or on computer diskettes because Electronic Filing Users are able to file matrices directly into CM/ECF.

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.

Paragraphs (a) and (b) of this rule were formerly paragraphs (e) and (f) of Local Rule 2.04. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Local Rule 2.04(e) (1) has been amended to require that in any case in which the number of creditors exceeds fifty (50), the master mailing matrix shall be provided in a computer-readable format designated and published from time to time by the Clerk. In all other cases, the master mailing matrix may be provided in either the computer-readable format or on an Avery Label 5351, 33 block, or similar product as may be from time to time designated and published by the Clerk.

Local Rule 2.04 (e)(3) has been amended to provide, consistent with current practice, that upon appointment of a committee, the Clerk shall add to the mailing matrix the names and addresses of the committee members, counsel for the committee, and any authorized agents of the committee, and shall delete therefrom the names and addresses of the creditors holding the twenty (20) largest unsecured claims. These amendments to the rule were effective on February 15, 1995.

Rule 1009-1

AMENDMENTS TO LISTS & SCHEDULES

(a) ***Applicability of Rule.*** This rule applies to amendments to schedules, petitions, lists, matrices, Statements About Your Social Security Numbers, and Statements of Financial Affairs.

(b) ***Content of Amendments.*** Amendments shall contain a caption including the case number and the title and shall be marked "Amended." Amendments to Schedule A or Schedule B shall set forth all of the debtor's real and personal property and shall state both the assets added and the assets deleted in the amendment. Amendments to Schedule C shall set forth all exemptions claimed by the debtor. Amendments to Schedules D, E, F, G and H shall set forth additional, new information, i.e., additional creditors, or deleted information.

(c) ***Execution and Verification.*** Amendments shall be executed and verified under penalty of perjury by the debtor and attorney of record in the same manner that the item being amended was originally executed.

(d) ***Amendments Adding Ten or More Creditors.*** Amendments that add ten or more creditors shall comply with the provisions of Local Rule 1007-2(a) regarding the debtor's obligation to provide the Clerk with a list of creditors.

(e) ***Service of Amendments.*** The debtor shall serve notice of amended schedules or lists of creditors to any persons or entities affected thereby and shall file a proof of service in accordance with the provisions of Local Rule 9013-3. If the debtor files an amendment to add previously unscheduled creditors, the debtor shall serve the newly added creditors with a copy of the Notice of Bankruptcy Case, that displays the debtor's complete Social Security number, the Notice of Deadline to File Proof of Claim, if any, and in Chapter 13 cases, a copy of the most recently filed Chapter 13 plan and, if applicable, a copy of the Order Confirming Plan.

(f) ***Amendments to Statement About Your Social Security Numbers.*** In compliance with the policy of the United States Judicial Conference to protect Personal Data Identifiers, any amendment to a debtor's Statement About Your Social Security Numbers form will be filed on the docket as a restricted entry. The debtor/debtor's attorney shall (1) serve a copy of the amended statement on all parties who were served with the Notice of Bankruptcy Case, and (2) file a proof of service with the Clerk. Electronic Filing Users shall maintain the original signed and verified amended statement setting out the debtor's full Social Security number for a period of four years after the case is closed.

(g) ***Filing Fees.*** Amendments to the debtor's schedules, lists of creditors, matrix, or mailing list require the prescribed filing fee unless the nature of the amendment is to change the address of a creditor or an attorney listed for a creditor.

Notes of Advisory Committee

2019 Amendment

This amendment revises section (d) of the rule to reflect the debtor's obligation to provide a list of creditors (master mailing matrix or CM/ECF upload) if an amendment to the debtor's schedules adds more than ten new creditors. Section (e) is revised to update the name of the "Notice of Commencement of Bankruptcy Case, Meeting of Creditors, & Deadlines" form to the form's new name "Notice of Bankruptcy Case." Section (e) is also revised to require service to newly added creditors of a copy of the Notice of Bankruptcy Case that includes the debtor's full Social Security number and of the Order Confirming Plan (if applicable). In addition, sections (a) and (f) are revised to update the name of the Official Form "Statement of Social Security Number" to the Official Form's new name "Statement About Your Social Security Numbers." This amendment to the rule is effective July 1, 2019.

2015 Amendment

Amended section (e) requires service of the Notice of Deadline to File Proof of Claim, if any, upon newly added creditors in Schedules D, E, and F. This amendment to the rule is effective July 1, 2015.

2013 Amendment

This amendment requires that amendments to bankruptcy schedules indicate the information that has been added and/or deleted. This amendment to the rule is effective July 1, 2013.

2004 Amendment

This amendment to the Local Rule above, as with similar amendments removes the requirement to submit additional paper copies of documents because those parties requiring copies will have access to these documents under CM/ECF. It also adds instructions for filing an amendment to the debtor's Statement of Social Security Number. Further, it clarifies when a filing fee is due with an amendment.

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 2.06. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

This rule is amended to substitute the term “proof of service” for “certificate of service” as required by amended Rule 2.19(a). The other amendment to Local Rule 2.06(d) is stylistic. No substantive change is intended. These amendments to the rule were effective on February 15, 1995.

Rule 1015-1

JOINT ADMINISTRATION OF CASES

(a) ***Joint Voluntary Petition by Married Couple.*** If a married couple files a joint voluntary petition, the trustee shall administer the estates jointly without order of the Court. If the trustee, a debtor, or any other party in interest desires that the trustee administer the estates separately, that party may move for an order of separate administration.

(b) ***Joint Administration Generally.*** Except in the case of a joint voluntary petition by a married couple, a party seeking joint administration shall file a motion for joint administration. A motion for joint administration filed in a Chapter 11 case may be considered with or without a hearing at the Court's discretion.

(c) ***Manner of Joint Administration.*** Jointly administered cases shall be administered as follows:

(1) ***Designation of Lead Case.*** The earliest filed case assigned to a judge shall be designated in the joint administration order as the "Lead Case," except as otherwise ordered by the Court.

(2) ***Captions.*** All papers shall be captioned with the name and case number of the Lead Case followed by the words "Jointly Administered with" beneath the case number and shall include the case names and numbers of each of the jointly administered cases, unless otherwise ordered. However, a proof of claim shall indicate only the case name and number of the case in which the claim is filed. The caption shall not use the word "Consolidated" to refer to joint administration.

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
DIVISION

In re:	
	Chapter 11
ABC Company, Inc.,	Case No. 8:19-bk-00001-XXX
	Jointly Administered with
ABC Holding Co.	Case No. 8:19-bk-00002-XXX
ABC Operating Co.	Case No. 8:19-bk-00003-XXX
Debtors.	
_____/	

(3) ***Docket.*** After the entry of the order for joint administration, unless otherwise ordered by the Court, a single case docket shall be maintained under the case number of the Lead Case except as follows:

(A) ***Lists of Creditors.*** Separate lists of creditors pursuant to Fed. R. Bankr. P. 1007(d) shall be filed in each of the jointly administered cases.

(B) ***Schedules and Statements of Financial Affairs.*** Separate schedules and Statements of Financial Affairs and any amendments thereto shall be filed in each of the jointly administered cases.

(C) ***Claims.*** Creditors shall file separate proofs of claim in each of the jointly administered cases in which a creditor asserts a claim, and the Clerk shall maintain separate claims registers for each of the jointly administered cases. Notices of transfers of claims shall be filed in the case in which the proof of claim was filed. However, objections to claims shall be filed in the Lead Case and shall specify the jointly administered case to which the objection applies.

(D) ***Monthly Operating Reports.*** In Chapter 11 cases, separate Monthly Operating Reports shall be prepared for each of the jointly administered cases. However, the Monthly Operating Reports shall be filed in the Lead Case.

(E) ***Ballots.*** In Chapter 11 cases in which the jointly administered debtors file separate plans, ballots shall be filed in each of the jointly administered cases.

(F) ***Motions for Final Decree.*** In Chapter 11 cases, separate motions for final decree shall be filed and the Court shall enter final decrees in each of the jointly administered cases.

(d) ***Severance of Jointly Administered Cases.*** The debtor, the trustee, or any other party in interest may move to sever the joint administration at any time.

Notes of Advisory Committee

2019 Amendment

This amendment revises section (c)(3) to designate the types of papers that are required to be filed in the designated Lead Case and in the individual jointly administered cases. This amendment to the rule is effective July 1, 2019.

2016 Amendment

Sections (a) and (b) of this Local Rule are amended to clarify that a joint petition by a married couple must be a voluntary petition.

2013 Amendment

This amendment clarifies the requirement that Monthly Operating Reports be filed in the Lead Case and adds section (d) to permit the severance of jointly administered cases. This amendment to the rule is effective July 1, 2013.

2012 Amendment

This amendment establishes procedures for the joint administration of estates of persons other than married petitioners. The term "husband and wife" has been changed to "married couple." The addition of headings and subheadings is a stylistic rather than substantive change. This amendment to the rule is effective March 15, 2012.

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 2.05. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

New subparagraph (c) to Local Rule 2.04 adds a requirement that individuals in bankruptcy cases who are not represented by an attorney are required to file with the petition an executed statement of assistance received in connection with the filing of the case in a form available from the Clerk's Office.

These amendments to the rule were effective on February 15, 1995.

Rule 1071-1

DIVISIONS – BANKRUPTCY COURT

(a) ***Middle District of Florida.*** The Middle District of Florida consists of those counties and places of holding court as designated in 28 U.S.C. § 89.

(b) ***Divisions.*** The Middle District shall be divided into four Divisions to be known as the Jacksonville, Orlando, Tampa, and Fort Myers Divisions, as follows:

(1) ***Jacksonville Division.*** The Jacksonville Division consists of the following counties: Baker, Bradford, Citrus, Clay, Columbia, Duval, Flagler, Hamilton, Marion, Nassau, Putnam, St. Johns, Sumter, Suwannee, and Union. The place of holding court shall be Jacksonville.

(2) ***Orlando Division.*** The Orlando Division consists of the following counties: Brevard, Lake, Orange, Osceola, Seminole, and Volusia. The place of holding court shall be Orlando.

(3) ***Tampa Division.*** The Tampa Division consists of the following counties: Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota. The place of holding court shall be Tampa.

(4) ***Fort Myers Division.*** The Fort Myers Division consists of the following counties: Charlotte, DeSoto, Glades, Collier, Hendry, and Lee. The place of holding court shall be Fort Myers or as determined by the presiding judge.

(c) ***Assignment of Division.*** The Clerk's Office shall assign each case, as determined by information set forth on the bankruptcy petition, to the appropriate Division. The appropriate Division is the one:

(1) in which the domicile, residence, principal place of business, or principal assets, of the person or entity that is the subject of such case has been located for the 180 days immediately preceding such commencement, or for a longer portion of the 180-day period that the domicile, residence, principal place of business, or principal assets of such person were located in any other Division; or

(2) in which there is pending a case under the Bankruptcy Code concerning such person's affiliate, general partner, or partnership.

The Court, upon motion of any party in interest or the Court's own motion, may order that the case be transferred to a different Division if the Court determines that the transfer is to the appropriate Division under this rule, in the interest of justice, or for the convenience of the parties.

Notes of Advisory Committee

2021 Amendment

This amendment revises section (c) on division assignments to mirror the language of 28 U.S.C. § 1408 regarding venue. This amendment to the rule is effective August 1, 2021.

2014 Amendment

This amendment changes the assignment of Volusia County from the Jacksonville Division to the Orlando Division so as to be consistent with the designation of Divisions of the United States District Court for the Middle District of Florida. Section (c) clarifies the Court's procedure of assigning cases to the appropriate division based upon the information set forth on the bankruptcy petition. This amendment to the rule is effective August 1, 2014.

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 1.03. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

This amendment abolishes the Ocala Division as a separate, freestanding division of the Court and reassigns to the Jacksonville Divisions the counties that presently comprise the Ocala Division. Because of the lack of facilities available to the Court in Ocala, bankruptcy court has not been conducted in Ocala for some considerable period of time. For this reason, cases from counties comprising the Ocala Division have been treated by the Court as filed in and assigned to the Jacksonville Division. In March 1994, the Judicial Conference of the United States deleted Ocala from the List of approved places for holding bankruptcy court. This amendment, therefore, merely conforms the Local Rules to existing practice.

These amendments to the rule were effective on February 15, 1995.

Rule 1073-1

ASSIGNMENT OF CASES

(a) ***Initial Assignment of Cases – General.*** In a Division with two or more resident judges, the Clerk shall assign cases to an individual judge using a blind draw system to ensure the random assignment of cases or as directed by the Chief Judge. Neither the Clerk nor any member of the Clerk's staff shall have any power or discretion in determining the judge to whom any case is assigned. This method of assignment is designed to prevent anyone from choosing the judge to whom a case is to be assigned, and all persons shall conscientiously refrain from attempting to circumvent this rule.

(b) ***Initial Assignment of Cases Special Provisions.*** Notwithstanding any provision of section (a) to the contrary,

(1) cases filed only under a certain chapter or chapters of the Bankruptcy Code may be assigned to a particular judge as the Court may from time to time direct;

(2) cases may be assigned to judges under the blind draw system in such proportions as the Court may from time to time direct; and

(3) successive cases filed by or against the same debtor and multiple cases filed by or against related entities or affiliates shall be assigned to the judge assigned the first filed case if the successive cases are filed in the same Division as the first case. If a successive case is filed in a Division other than the Division in which the previous case was filed, any interested party may move to transfer venue to the original Division for assignment to the judge assigned to the first case.

(c) ***Reassignment of Matters Due to Judge's Temporary Unavailability.*** When the judge to whom a case or proceeding has been assigned is temporarily unavailable due to illness, absence, or prolonged engagement in other judicial business, emergency applications and motions arising in the case or proceeding may be assigned to any other resident judge in the Division, generally to the judge who is junior in date of appointment in that Division. If no other judge is available in the Division, such applications or motions may be assigned to any other available judge in the District.

(d) ***Reassignment of Cases and Proceedings Due to Disqualification or Recusal.*** If a judge is unable, because of the entry of an order of disqualification or recusal, to preside in a case or proceeding pending in –

(1) a Division with more than two resident judges, the Clerk shall reassign the case or proceeding to another judge resident in that Division selected by utilization of a blind draw system;

(2) a Division with two resident judges, the Clerk shall reassign the case or proceeding to the other judge resident in that Division; or

(3) a Division with one resident judge, the Clerk shall reassign the case or proceeding to a judge in another Division as designated by the Chief Judge.

(e) ***Successive Reassignment of Cases and Proceedings Due to Disqualification or Recusal.*** If a successor judge who is reassigned a case or proceeding cannot preside because of the entry of an order of disqualification or recusal, the Clerk shall reassign the case or proceeding –

(1) to another judge resident in that Division, if there is one who is able to preside (by utilization of a blind draw system if there is more than one remaining judge able to preside); or

(2) to another judge selected by the Chief Judge if there is no other judge resident in that Division who is able to preside.

(f) ***Reassignment of Cases and Proceedings for Other Reasons.***

(1) Nothing in this rule shall limit the authority of the Chief Judge under 28 U.S.C. § 154(b) to assign or reassign cases and proceedings as may be necessary to ensure that the business of the Court is handled effectively and expeditiously or of any judge to reassign cases and proceedings for other appropriate reasons, such as to equalize caseloads among judges, distribute cases to new judges, etc.

(2) The judge to whom any case or proceeding is assigned may, at any time, reassign the case or proceeding to any other consenting judge for any limited purpose or for all further purposes.

Notes of Advisory Committee

2015 Amendment

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. This amendment to the rule is effective July 1, 2015.

2004 Amendment

This amendment clarifies that the Chief Judge will assign a judge resident in the Tampa Division to Ft. Myers cases and deletes the requirement for a general standing order in the assignment of cases.

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 1.04. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

This amendment simply makes technical and grammatical changes necessary because of the abolition of the Ocala Division as contained in the amendment to Local Rule 1.03.

These amendments to the rule were effective on February 15, 1995.

1993 Amendment

This rule was substantially modified effective February 1, 1993, in anticipation of the arrival of new judges as a result of the expansion of the membership of the court that was authorized by the Congress.

Rule 1074-1

CORPORATIONS AND OTHER NON-INDIVIDUAL PERSONS

(a) ***Representation by Counsel.*** Corporations, partnerships, trusts, and other persons who are not individuals may appear and be heard only through counsel permitted to practice in the Court under Local Rule 2090-1. Subject to this general rule, agents of non-individual persons may attend meetings of creditors under 11 U.S.C. § 341(a) and may, with the Court's permission, appear in connection with objections to claims and other limited matters.

(b) ***Voluntary Petition – Non-Individual Debtor.*** An attorney signing a voluntary bankruptcy petition for any non-individual debtor must file with the petition a certificate, resolution, or other applicable documentation demonstrating that the filing is authorized by the debtor.

Notes of Advisory Committee

2023 Amendment

This amendment adds new section (b) requiring the filing of documentation stating that a non-individual debtor authorizes the filing of a bankruptcy petition. This amendment to the rule is effective August 1, 2023.

2015 Amendment

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. This amendment to the rule is effective July 1, 2015.

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 1.08(d). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

PART II.

OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS; EXAMINATIONS; ELECTIONS; ATTORNEYS AND ACCOUNTANTS

Rule 2002-1

NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES

(a) ***Mailing of Notice.*** The Clerk may require the debtor, the trustee, or other party in interest filing a petition, a complaint, an objection, a pleading or other paper to prepare and mail required notice(s) as the Court may designate and to file with the Clerk proof of service in accordance with the provisions of Local Rule 9013-3.

(b) ***Notices in Chapter 11 Cases in Which Committees Have Been Appointed.*** Pursuant to Fed. R. Bankr. P. 2002(i) and unless otherwise ordered by the Court, the notices required by Fed. R. Bankr. P. 2002(a)(2), (3), and (6) may be served only on the parties on the Local Rule 1007-2 Parties in Interest List.

(c) ***Notices in Voluntary Chapter 7 Cases, Chapter 12 Cases, and Chapter 13 Cases.*** In voluntary Chapter 7 cases, Chapter 12 cases, and Chapter 13 cases, pursuant to Fed. R. Bankr. P. 2002(h) and unless otherwise ordered by the Court, after 70 days following the order for relief or the date of the order converting the case to Chapter 12 or Chapter 13, all notices required by Fed. R. Bankr. P. 2002(a) shall be served only upon the debtor, the trustee, all indenture trustees, creditors that hold claims for which proofs of claim have been filed, creditors, if any, that are still permitted to file claims because an extension was granted under Fed. R. Bankr. P. 3002(c)(1) or (c)(2), and parties who have filed a request for notice under section (f) of this rule.

(d) ***Notices in Involuntary Chapter 7 Cases.*** In involuntary Chapter 7 cases, pursuant Fed. R. Bankr. P. 2002(h) and unless otherwise ordered by the Court, after 90 days following the order for relief or the date of the order converting the case to Chapter 12 or Chapter 13, all notices required by Fed. R. Bankr. P. 2002(a) shall be served only upon the debtor, the trustee, all indenture trustees, creditors that hold claims for which proofs of claim have been filed, creditors, if any, that are still permitted to file claims because an extension was granted under Fed. R. Bankr. P. 3002(c)(1) or (c)(2), and parties who have filed a request for notice under section (f) of this rule.

(e) ***Notice of Amended Plans in Chapter 12 and Chapter 13 Cases.*** In Chapter 12 and Chapter 13 cases, amended plans need be served only upon creditors who have filed proofs of claim and whose treatment is affected by the amendment to the debtor's plan.

(f) ***Requests for Notice.*** A party who files a request for notice pursuant to Fed. R. Bankr. P. 2002(g) shall be placed on the master mailing matrix and, in Chapter 11 cases, on the Local Rule 1007-2 Parties in Interest List. Requests for notice shall be served on the debtor and the trustee.

(g) ***Form of Notice.*** Notices shall be in such form as may be directed by the Clerk or as may be ordered by the Court.

(h) ***Return Address Required.*** Envelopes containing notices or orders served by the Bankruptcy Noticing Center, the debtor's attorney, or the debtor if the debtor is acting *pro se,* shall bear the return address of the debtor's attorney or the *pro se* debtor.

(i) ***Returned Notices.*** If the debtor's attorney, liquidating trustee, or *pro se* debtor receives a piece of mail from the United States Post Office that was addressed to a party to the case but has been returned as undeliverable, the debtor's attorney, liquidating trustee, or *pro se* debtor shall immediately determine the correct address of the party, mail a copy of the returned piece of mail to the party, and promptly thereafter file proof of such service with the Clerk. The debtor's attorney, liquidating trustee, or *pro se* debtor shall also immediately file with the Clerk a notice of the corrected address for the creditor. If no correct address of the party can be located after reasonable inquiry to locate a correct address, the debtor's attorney, liquidating trustee, or *pro se* debtor may mark off the party from any future mailing matrix and shall be relieved from future service on such party. Upon ascertaining a correct address, the party shall no longer be marked off future mailing matrix and the debtor's attorney, liquidating trustee, or *pro se* debtor shall immediately file with the Clerk a notice of the corrected address for the creditor.

(j) ***Service of Orders and Notices.*** If the Court directs an attorney or a party to serve an order or a notice, the attorney or party shall serve the order or notice within three days of its having been entered by the Court, and the attorney or party shall thereafter promptly file a proof of such service in accordance with the provisions of Local Rule 9013-3.

(k) ***Notices as Directed by the Court.*** If a party is authorized by the Federal Rules of Bankruptcy Procedure, Local Rule, or order of the Court to give notice of a hearing or the time in which an objection or request for hearing is required, such notice shall be on the face of the first page of such notice, pleading, or other paper.

(l) ***Administrative Expense.*** The cost or expense incurred in serving notices and orders may be an administrative expense to be paid or reimbursed pursuant to 11 U.S.C. § 503(a).

Notes of Advisory Committee

2021 Amendment

This amendment revises section (i) to provide a procedure for address corrections and removal of parties from the mailing matrix when mail is returned as undeliverable. This amendment to the rule is effective August 1, 2021.

2020 Amendment

Amended Federal Rule of Bankruptcy Procedure 2002(h), effective on December 1, 2020, allows the Court to limit notice to creditors in Chapter 12 and 13 cases to those creditors who have filed claims. In addition, revised Rule 2002(h) distinguishes between voluntary and involuntary Chapter 7 cases and reflects the 2017 amendment to Rule 3002(c). Under Rule 3002(c), the deadline for filing proofs of claim in voluntary Chapter 7, Chapter 12, and Chapter 13 cases is 70 days after the order for relief; in involuntary Chapter 7 cases the deadline for filing proofs of claim is 90 days after the order for relief. The revisions to the local rule are consistent with the amendments to Rule 2002(h). This amendment to the rule is effective December 1, 2020.

2019 Amendment

This amendment adds new section (d) which limits service of amended Chapter 12 and Chapter 13 plans to affected creditors. This amendment to the rule is effective July 1, 2019.

2013 Amendment

This amendment adds new section (c) which applies to Chapter 7 cases and limits service of notices required by Fed. R. Bankr. P. 2002(a), after 90 days following the first date set for the meeting of creditors, to the debtor, the trustee, all indenture trustees, creditors that hold claims for which proofs of claim have been filed, and creditors, if any, that are still permitted to file claims by reason of an extension granted pursuant to Fed. R. Bankr. P. 3001(c)(1) or (c)(2). This is consistent with Fed. R. Bankr. P. 2002(h). This amendment to the rule is effective July 1, 2013.

2012 Amendment

This amendment incorporates archived Administrative Order FLMB-2003-1 “General Order Regarding the Return Address of Notices and Orders Mailed by the Bankruptcy Noticing Center.” The addition of headings and subheadings is intended to be a stylistic rather than substantive change. This amendment to the rule is effective March 15, 2012.

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. This amendment, 2002-1(a), recognizes that the Clerk may more expeditiously give notice to creditors or parties in interest through the Bankruptcy Noticing Center (BNC). For practical purposes, only when the Clerk cannot reasonably process notices through BNC, would the Clerk request the moving party to send notice to creditors or other parties in interest.

This amendment, 2002-1(d), adds a provision permitting Electronic Filing Users the ability to complete service of papers by electronic means.

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 was formerly Local Rule 3.03. Paragraphs (b) through (g) of this rule were formerly paragraphs (b) through (f) and (h) of Local Rule 2.19. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

This rule is amended to substitute the term “proof of service” for “certificate of service” as required by amended Rule 2.19(a). The provisions as to the content of the proof and the time for filing the proof are deleted because those subjects are now contained in amended rule 2.19(a). These amendments were effective on February 15, 1995.

Rule 2002-4

NEGATIVE NOTICE PROCEDURE

(a) ***Matters Authorized to Be Considered on Negative Notice.*** The Court has established a list (the "Negative Notice List") of motions, objections, and other papers that may be considered by the Court without an actual hearing under the negative notice procedure described in this rule if no party in interest files a response to the relief requested. The Negative Notice List is posted on the Court's website, www.flmb.uscourts.gov, and may be supplemented or otherwise amended by the Court from time to time. If permitted by the presiding judge, other motions, objections, and other matters may be considered by the Court using the negative notice procedure.

(b) ***Manner of Service.*** Motions, objections, and other papers filed pursuant to this negative notice procedure shall:

(1) be served in the manner and on the parties as required by the applicable provisions of the Federal Rules of Bankruptcy Procedure, Local Rules, or Court order, and shall be filed with proof of such service in accordance with the provisions of Local Rule 9013-3; and

(2) contain a negative notice legend prominently displayed on the face of the first page of the paper. The negative notice legend shall be in the following form:

NOTICE OF OPPORTUNITY TO
OBJECT AND REQUEST FOR HEARING

If you object to the relief requested in this paper you must file a response with the Clerk of Court at (address) [and, if the moving party is not represented by an attorney, mail a copy to the moving party at (address)] within (number) days from the date of the attached proof of service, plus an additional three days if this paper was served on any party by U.S. Mail.

If you file and serve a response within the time permitted, the Court will either notify you of a hearing date or the Court will consider the response and grant or deny the relief requested in this paper without a hearing. If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, and the Court may grant or deny the relief requested without further notice or hearing.

You should read these papers carefully and discuss them with your attorney if you have one. If the paper is an objection to your claim in this bankruptcy case, your claim may be reduced, modified, or eliminated if you do not timely file and serve a response.

(c) ***Time for Filing Responses.*** For the purpose of completing the negative notice legend, the number of days during which parties may respond that is placed in the negative notice legend shall be 21 days, except as set forth on the Negative Notice List, plus an additional three days for service if any party was served by U.S. Mail.

(d) ***Hearings.*** In the event a party in interest files a response within the time permitted in the negative notice legend, the Court may, but need not, schedule a hearing on the motion, objection, or other matter upon notice to the movant's attorney, the objecting party or parties, and others as may be appropriate.

(e) ***Consideration Without a Hearing.*** If no response is filed within the time permitted in the negative notice legend as computed under Fed. R. Bankr. P. 9006(a) and (f), the Court will consider the matter in chambers without further notice or hearing upon the submission by the movant of a proposed form of order granting the relief. The movant shall submit the proposed order after the expiration of the response period and within three business days of such expiration. If the movant fails to submit a proposed form of order within this time, the Court may enter an order denying, disapproving, or overruling the matter without prejudice for lack of prosecution. In addition to any other requirements, the proposed order shall recite that:

(1) the motion, objection, or other matter was served upon all interested parties with the Local Rule 2002-4 negative notice legend informing the parties of their opportunity to respond within 21 (or other) days of the date of service;

(2) no party filed a response within the time permitted; and

(3) the Court therefore considers the matter to be unopposed.

(f) ***Court May Schedule a Hearing Even if No Response is Filed.*** Nothing in this rule precludes the Court from conducting a hearing on the motion, objection, or other matter even if no response is filed within the time permitted in the negative notice legend.

Notes of Advisory Committee

2020 Amendment

This amendment revises the Negative Notice Legend to simplify the language and eliminate the requirement for service by mail on the moving party's attorney. This amendment to the rule is effective August 1, 2020.

2019 Amendment

This amendment revises the language of the negative notice legend prescribed in section (b)(2) to be consistent with Official Form B 420B "Notice of Objection to Claim." This amendment to the rule is effective July 1, 2019.

2016 Amendment

This amendment revises the negative notice legend prescribed in section (b)(2) to be consistent with the December 1, 2016 amendment to Federal Rule of Bankruptcy Procedure 9006(f). The revision specifies that three days are added to the time for responding to a paper only if any party was served with the paper by U.S. Mail. This amendment to the rule is effective December 1, 2016.

2014 Amendment

The amendment revises the negative notice legend to add an additional three days for service to the response period. Revised section (e) provides that the movant shall submit a proposed order days after the expiration of the response period and within three business days of such expiration. This amendment to the rule is effective July 1, 2014.

2013 Amendment

This amendment refers parties to the Negative Notice List posted on the Court's website for a complete list of the motions, objections, and other matters that have been approved by the Court for consideration using negative notice procedures and for the applicable number of days in the objection period. This amendment to the rule is effective July 1, 2013.

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment under section (b)(2) above allows Electronic Filing Users, i.e. those registered with the Court to file papers electronically, to take further advantage of using Negative Notice procedures within the electronic filing environment. Together with other Local Rule changes, these amendments are designed to assist attorneys in fulfilling the new electronic filing requirements. Former section (b)(2) is renumbered to (b)(3).

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 2.19A. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The rule codifies the negative notice procedure that has been in use, in varying degrees, in the Court for some time. As authorized by 11 U.S.C. § 102(1), orders required to be entered "after notice and a hearing," or a similar phrase in the Bankruptcy Code or Federal Rules of Bankruptcy Procedure, may be entered without an actual hearing if appropriate notice is given and no party-in-interest requests a hearing. This rule is intended to give effect to this authorization in those kinds of matters that experience teaches frequently trigger no opposition. The Advisory Committee considers that this rule will substantially enhance the efficiency and economy of the practice in the Court.

Subparagraph (a)(6) contemplates that the list of motions authorized to be made under the negative notice procedure, as set forth in subparagraph (a)(1) through (a)(5), may be expanded if authorized by the presiding judge for matters heard by that judge.

Although the Advisory Committee foresees that the rule will normally be used in connection with motions, it is intended by the drafters that the rule would also apply if a judge authorizes its use in matters in which an objection rather than a motion initiates the matter. For example, if authorized by a judge for matters before that judge, it could apply to objections to proofs of claim under Fed. R. Bankr. P. 3007. In that case, the party filing an objection to claim would be the "movant" and the objection to claim would be the "motion" for purposes of interpreting and applying the rule.

The rule further contemplates that, when no objection to the motion is filed within the prescribed period, the Court will review the motion for procedural and substantive regularity upon the movant's submission of a proposed form of order granting the motion. The Court may schedule a hearing on the motion if the Court, for any reason, determines that the circumstances make a hearing necessary or desirable.

These amendments to the rule were effective on February 15, 1995.

Rule 2004-1

EXAMINATION OF DEBTOR AND OTHERS

(a) ***This Rule Does Not Apply in Adversary Proceedings and Contested Matters.*** This rule applies only to examinations conducted pursuant to Fed. R. Bankr. P. 2004. The rules governing discovery in adversary proceedings and contested matters are set forth in Part VII of the Federal Rules of Bankruptcy Procedure and Local Rules 7026-1, 7026-2, 7030-1, 7033-1 and 7037-1.

(b) ***Manner of Setting Examination.*** A Court order is not necessary to authorize an examination pursuant to Fed. R. Bankr. P. 2004 or to require production of documents or electronically stored information at the examination. Examinations shall be scheduled upon notice filed with the Court and served on the trustee, the debtor, the debtor's attorney, and the party to be examined.

(c) ***Reasonable Notice.*** The attendance of the examinee and the production of documents or electronically stored information may not be required less than 21 days after service of the notice, except by agreement of the parties or order of the Court. To the extent that a request for production of documents or electronically stored information under this rule may be construed as a request under Fed. R. Bankr. P. 7034, the time to respond is shortened to 21 days. The notice of examination may provide for the production of documents or electronically stored information in advance of the examination, but in no event shall the production of documents or electronically stored information be required less than 21 days from service of the notice of examination, unless otherwise agreed to by the parties or ordered by the Court.

(d) ***Who May Attend.*** Any party in interest who wishes to attend an examination scheduled under this rule may do so by filing and serving a cross-notice of examination at least 14 days in advance of the scheduled examination.

(e) ***Motion for Protective Order.*** An interested party may file, prior to the date of the proposed examination or production of documents or electronically stored information, a motion for protective order stating the reasons for prohibiting, limiting, or rescheduling the examination or production of documents or electronically stored information. A motion for protective order shall be filed as an emergency motion under Local Rule 9013-1(d). The examination and/or production of documents or electronically stored information shall be stayed until the Court rules on the motion. If the Court schedules a hearing on a motion for protective order, the parties shall meet and confer prior to the hearing in an effort to resolve the issues presented in the motion.

(f) ***Subpoena.*** No subpoena is necessary to compel the attendance of, or the production of documents or electronically stored information by, the debtor at an examination of the debtor. A subpoena is necessary to compel the attendance of, or production of documents or electronically stored information by, a witness other than the debtor. The provisions of Fed. R. Civ. P. 45 apply to subpoenas issued under this rule.

(g) ***Videotaped Examinations.*** Examinations may be videotaped if the notice of examination or subpoena states that the examination will be videotaped and whether it will also be recorded stenographically.

(h) ***Motion to Compel; Payment of Expenses.*** If an interested party files a motion to compel compliance with a properly issued notice of examination under this rule, Fed. R. Civ. P. 37(a)(5) applies.

Notes of Advisory Committee

2022 Amendment

This amendment adds a new section (h) that provides that the prevailing party may be awarded expenses incurred in making or opposing motions to compel pursuant to Fed. R. Civ. P. 37(a)(5). This amendment to the rule is effective July 1, 2022.

2021 Amendment

This amendment revises the rule to conform to Fed. R. Bankr. P. 2004(c) (effective December 1, 2020) to add the term "electronically stored information" to the description of items produced during discovery. This amendment to the rule is effective August 1, 2021.

2017 Amendment

The rule is revised to include a requirement that the parties meet and confer prior to any scheduled hearing on a motion for protective order that relates to an examination under Fed. R. Bankr. P. 2004. This amendment to the rule is effective July 1, 2017.

2016 Amendment

This amendment clarifies that parties shall schedule examinations under Fed. R. Bankr. P. 2004 by notice rather than by motion. This amendment to the rule is effective July 1, 2016.

2014

This new rule is effective July 1, 2014.

Rule 2015-1

TRUSTEE EXPENDITURES

(a) ***Chapter 7 Trustee's Limited Authority to Expend Funds.*** Chapter 7 trustees may incur and pay expenses directly related to the administration of the estate not to exceed $500 in the aggregate without order of the Court. The Trustee's Final Report shall itemize all expenses incurred and paid during the administration of the estate and shall be subject to review by the Court.

(b) ***Bank Servicing Fees.*** A trustee may pay bank servicing fees to the extent authorized by the Uniform Depository Agreement that exists between the bank used by the trustee as a depository for estate funds and the United States Trustee. These fees may be assessed against the trustee's bankruptcy accounts.

(c) ***Court Filing Fees.*** A trustee may pay any unpaid filing fees to the Court without order of the Court.

Notes of Advisory Committee

2015 Amendment

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. This amendment to the rule is effective July 1, 2015.

2012

This rule incorporates archived Administrative Order FLMB 2011-1 "Administrative Order Providing Limited Authority to Expend Funds," which permitted Chapter 7 trustees to incur and pay routine expenses. It increases the amount permitted from $300 to $500 without order of the Court. It requires the Trustee's Final Report to itemize all expenses incurred rather than the preliminary report, and permits the payment of bank servicing fees. This new rule is effective March 15, 2012.

Rule 2015-3

CHAPTER 7 TRUSTEES – NOTICE OF DISPOSITION OF RECORDS

Except with respect to the disposal of patient records pursuant to 11 U.S.C. § 351, the trustee in Chapter 7 cases, in addition to complying with the applicable requirements of the United States Trustee's Handbook for Chapter 7 Trustees, shall give 30 days' written notice to the debtor, the debtor's attorney, the Internal Revenue Service, and the United States Trustee prior to destroying any of the debtor's books and records in the trustee's possession.

Notes of Advisory Committee

2012 Amendment

This amendment incorporates the addition of 11 U.S.C. § 351 by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, Pub. L. 109-8. The amendment also clarifies the trustee's duty to meet the requirements of the United States Trustee's Handbook for Chapter 7 Trustees with respect to the destruction of books and records. This amendment to the rule is effective March 15, 2012.

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 2.19(g). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 2016-1

COMPENSATION OF PROFESSIONALS

(a) ***General.*** Requests for compensation for professional services and reimbursement of expenses are governed by Fed. R. Bankr. P. 2016 and this rule.

(b) ***Retainers.*** Professionals may apply prepetition and approved postpetition retainers in the ordinary course towards compensation for professional services and reimbursement of expenses without a separate order; however, professionals must fully disclose and account for all retainers in their Rule 2016 Disclosure Statement and in all subsequent applications for compensation. This rule does not relieve professionals from the obligation to file interim and/or final fee applications. The Court may order disgorgement of applied fees and costs at any time. This rule does not preclude any challenge to the entitlement or the reasonableness of any retainer.

(c) ***Applications for Compensation for Professional Services and Reimbursement of Expenses.*** Applications, whether interim or final, may be filed by negative notice in accordance with Local Rule 2002-4, except that the fee application does not need to be served with the notice, and the negative notice legend must be in the following form:

NOTICE OF APPLICATION FOR COMPENSATION
AND REIMBURSEMENT OF EXPENSES AND
OPPORTUNITY TO OBJECT AND REQUEST FOR HEARING

[*Applicant*], [*role in case, e.g., counsel, accountant, broker*] for [*client, e.g., debtor, trustee, Official Committee of Unsecured Creditors*] ("Applicant") has filed an application for compensation in the amount of $_____ and reimbursement of expenses in the amount of $_____ (the "Application"). A copy of the Application may be viewed on the case docket or may be obtained by request to Applicant at [telephone number] or [email address].

If you object to the Application, you must file an objection with the Clerk of Court at [*address*] within 21 days from the date of the proof of service below, plus an additional three days if this notice was served on any party by U.S. Mail.

If you file and serve an objection within the time permitted, the Court will either (1) notify you of a hearing date, or (2) consider the Application and objection and approve or disapprove the Application without a hearing. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the Application, and the Court will consider the Application without further notice or hearing.

(1) ***Chapter 7 Cases.***

(A) Except as provided for in Local Rule 2015-1, professionals employed by a Chapter 7 trustee must file final applications for fees and expenses incurred during a Chapter 7 case upon completion of services or upon notification by the trustee that the case is ready to close.

(B) In cases that have been converted to Chapter 7, all final applications of professionals for fees and expenses incurred in the case prior to conversion must be filed within 90 days after the order converting the case.

(C) All applications, whether interim or final, must contain the amounts requested and a detailed itemization of the work performed including:

(i) the name of the individual performing the work;

(ii) the amount of time expended for each item of work;

(iii) the hourly rate requested;

(iv) the date of employment;

(v) a discussion of the criteria that are relevant in determining the compensation to be awarded;

(vi) a detail of reimbursable costs; and

(vii) a verification stating that the fees and costs for which reimbursement is sought are reasonable for the work performed, and that the application is true and accurate.

(2) ***Chapter 11 Cases.***

(A) ***General Information Requirements.*** Applications for interim or final compensation of less than $5,000 must conform to the requirements of section (c)(1)(C) of this rule. Applications for compensation that exceed $5,000 in the aggregate must also contain the information set forth below unless ordered otherwise.

(i) The first page of the application must be the Chapter 11 Fee Application Summary available on the Court's website. However, if the application is served using the negative notice procedures of Local Rule 2002-4, the negative notice legend and the title of the application must be located on the first page of the application and the Summary must be the second page of the application.

(ii) Time must be itemized by project category. Examples of project categories include General Case Administration, Asset Sales, Claims Administration and Objections, Fee Applications and Objections, Cash Collateral, Relief from Stay Proceedings, Avoidance Actions, Plan and Disclosure Statement, and Valuation.

(iii) The narrative portion of the application must provide information by project category as to the types of services performed, the necessity for performing the services, the results obtained, the benefit to the estate, and other information that is not apparent from the activity descriptions or that the applicant wishes to bring to the attention of the Court. In addition, the narrative portion of the application may describe special employment terms, billing policies, expense policies, voluntary reductions, reasons for the use of multiple professionals for a particular activity, or reasons for substantial time billed relating to a specific activity.

(iv) All applications must include complete and detailed activity descriptions billed in tenths of an hour (six minutes). Each activity description must include the type of activity (*e.g.*, phone call, research) and the subject matter (*e.g.*, cash collateral motion, § 341 meeting, etc.). Activity descriptions may not be lumped – each activity must have a separate description and time allotment.

(B) ***Applications to Permit Monthly Payment of Interim Fee Applications.*** In Chapter 11 cases, upon motion and after notice and hearing, the Court may consider the approval of procedures for monthly payment of interim fee applications for professionals based on the needs of the case.

(C) ***Final Applications.*** To be considered at the confirmation hearing, a professional fee application must be filed 14 days prior to the confirmation hearing unless ordered otherwise. The Court will not consider any application for compensation unless all creditors receive at least seven days' notice of the hearing. The notice of hearing must, at a minimum, identify the applicant and the amounts requested. A final application may include an estimate of the amount of additional fees and costs to be incurred through confirmation. If the actual fees for services rendered and costs incurred during the estimated period exceed the estimate, the application may be supplemented up to 14 days after entry of the confirmation order. If the actual fees for services rendered and costs incurred during this estimated period are less than the estimated amount, approval of such application authorizes payment of the actual fees and costs not to exceed the estimated amounts.

(D) ***Post-Confirmation Professional Fees.*** Unless otherwise ordered by the Court, professional fees and costs incurred after confirmation in connection with actions against third parties are subject to Court approval.

(3) ***Chapter 13 Cases.*** Compensation for professional services or reimbursement of expenses by attorneys for Chapter 13 debtors will be governed by the prevailing practice in the Division in which the case is pending.

(d) ***Creditors' Attorney's Fees.*** Applications for attorney's fees made on behalf of a creditor, other than requests under 11 U.S.C. § 503(b)(2), (3), and (4), are not governed by this rule. Nevertheless, any party in interest may seek a judicial determination of such fees.

(e) ***Expense Reimbursement Guidelines.*** The Court may establish expense reimbursement guidelines to address expenses such as photocopying, facsimile transmissions, computerized research, and meals and travel. Such guidelines will be posted on the Court's website.

(f) ***Waiver Procedure.*** An application to employ a professional within the scope of this rule may include a request that the Court waive, for cause, one or more of the information requirements of this rule. Such waivers may be appropriate for ordinary course professionals and professionals seeking *de minimus* payments and may be granted at the Court's discretion.

Notes of Advisory Committee

2023 Amendment

This amendment to section (c)(2)(B) provides that the Court may consider approval of monthly payment of interim fee applications for professionals in Chapter 11 cases based on the needs of the case. Other changes are stylistic. This amendment to the rule is effective August 1, 2023.

2022 Amendment

This amendment modifies the rule to clarify that all fee applications may be served on negative notice in accordance with Local Rule 2002-4. Section (c)(2)(C) is also amended to clarify the procedure for final fee applications to be approved at confirmation in Chapter 11 cases. This amendment to the rule is effective July 1, 2022.

2021 Amendment

This amendment modifies the deadline for filing final fee applications to be considered at the confirmation hearing in Chapter 11 cases. This amendment to the rule is effective August 1, 2021.

2015 Amendment

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. This amendment to the rule is effective July 1, 2015.

2014 Amendment

This amendment adds section (c)(2)(iv), requiring Court approval for post-confirmation professional fees and costs, unless otherwise ordered by the Court. This amendment to the rule is effective July 1, 2014.

2012 Amendment

This amendment establishes the procedures to be used by professionals in seeking compensation in Chapter 7, 11, and 13 cases. Local Rule 2015-1 authorizes Chapter 7 trustees to incur and pay expenses, including payments to professionals, not to exceed $500 in the aggregate without order of the Court. This amendment to the rule is effective March 15, 2012.

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 3.04. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

This amendment to Local Rule 3.04 requires that applications of professionals for compensation also be served on the debtor, debtor's attorney, and any trustee appointed under 11 U.S.C. §§ 1104, 1202, or 1302.

These amendments to the rule were effective on February 15, 1995.

Rule 2081-1

CHAPTER 11 – GENERAL

(a) ***Operations*.** The trustee or debtor-in-possession in a Chapter 11 case may operate the business of the debtor pursuant to 11 U.S.C. §§ 1108 and 1184 and any order of the Court specifying terms and conditions of the operation of the debtor's business.

(b) ***Case Management Summary*.** Within the earlier of three business days following the petition date, or the date that the debtor-in-possession first files a motion requesting affirmative relief, the debtor-in-possession shall file a Chapter 11 Case Management Summary providing the following information:

(1) description of the debtor's business;

(2) locations of the debtor's operations and whether leased or owned;

(3) reasons for filing Chapter 11;

(4) list of officers, directors and insiders (including relatives of insiders), if applicable, who receive salaries or benefits from the debtor and their respective salaries or benefits at the time of filing and during the one year prior to filing;

(5) the debtor's annual gross revenues;

(6) amounts owed to various creditors, including current year to date and prior fiscal year:

(A) priority creditors such as governmental creditors for taxes,

(B) secured creditors and their respective collateral, and

(C) unsecured creditors;

(7) general description and approximate value of the debtor's current and fixed assets;

(8) number of employees and gross amounts of wages owed as of petition date;

(9) status of the debtor's payroll and sales tax obligations, if applicable;

(10) anticipated emergency relief to be requested within the first 14 days after the petition date; and

(11) the debtor's strategic objectives, i.e., refinancing, cramdown, surrender/ sale of assets or business.

(c) ***Initial Status Conference.*** The Court may schedule an initial status conference at which debtor's counsel should be prepared to address the following: status of the case and reason for the bankruptcy case, deadlines for filing a plan and disclosure statement, special noticing issues, the need for scheduling regular status conferences, and the scheduling of pending motions.

(d) ***Monthly Operating Reports in Small Business Cases.*** Each month, Small Business Debtors as defined in 11 U.S.C. § 101(51D) and Subchapter V Debtors as defined in 11 U.S.C. § 1182 shall complete and file the Schedule of Receipts and Disbursements (also required of Chapter 11 Business Debtors), following as Appendix A. The Schedule may be filed without the referenced attachments. In addition to filing the Schedule included herein as Appendix A, Small Business Debtors and Subchapter V Debtors shall also file a Check Register in the form included herein as Appendix B, which shall identify all checks issued by the debtor during the reporting month and all outstanding checks issued before the commencement of the debtor's bankruptcy case that were permitted to clear during the applicable reporting period. Small Business Debtors and Subchapter V Debtors shall complete and file a separate Check Register for each bank account from which checks are drawn. These requirements are in addition to the completion and filing of the Small Business Monthly Operating Report prescribed or promulgated by the Judicial Conference.

(e) ***Employee Salaries.*** Upon the filing of a Chapter 11 petition, all employees (including managers, agents, or officers who are not affiliates within the meaning of 11 U.S.C. § 101(2)(A)) may be paid a salary and receive benefits accruing postpetition in the ordinary course of business. The Court may review, and grant appropriate relief, if such salaries are later determined to be unreasonable.

An officer, manager, or employee who also qualifies as an affiliate (collectively, "Affiliate Officer") must file a motion to have his or her salary and benefits approved by the Court in advance of payment. Court authority for payment of any salary or benefits shall not constitute the assumption of any existing employment agreement. A motion to authorize payment of any prepetition wages or Affiliate Officer's salary may be filed pursuant to the expedited procedures set forth in section (g) of this rule. Authorization for payment may be retroactive to the petition date if the motion so requests.

(f) ***Bank Accounts.*** The debtor-in-possession, consistent with 11 U.S.C. § 345, is authorized to open and maintain bank accounts for the deposit, investment, and disbursement of monies of the estate; provided, however, that the debtor-in-possession shall segregate all monies withheld from employees or collected for taxes in a separate bank account(s) and shall pay these funds to the proper authority when due.

(g) ***Expedited and Emergency Motions.*** The following motions will be scheduled for hearing within three business days, if reasonably possible, and if the motions are served by electronic mail or by facsimile if electronic mail is not available. All expedited or emergency motions must be served upon the Office of the U.S. Trustee by electronic mail or, if not available, by facsimile directed to the Assistant U.S. Trustee and the assigned Trial Attorney, if one has made an appearance in the case. Notices of hearing of such expedited or emergency motions must be served in the same manner.

(1) ***Motion Seeking Authority to Use Cash Collateral.*** A motion seeking authority to use cash collateral pursuant to 11 U.S.C. § 363 shall comply with Fed. R. Bankr. P. 4001(b) or (d) and include the following information:

(A) ***Required Terms.*** The motion to use cash collateral shall include the following provisions:

(i) a budget setting forth the projected cash flow of the debtor for the period of time for which the use of cash collateral is sought;

(ii) the amounts and types of cash collateral on the petition date;

(iii) the name of each secured creditor having a security interest in the cash collateral, the basis upon which the secured creditor is entitled to assert a security interest in the cash collateral, and the amount owed to the secured creditor;

(iv) the debtor's proposed adequate protection for each secured creditor (*e.g.*, replacement lien, insurance);

(v) reasonable reporting requirements; and

(vi) proposed consequences of default.

(B) ***Extraordinary Terms.*** The following provisions will generally not be approved absent compelling circumstances:

(i) any cross-collateralization provision that would secure the repayment of prepetition debt with postpetition assets;

(ii) a waiver of any claims to include avoidance actions against any secured creditor;

(iii) a waiver of any rights the estate may have under 11 U.S.C. § 506(c);

(iv) any factual stipulations or findings that bind the estate or parties in interest with respect to the validity, priority, and extent of secured creditor's liens;

(v) immediate relief from stay under the order approving use of cash collateral or automatic relief from stay upon default;

(vi) granting of liens on avoidance action recoveries;

(vii) validation of any secured creditor's security interest in its collateral or within a limited period of time after the appointment of a committee pursuant to 11 U.S.C. § 1102; or

(viii) any subordination of administrative priority claims arising under 11 U.S.C. § 726(c).

(2) ***Motion for Approval of Postpetition Financing.*** A motion seeking approval of postpetition financing pursuant to 11 U.S.C. § 364 shall comply with Fed. R. Bankr. P. 4001(c) and (d) and must include:

(A) the identity of the proposed lender and its relationship to any of the parties;

(B) a copy of the DIP loan agreement, together with a summary of the terms of the debt to be incurred ("DIP Loan") including:

(i) the collateral in which the lender is seeking to obtain a security interest and whether the lender is seeking to prime existing liens;

(ii) the amount of the loan proposed to be extended by the lender;

(iii) the applicable interest rate and all other charges to be made in connection with the DIP Loan; and

(iv) the payment terms and duration of the DIP Loan.

(C) the amount of credit that the debtor seeks authority to obtain from the date of the preliminary hearing on the motion through and until the final hearing on the motion, if the debtor seeks authority to obtain credit sooner than 14 days after service of the motion. (The debtor shall attach a budget setting forth the projected cash flow of the debtor for the period of time for which the credit is sought.);

(D) the efforts made to obtain financing from other lenders;

(E) the debtor's ability to repay the DIP Loan; and

(F) the inclusion of any of the terms listed in section (g)(1)(B) above.

(3) ***Motion for Authority to Pay Prepetition Wages.*** A motion seeking authority to pay employees of the debtor prepetition wages outstanding as of the petition date shall include a schedule setting forth:

(A) the name of each employee to whom such wages are sought to be paid;

(B) the amount due such employee(s) as of the petition date;

(C) the amounts to be withheld from such wages, including all applicable payroll taxes and related benefits;

(D) the period of time for which prepetition wages are due;

(E) whether the employee is presently employed by the debtor;

(F) the irreparable harm that will result if the relief is not granted; and

(G) whether any of the employees are insiders as defined in 11 U.S.C. § 101(31).

The motion shall also include a representation by the debtor that all applicable payroll taxes and related benefits due to the debtor's employees will be paid concurrently with payment of the wages.

(4) ***Motion for Authority to Maintain Prepetition Bank Accounts.*** A motion seeking authority to maintain prepetition bank accounts shall include:

(A) a schedule listing each prepetition bank account that the debtor seeks to maintain postpetition;

(B) the reason for seeking such authority;

(C) the amount on deposit in each such account as of the petition date;

(D) whether the depository is an authorized depository pursuant to 11 U.S.C. § 345(b); and

(E) a representation that the debtor has consulted with the Office of the United States Trustee regarding the continued maintenance of prepetition bank accounts and that the United States Trustee has not consented to the proposed maintenance of use of such accounts.

If the debtor is unable to provide the foregoing information, the motion shall set forth the reason why such information is not available and provide an estimate as to when the debtor will supplement its motion with such information.

(5) ***Motion for Authority to Pay Critical Vendors.*** A motion seeking authority to pay prepetition claims deemed critical by the debtor will generally not be approved absent compelling circumstances supported by evidentiary findings. Any such motion shall include:

(A) a schedule of the names of each claimant;

(B) the amount due each claimant;

(C) a description of the goods or services provided to the debtor by each claimant;

(D) facts and law supporting payment of the prepetition debt under the doctrine of necessity;

(E) the irreparable harm that will result if the relief is not granted; and

(F) whether the claimant has made any concession or other agreement in consideration for the proposed payment, including the extension of postpetition trade credit.

(6) ***Motion for Authority to Pay Affiliate Officer Salaries.*** A motion to pay, on an interim basis, the salary of any officer, manager, or employee who also qualifies as an affiliate under 11 U.S.C. § 101(2)(A) shall include:

(A) the name of the Affiliate Officer, the officer's position and job responsibilities;

(B) the nature of the Affiliate Officer's relationship to the debtor;

(C) the salary received by the Affiliate Officer during the 12 months prior to the filing of the debtor's Chapter 11 petition, including a description of any prepetition employment agreement;

(D) a description of any services performed for any third party or compensation received or that will be received by the Affiliate Officer from any source other than the debtor-in-possession after the date of the petition;

(E) the salary proposed to be paid to the Affiliate Officer, including all benefits; and

(F) the amounts to be withheld from such salary of the Affiliate Officer, including all applicable payroll taxes and related benefits.

An interim order to authorize the payment of salaries to Affiliate Officers is subject to review or reconsideration at any time upon the motion of a party in interest or by the Court *sua sponte*.

(7) ***Motion to Determine Adequate Assurance for Payment of Utility Services or, in the Alternative, Establishing the Procedure for Determining Adequate Assurance.*** The Court may consider this motion without a hearing.

(A) ***Contents of the Motion.*** A motion to determine adequate assurance of payment of the debtor's utility services shall include:

(i) a schedule of the names and addresses of the utilities;

(ii) whether the debtor is current in the payment of its utility;

(iii) an estimate of average monthly utility expense;

(iv) the amount owed to each utility; and

(v) the method by which the debtor will provide adequate assurance of timely payment.

(B) ***Proposed Order Conditionally Approving Motion.*** The motion shall be accompanied by a proposed order that provides for conditional approval of the motion subject to a 30-day objection period, which shall be set forth in the order by including above the preamble and below the title of the order the following bulletin in print either highlighted or bold so as to make it more prominent than the remainder of the text:

> **Any interested party who fails to file and serve a written objection to the motion (as conditionally approved by this Order) within 30 days after entry of the Order, shall be deemed to have consented to the provisions of this Order.**

(C) ***Objections.*** Timely objections will be scheduled for hearing. If no timely objection is filed, the order shall be deemed final, and no further notice, hearing, or order shall be required.

(h) ***Use of Property.*** Subject to the provisions of 11 U.S.C. §§ 363 and 365, the debtor-in-possession may use, sell, or lease property of the estate. The debtor-in-possession is authorized to pay all necessary and current expenses of operating its business, including tax and lease payments, to the extent that such payments are necessary to preserve the assets or operate the business and provided that the payments are for only the postpetition period.

Notes of Advisory Committee

2024 Amendment

The amendment to section (g) conforms the rule to amended Federal Rule of Bankruptcy Procedure 5005(b)(1) that no longer requires mail or hand-delivery of papers to the United States Trustee, but allows service by CM/ECF. This amendment to the rule is effective August 15, 2024.

2021 Amendment

This amendment revises section (b)(4) to require a list of only those officers, directors, and insiders receiving salaries or benefits from the debtor. This amendment further revises section (d) to require Small Business Debtors and Subchapter V Debtors to file a Check Register in the form of Appendix B with the Small Business Monthly Operating Report and clarifies that both Small Business Debtors and Subchapter V Debtors are required to file a Schedule of Receipts and Disbursements with their monthly operating reports. This amendment to the rule is effective August 1, 2021.

2019 Amendment

This amendment revises section (g)(1) to more clearly state the requirements for motions seeking authority to use cash collateral and section (g)(7) to clarify that motions to determine adequate assurance for payment of utility services may be considered by the Court without a hearing. This amendment to the rule is effective July 1, 2019.

2013 Amendment

This amendment requires that a Case Management Summary be filed in advance of the filing of any motion in the case and sets forth the matters that the Court may wish to address if an Initial Status Conference is scheduled. This amendment to the rule is effective July 1, 2013.

2012 Amendment

This amendment establishes a rule that is consistent with Administrative Order FLMB-2009-1 "Administrative Order Establishing Initial Procedures in Chapter 11 Cases Filed in the United States Bankruptcy Court of the Middle District of Florida." Additionally, the rule requires that Small Business Debtors file a Schedule of Receipts and Disbursements in addition to Small Business Monthly Operating Reports.

Federal Rules of Bankruptcy Procedure 6003 and 4001 should be considered with regard to "first-day" motions. Consideration should also be given to the Court's general procedures for emergency hearings.

The addition of headings and subheadings is a stylistic rather than a substantive change. This amendment to the rule is effective March 15, 2012.

1997 Amendment

This amendment conforms the existing Local 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. 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 3.02. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendment dispenses with the requirement for the filing of a motion for authority to operate the business of the debtor. Consistent with current practice, it is contemplated that the court will enter an order *sua sponte* setting forth the requirements for operating the business of the debtor. It was the view of the Advisory Committee that dispensing with the requirement of filing a motion would reduce needless paperwork for counsel and the Clerk's office.

These amendments to the rule were effective on February 15, 1995.

SCHEDULE OF RECEIPTS AND DISBURSEMENTS
FOR THE PERIOD BEGINNING _____ AND ENDING _____

Name of Debtor: _____ Case Number _____
Date of Petition: _____

	CURRENT MONTH	CUMULATIVE PETITION TO DATE
1. FUNDS AT BEGINNING OF PERIOD	**(a)**	**(b)**
2. RECEIPTS:		
A. Cash Sales		
Minus: Cash Refunds	(-)	
Net Cash Sales		
B. Accounts Receivable		
C. Other Receipts *(See MOR-3)*		
(If you receive rental income, you must attach a rent roll.)		
3. TOTAL RECEIPTS *(Lines 2A+2B+2C)*		
4. TOTAL FUNDS AVAILABLE FOR OPERATIONS *(Line 1 + Line 3)*		
5. DISBURSEMENTS		
A. Advertising		
B. Bank Charges		
C. Contract Labor		
D. Fixed Asset Payments (not incl. in "N")		
E. Insurance		
F. Inventory Payments		
G. Leases		
H. Manufacturing Supplies		
I. Office Supplies		
J. Payroll – Net		
K. Professional Fees (Accounting & Legal)		
L. Rent		
M. Repairs & Maintenance		
N. Secured Creditor Payments		
O. Taxes Paid – Payroll		
P. Taxes Paid - Sales & Use		
Q. Taxes Paid - Other		
R. Telephone		
S. Travel & Entertainment		
Y. U.S. Trustee Quarterly Fees		
U. Utilities		
V. Vehicle Expenses		
W. Other Operating Expenses *(See MOR-3)*		
6. TOTAL DISBURSEMENTS ***(Sum of 5A thru W)***		
7. ENDING BALANCE ***(Line 4 Minus Line 6)***	(c)	(c)

I declare under penalty of perjury that this statement and the accompanying documents and reports are true and correct to the best of my knowledge and belief.

This _____ day of _____, 20___. _____
(Signature)

(a)This number is carried forward from last month's report. For the first report only, this number will be the balance as of the petition date.
(b)This figure will not change from month to month. It is always the amount of funds on hand as of the date of the petition.
(c)These two amounts will always be the same if form is completed correctly.

APPENDIX A

MONTHLY SCHEDULE OF RECEIPTS AND DISBURSEMENTS (cont'd)

Detail of Other Receipts and Other Disbursements

OTHER RECEIPTS:
Describe Each Item of Other Receipt and List Amount of Receipt. Write totals on Page MOR-2, Line 2C.

Description	Current Month	Cumulative Petition to Date
TOTAL OTHER RECEIPTS		

"Other Receipts" includes Loans from Insiders and other sources (i.e., Officer/Owner, related parties, directors, related corporations, etc.). Please describe below:

Loan Amount	**Source of Funds**	**Purpose**	**Repayment Schedule**

OTHER DISBURSEMENTS:

Describe Each Item of Other Disbursement and List Amount of Disbursement. Write totals on Page MOR-2, Line 5W.

Description	**Current Month**	**Cumulative Petition to Date**
TOTAL OTHER DISBURSEMENTS		

CHECK REGISTER

Name of Debtor: ______________________________ Case Number: _______________________

Reporting Period beginning: __________________ Period ending: _______________________

NAME OF BANK: _________________________ BRANCH: ____________________________

ACCOUNT NAME: _______________________________________

ACCOUNT NUMBER: ___________________________________

PURPOSE OF ACCOUNT: _____________________________________

Account for all disbursements, including voids, lost checks, stop payments, etc. In the alternative, a computer generated check register can be attached to this report, provided all the information requested below is included.

DATE	CHECK NUMBER	PAYEE	PURPOSE	AMOUNT

TOTAL $_________________

APPENDIX B

Rule 2090-1

ATTORNEYS – ADMISSION TO PRACTICE AND PRO HAC VICE ADMISSION

(a) ***Admission to the District Court Required.*** Except as set forth in sections (b) and (c) herein, an attorney who wishes to appear or be heard as counsel for another in any case or proceeding in the Court must first be admitted to practice in the United States District Court for the Middle District of Florida pursuant to Rule 2.01 of the Local Rules of the United States District Court for the Middle District of Florida.

(b) ***Limited Appearances by Attorneys Not Admitted to the Middle District.*** An attorney residing outside the Middle District of Florida who is not admitted to practice in the United States District Court for the Middle District of Florida may appear without general or special admission to practice in the following limited instances:

(1) the preparation and filing of a notice of appearance and request for service of notices pursuant to Fed. R. Bankr. P. 2002;

(2) the preparation and filing of a proof of claim;

(3) the preparation and filing of a motion for payment of unclaimed funds;

(4) the attendance and inquiry at the meeting of creditors held under 11 U.S.C. § 341; and

(5) the attendance and representation of a creditor at a hearing that has been noticed to all creditors other than the representation of a party in a contested matter or adversary proceeding.

(c) ***Special Admission to Practice.***

(1) ***Attorneys Not Admitted to Practice in the Middle District.*** An attorney who is a member in good standing of the bar of a District Court of the United States other than the Middle District of Florida ("Non-Resident Attorney") may appear pro hac vice upon motion to the Court provided that such privilege is not abused by frequent or regular appearances in separate cases to such a degree as to constitute the maintenance of a regular practice of law in the Middle District of Florida. Motions to appear pro hac vice shall include the state(s) where the attorney is admitted to practice and associated bar number(s), and be accompanied by a written designation of an attorney admitted to practice in the Middle District and that attorney's consent to act as local counsel. A form motion to appear pro hac vice, a form written designation, and a form order granting the motion are available on the Court's website, www.flmb.uscourts.gov.

(2) ***Government Attorneys.*** An attorney employed by the United States (or any agency thereof) or any state or local government (or any agency thereof), may appear and

participate in cases or proceedings on behalf of such entity in the attorney's official capacity. Any attorney appearing under this subsection is subject to these Local Rules.

(3) ***Separate Requirements for Electronic Filing Users.*** A Non-Resident Attorney who is admitted to practice pro hac vice and wishes to file papers with the Court must be an Electronic Filing User as set forth in Local Rule 1001-2. Otherwise, local counsel may file papers on behalf of Non-Resident Attorneys who do not wish to become Electronic Filing Users.

(4) ***Admission Fees.*** The Non-Resident Attorney shall pay to the District Court any admission fee required by the District Court of the Middle District of Florida.

(d) ***Conduct of Attorneys.*** All attorneys who appear in this Court shall be deemed to be familiar with and shall be governed by these Local Rules, the Rules of Professional Conduct, and other requirements governing the professional behavior of members of The Florida Bar. Such attorneys shall be subject to the disciplinary powers of the Court, including the processes and procedures set forth in Local Rule 2090-2. Attorneys should conduct themselves with civility and in a spirit of cooperation in order to reduce unnecessary cost and delay.

(e) ***Attorneys Who Become Ineligible to Practice Law.***

(1) ***Voluntary Resignation.*** An attorney admitted to appear or be heard as counsel for another who resigns from the practice of law in the State of Florida, or from the bar of any state, the District of Columbia or territory upon whose admission the attorney's eligibility to practice law in this Court relies, shall immediately notify the Court of such resignation. Upon such notification, the Court shall suspend the attorney's right to practice before the Court in accordance with Local Rule 2090-2(b).

(2) ***Involuntary Ineligibility to Practice Law.*** An attorney admitted to appear or be heard as counsel for another who becomes ineligible to practice law because of disbarment or suspension by the bar of any state, the District of Columbia, or territory, or any federal district court or other court of competent jurisdiction, shall immediately notify the Court of such disbarment or suspension. Upon such notification, the Court shall suspend the attorney's right to practice before this Court in accordance with Local Rule 2090-2(b).

Notes of Advisory Committee

2021 Amendment

This amendment revises section (c)(1) to require motions for pro hac vice admission include the state(s) where the attorney is admitted to practice and associated bar number(s). The amendment also revises section (c)(2) to set forth requirements for government attorneys who are not admitted in Middle District. This amendment to the rule is effective August 1, 2021.

2020 Amendment

This amendment clarifies that admission to practice in the Middle District is not required for an attorney to prepare and file a motion for payment of unclaimed funds. The title of the rule is also revised to include the words "Pro Hac Vice Admission" so that the Court's requirements for pro hac vice admission are more easily located in the Local Rules' Table of Contents. This amendment to the rule is effective August 1, 2020.

2016 Amendment

This amendment clarifies the procedure to be followed by attorneys who wish to appear before the Court but who are not admitted to practice in the Middle District of Florida. The amendment also instructs counsel that the District Court requires a filing fee to be paid for special admission to practice. This amendment to the rule is effective July 1, 2016.

2015 Amendment

New section (d) was previously section (a) of Local Rule 2090-2 Attorneys – Discipline. This amendment to the rule is effective July 1, 2015.

2014 Amendment

This amendment adds new section (d), requiring any attorney admitted to practice before the Court who becomes ineligible to practice law to so advise the Court. This amendment to the rule is effective July 1, 2014.

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 to the rule was effective on April 15, 1997.

This rule was formerly Local Rule 1.07(a)-(c)(1)-(2). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

The reference in paragraph (a) of this rule is to District Court Local Rule 2.01. At the time of this amendment, the District Court had not taken action to renumber its local rules. In the

event the District Court renumbers its local rules, this rule should be interpreted to refer to the renumbered successor to current District Court Local Rule 2.01.

1995 Amendment

The amendment to Local Rule 1.07(b) is stylistic. No substantive change is intended.

The amendment to Local Rule 1.07 (c)(1) specifies that the attorney executing the written designation and consent-to-act on behalf of the non-resident attorney be resident in the Middle District of Florida.

The amendment to Local Rule 1.07(c)(3) is intended to clarify that an attorney appearing specially is subject to the same disciplinary process as a member of the bar of the District Court.

These amendments to the rule were effective on February 15, 1995.

Rule 2090-2

ATTORNEYS – DISCIPLINE

(a) ***General.*** Any attorney who appears before the Court, either generally under Local Rule 2090-1(a) or (b) or specially under Local Rule 2090-1(c), may, after hearing and for good cause shown, be reprimanded, suspended (temporarily or permanently) from practice before the Court, or subjected to such other discipline as a judge of the Court may deem proper. Nothing in this rule shall be construed as providing exclusive procedures for the discipline of an attorney in appropriate cases or as a limitation upon the power of the Court to punish for contempt in appropriate cases.

(b) ***Suspension or Disbarment in Another Court.*** Whenever the Court is notified that an attorney who appears before the Court (1) has been disbarred or suspended from practice by the Supreme Court of Florida, or by any other court of competent jurisdiction, (2) has been disbarred on consent or resigned from the bar of any other court while an investigation into allegations of misconduct is pending, or (3) has been convicted of a felony in any court, the Court shall enter an order that suspends the attorney from practice before the Court and terminates the attorney's CM/ECF filing privileges effective 14 days from the date of the order. However, within the 14-day period, the attorney may file a motion, with a copy served upon the United States Attorney, seeking relief from the operation of the suspension order. If a timely motion is filed, the suspension shall be stayed until the Court determines the motion.

(1) ***Attorneys Admitted Generally.*** If the attorney is admitted to practice generally under Local Rule 2090-1(a) or (b), the motion for relief from the suspension order shall be heard and determined by the Chief Judge or such other judge of the Court as the Chief Judge shall designate.

(2) ***Attorneys Admitted Specially.*** If the attorney is admitted to practice specially under Local Rule 2090-1(c), the motion for relief from the suspension order shall be heard and determined by the judge assigned to the case in which such special appearance has been made.

(c) ***Duty to Inform the Court of Disciplinary Proceedings.*** Any attorney who appears in this Court, upon being subjected to public discipline by any other Court of the United States or the District of Columbia, or by a court of any state, territory, commonwealth, or possession of the United States, including any attorney who is disbarred on consent or resigns from any bar while an investigation into allegations of misconduct is pending, shall promptly inform the Clerk of this Court of such action.

(d) ***Chief Judge May Convene a Grievance Committee.*** Without limiting a judge's ability to discipline an attorney as provided in section (a) of this rule, and in addition to or as an alternative to such ability, upon request of a judge of this Court, the Chief Judge of this Court shall convene and appoint a Grievance Committee in the requesting judge's Division of the Court to conduct an investigation of alleged misconduct on the part of an attorney who appears

in this Court, whether appearing generally under Local Rule 2090-1(a) or (b) or specially under Local Rule 2090-1(c). Each Grievance Committee so appointed shall consist of not less than five attorneys regularly practicing in that Division, three of whom shall constitute a quorum. Appointments shall be for the period of time necessary to conclude the investigation for which the Grievance Committee was appointed. The Court shall designate the Chairman of the Committee, but each Committee shall otherwise organize itself as it sees fit. All proceedings before the Committee may be conducted informally, but shall remain confidential unless otherwise ordered by the Court. Each Committee shall function as follows:

(1) ***Investigation by Grievance Committee.*** When a requesting judge refers for investigation by a Committee any matter or question touching upon the professional behavior of an attorney, the Chairman of the Committee will promptly designate a member to investigate the matter and make a report to the Committee as a whole for the Committee's determination as to whether (A) the inquiry should be terminated because the question raised is unsupported or insubstantial; or (B) the question raised justifies further inquiry but should be referred to the appropriate grievance committee of The Florida Bar; or (C) the question raised should be pursued because there is probable cause to believe that the subject attorney has been guilty of unprofessional conduct justifying disciplinary action by the Court. The Chairman of the Committee shall then report the Committee's recommendation to the requesting judge and shall follow his or her direction.

(2) ***Referral to United States Attorney.*** If the requesting judge directs prosecution under this rule, such report shall then be transmitted to the United States Attorney (or, if the United States Attorney be disqualified by interest, to another member of the bar appointed by the Chief Judge of this Court for that purpose) who shall file and serve a motion for an order to show cause upon the accused attorney. Such motion, and all further proceedings thereon, shall be heard and determined by the Chief Judge of this Court sitting together with any two or more judges of this Court as the Chief Judge of this Court shall designate.

(e) ***Duty to Respond.*** It shall be the duty of every attorney who appears in this Court, either generally under Local Rule 2090-1(a) or (b) or specially under Local Rule 2090-1(c), to respond to the Court in any proceeding under section (a) of this rule or any Grievance Committee of the Court or the United States Attorney during the course of any investigation or prosecution being conducted pursuant to section (d) of this rule; provided, however, no attorney shall be entitled as of right to notice of the pendency of any such investigation unless and until the attorney is named in an order to show cause filed pursuant to section (d)(2) of this rule.

(f) ***Report to the District Court.*** Any discipline imposed under section (a) or (d) of this rule will be reported to the District Court for the Middle District of Florida.

Notes of Advisory Committee

2016 Amendment

This amendment clarifies the procedures to be used when an attorney admitted to practice before the Court, either generally or specially, is disbarred or suspended from practice by the Supreme Court of Florida or another court. This amendment to the rule is effective July 1, 2016.

2015 Amendment

Former section (a) is now incorporated into Local Rule 2090-1(d) effective July 1, 2015.

2009 Amendment

This amendment adds a local disciplinary rule. Although bankruptcy courts possess the inherent power to discipline attorneys and impose sanctions, this rule is meant to address the policy and recommendation of the American Bar Association (ABA) that "the Federal Rules of Bankruptcy Procedure . . . be amended. . . to clarify the authority of bankruptcy courts to discipline attorneys . . . and require . . .bankruptcy courts to adopt and enforce local disciplinary rules with respect to attorneys practicing before them. . . ." American Bar Association, Report and Recommendation 117 at 2 (adopted August 2006). As of the date of this amendment, the Federal Rules of Bankruptcy Procedure have not been so amended. Nonetheless, for reasons recited in the ABA report as well as the Court's desire to provide formal, systemic disciplinary procedures as an option to the use of *sua sponte* discipline by one of the Court's bankruptcy judges, this Court has elected to act on the recommendation that a local disciplinary rule be adopted. Although attorneys who practice in the Bankruptcy Court must be admitted to practice in the United States District of Court for the Middle District of Florida, subject to that court's Rule 2.04(e)(1), only a portion of such attorneys actually appear in the District Court. Therefore, this Court deems it advisable to adopt its own grievance process pursuant to which this Court will address misconduct issues arising in cases in this Court. This amendment to the rule was effective on April 19, 2009.

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 1.07(c)(3). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

The reference in this rule is to District Court Local Rule 2.04. At the time of this amendment, the District Court had not taken action to renumber its local rules. In the event the District Court renumbers its local rules, this rule should be interpreted to refer to the renumbered successor to current District Court Local Rule 2.04.

Rule 2091-1

ATTORNEYS – DUTIES OF DEBTOR'S COUNSEL

Unless the Court has permitted the withdrawal of the attorney under Local Rule 2091-2 or except as otherwise provided in this rule, an attorney who files a petition on behalf of a debtor shall attend all hearings in the case that the debtor is required to attend under any provision of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, these rules, or order of the Court. However, counsel need not attend a hearing regarding a matter to which the debtor is not a party and whose attendance has only been required as a witness. Notwithstanding the foregoing, an attorney who provides *pro bono* representation to a debtor may limit the representation to specified tasks in accordance with the Rules of Professional Conduct. An attorney providing *pro bono* representation to a debtor may be removed from the case upon filing a notice of withdrawal referencing the limits of their *pro bono* engagement.

Notes of Advisory Committee

2021 Amendment

This amendment permits an attorney who represents a debtor on a *pro bono* basis to limit the representation to specified tasks in accordance with the Rules of Professional Conduct. This amendment to the rule is effective August 1, 2021.

2016 Amendment

This amendment renumbers the rule from 9011-1 to 2091-1 and revises the title of the rule to indicate that the rule applies to debtor's counsel. Other revisions are stylistic. This amendment to the rule is effective July 1, 2016.

Rule 2091-2

ATTORNEYS – WITHDRAWALS AND SUBSTITUTIONS

(a) ***Withdrawal Generally.*** Except as otherwise provided in this rule, Local Rule 2091-1, or by order of the Court, an attorney may not withdraw in any case or proceeding except by leave of Court. A motion for leave to withdraw shall be filed and served using the negative notice procedures of Local Rule 2002-4. The negative notice legend shall provide for a 14-day response period and shall be served on the client, parties in interest affected thereby, and opposing counsel.

(b) ***Withdrawal for Party in Interest Other than the Debtor.*** An attorney for a party in interest other than the debtor who is not a party to any pending contested matter or adversary proceeding may withdraw his or her appearance without Court order by filing a notice of withdrawal as attorney, stating the name and mailing address of the client, and serving copies of the notice on the client, the debtor, the trustee, the United States Trustee, and their attorneys.

(c) ***Withdrawal of Co-Counsel.*** An attorney seeking to withdraw from representing a client in a case or proceeding at a time when such client is represented by other counsel of record in such matter may withdraw his or her appearance by filing a notice of withdrawal that is approved and signed by the client and other counsel of record for the client, and serving copies of the notice on parties in interest entitled to notice.

(d) ***Substitution of Counsel.*** Counsel seeking to withdraw from representation of a client may file a joint motion or stipulation with counsel seeking to be substituted in as counsel for such client, in the relevant case or proceedings, requesting authority of the Court for substitution of counsel. Such motion or stipulation shall certify that the client has consented to the substitution or be signed by the client, and such motion or stipulation shall be served on the client and parties in interest entitled to notice. The Court may consider a joint motion or stipulation for substitution of counsel without a hearing. Substitution of counsel is subject to the requirements of the Bankruptcy Code, the Bankruptcy Rules, and this Court's Local Rules with regard to retention of professionals, disclosure, payment of professionals, and related matters.

(e) ***Substitution of Counsel Within Same Law Firm.*** If an attorney who is a member of the same law firm as the attorney of record wishes to substitute as counsel for a party in place of the attorney of record because (1) the attorney of record is leaving the law firm, (2) the attorney of record will no longer serve as attorney of record, or (3) the attorney of record is deceased, the substituting attorney may file a notice of substitution of counsel ("Notice") without leave of Court. The Notice shall include a representation that the client has been informed of and consents to the substitution.

(f) ***Substitution of Counsel when Attorney of Record Is Deceased.*** If the attorney of record is deceased, counsel (who is not a member of the same law firm) seeking to be substituted in as counsel for such client shall file a motion in the relevant case or proceeding requesting authority of the Court for substitution of counsel. Such motion shall certify that the attorney of

record is deceased, providing the date of death, and that the client has consented to the substitution, or be signed by the client, and such motion shall be served on the client and parties in interest entitled to notice. The Court may grant a motion for substitution of counsel without a hearing. Substitution of counsel is subject to the requirements of the Bankruptcy Code, the Bankruptcy Rules, and this Court's Local Rules with regard to retention of professionals, disclosure, payment of professionals, and related matters.

Notes of Advisory Committee

2021 Amendment

This amendment revises section (d) to reflect that the Court will accept a joint stipulation for substitution of counsel if it is signed by the client or it includes a representation that the client consents to the substitution. In addition, new section (e)(3) sets forth the procedure for substitution of counsel within the same law firm. Finally, the amendment adds new section (f) regarding the procedure for substitution of counsel not in the same law firm as attorney of record in the event the attorney of record is deceased. This amendment to the rule is effective August 1, 2021.

2019 Amendment

This amendment adds new section (e) regarding the procedure for substitution of counsel within the same law firm. This amendment to the rule is effective July 1, 2019.

2016 Amendment

This amendment renumbers the rule from 2091-1 to 2091-2 and clarifies that motions for leave to withdraw shall be filed using the negative notice procedures of Local Rule 2004-2. This amendment to the rule is effective July 1, 2016.

2013 Amendment

This amendment establishes procedures for the withdrawal of an attorney for a party in interest other than the debtor who is not a party to any pending contested matter or proceeding, the withdrawal of an attorney when the party is represented by another attorney, and the substitution of one attorney for another. This amendment to the rule is effective July 1, 2013.

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 1.08(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendments to Local Rule 1.08 are stylistic. No substantive change is intended. These amendments to the rule were effective on February 15, 1995.

Rule 2092-1

APPEARANCES BY LAW STUDENTS

(a) ***Purpose.*** In the interest of providing assistance to lawyers who represent clients unable to pay for legal services, and encouraging participating law schools to provide clinical instruction in the conduct of litigation in bankruptcy court, this rule establishes the rules and procedures by which eligible law students may appear in this Court ("Qualified Law Student").

(b) ***Qualified Law Students.*** Except as otherwise provided herein, the requirements of Rule 2.03 of the Local Rules of the United States District Court for the Middle District of Florida shall govern the limited admission of Qualified Law Students to practice before the Court for the purpose of representing indigent persons. This limited admission to practice before the Court may be revoked at any time upon the Court's own motion.

(c) ***Participation Under Supervision.*** A Qualified Law Student may participate in all court proceedings, including depositions, provided that a supervising lawyer or another lawyer from the same office as the supervising lawyer ("Supervising Lawyer") is present. The Supervising Lawyer shall be present while a qualified law student is participating in court proceedings.

(d) ***Requirements of Supervising Lawyer.*** The Supervising Lawyer shall be admitted to practice before this Court as an Electronic Filing User. The Supervising Lawyer shall direct, supervise, and review all of the work of the Qualified Law Student and shall assume personal professional responsibility for any work undertaken by the Qualified Law Student while under the Supervising Lawyer's supervision. All pleadings, motions, briefs, and other papers prepared by the Qualified Law Student shall be reviewed by the Supervising Lawyer, and shall be filed with the Court electronically using that lawyer's CM/ECF User ID.

(e) ***Termination of Supervising Lawyer.*** A lawyer currently acting as a Supervising Lawyer may be terminated as a Supervising Lawyer at the discretion of the Court. When a Qualified Law Student's Supervising Lawyer is so terminated, the student shall cease performing any services under this rule until written notice of a substitute Supervising Lawyer, signed by the Qualified Law Student and by the Supervising Lawyer, is filed with the Court.

(f) ***Signature on Court Filings.*** When a Qualified Law Student signs any correspondence or legal document, the Qualified Law Student's signature shall be followed by the title "Law Student," and if the document is prepared for presentation to a court or for filing with the clerk thereof, the document shall also be signed by the Supervising Lawyer.

(g) ***Judicial Determination of Indigency Not Required for Referral to a Qualified Law Student.*** A judicial determination of indigency is not required, and no motion for a judicial determination of indigency need be filed, with respect to any person who has been referred to a Qualified Law Student by a not-for-profit legal aid organization or legal aid clinic operated by a participating law school.

(h) ***Law Student and Supervising Attorney Not "Debt Relief Agencies."*** The performance of *pro bono* legal services to debtors or other persons who are unable to pay for such legal services, in accordance with this rule, shall not cause the Qualified Law Student, the sponsoring legal aid organization or law school, or the Supervising Lawyer to be deemed a "debt relief agency" as defined in 11 U.S.C. § 101(12A).

Notes of Advisory Committee

2015 Amendment

This amendment eliminates the requirement that qualified law students comply with applicable requirements promulgated by the Florida Supreme Court 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. This amendment to the rule is effective July 1, 2015.

2013

This rule establishes procedures by which supervised law students may appear before the Court. This new rule is effective July 1, 2013.

PART III.

CLAIMS AND DISTRIBUTION TO CREDITORS AND EQUITY INTEREST HOLDERS; PLANS

Rule 3002-1

DEADLINES FOR FILING PROOFS OF CLAIM IN REINSTATED CASES AND FOR REJECTION DAMAGES; LATE-FILED PROOFS OF CLAIM; SERVICE OF PROOFS OF CLAIM ON *PRO SE* DEBTORS

(a) ***Deadline for Filing Proofs of Claim in Reinstated Cases.*** If a case is dismissed before the deadline for filing proofs of claim under Fed. R. Bankr. P. 3002(c) has expired and the case is thereafter reinstated, a proof of claim is timely filed if it is filed no later than 70 days after the date of entry of the order vacating the dismissal and reinstating the case.

(b) ***Deadline for Filing Proofs of Claim for Rejection Damages.*** Unless the Court orders otherwise, a claim arising from the rejection of an executory contract or unexpired lease must be filed within 30 days after entry of the order approving rejection or by the deadline for filing proofs of claim, whichever is later.

(c) ***Tardily Filed Proofs of Claim in Chapter 7 Cases.*** A creditor in a Chapter 7 case that failed to file a claim before the deadline under Fed. R. Bankr. P. 3002(c) may tardily file a proof of claim without first obtaining leave of Court. However, under 11 U.S.C. § 726(a)(3), tardily filed claims receive a distribution only if all claims that were timely filed under 11 U.S.C. § 726(a)(2) are paid in full. A creditor that did not have notice or actual knowledge of the case in time for timely filing of a claim before the deadline may file a motion seeking relief under 11 U.S.C. § 726(a)(2)(C) to have the claim deemed timely filed.

(d) ***Service of Proofs of Claim on Pro Se Debtors.*** A creditor filing a proof of claim in a Chapter 13 case where the debtor is not represented by counsel shall serve the proof of claim on the debtor at the address indicated on the docket and file proof of service in accordance with Local Rule 9013-3.

Notes of Advisory Committee

2024 Amendment

This amendment renames the rule and adds new section (b) that provides a 30-day deadline for filing a claim arising from the rejection of an executory contract or unexpired lease

after entry of the order approving the rejection. This amendment to the rule is effective August 15, 2024.

2021 Amendment

This amendment adds new section (c) that requires creditors to serve *pro se* Chapter 13 debtors with proofs of claim. This amendment to the rule is effective August 1, 2021.

2020 Amendment

This amendment revises section (b) to distinguish between "tardily filed" claims that, under 11 U.S.C. § 726(a)(3), receive distribution only after all timely filed claims are paid in full, and tardily filed claims that receive distributions with timely filed claims if the holder of the claim did not have notice or actual knowledge in time for timely filing of a proof of claim under 11 U.S.C. § 726(a)(2)(C). This amendment to the rule is effective August 1, 2020.

2019 Amendment

This amendment reflects the December 1, 2017 amendment to Fed. R. Bankr. P. 3002(c) that shortened the deadline for filing proofs of claim in voluntary Chapter 7, 12, and 13 cases from 90 days after the date first set for the meeting of creditors to 70 days after the order for relief or conversion of a case to a case under Chapter 12 or 13. The rule is further amended to clarify that holders of claims in Chapter 7 cases who did not have notice or actual knowledge of the case before the claims bar date but who wish to file claims that will receive no distribution unless all timely filed claims are paid in full, may file a proof of claim without first obtaining Court approval. This amendment to the rule is effective July 1, 2019.

2016 Amendment

This amendment extends the deadlines for filing proofs of claim in reinstated cases from 28 to 60 days and is now applicable to cases filed under all chapters. This amendment to the rule is effective July 1, 2016.

2012

This rule provides for new deadlines for filing proofs of claims in bankruptcy cases that are dismissed and thereafter reinstated before the expiration of the claims bar date. This new rule is effective March 15, 2012.

Rule 3007-1

CLAIMS – OBJECTIONS

(a) ***Contents.*** Objections to claims shall state the legal and factual basis for the objection and the amount of the debt conceded, if any.

(b) ***Service.*** Objections to claims shall be served on claimants by mail or via CM/ECF as set forth in Fed. R. Bankr. P. 3007(a).

(c) ***Orders on Objections to Claims.*** Proposed orders on objections to claims shall recite first, that the objection is either sustained or overruled, and second, that the claim is either allowed or disallowed.

Notes of Advisory Committee

2019 Amendment

This amendment provides that service of objections to claims is to be made as set forth in Fed. R. Bankr. P. 3007. This amendment to the rule is effective July 1, 2019.

2015 Amendment

The revisions to this rule are primarily stylistic. This amendment to the rule is effective July 1, 2015.

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment, 3007(e) adds a provision permitting the Electronic Filing Users the ability to complete service of papers by electronic means.

2000 Amendment

As set forth in new paragraph (b)(1) of this rule, objections to claim are to be served on the attorney for the claimant if the claimant's attorney has filed a F.R.B.P. 2000(g) notice of appearance and request for notice. Service on the claimant's attorney of record is in addition to service on the claimant as previously required by former paragraphs (b)(1) and (b)(2) of the rule. Under this amendment, these former paragraphs are renumbered as subparagraphs (b)(2)(i) and (b)(2)(ii).

The additional service requirement contained in this amendment is designed to remedy problems arising when an objecting party properly serves the objection on the claimant but does

not also serve the claimant's counsel of record. Claimants who employ counsel in a bankruptcy case reasonably expect that their attorneys will receive notice of actions affecting their claims. *See*, *e.g.*, Fed. R. Civ. P. 5(b). Yet attorneys who have properly entered their appearances are not regularly served when parties object to their clients' claims. This failure to notice counsel has led to the unnecessary continuation of hearings and the setting aside of orders sustaining objections when counsel for the claimant, who has received no notice, fails to respond or appear.

This amendment also harmonizes service of objections to claims with service upon a debtor under Fed. R. Bankr. P. 7004(b)(9), which requires service on both the debtor and the debtor's counsel. This amendment to the rule was effective on December 1, 2000.

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 2.10. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Fed. R. Bankr. P. 3007 requires that objections to the allowance of claims be served on "the claimant, the debtor or the debtor in possession and the trustee." Local Rule 2.10 deals with how the claimant who has filed a proof of claim is to be served with such an objection.

The amendment to subparagraph (b)(1) clarifies that objections to proofs of claim must be served on the agent or representative of the claimant who executed the proof of claim if that person's name and address are legibly stated in the proof of claim.

The amendment to subparagraph (b)(2) clarifies that, if this information is not legibly contained in the proof of claim, then the claimant must be served at all addresses given for the claimant in the proof of claim. This amendment also makes clear that, when the claimant is a corporation, partnership, or other unincorporated association, such an objection must be mailed to the attention of an officer, a managing or general agent, or other authorized agent of the claimant.

The amendment to subparagraph (c) is necessitated by Section 114 of the Bankruptcy Reform Act of 1994. This legislation amended Fed. R. Bankr. P. 7004 by providing additional certified mail service requirements for insured depository institutions. In addition, the amendment continues the existing requirement that governmental entities also must be served in the special manners set forth in Fed. R. Bankr. P. 7004. These amendments to the rule were effective on February 15, 1995.

Rule 3012-1

MOTIONS TO DETERMINE SECURED STATUS – SERVICE

(a) ***Content.*** The title of a motion to determine secured status shall include the name of the affected creditor. The motion shall identify the creditor's loan using the last four digits of the loan number and shall sufficiently identify the collateral to be valued (*e.g.*, legal description of real property or VIN of vehicles).

(b) ***Joinder.*** If the debtor seeks to determine the secured status of two or more creditors with respect to the same collateral, the debtor may join the creditors in a single motion.

(c) ***Service.*** Motions to determine the secured status of a claim under 11 U.S.C. § 506 and Fed. R. Bankr. P. 3012 shall be served on the holder of the secured claim in the manner required by Fed. R. Bankr. P. 7004 and, if the secured creditor has filed a proof of claim, on the person most recently designated on the original or amended proof of claim as the person to receive notices, at the address so indicated.

Notes of Advisory Committee

2019 Amendment

This amendment includes new sections (a), (b), and (c). Section (a) specifies the content of a motion to determine secured status; section (b) permits the joinder of two or more creditors in a single motion if the motion relates to the same collateral (otherwise separate motions must be filed); and section (c) provides for service of motions to determine secured status as required by Fed. R. Bankr. P. 7004 and on the person designated on the proof of claim. This amendment to the rule is effective July 1, 2019.

2015 Amendment

The revisions to this rule are primarily stylistic. This amendment to the rule is effective July 1, 2015.

2004 Amendment

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

2000

This new local rule is designed to ensure that a motion to determine the secured status of a claim is served on the person who filed the proof of claim and the claimant's attorney, just as an objection to a claim is served on the person who filed the proof of claim and the claimant's attorney. *See* Local Rule 3007-1(b) and (c).

In the past, parties have served such motions on corporate claimants in an appropriate manner under Fed. R. Bankr. P. 7004, but the person within the organization with knowledge of the claim has not received the motion until well after the court has already acted on the motion. In these circumstances, the Court has had to revisit the matter, and the work of the parties and the Court has been duplicated. By ensuring that a party also serves the motion on the individual who filed the proof of claim, it is thought that problems of this sort experienced in the past can be eliminated. This new rule is effective December 1, 2000.

Rule 3018-1

BALLOTS – VOTING ON PLANS

(a) ***Form of Ballot.*** The form of ballot distributed to creditors shall include both the Court's physical address and information regarding the Chapter 11 eBallot hyperlink on the Court's website, www.flmb.uscourts.gov, and shall state that ballots must be received by the Clerk no later than the deadline established by order of the Court.

(b) ***Filing of Ballots.*** Ballots may be filed in paper with the Court or may be electronically filed with the Clerk's Office via the Chapter 11 eBallot hyperlink on the Court's website, www.flmb.uscourts.gov. A report of all ballots filed may be viewed in CM/ECF.

(c) ***Late-Filed Ballots.*** Any ballot received after the last day to file ballots shall be considered as a late-filed ballot, and its acceptance shall be left to the discretion of the judge.

(d) ***Ballot Tabulation.*** The attorney for the proponent of the Chapter 11 plan shall prepare a tabulation of the acceptances and rejections of the plan. The ballot tabulation shall be filed no later than two days prior to the confirmation hearing. The tabulation shall be in the form available on the Court's website, www.flmb.uscourts.gov, and shall list the following for each class: total number of claims voting; total number of claims accepting; total dollar amount of claims voting; total dollar amount of claims accepting; percentage of claims voting that accept the plan; and percentage of dollar amount of claims voting that accept the plan. The ballot tabulation shall also indicate, for each class, whether the class is impaired or unimpaired, and whether the requisite vote has been attained.

(e) ***Rules Governing Ballot Tabulation.*** In tabulating the ballots, the following rules shall govern:

(1) Although CM/ECF creates a ballot report, it may include late-filed or otherwise invalid ballots. The responsibility for independently reviewing and tabulating acceptances and rejections for the plan remains with the attorney for the plan proponent.

(2) Ballots that are not signed, or where a company name is not shown on the signature line (when applicable), will not be counted either as an acceptance or as a rejection.

(3) If the amount of the creditor's claim shown on the ballot differs from the debtor's schedules and a proof of claim has been filed, unless an objection to the amount set forth on the proof of claim has been filed, the amount shown on the proof of claim will be used to determine the amount voting. If no proof of claim has been filed, the amount of the claim on the schedules will be used.

(4) If an objection to a proof of claim has been filed, absent Court order to the contrary, the ballot filed by the claimant shall not be counted as either an acceptance or a rejection, but information regarding the ballot shall be included on the ballot tabulation.

(5) Ballots that do not show a choice of either acceptance or rejection will not be counted either as an acceptance or as a rejection.

(6) Ballots filed after the last date set for filing for ballots will not be counted either as an acceptance or as a rejection, unless leave of Court is granted.

(7) If duplicate ballots are filed, with one electing acceptance and the other electing rejection, neither ballot will be counted unless the later ballot is designated as amending the prior one.

Notes of Advisory Committee

2015 Amendment

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. This amendment to the rule is effective July 1, 2015.

2013 Amendment

This amendment recognizes the Court's current practice, which permits ballots to be electronically filed via CM/ECF or via the Chapter 11 eBallot hyperlink located on the Court's website. The amendment also clarifies the rules governing ballot tabulations. This amendment to the rule is effective July 1, 2013.

2004 Amendment

This amendment 3018-1(b) clarifies how ballots will be submitted to the Court and how they will be maintained by the Clerk's Office.

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 3.05(b) through (d). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Local Rule 3.05(b) has been amended to provide that service of the ballot tabulation shall be on the Office of the United States Trustee and any trustee appointed pursuant to 11 U.S.C. § 1104. The other amendments to Local Rule 3.05(b) are stylistic. No substantive change is intended.

A new provision has been added as Local Rule 3.05(c) requiring that the form of ballot distributed to creditors shall include the address of the Court and shall indicate that ballots should be received and retained by the Clerk no later than the deadline established by order of the Court.

The amendments to Local Rule 3.05(d)(1), (d)(3), and (d)(4) are stylistic. No substantive change is intended.

These amendments to the rule were effective on February 15, 1995.

Rule 3020-1

CHAPTER 11 – CONFIRMATION

(a) ***Amendments to the Plan.*** Amendments to the plan shall be filed with the Court either as a single integrated amended plan or incorporated in the order of confirmation.

(b) ***Objections to Confirmation.*** Unless otherwise ordered by the Court, any objections to confirmation in a Chapter 11 case shall be filed and served seven days before the date of the hearing on confirmation. The objection shall be served upon the debtor, the debtor's attorney, the trustee or examiner (if any), the proponent of the plan (if not the debtor), counsel for any official committee, and the United States Trustee.

(c) ***Confirmation Order.*** The plan proponent shall be responsible for preparing the order of confirmation and submitting it to the Court for entry. The order shall be submitted to the Court within 14 days after the hearing on confirmation.

(1) ***Contents of Confirmation Order.*** The confirmation order shall include the following, if applicable:

(A) a schedule summarizing the exact timing and amount of distributions to be made to each class of creditors under the plan (the "Distribution Schedule"). However, if the confirmation order provides for pro rata distributions to a class of general nonpriority unsecured creditors from a fixed sum of money, the plan proponent shall file the Distribution Schedule no later than 30 days after all objections to claims related to such class are resolved;

(B) notice of any scheduled post-confirmation status conference; and,

(C) if ordered by the Court, the form of a Post-Confirmation Avoidance & Claim Litigation Report to be filed in connection with post-confirmation status conferences conducted in the case. Forms are available on the Court's website, www.flmb.uscourts.gov.

(2) ***Service.*** The plan proponent shall serve a conformed copy of the confirmation order together with a copy of the confirmed plan to all creditors, the United States Trustee, those persons on the Local Rule 1007-2 Parties in Interest List, and other parties as may be designated by the Court and file a proof of such service in accordance with the provisions of Local Rule 9013-3 within 14 days of the entry of the order of confirmation on the docket.

(d) ***Deadline for Filing Adversary Proceedings and Objections to Claims.*** Unless otherwise ordered by the Court, any adversary proceeding or contested matter contemplated by the Chapter 11 plan of reorganization and any objection to claim shall be filed no later than 60 days after the entry of the order of confirmation.

Notes of Advisory Committee

2020 Amendment

The revision to section (c)(1)(A) clarifies that if the confirmation order provides for payments of a fixed sum of money to a class of general nonpriority unsecured creditors (a "pot plan"), the Distribution Schedule otherwise required to be attached to the confirmation order shall be filed no later than 30 days after all objections to claims are resolved. The amendment also clarifies that Post-Confirmation Avoidance & Claim Litigation Reports are required only if the Court so orders. This amendment to the rule is effective August 1, 2020.

2016 Amendment

This amendment requires orders confirming plans in Chapter 11 cases to include a summary of the timing and amount of payments to be made to each class of creditors under the plan. The amendment also changes the deadline from 30 days to 60 days for filing any adversary proceeding or contested matter contemplated by the Chapter 11 plan and any objection to claim. Other revisions are stylistic. This amendment to the rule is effective July 1, 2016.

2014 Amendment

This amendment adds new section (a), requiring that plan modifications and amendments be filed in a single integrated plan or be incorporated in the order of confirmation. The purpose of this amendment is to clarify the terms of the plan as confirmed. The amendment also adds new section (d), requiring that the order of confirmation include notice of the first scheduled post-confirmation status conference and the filing of post-confirmation avoidance and claim litigation reports. This amendment to the rule is effective July 1, 2014.

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.

Paragraph (a) of this rule was formerly Local Rule 3.05(a). Paragraph (b) of this rule was formerly Local Rule 3.06(b). Paragraph (c) of this rule was formerly Local Rule 3.06(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Local Rule 3.06(a) has been amended to include the requirement that the debtor file any adversary proceedings or contested matters contemplated by the plan of reorganization no later than thirty (30) days after the entry of an order of confirmation.

Local Rule 3.06(c) has been amended to include contested matters and adversary proceedings within the matters which must be concluded before entry of a final decree.

Local Rule 3.06(d) has been added to make clear the requirement that a debtor who desires to convert a Chapter 11 case after confirmation of a plan of reorganization may do so only on motion and hearing with notice to all creditors and parties in interest. This is consistent with Bankruptcy Code § 1112(a)(1) which precludes the debtor from converting a case from Chapter 11 to Chapter 7 as a matter of right if the debtor is not a debtor in possession, Fed. R. Bankr. P. 9013 which requires that a request for an order be made by motion, and Fed. R. Bankr. P. 2002(a)(5) which requires that parties in interest receive twenty days' notice of a hearing on conversion of a case to another chapter. It is not intended that this Local Rule create any substantive rights not otherwise available under existing law.

These amendments to the rule were effective February 15, 1995.

Rule 3021-1

DISPOSITION OF UNCLAIMED OR UNDISTRIBUTABLE FUNDS IN A CHAPTER 11 LIQUIDATING PLAN

(a) ***Disposition of Unclaimed Funds or Undistributable Funds Under a Chapter 11 Liquidating Plan.*** A Chapter 11 liquidating plan shall provide for the disposition of unclaimed funds and undistributable funds. The plan may provide that any unclaimed funds or undistributable funds be redistributed to other creditors or administrative claimants, or be donated to a not-for-profit, non-religious organization identified in the plan or disclosure statement accompanying the plan.

(b) ***Unclaimed Funds.*** Unclaimed funds are distributions to creditors left unclaimed 120 days after the final distribution under the plan.

(c) ***Undistributable Funds.*** Undistributable funds are any funds other than unclaimed funds, including, but not limited to, funds that cannot be disbursed because: (1) a creditor has affirmatively rejected a distribution; (2) the administrative costs of distribution make distribution uneconomical; or (3) all creditors, including administrative claimants, have been paid in full and there is no one that has a right to the funds.

(d) ***Failure of Liquidating Plan to Provide for Disposition of Unclaimed Funds or Undistributable Funds.*** If a Chapter 11 liquidating plan does not provide for the disposition of unclaimed funds or undistributable funds, and if there are any such funds at the time of final distribution under the plan, the disbursing agent shall file a motion, upon notice and hearing, proposing disposition of such funds, including as described in section (a) of this rule.

Notes of Advisory Committee

2013

This rule permits liquidating Chapter 11 plans to provide that unclaimed and undistributable funds be redistributed to other creditors or donated to a non-profit organization. This new rule is effective July 1, 2013.

Rule 3022-1

FINAL REPORT/DECREE (CHAPTER 11)

(a) ***Chapter 11 Subchapter V Proceedings.*** Unless extended by the Court, on or before the later of 30 days after the granting of a discharge in a case under Chapter 11 Subchapter V (Small Business Debtor Reorganization), or 30 days after the disposition of all adversary proceedings or contested matters, whichever is later, the debtor's attorney shall file a motion for final decree. This deadline shall apply in both individual and non-individual debtors under Subchapter V.

(b) ***Chapter 11 Non-Subchapter V Proceedings.***

(1) ***Non-Individual Debtors.*** Unless extended by the Court, on or before the later of 30 days after the order of confirmation in a case under Chapter 11, or 30 days after the disposition of all adversary proceedings, contested matters, and objections to claims, the debtor's attorney shall file a certificate of substantial consummation together with a motion for final decree.

(2) ***Individual Debtors.***

(A) ***Administrative Closing.*** After the entry of an order of confirmation and the disposition of all adversary proceedings, contested matters, and objections to claims, individual debtors may file a motion to administratively close the Chapter 11 case. The debtor, any creditor, or any other party in interest may file a motion to reopen an administratively closed case at any time without the necessity of paying a filing fee.

(B) ***Motion to Reopen for Purpose of Obtaining Discharge and Final Decree.*** The debtor may move to reopen the case for the purpose of obtaining a discharge and entry of a final decree after the completion of all payments under the plan, or for the purpose of seeking a hardship discharge. The motion to reopen shall include the total amount of payments made to each creditor under the plan, shall be verified by the debtor, and shall be served upon each creditor.

(C) ***Required Statement Prior to Entry of a Discharge.*** No later than 60 days after completion of all payments under the confirmed plan, or if applicable, upon the filing of a motion seeking entry of a discharge prior to completion of payments under the plan under 11 U.S.C. § 1141(d)(5), the debtor shall file a statement under the penalty of perjury certifying: (i) whether or not 11 U.S.C. § 522(q)(1) is applicable to the debtor; and (ii) whether there is any proceeding in which the debtor may be found guilty of a felony of the kind described in 11 U.S.C. § 522(q)(1)(A) or liable for a debt of the kind described in 11 U.S.C.§ 522(q)(1)(B). Within 14 days of the filing of the certified statement required under this section, any interested party may file and serve a written objection to the statement. Any party who fails to file and serve a written objection in accordance with this section shall be deemed to have consented to entry of the certifying debtor's discharge.

Notes of Advisory Committee

2021 Amendment

This amendment adds new section (a) establishing the deadline for filing a motion for final decree in Subchapter V cases. New section (b)(2)(C) requires individual Chapter 11 debtors seeking a discharge to file a statement certifying under penalty of perjury whether the provisions of 11 U.S.C. § 522(q)(1) are applicable to their case. This amendment also includes an objection procedure pursuant to which any interested party may object to the statement required by section (b)(2)(C) prior to the entry of an order of discharge. This amendment to the rule is effective August 1, 2021.

2019 Amendment

The amendment to section (b)(1) clarifies no filing fee is required for a motion to reopen an administratively closed case. Section (b)(2) is amended to require that individual debtors' motions to reopen administratively closed cases for the purpose of obtaining a discharge include a verified statement of the total amount of payments made under the plan and be served upon creditors. This amendment to the rule is effective July 1, 2019.

2013 Amendment

This amendment permits individual debtors, who, pursuant to 11 U.S.C. § 1141(d)(5), are not eligible to receive a discharge until the debtor has completed all payments under the plan or has obtained a hardship discharge, to obtain an order that administratively closes the case. This amendment to the rule is effective July 1, 2013.

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 3.06(c). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 3071-1

APPLICATIONS FOR ADMINISTRATIVE EXPENSES

Requests for administrative expenses under 11 U.S.C. § 503 shall be made by application as follows:

(a) ***Chapter 7 Cases.*** In Chapter 7 cases, applications for administrative expenses shall be filed before the later of:

(1) the claims bar date;

(2) for administrative expenses arising from the use of premises by a trustee, within 30 days after the surrender of the premises from the trustee; or

(3) 30 days after the occurrence of the last event giving rise to the claim.

(b) ***Chapter 11, 12, and 13 Cases.*** In Chapter 11, 12, and 13 cases, applications for administrative expenses shall be filed before the later of:

(1) 14 days prior to the hearing on confirmation or, to the extent that the claim arose after the initial deadline, 14 days before any continued hearing on confirmation; or

(2) 30 days after the occurrence of the last event giving rise to the claim.

(c) ***All Other Chapters.*** In cases under all other chapters of the Bankruptcy Code, applications for administrative expenses shall be filed as specified by the Court.

Notes of Advisory Committee

2021 Amendment

This amendment shortens the time for filing administrative claims from 21 to 14 days before the confirmation hearing in Chapter 11, 12, and 13 cases. This amendment to the rule is effective August 1, 2021.

2019 Amendment

This rule previously applied to administrative expense claims under 11 U.S.C. § 503(b)(1). The amendment revises the rule to apply to all administrative claims under 11 U.S.C. § 503. This amendment to the rule is effective July 1, 2019.

2015 Amendment

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. This amendment to the rule is effective July 1, 2015.

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 2.20. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

PART IV.

THE DEBTOR: DUTIES AND BENEFITS

Rule 4001-1

AUTOMATIC STAY

(a) ***Motions to Extend or Impose the Automatic Stay.*** A motion to extend the automatic stay under 11 U.S.C. § 362(c)(3) shall be filed and served upon interested parties within seven days of the filing of the petition. A motion to impose the automatic stay under 11 U.S.C. § 362(c)(4) shall be filed and served upon interested parties as soon as practicable after the filing of the petition.

(b) ***Motions to Confirm that No Automatic Stay Is in Effect Under 11 U.S.C. § 362(j).*** No filing fee is required for motions filed under 11 U.S.C. § 362(j) for an order confirming that the automatic stay or the codebtor stay is terminated under 11 U.S.C. § 362(c)(3) or did not become effective under 11 U.S.C. § 362(c)(4). The motion shall include the date of filing and date of dismissal of the debtor's prior bankruptcy case(s), and, if the prior bankruptcy case(s) were in another district, copies of court records reflecting this information.

(c) ***Motions for Relief from Stay.***

(1) ***Chapters 7 and 11.*** Motions for relief from the automatic stay in Chapter 7 and 11 cases shall include the following:

(A) copies of loan documents, including filing and recording information necessary to establish a perfected security interest;

(B) if the basis for the motion is lack of equity under 11 U.S.C. § 362(d)(2)(A), evidence of value; and

(C) a statement of indebtedness, including information regarding any default under the loan.

(2) ***Chapters 12 and 13.***

(A) ***Generally.*** The Court discourages secured creditors whose claims are being paid through the debtor's Chapter 12 or Chapter 13 plan payments from seeking relief from the automatic stay based upon the debtor's default in plan payments. In most instances, the

Court will rely upon the trustee to monitor payments under the plan and to file a motion to dismiss, if appropriate.

(B) ***Plan Provides for Surrender of Property, Direct Payment to Secured Creditor, or Does Not Provide for Claim.*** If the debtor's Chapter 12 or Chapter 13 plan provides for the surrender of collateral to the movant, for the debt to be paid by the debtor directly to the movant rather than through the Chapter 13 trustee's office, or does not provide for the movant's claim under the plan, the movant shall include a statement to that effect. If the statement is in the form of an affidavit or declaration by the movant's attorney, the Court's negative notice procedures do not apply and an order granting the motion will be entered without a hearing. If the stay has terminated as a result of the treatment of the movant's claim under the plan and the Court's administrative order prescribing procedures for Chapter 13 cases, the movant may use this procedure to file a motion for an order confirming that the automatic stay is not in effect. No filing fee is required for a motion filed under this subsection.

(C) ***Motions for Relief from Codebtor Stay.*** Motions for relief from the codebtor stay imposed by 11 U.S.C. §§ 1201(a) or 1301(a) must establish that the debtor's Chapter 13 plan does not provide for payment in full of the movant's claim or that the movant's interest will be irreparably harmed by continuation of the codebtor stay. The moving party may combine a request for relief from the codebtor stay with a request for relief from stay as to the debtor in a single motion. However, if a motion for relief from the codebtor stay is combined with a motion for relief from stay as to the debtor using the negative notice procedures of Local Rule 2002-4, the moving party waives the right to enforce the 20-day deadline contained in 11 U.S.C. §§ 1201(d) or 1301(d) and the stay remains in effect until the Court's ruling on the requested relief.

(3) ***Requests for Waiver of the 14-Day Stay Under Fed. R. Bankr. P. 4001(a)(4).*** Generally, the Court will grant a request for waiver of the 14-day stay under Fed. R. Bankr. P. 4001(a)(4) if the request is included in a motion for relief from stay as to real property. Absent compelling circumstances, the Court will deny a request for waiver of the 14-day stay with respect to motor vehicles.

(4) ***Standing.*** Unless the issue of standing is actually litigated and determined by the Court, the Court's order granting or denying a motion for relief from stay will not make a determination that the movant has standing to seek the relief requested in the motion or any related action pending in another court.

(5) ***Effect of Conversion on Pending Motion.*** If a case is converted from one chapter to another while a motion for relief from stay is pending, the Court's order of conversion will provide for the abatement of the motion until the movant files an amended motion and serves the amended motion upon all appropriate parties, including the trustee appointed in the converted case. No filing fee will be assessed for the amended motion.

(6) ***Effect of Dismissal on Pending Motion.*** If a case is dismissed while a motion for relief from stay is pending, the Court's dismissal order will confirm that the stay is terminated by operation of law upon the effective date of the dismissal order and will deny all

pending motions that do not fall within the exceptions below. All pending hearings will be cancelled except for the following, over which the Court will retain jurisdiction:

(A) motions for relief from stay that:

(i) are scheduled for hearing within 14 days of the date of the dismissal order; or

(ii) request an order binding upon the debtor in subsequently filed cases; and

(B) any pending motion or order to show cause for dismissal with prejudice.

(7) ***Inspection of Property.*** Upon reasonable notice, the moving party shall be entitled to inspect the property that is the subject of a motion for relief from the automatic stay. The notice shall provide for inspection not less than seven days from the date of service of such notice unless the time is shortened by the Court.

(8) ***Discovery Response Time.*** For the purpose of this rule, the time for responding to discovery requests under Fed. R. Bankr. P. 7030, 7034, and 7036 is reduced to 21 days, unless otherwise directed by the Court.

(9) ***Expert Witness Testimony.*** A party who intends to introduce the testimony of an expert witness at trial shall make such witness available for deposition upon reasonable notice.

(10) ***Deemed Waiver of Time Limits Under 11 U.S.C. § 362(e)(1) and (2).*** A party seeking relief from the automatic stay using the negative notice procedures set forth in Local Rule 2002-4 waives the right to enforce the 30- or 60-day hearing requirements contained in 11 U.S.C. § 362(e), and the 30- or 60-day hearing requirements shall be deemed extended until the Court's ruling on the relief requested by such party.

Notes of Advisory Committee

2024 Amendment

This amendment to section (c)(6) clarifies that, upon dismissal of a case, the Court will retain jurisdiction and hold hearings on motions for relief from stay that (i) are scheduled for hearing within 14 days of the date of the dismissal order or (ii) request an order binding upon the debtor in subsequently filed cases. This amendment to the rule is effective August 15, 2024.

2023 Amendment

This amendment revises section (c)(2)(C) to conform with the Court's current procedures that a request for relief by negative notice also waives the deadlines for relief from the codebtor stay in 11 U.S.C. §§ 1201(d) and 1301(d). This amendment to the rule is effective August 1, 2023.

2022 Amendment

This amendment adds new section (c)(10) which deems use of the negative notice procedure under Local Rule 2002-4 in connection with a request for relief from the automatic stay as an acknowledged waiver of the timing requirements for hearings contained in 11 U.S.C. § 362(e). This amendment to the rule is effective July 1, 2022.

2019 Amendment

Section (b) is amended to reflect that no filing fee is required for motions to confirm the absence of the automatic stay under 11 U.S.C. § 362(j) or because the debtor's Chapter 13 plan does not provide for payments to be made through the plan. Section (c)(2)(B) is amended to provide that creditors may file a motion to confirm that there is no stay in effect as a result of a Chapter 13 debtor's treatment of the creditor's claim in the debtor's plan and the Court's administrative order governing procedures in Chapter 13 cases. (Note: as of the effective date of this amendment, the reference to the Court's administrative order prescribing procedures for Chapter 13 cases in section (c)(2)(B) is to Administrative Order No. FLMB-2018-2 dated April 23, 2018.) In addition, section (c)(2)(C) is amended to permit a request for relief from the codebtor stay to be combined with a request for relief from stay as to the debtor in a single motion for relief from the automatic stay. This amendment to the rule is effective July 1, 2019.

2017 Amendment

This rule is revised to reflect the policy of the judges of the Middle District to grant requests for a waiver of the 14-day stay under Fed. R. Bankr. P. 4001(a)(3) with respect to motions for relief from stay as to real estate, but not for automobiles, absent compelling circumstances. Other changes are stylistic. This amendment to the rule is effective July 1, 2017.

2014

This new rule is effective July 1, 2014.

Rule 4003-2

LIEN AVOIDANCE

(a) ***Title and Contents of Motion.*** The title of the motion shall identify the creditor whose lien is sought to be avoided. The motion shall be verified or be accompanied with an affidavit and shall describe with specificity the nature of the lien, recording information, if applicable, and the property affected with legal description, as appropriate.

(b) ***Motion Directed to a Single Creditor.*** A separate motion is required for each creditor whose lien is sought to be avoided.

(c) ***Service.*** A motion to avoid a lien under 11 U.S.C. § 522(f) shall be served in accordance with Fed. R. Bankr. P. 7004 and 9014.

Notes of Advisory Committee

2015 Amendment

This amendment is stylistic and conforms the rule to current practice. This amendment to the rule 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 to the rule was effective on April 15, 1997.

This rule was formerly Local Rule 2.12. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

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

Rule 4004-2

MODIFICATION OF DEADLINE FOR OBJECTIONS TO DISCHARGE

If a case is dismissed prior to the expiration of the deadline for objecting to discharge and subsequently reinstated, the deadlines set pursuant to Fed. R. Bankr. P. 4004(a) for filing a complaint or motion objecting to discharge under 11 U.S.C. § 727 and for filing a motion objecting to discharge under 11 U.S.C. § 1328(f) are modified as follows:

(a) ***Cases Dismissed Before § 341 Meeting of Creditors is Held and Subsequently Reinstated.*** If a case is dismissed before the § 341 meeting of creditors is held and subsequently reinstated, the new deadline for objecting to discharge under 11 U.S.C. § 727 or 11 U.S.C. § 1328(f) shall be 60 days after the rescheduled § 341 meeting of creditors.

(b) ***Cases Dismissed After § 341 Meeting of Creditors is Held and Subsequently Reinstated.*** If a case is dismissed after the § 341 meeting of creditors is held and subsequently reinstated, the new deadline for objecting to discharge under 11 U.S.C. § 727 or 11 U.S.C. § 1328(f) shall be 60 days from entry of the order reinstating the case.

Notes of Advisory Committee

2021

This rule creates a uniform procedure for extending the deadline for filing objections to discharge in reinstated cases. This new rule is effective August 1, 2021.

Rule 4007-1

MODIFICATION OF DEADLINE
FOR OBJECTING TO DISCHARGEABILITY OF A DEBT

If a case is dismissed prior to the expiration of the deadline for objecting to dischargeability and subsequently reinstated, the deadline set pursuant to Fed. R. Bankr. P. 4007(c) for filing a complaint objecting to dischargeability of a debt is modified as follows:

(a) ***Cases Dismissed Before § 341 Meeting of Creditors is Held and Subsequently Reinstated.*** If a case is dismissed before the § 341 meeting of creditors is held and subsequently reinstated, the new deadline for filing objections to dischargeability shall be 60 days after the rescheduled § 341 meeting of creditors.

(b) ***Cases Dismissed After § 341 Meeting of Creditors is Held and Subsequently Reinstated.*** If a case is dismissed after the § 341 meeting of creditors is held and subsequently reinstated, the new deadline for filing objections to dischargeability shall be 60 days from entry of the order reinstating the case.

Notes of Advisory Committee

2021

This rule creates a uniform procedure for extending the deadline for filing objections to dischargeability in reinstated cases. This new rule is effective August 1, 2021.

Rule 4008-1

REAFFIRMATION AGREEMENTS

(a) ***Form of Reaffirmation Agreement.*** The Court requires the use of the Official Forms available on the Court's website, www.flmb.uscourts.gov, and will consider the failure to use the Official Forms on a case-by-case basis.

(b) ***Execution.*** The Court does not require creditors to sign proposed reaffirmation agreements prior to sending them to debtors. If a debtor receives a reaffirmation from a creditor that the creditor has not signed, the debtor shall return the reaffirmation agreement to the creditor for final signature and filing with the Court.

(c) ***Debtors Not Represented by Counsel.*** Reaffirmation agreements by debtors not represented by counsel may be scheduled for hearing.

(d) ***Debtors Represented by Counsel.*** Reaffirmation agreements by debtors represented by counsel will be scheduled for hearing only if (1) the attorney has not signed the reaffirmation agreement or (2) the attorney indicates on the cover sheet to the reaffirmation agreement that a presumption of undue hardship arises, unless the Court has reviewed the reaffirmation agreement and has determined that no hearing is necessary to address the stated undue hardship.

(e) ***Extension of Time to Enter into Reaffirmation Agreement.*** The Court may grant a motion under Fed. R. Bankr. P. 4008(a) for an extension of time to file a reaffirmation agreement and delay entry of the debtor's discharge up to 60 days, provided that the motion is filed prior to entry of the discharge. The Court may set a hearing on a request for an extension that exceeds 60 days to allow the movant to establish good cause for the length of the request.

(f) ***Reaffirmation Agreements Filed After Entry of Discharge.*** The Court may consider a reaffirmation agreement filed after entry of the discharge, if the agreement was made prior to entry of the discharge.

(g) ***Reaffirmation Agreements Filed After Case Is Closed.*** Motions to reopen closed Chapter 7 cases to file reaffirmation agreements timely reached but not filed prior to the entry of the discharge and closing of the case need not be served upon creditors and will be considered without a hearing. An order granting the motion may be submitted when the motion to reopen is filed. Absent a showing of good cause, the Court will not waive the case reopening fee.

(h) ***No Presumption of Enforceability.*** The Court's approval of a reaffirmation agreement shall not constitute a presumption that the terms of the reaffirmation agreement are enforceable against the debtor.

Notes of Advisory Committee

2019 Amendment

Section (e) is amended to provide that the Court may grant an extension of time to file a reaffirmation agreement and delay the entry of the debtor's discharge for up to 60 days. Section (f) is amended to clarify that the Court may consider reaffirmation agreements made before the entry of discharge even if the written agreement is filed after entry of the discharge. This amendment to the rule is effective July 1, 2019.

2015

This rule incorporates procedures adopted by the Court as set forth in a memorandum to counsel from Chief Judge Jennemann dated October 23, 2014 (available under Emailed Blast Notifications on the Court's website). This new rule is effective July 1, 2015.

PART V.

COURTS AND CLERKS

Rule 5001-2

CLERK'S OFFICE LOCATIONS, HOURS, AND PROCEDURES FOR AFTER-HOURS FILING IN CASE OF EMERGENCY

(a) ***Locations.*** The Clerk's offices, located in Tampa, Jacksonville, and Orlando, are open to the public during times posted on the Court's website at www.flmb.uscourts.gov/locations/. Access to CM/ECF is generally available 24 hours a day, seven days a week.

(b) ***After-Hours Filings in Cases of Emergency and by Non-Electronic Filing Users.*** If CM/ECF is inaccessible, an Electronic Filing User's system is inoperable, or an emergency requires the paper filing of a document to meet a filing deadline, the Court will permit the after-hours filing of paper documents by facsimile. Non-Electronic Filing Users are also permitted to file paper documents by facsimile after hours to meet filing deadlines.

(1) ***Filing by Facsimile.*** If filing by facsimile, the first page and the signature page of petitions and other papers must be received by facsimile after 4:00 p.m. Eastern Standard Time and before 12:00 a.m. (midnight) Eastern Standard Time. Only the first page and the signature page of the document should be transmitted to the Court by facsimile.

(2) ***Where to Fax Documents.*** The pages must be transmitted to the Division assigned to handle the case. The facsimile telephone numbers can be found through the Court's website located at After Hours Filing Procedure | U.S. Bankruptcy Court Middle District of Florida (uscourts.gov).

(3) ***Untimely Filed Documents Discarded.*** Any document received by facsimile between the hours of 12:00 a.m. (midnight) and 4:00 p.m. will be discarded by the Clerk's Office.

(4) ***Requirement to Timely File Original Document.*** The original document and any required fee must be received and time stamped by the Office of the Clerk of the Court in the Division in which the case is assigned, or must be filed electronically using CM/ECF, no later than 12:00 p.m. (noon) Eastern Standard Time on the Court's next business day.

(5) ***Date and Time Filed.*** Documents filed in accordance with the above procedures will be deemed filed on the date and at the time printed on the document by the facsimile machine in the Office of the Clerk of Court in the Division in which the document is

filed. Upon the timely receipt of the original document and any required filing fee, the Court will stamp the original document (or in the case of an electronically filed document, make an appropriate docket entry) with the following notation:

This document is deemed filed on _____ pursuant to Local Rule 5001-2 governing after-hours filing.

(6) ***Untimely Documents of No Force or Effect.*** If the original document is not timely received, the Clerk will note that fact and the facsimile will have no force or effect.

(7) ***Case Number Assignment.*** The Clerk's Office will not assign a case number to a bankruptcy petition or an adversary number to an adversary complaint until the original document is filed with the Court. The Clerk shall not acknowledge the filing of the document to any creditor or other party until the original is filed.

Notes of Advisory Committee

2012

This rule incorporates abrogated Local Rule 5001-1 Unavailability of Electronic Filing System ("CM/ECF") and archived Administrative Order FLMB-2003-2 "Order Prescribing Administrative Procedures for After-Hours Filing in the Bankruptcy Court, Middle District of Florida." This new rule is effective March 15, 2012.

Rule 5003-3

COURT PAPERS – REMOVAL OF

(a) ***Paper Files May Be Reviewed in the Clerk's Office.*** Any person may review in the Clerk's office Court files maintained in paper form or other papers or records in the possession of the Clerk.

(b) ***Clerk's Permission Required to Remove Files*.** Paper files may be removed from the Clerk's office only in emergency situations or as needed in connection with a related criminal or civil court proceeding upon written permission by the Clerk that shall specify the time within which files shall be returned.

(c) ***Court Permission Required to Make Entry or Corrections to Paper Files.*** No person shall insert or delete, tamper or deface, make any entry or correction by interlineation or otherwise, in, from or upon any file or other record of the Court unless expressly permitted or ordered to do so by the Court. No person other than the Clerk or authorized deputies or an official copy service shall unfasten any paper in any Court file.

Notes of Advisory Committee

2015 Amendment

The revisions to this rule are primarily stylistic. This amendment to the rule is effective July 1, 2015.

2004 Amendment

This rule was formerly Local Rule 5003-2.

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 1.10. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendment to Local Rule 1.10(b) makes this rule consistent with actual practice. These amendments to the rule were effective on February 15, 1995.

Rule 5005-1

FILING PAPERS – REQUIREMENTS

(a) ***Attorneys Required to File via CM/ECF.*** Attorneys shall file papers with the Court via CM/ECF as set forth in Local Rule 1001-2.

(b) ***Pro Se Debtors Shall File in Paper Form.*** Debtors not represented by attorneys shall file petitions commencing cases under the Bankruptcy Code and all other papers in paper form.

(c) ***Petitions Received by Mail.*** Petitions received by the Clerk's Office via the United States Mail shall be stamped "Filed via Mail" and shall be deemed filed as of 10:00 a.m. Eastern Standard or Eastern Daylight Savings Time on the day received.

(d) ***Requirements for Paper Filings.*** Papers tendered for filing shall be typewritten, or if produced by computer-generated software, be printed by letter-quality printers. Papers shall be singled-sided, void of tabs, and shall be on white paper approximately 8 1/2 inches wide by 11 inches long, with one-inch margins. The Clerk shall convert any filed paper document to an electronic format by an electronic scanning process. The Clerk shall retain all scanned paper documents for 60 days for quality control purposes and shall destroy or discard such documents after the expiration of such time period.

Notes of Advisory Committee

2015 Amendment

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. This amendment to the rule is effective July 1, 2015.

2004 Amendment

This addition is authorized by Rules 5005 and 7005 of the Federal Rules of Bankruptcy Procedure, and is occasioned by the implementation in the Middle District of Florida of the case management/electronic case filing system of the United States Courts.

Rule 5005-4

SEALED PAPERS

(a) ***Rule Does Not Apply to In Camera Inspections.*** The provisions of this rule do not apply to *in camera* inspections ordered by the Court. Papers (whether in paper or electronic format) that the Court has agreed to inspect *in camera* must not be filed on the case docket but must be delivered to the assigned judge's chambers.

(b) ***Motion to File Paper Under Seal by Unrepresented Individual.*** An unrepresented individual who wishes to file a paper under seal (i.e., with viewing access restricted) and who is not a CM/ECF User (the "Moving Party") must comply with the following procedures for filing a paper under seal. Other than as stated in this section, the other provisions of this rule apply.

(1) ***Separate Motion Required***. Unless the paper to be sealed is of the type described in section (d), the Moving Party must first file a motion that prominently states on its first page that the individual wishes to file a paper under seal and that includes contact information, such as a telephone number and an email address. The paper to be filed under seal must not be attached to or submitted with the motion. The Moving Party will be informed by the Court of its ruling on the motion.

(2) ***Filing of Paper Under Seal.*** If the Moving Party is informed by the Court than it has entered an order granting the Moving Party's motion to file a paper under seal or if the sealed paper is of the type described in section (d), the Moving Party must deliver to the Clerk's Office a sealed envelope containing the sealed paper for delivery to the assigned judge's chambers. The outside of the envelope must state the case name and number and prominently state "Sealed Paper." The judge's staff will then arrange for the sealed paper to be docketed with the appropriate viewing restrictions.

(c) ***Motion to File Paper Under Seal by Represented Parties.***

(1) ***Motion Required.*** A party who seeks to file a paper under seal must file a motion via CM/ECF using the "Motion to File Paper Under Seal" docket event. The moving party must submit a proposed order using the order submission procedures posted on the Court's website, www.flmb.uscourts.gov. The motion must state the factual and legal basis for sealing the paper under 11 U.S.C. § 107. **The paper to be filed under seal must not be attached to or submitted with the motion to file paper under seal.** During the docketing process, the moving party must select whether the docket entry and image of the motion to file paper under seal will have unrestricted viewing access (i.e., accessible to anyone with a CM/ECF or PACER login) or whether viewing access will be restricted to the filer, the judge assigned to the case, such staff members (*e.g.,* law clerk, judicial assistant) as the judge may designate, internal Clerk's Office staff, the U.S. Trustee, the trustee assigned to the case, and any auditor serving under 28 U.S.C. § 586(f). If access is restricted to the motion to file paper under seal, access will also be limited to the resulting order on the motion.

(2) ***Order Required.*** Except as set forth in section (d), an order granting a motion to file paper under seal must be entered before the sealed paper is filed. Upon entry of an order granting motion to file paper under seal, the Court will notify the moving party, who may then file the sealed paper.

(3) ***Request for In Camera Inspection of Sealed Paper.*** A party seeking to file a paper under seal and requesting *in camera* review before the motion is decided, must prominently state on its first page that the party wishes to file a paper under seal and requests *in camera* review. The motion must state the reasons as to why *in camera* review is appropriate and the factual and legal basis for sealing the paper under 11 U.S.C. § 107. **The paper to be filed under seal must not be attached to or submitted with the motion.** During the docketing process, the moving party must select restricted viewing access of the docket entry and motion. If the Court agrees to conduct an *in camera* inspection, the moving party must deliver the paper to the assigned judge's chambers. After an *in camera* review, if the motion is denied, the moving party will be given the opportunity to withdraw the motion. If the moving party withdraws the motion, the paper will be destroyed or returned to the moving party, and no disclosure to third parties will be made.

(d) ***Papers That May Be Filed Under Seal Without Prior Court Approval.*** The following types of papers do not require the entry of an order granting a motion to file paper under seal prior to the paper's being filed under seal:

(1) motions for writ of garnishment, writ of attachment, or writ of execution;

(2) adversary complaints seeking emergency injunctive relief;

(3) trustees' motions to inspect or enter upon property without notice;

(4) motions for temporary restraining orders that are requested to be entered without notice; and

(5) papers relating to an individual's personal health information.

(e) ***Filing of Sealed Paper.*** Unless directed otherwise by the Court, a paper permitted to be filed under seal must be filed via CM/ECF using the "Sealed Paper" docket event. The Clerk's Office will notify the staff of the judge assigned to the case when the sealed paper has been filed. Unless otherwise ordered by the Court, the docket entry and the image of the sealed paper will be viewable only by the moving party, the assigned judge and such staff members (*e.g.,* law clerk, judicial assistant) as the judge may designate, the U.S. Trustee, the trustee assigned to the case, and any auditor serving under 28 U.S.C. § 586(f).

(f) ***Sealed Orders.*** If the sealed paper is a motion or application that seeks the entry of a sealed Court order, the proposed order may be submitted using the order submission procedures posted on the Court's website, www.flmb.uscourts.gov. The Court will notify the moving party of the entry of the sealed order. Unless otherwise ordered by the Court, the docket entry and image of the order will be viewable only by the moving party, the assigned judge and

such staff members (*e.g.,* law clerk, judicial assistant) as the judge may designate, the U.S. Trustee, and the trustee assigned to the case, and any auditor serving under 28 U.S.C. § 586(f).

(g) ***Access to Sealed Papers and Orders Will Be Determined on a Case-by-Case Basis.*** Notwithstanding the foregoing, the Court will consider, on a case-by-case basis, the papers filed under seal and determine who may have access to the sealed paper and related orders and if and when restrictions on access should be terminated.

Notes of Advisory Committee

2023 Amendment

This amendment adds new section (c)(3) outlining the procedure for requesting *in camera* review before a motion to file under seal is decided by the Court. Other changes are stylistic. This amendment to the rule is effective August 1, 2023.

2019 Amendment

The amendment to section (b) provides procedures for *pro se* non-CM/ECF users to file papers under seal. Section (d) is amended to permit papers relating to an individual's personal health information to be filed under seal without first obtaining an order authorizing the filing under seal. This amendment to the rule is effective July 1, 2019.

2017 Amendment

This amendment revises the rule to clarify that it does not apply to documents provided to the Court for its *in camera* review and which are not filed on the docket. The rule also specifies the types of papers that may be filed under seal without prior Court approval. This amendment to the rule is effective July 1, 2017.

2016 Amendment

This rule is amended to conform to current practice as set forth in the Procedure for Filing Papers under Seal adopted by the Court on June 11, 2015. Access to sealed papers is consistent with 11 U.S.C. § 107(c)(3). This amendment to the rule is effective July 1, 2016.

2004

This new rule sets out that sealed documents must remain in paper form and not made part of CM/ECF. It also instructs the Clerk on maintenance of sealed documents.

Rule 5011-1

WITHDRAWAL OF REFERENCE

(a) ***Contents of Motions for Withdrawal of Reference and Responses.*** Every written motion for withdrawal of the reference of a case or proceeding under 28 U.S.C. § 157(b)(5) or (d) and response thereto shall be accompanied by a legal memorandum with citation of supporting authorities. Absent prior permission of the District Court, the form, format, and length of the legal memorandum shall comply with the Local Rules of the District Court.

(b) ***Deadline for Filing Motion for Withdrawal of Reference of Bankruptcy Case.*** A motion for withdrawal, in whole or in part, of the reference of a bankruptcy case shall be filed with the Clerk no later than 21 days after the date of the notice of the meeting of creditors mandated by 11 U.S.C. § 341 and Fed. R. Bankr. P. 2003(a). Parties in interest without notice or without actual knowledge of the pendency of the case may move for withdrawal of the reference no later than 21 days after having acquired actual knowledge of the pendency of the case.

(c) ***Deadline for Filing Motion for Withdrawal of Reference of Adversary Proceeding or Contested Matter.*** A motion for withdrawal of the reference of an adversary proceeding or contested matter arising in, under, or related to a case that is a subject of the Order of General Reference must be filed with the Clerk no later than 30 days after service of the initial pleading or such other time period as ordered by the Court. The United States or an officer or agency thereof shall move for withdrawal of the reference no later than 35 days after service of the initial pleading or such other time period as ordered by the Court.

(d) ***Service of Motion for Withdrawal of Reference.*** A motion for withdrawal of the reference of an adversary proceeding or contested matter shall be served on counsel of record for all parties to the proceeding or contested matter or, if a party has no counsel, on the party, and on counsel of record for the debtor, the debtor, and the United States Trustee.

(e) ***Deadline for Filing Response Motion for Withdrawal of Reference.*** The opposing parties shall have 14 days after the entry of the motion on the docket to file a response and legal memorandum.

(f) ***Transmission to the District Court.*** After expiration of the time allowed for a response, the Clerk shall transmit the motion and legal memorandum, response and legal memorandum, if any, and such other papers filed with the Court as the parties request to the Clerk of the District Court.

(g) ***Bankruptcy Case Retains Jurisdiction Pending the District Court's Ruling on the Motion.*** Until and unless the Court or the District Court orders otherwise, the Court shall continue to hear the case or proceeding while the motion for withdrawal of the reference is under consideration in the District Court.

Notes of Advisory Committee

2022 Amendment

This amendment revises section (a) to provide that the form, format, and length of any legal memoranda should comply with the Local Rules of the District Court. Section (c) is revised to provide that motions for withdrawal of the reference must be filed no later than 30 days after service of the initial pleading or such other time period as ordered by the Court; the United States or an officer or agency thereof shall move for withdrawal of the reference no later than 35 days after service of the initial pleading or such other time period as ordered by the Court. This amendment to the rule is effective July 1, 2022.

2015 Amendment

The revisions to this rule are primarily stylistic. This amendment to the rule 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 to the rule was effective on April 15, 1997.

This rule was formerly Local Rule 1.05. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendment to Local Rule 1.05 to delete the term "brief" when used in conjunction with "legal memorandum" as redundant is stylistic as is the addition of term "contested matter" where the term "proceeding" is used. No substantive change is intended.

Local Rule 1.05 (b)(2) has been amended to specify that a motion for withdrawal of a proceeding or contested matter must be filed with the Clerk no later than thirty (30) days, or thirty-five (35) days in the case of the federal government, after the filing of the initial pleading or other paper commencing the proceeding or contested matter. In adversary proceedings, this

corresponds to the time an answer or motion is due pursuant to Fed. R. Bankr. P. 7012(a). The amendment makes clear that motions to withdraw the reference of contested matters must be filed within the same period despite the inapplicability of Fed. R. Bankr. P. 7012 to contested matter.

Local Rule 1.05 (b)(3) has been amended to specify that a motion for withdrawal of a proceeding or contested matter shall be served on all parties to the proceeding or contested matter or, if a party has no counsel, on the party, in addition to counsel of record for the debtor, the debtor, and the United States Trustee. These amendments to the rule were effective on February 15, 1995.

1993 Amendment

This amendment added a requirement for the filing of briefs or legal memoranda in certain circumstances to harmonize the practice in the Bankruptcy Court with the practice in the District Court and to facilitate the hearing and determination in the District Court of motions for withdrawal of the reference, objections to proposed findings of fact and conclusions of law in non-core proceedings, and other motions, applications, objections, and the like that are filed in the Bankruptcy Court but heard and determined in the District Court. The amendment to the rule was effective August 15, 1993.

Rule 5011-2

ABSTENTION

(a) ***General Deadlines.*** A motion to abstain from a case, adversary proceeding, or contested matter under 11 U.S.C. § 305 or 28 U.S.C. § 1334(c) shall be filed with the Clerk no later than the time set for filing a motion for withdrawal of the reference pursuant to Local Rule 5011-1.

(b) ***Deadline in Removed Adversary Proceeding.*** A motion to abstain from hearing a removed adversary shall be timely if filed no later 21 days following the filing of the notice of removal of the proceeding pursuant to 28 U.S.C. § 1452.

Notes of Advisory Committee

2015 Amendment

The revisions to this rule are primarily stylistic. This amendment to the rule is effective July 1, 2015.

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 1.06. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendment to Local Rule 1.06 is stylistic. No substantive change is intended.

These amendments to the rule were effective on February 15, 1995.

Rule 5071-1

RESCHEDULING HEARINGS OR TRIALS

(a) ***Court Order Required to Reschedule Hearing or Trial.*** Hearings or trials will not be rescheduled upon stipulation of counsel alone, but may be allowed by order of the Court for good cause shown.

(b) ***Motions to Reschedule.*** Motions to reschedule must set forth the date and time of the hearing or trial to be rescheduled, the reason for the request, approximately when the matter is to be rescheduled and the reasons therefor, a statement that the movant has conferred with counsel for opposing parties concerning the request, and the position of other parties concerning the request.

(c) ***Proposed Orders.*** Upon filing the motion, counsel must submit a proposed order containing a blank space for a rescheduled hearing date.

(d) ***Hearings on Motions for Relief from Stay.*** A motion to reschedule a hearing on a motion for relief from the automatic stay will only be granted if the party seeking relief from the automatic stay waives the time limitations set forth in 11 U.S.C. § 362(e).

(e) ***Hearings Continued Without Written Notice.*** Hearings may be continued from time to time by announcement made in open Court without further written notice. Electronic Filing Users will receive electronic notification of any docket entry continuing the hearing.

(f) ***Creditors' Meetings.*** All requests to reschedule creditors' meetings pursuant to 11 U.S.C. § 341 shall be directed to the trustee assigned to the case.

Notes of Advisory Committee

2024 Amendment

The amendment renames the rule (formerly titled: Continuances) and amends it to clarify that it applies to rescheduling hearings and trials, and not just continuances. This amendment to the rule is effective August 15, 2024.

2015 Amendment

The revisions to this rule are primarily stylistic. This amendment to the rule is effective July 1, 2015.

2004 Amendment

This rule is amended to revise section (c), deleting the requirement to submit copies and self-addressed stamped envelopes since the Court can serve order via BNC.

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 2.08(a) through (h). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 5072-1

COURTROOM DECORUM

(a) ***Purpose of Rule.*** The purpose of this rule is to state, for the guidance of those unfamiliar with the traditions of this Court, certain basic principles concerning courtroom behavior and decorum. The requirements stated in this rule are minimal, not all-inclusive, and are intended to emphasize and supplement, not supplant or limit, the ethical obligations of counsel under the Rules of Professional Conduct or the time-honored customs of experienced trial counsel. Individual judges of the Court may, in any case, or generally, announce and enforce additional prohibitions or requirements, or may excuse compliance with any one or more of the provisions of this rule.

(b) ***Courtroom Conduct and Decorum.*** When appearing in this Court, unless excused by the presiding judge, all counsel (including, where the context applies, all persons at counsel table) must:

(1) stand as court is opened, recessed, or adjourned;

(2) stand when addressing or being addressed by the Court;

(3) stand at the lectern while examining any witness;

(4) stand at the lectern while making opening statements or closing arguments;

(5) address all remarks to the Court, not to opposing counsel. Counsel must address only the judge when commenting, inquiring, or arguing;

(6) avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between the litigants or witnesses;

(7) refer to all persons, including witnesses, other counsel, and the parties, by their surnames (and not by their first or given names) or otherwise use case designations (for example, “the plaintiff,” “the defendant,” or “the witness”). Counsel and litigants must call the judge “Judge [Last Name]” or “Your Honor;”

(8) request permission before approaching the bench, and hand to the Clerk any documents that counsel wish the Court to examine;

(9) hand any paper or exhibit not previously marked for identification (*see* Local Rule 9070-1) to the Clerk to be marked before it is tendered to a witness for examination, and hand any exhibit to opposing counsel concurrent with the exhibit being offered into evidence;

(10) when making objections, state only the legal grounds for the objection and withhold all further comment or argument unless elaboration is requested by the Court;

(11) when examining a witness, refrain from repeating or echoing the answer given by the witness;

(12) limit examination or cross-examination of a witness to one attorney for each party and ensure the attorney who objects during direct examination of a witness is the same attorney who cross-examines the witness;

(13) not express personal knowledge or opinion when making an opening statement or a closing argument;

(14) keep all electronic devices on silent mode;

(15) instruct all persons at counsel table that gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval during the testimony of witnesses, or at any other time, are absolutely prohibited;

(16) conduct themselves with civility and in a spirit of cooperation in order to reduce unnecessary cost and delay;

(17) ensure that clients, witnesses, and parties at counsel table know and observe these rules;

(18) be aware that the proceedings of the Court are serious and dignified. All persons appearing in Court, whether remotely or in person, should therefore dress in appropriate business attire consistent with their financial abilities. Attorneys and litigants must not wear clothing intended or likely to influence or distract;

(19) if a judge conducts a proceeding by telephone or video, comply with that judge's procedure on telephonic appearances available on the Court's website at https://www.flmb.uscourts.gov/judges/; and

(20) not eat or drink anything in the courtroom except water.

Notes of Advisory Committee

2024 Amendment

The amendments to the rule more closely align with M.D. Fla. R. 5.03 and make clear that certain rules of decorum apply whether a person is appearing remotely or in person. Other changes are stylistic. The amendments to the rule are effective August 15, 2024.

2015 Amendment

This amendment is primarily stylistic. New section (b)(13) directs counsel and parties to the Court's Policies and Procedures on Telephonic Appearances. This amendment to the rule is effective July 1, 2015.

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 2.22. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 5073-1

PHOTOGRAPHY, RECORDING DEVICES & BROADCASTING; ELECTRONICS IN THE COURTHOUSE

Rules 5.01 and 7.02 of the Local Rules of the United States District Court for the Middle District of Florida and General Order 6:13-MC-94-ORL-22 posted on the Court's website, www.flmb.uscourts.gov, apply to all cases and proceedings in the Court.

Notes of Advisory Committee

2021 Amendment

This amendment revises the rule to reference new Middle District of Florida Local Rules 5.01 (Broadcasting, Recording, and Photographing) and 7.02 (Electronics in Courthouse) (effective on January 1, 2021). The title of the rule is also amended to conform to the Uniform Numbering System for Local Bankruptcy Court Rules. This amendment to the rule is effective August 1, 2021.

2016 Amendment

This amendment brings the rule current with Court practices. This amendment to the rule is effective July 1, 2016.

1998 Amendment

The Local Rules of the District Court generally do not apply in the Bankruptcy Court. *See* Local Rule 1001-1(d). In most instances within the District, the Bankruptcy Court's facilities are now located in the same federal courthouse in which the District Court's facilities are located. It is therefore desirable to have the same rules apply in both the District Court and the Bankruptcy Court that govern the photographing, broadcasting, and televising of court proceedings, the use of computers and communication devices in court facilities, and the introduction of such equipment and devices into the building in which court proceedings are conducted. Accordingly, this amendment simply deletes the Bankruptcy Court's rule on these subjects and applies in the Bankruptcy Court the provisions of the District Court's corresponding local rule. This amendment to the rule was effective on October 15, 1998.

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 1.09. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendment which adds new subparagraph 1.09(c) makes clear that the prohibition of recording and photographic equipment is not intended to prohibit the use of dictation equipment in conjunction with the review of the Clerk's Office files or the use of computer equipment, subject to Court control, generally.

These amendments to the rule were effective on February 15, 1995.

Rule 5077-1

TRANSCRIPTS OF COURT PROCEEDINGS

(a) ***Policy of the Judicial Conference of the United States.*** The Judicial Conference Policy on Electronic Availability of Transcripts (the "Policy") applies to all transcripts of court proceedings that are subsequently filed with the Court and made available to the public via electronic access. The Policy restricts the copying of a transcript for 90 days after delivery to the Clerk's office.

(b) ***Personal Data Identifiers.*** For purposes of this rule, Personal Data Identifiers are defined as Social Security numbers, names of minor children, dates of birth, and financial account numbers other than the last four digits of the account number.

(c) ***Transcripts of Court Proceedings May Only Be Filed by Official Court Reporters.*** Only official court reporters may file transcripts of Court proceedings. At the time of the initial filing, the transcript shall be docketed in the Court record for that case utilizing a "private" event code which restricts access to the filed transcript to Court staff only.

(d) ***Notice to Parties of Filing of Transcript and Deadline to Give Notice of Intent to Request Redactions.*** When a transcript is filed with the Court, the Clerk shall serve all parties listed on the transcript as having appeared at the Court proceeding with a "Notice Regarding Filing of Transcript and Deadline for Filing Notice of Intent to Request Redaction of Transcript," giving parties notice of a seven-day deadline to file a "Notice of Intent to Request Redaction of Transcript" ("Notice of Intent"). A form Notice of Intent may be found in the Procedure Manual on the Court's website, www.flmb.uscourts.gov.

(e) ***Review of Transcripts.*** Parties to the case who are (or represent) persons whose Personal Data Identifiers may appear in the transcript and who wish to review the unredacted transcript may either purchase a copy of the transcript from the official court reporter or view a copy of the transcript at no charge in any of the Clerk's three divisional offices.

(f) ***Requests for Redaction of Personal Data Identifiers.*** A party who timely files a Notice of Intent may within 21 days of the date the transcript was docketed, unless otherwise ordered by the Court, file a "Statement of Personal Data Identifier Redaction Request" ("Statement of Redaction Request") and serve it upon the official court reporter. The Statement of Redaction Request shall list, by page and line number, the location of the Personal Data Identifiers for which redaction is being requested. Because the Statement of Redaction Request will appear as a public document on the case docket, it should be worded so that it does not contain unredacted Personal Data Identifiers.

(g) ***Motion for Additional Redactions.*** Any party who filed a Notice of Intent during the seven-day period set forth in section (d) above may also file, within the 21-day period set forth in section (f) above, a "Motion for Additional Redactions" to request redaction of information other than Personal Data Identifiers. If appropriate, the motion should be filed under

seal in accordance with Local Rule 5005-4. A copy of the motion shall be served on the official court reporter. If a "Motion for Additional Redactions" is timely filed, or if the Court has extended the deadline, the transcript shall remain restricted until the Court has ruled upon any such motion and 90 days from the date of filing of the transcript has passed.

(h) ***Procedure for Filing Redacted Transcript.*** If a Notice of Intent has been filed and a Statement of Redaction Request is filed within the 21-day deadline set forth in section (f), the official court reporter, within 28 days from the date of the filing of the Statement of Redaction Request, shall file a redacted transcript with an amended certification indicating that the transcript was amended by the redaction of Personal Data Identifiers at the request of the parties. The redacted transcript shall show only the last four digits of Social Security numbers and financial account numbers, the initials of the minor children, and the years of birthdates.

(i) ***Viewing Access Restricted to Unredacted Transcript.*** If a transcript is redacted in accordance with this rule, the initially filed unredacted transcript shall be maintained by the Clerk as a restricted document, not accessible by parties to the case or the general public. This unredacted transcript shall, if requested, be made available to an appellate court.

(j) ***Effect of Local Rule.*** This rule:

(1) does not affect in any way the obligation of the official court reporter to file promptly with the Clerk the official court reporter's original records of a proceeding or the inclusion of a filed transcript with the records of the Court pursuant to 28 U.S.C. § 753;

(2) except for a period of 90 days after delivery of the official transcript, does not affect the obligation of the Clerk to make the official transcript included in the Court file available for copying by the public without further compensation to the official court reporter pursuant to Judicial Conference policy;

(3) is not intended to create a private right of action;

(4) is intended to apply the Judicial Conference policy on privacy and public access to electronic case files to transcripts that are electronically available to the public. It is not intended to change any rules or policies with respect to sealing or redaction of court records for any other purpose; and

(5) does not prevent the production of a transcript on an expedited basis for a party, or any other person or entity, that may order such a transcript, subject to whatever Court rules or orders are currently imposed to protect sealed materials. Any non-party that orders a transcript on an expedited basis should be alerted to the Judicial Conference policy on privacy and public access to electronic case files by the person providing the transcript to the party.

Notes of Advisory Committee

2021 Amendment

This amendment revises the rule to clarify that the Court's "official" court reporters file transcripts in CM/ECF. This amendment to the rule is effective August 1, 2021.

2019

This new rule incorporates archived Administrative Order FLMB-2009-7 "Amended Order Setting Forth Policy on Electronic Availability of Transcripts of Court Proceedings." This new rule is effective July 1, 2019.

PART VI.

COLLECTION AND LIQUIDATION OF THE ESTATE

Rule 6004-1

SALE OF ESTATE PROPERTY

(a) ***Description of Property Being Sold.*** All requests to sell property, whether by motion or report and notice, shall include a description of the property to be sold sufficient for identification. In the case of real property, the description shall include the address and legal description. In the case of a registered motor vehicle, the description shall include the vehicle identification number.

(b) ***Sales of Estate Property Without Order.*** Other than a sale free and clear of liens under 11 U.S.C. § 363(f), the trustee in a Chapter 7 case may sell property of the estate under 11 U.S.C. § 363(b) without order of the Court provided that the trustee complies with sections (c) and (d) of this rule.

(c) ***Report and Notice of Intention to Sell.*** The trustee may file a report and notice of intention to sell property of the estate ("Report and Notice") without further notice of hearing. The Report and Notice shall state that if no objection or request for hearing is filed and served within 21 days of the date of service, the specified property will be sold without further hearing or notice.

(d) ***Service.*** The Report and Notice shall be served on all creditors in compliance with Fed. R. Bankr. P. 2002 and Local Rule 2002-1.

(e) ***Objections.*** If an objection or request for hearing is filed and served within 21 days from the date of the Report and Notice, the objection will be set for hearing by the Court.

Notes of Advisory Committee

2021 Amendment

This amendment adds new section (a) requiring that requests to sell property of the estate include a description of the property sufficient for identification. This amendment to the rule is effective August 1, 2021.

2015 Amendment

The revisions to this rule are primarily stylistic. This amendment to the rule is effective July 1, 2015.

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment, 6004-1(b), adds a provision permitting Electronic Filing Users the ability to complete service of papers by electronic means.

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 2.21. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

PART VII.

ADVERSARY PROCEEDINGS

Rule 7001-1

ADVERSARY PROCEEDINGS – PROCEDURES

(a) ***General.*** This rule applies to all adversary proceedings and, if ordered by the Court, to contested matters. To the extent that the time periods set forth in this rule conflict with those set forth in the Federal Rules of Civil Procedure, the Federal Rules of Bankruptcy Procedure, or other Local Rules, this rule controls.

(b) ***Injunctive Relief.*** If a pleading or other paper filed with the Court contains a request for injunctive relief pursuant to Fed. R. Bankr. P. 7065, the title of the pleading or paper must include the words "Injunctive Relief Sought" or the equivalent.

(c) ***Service.*** Plaintiff must serve the summons issued by the Clerk, the complaint, and a copy of this rule within seven days after the summons is issued as required by Fed. R. Bankr. P. 7004(e). If the initial summons and accompanying papers are not timely served, plaintiff shall promptly request the issuance of an alias summons and serve the alias summons together with the complaint and a copy of this rule. Plaintiff must serve all defendants no later than 28 days after the complaint is filed. If an additional party is thereafter named as a plaintiff or a defendant, plaintiff shall serve a copy of this rule on each additional party within seven days of the date that the additional party is named.

(d) ***Proof of Service.*** Plaintiff must promptly file a proof of service indicating the service of each summons, the complaint, and this rule on each defendant.

(e) ***Failure to Effect Service.*** If plaintiff does not complete timely and effective service of the summons and complaint, the Court may dismiss the adversary proceeding for lack of prosecution without further notice or hearing. If plaintiff requires additional time to effect service, plaintiff shall file a motion for extension of time.

(f) ***Defaults.*** If a defendant has not filed a timely response, plaintiff must seek entry of a Clerk's default of that defendant and move for judgment by default no later than 60 days after the complaint is filed. If plaintiff requires additional time to apply for the entry of default or to move for judgment by default, plaintiff must file a motion for extension of time.

(g) ***Initial Disclosures.*** Pursuant to Fed. R. Civ. P. 26(f), at or prior to the Meeting of Parties described below, and without any formal discovery requests, each party shall:

(1) identify in writing the name and, if known, the address and telephone number of each individual with discoverable information relevant to the disputed facts;

(2) provide copies of or a written description by category and location of all documents that are relevant to the disputed facts;

(3) provide a written computation of any damages claimed; and

(4) provide a copy of any insurance agreement that may be available to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

(h) ***Meeting of Parties.*** At least 14 days prior to the pretrial or status conference, the attorneys for the parties, or the parties (if not represented by an attorney), must meet (the "Meeting of Parties") to discuss:

(1) the parties' claims and defenses;

(2) the possibility of settlement;

(3) the initial disclosures required in section (g) above; and

(4) a discovery plan as required by Fed. R. Civ. P. 26(f). Unless otherwise ordered by the Court, the parties may orally announce their discovery plan at the pretrial or status conference and need not file a written report.

(i) ***Pretrial or Status Conference.*** The Court will conduct a pretrial or status conference at any time after a responsive pleading is filed but, in any event, approximately 90 days after the complaint is filed. The parties may not introduce testimony or documentary evidence at the pretrial or status conference. The Court, however, may consider relevant undisputed facts, affidavits offered without objection from the opposing parties, judicial notice items, and admissions made during the pretrial or status conference by parties either directly or through counsel.

(j) ***Discovery.***

(1) ***General.*** Parties should be familiar with the Local Rules regarding discovery, including Local Rules 7026-1, 7026-2, 7030-1, 7033-1, and 7037-1.

(2) ***Commencement of Discovery.*** Absent leave of Court, discovery may not commence until the conclusion of the Meeting of Parties.

(3) ***Discovery Deadline.*** Parties must complete discovery no later than seven days before the trial date except that the parties may complete previously scheduled depositions up to the trial date.

(4) ***Discovery Disputes.*** If a discovery dispute occurs, the parties must first confer in good faith to attempt to resolve the issues, as required by Fed. R. Civ. P. 37(a)(1), as incorporated by Fed. R. Bankr. P. 7037. If the parties are unable to resolve the dispute, any party may request a telephone conference with the Court so that the Court may render an informal, preliminary ruling on the discovery dispute, without prejudice to the right of any party to file a formal motion.

(5) ***Discovery Papers Shall Not Be Filed with the Court.*** Consistent with Fed. R. Civ. P. 5, as incorporated by Fed. R. Bankr. P. 7005, disclosures under Fed. R. Civ. P. 26(a)(1) or (2) and the following discovery responses and requests must not be filed with the Court until they are used in the case or proceeding or the Court orders filing: depositions, interrogatories, requests for documents or tangible things or to permit entry onto land, and requests for admissions.

(k) ***Motions.***

(1) ***General.*** A motion filed with the Court must 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.

(2) ***Format.*** All motions, responses, and replies must comply with the Court's Style Guide posted on the Court's website, www.flmb.uscourts.gov. Papers shall be double spaced and, where appropriate, include a legal memorandum containing argument and citations of authorities.

(3) ***Page Limits.*** Absent leave of Court, all motions, responses, replies, and supporting memoranda must not exceed ten pages in length. Proofs of service, properly attached and identified exhibits, and the signature block of counsel are not considered for purposes of calculating page limits. If any paper violates this subsection (k), the Court may, *sua sponte* or upon motion of a party, strike the subject paper.

(4) ***Motions Required to Be Served Using the Court's Negative Notice Procedures.*** The following motions must be served using the negative notice procedures of Local Rule 2002-4:

(A) motions to dismiss and other motions under Fed. R. Bankr. P. 7012;

(B) motions to amend pleadings;

(C) motions regarding joinder or substitution of parties;

(D) motions for leave to intervene;

(E) motions to abstain;

(F) motions related to discovery;

(G) motions for attorney's fees or costs under Fed. R. Bankr. P. 7054; and

(H) motions under Fed. R. Bankr. P. 9023 and 9024.\

The negative notice legend must provide for a 14-day response period. The moving party may file a reply, if desired, no later than seven days after the response is filed.

(5) ***Emergency Motions.*** The Court will, in its discretion, consider emergency motions at any time. Emergency motions must comply with Local Rule 9013-1(d) and shall be filed using the Emergency Matters Notification Procedure on the Court's website, www.flmb.uscourts.gov.

(6) ***Motions to Determine if the Bankruptcy Court Has Authority to Enter Final Orders or Judgments.*** Under 28 U.S.C. § 157(b), the Bankruptcy Court does not have jurisdiction to enter final orders or judgments on claims (A) that are non-core or (B) that are statutorily core but which (i) involve state law claims that arise independently of the Bankruptcy Code and (ii) that are not part of the claims allowance process. A party who seeks a determination that the Bankruptcy Court does not have jurisdiction to enter final orders or judgments on any issue raised in the adversary proceeding shall file a motion for such determination no later than the date set for filing a response to the complaint. A party who fails to timely file such a motion is deemed to have consented to the Bankruptcy Court's entry of final orders and judgments in the proceeding. However, a party's failure to timely file such a motion does not constitute a waiver of that party's right to appeal under 28 U.S.C. § 158.

(7) ***Motions for Summary Judgment.*** Unless the Court orders otherwise, motions for summary judgment must be filed no later than 60 days prior to trial. The Court may or may not set a hearing on the motion for summary judgment. Absent order of the Court, the trial will proceed as scheduled even if a motion for summary judgment is pending.

(l) ***Pretrial Disclosures of Witnesses and the Use of Depositions.*** Fed. R. Civ. P. 26(a)(3) (except with respect to time limits) governs pretrial disclosures regarding witnesses and use of depositions. Parties must file and exchange names, telephone numbers, and addresses for witnesses, and any designations of depositions at least 28 days before trial. Objections to the use of depositions must be filed within 14 days of the disclosure. Parties must confer on any factual or evidentiary stipulations prior to trial.

(m) ***Joint Stipulation of Undisputed Facts.*** The parties must meet in person or by video to prepare a joint stipulation of undisputed facts and exhibits that may be admitted into evidence without objection. The stipulation must be filed no later than seven days before the date set for trial.

(n) ***Exhibits.***

(1) ***Exhibits to Be Filed and Exchanged via CM/ECF.*** Parties must prepare exhibits in compliance with Local Rule 9070-1 and shall file and exchange exhibits no later than seven days before the date set for trial.

(2) ***Self-Authentication of Records of Regularly Conducted Activity.*** A party who intends to rely upon the self-authentication procedures of Fed. R. Evid. 902(11) or (12) to introduce into evidence records of regularly conducted activities under Fed. R. Evid. 803(6) shall, within at least 28 days before trial, file with the Court and serve on other parties the written declaration required by Fed. R. Evid. 902(11) or (12) and a copy of all records sought to be admitted.

(3) ***Objections to Admissibility of Exhibits.*** Written objection to the admission of an exhibit into evidence on the grounds that the exhibit (A) lacks authentication or (B) 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.

(o) ***Expert Witness Testimony.*** Unless the Court orders otherwise, a party who wishes to offer expert testimony at trial shall comply with the requirements of Fed. R. Civ. P. 26(a)(2).

(p) ***Stipulations.*** All stipulations of the parties shall be made in writing, signed, and promptly filed with the Court.

(q) ***Supplementation of Disclosures.*** Parties are under a duty to supplement or correct their Initial Disclosures and their Pretrial Disclosures in accordance with Fed. R. Civ. P. 26(e).

(r) ***Sanctions.*** Failure to comply with all requirements of this rule may result in the imposition of sanctions that could include the striking of a party's pleading or the denial of the right to introduce evidence or witness testimony.

(s) ***Settlements.*** Pursuant to Local Rule 9019-1, parties shall immediately notify the Court of any settlement and promptly file and serve a motion to approve the compromise in the debtor's main case, not in the adversary proceeding. If the complaint asserts claims under 11 U.S.C. § 523 only, a motion to approve the compromise is not necessary. However, if desired, the parties may seek approval of the settlement by filing a motion in the adversary proceeding.

Notes of Advisory Committee

2024 Amendment

The amendments to section (k) extend the ten-page limit to all motions, responses, replies and supporting memoranda filed with the Court and remove motions for summary judgment from the Court's negative notice procedures. New section (m) conforms the rule to the Court's current practices and form orders regarding joint stipulations of fact to be submitted before trial. Other changes are stylistic. This amended rule is effective August 15, 2024.

2019 Amendment

The amendment to section (k)(4) specifies the types of motions that are required to filed using the Court's negative notice procedures. Amended section (m)(3) provides that written objection to the admission of an exhibit into evidence on the grounds that the exhibit (a) lacks authentication or (b) 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. Revised section (k)(4) specifies the types of motions that are required to be filed using negative notice procedures. This amended rule is effective July 1, 2019.

2017 Amendment

This rule is revised to require that pleadings or other papers requesting injunctive relief so state in the title. And, consistent with Fed. R. Civ. P. 5, the rule states that discovery papers must not be filed with the Court. Section (k)(6) is revised to more clearly explain that the Bankruptcy Court lacks jurisdiction to enter a final order or judgment in cases that are non-core or that are statutorily core but involve state law claims, as explained by the Supreme Court in *Stern v. Marshall,* 564 U.S. 462, 131 S. Ct. 2594, 180 L. Ed. 2d 475 (2011). Other amendments are stylistic. This amendment to the rule is effective July 1, 2017.

2016

This new rule incorporates the provisions of archived Administrative Order FLMB-2014-10 "Administrative Order Prescribing Procedures for Adversary Proceedings." In addition, section (f)(4) regarding pretrial disclosures is now consistent with Fed. R. Civ. P. 26(f). The rule also clarifies the requirement that motions in adversary proceedings be filed and served using the negative notice procedures of Local Rule 2002-4. This new rule is effective July 1, 2016.

Rule 7026-1

DISCOVERY – GENERAL

(a) ***General.*** This rule applies generally to all contested matters and adversary proceedings. Local Rule 7001-1 addresses numerous discovery issues in adversary proceedings and, if ordered by the Court, in complex contested matters.

(b) ***Contested Matters.*** Unless otherwise ordered by the Court, the disclosure requirements of Fed. R. Civ. P. 26(a) and the conference and reporting requirements of Fed. R. Civ. P. 26(f) do not apply in contested matters. Unless the Court orders otherwise, the parties may commence discovery immediately after service of the paper initiating the contested matter is effected under Fed. R. Bankr. P. 7004.

(c) ***Discovery Papers Shall Not Be Filed With the Court.*** Consistent with Fed. R. Civ. P. 5, incorporated by Fed. R. Bankr. P. 7005, the parties' written disclosures under Fed. R. Civ. P. 26(a)(1) and (2) and the following discovery responses and requests shall not be filed with the Court until they are used in the case or proceeding or the Court orders their filing: depositions, interrogatories, requests for documents or tangible things or to permit entry onto land, and requests for admissions.

(d) ***Parties Must Meet and Confer Prior to Filing Discovery Motions.*** Motions to compel and motions for protective order must include a certification at the beginning of the motion under the heading "Local Rule 7026-1(d) Certification" stating that the movant has in good faith conferred with the opposing party in an effort to resolve the issue without Court action, what specific actions were taken to confer, and whether the parties agree on the resolution of any portion of the motion. A motion that does not comply with this rule may be denied. Failure of the moving party to properly meet and confer, or the refusal of the non-moving party to meet and confer, may subject parties or their counsel to sanctions. Unless otherwise ordered, the requirement that a moving party confer with the opposing party requires that, at a minimum:

(1) movant made at least two attempts to contact the non-moving party, one of which must be by telephone; and

(2) movant's first attempted contact must be at least 24 hours before filing the motion.

Notes of Advisory Committee

2024 Amendment

The amendments to the rule contain specific requirements for parties to meet and confer (and to certify that they have done so) prior to filing discovery motions. The requirement to

detail specific actions taken to confer as required by this rule does not require disclosure of substantive communications. The amendments to this rule are effective August 15, 2024.

2017 Amendment

This amendment adds new sections (c) and (d). This amendment to the rule is effective July 1, 2017.

2016 Amendment

This amendment refers parties, in section (a), to Local Rule 7001-1 Adversary Proceedings – Procedures for issues relating to discovery. The amendment also clarifies that, absent order of the Court otherwise, the conference and reporting requirements of Fed. R. Civ. P. 26 do not apply to contested matters. Former section (c) regarding the depositions of non-resident parties has migrated to Rule 7030-1 Depositions upon Oral Examination. This amendment to the rule is effective July 1, 2016.

2004 Amendment

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

2000 Amendment

This amendment is made necessary by the December 1, 2000, amendments to the Federal Rules of Civil Procedure.

Under Fed. R. Bankr. P. 7026, Fed. R. Civ. P. 26 applies in adversary proceedings. Under Fed. R. Bankr. P. 9014, Fed. R. Bankr. P. 7026 also applies in contested matters. Fed. R. Bankr. P. 9029(a)(1) further provides that the Court's local rules may not be inconsistent with the Federal Rules of Bankruptcy Procedure.

The December 1, 2000, amendments to Fed. R. Civ. P. 26 eliminate the provisions of that rule that permit courts to "opt out" of certain of its provisions that became effective on December 1, 1993. The Court is required, therefore, to rescind the provisions of its local rules by which it "opted out" of the mandatory disclosure and conference requirements contained in Fed. R. Civ. P. 26(a)(1)-(3) and (f). These "opt out" provisions are presently contained in paragraphs (a) and (b) of this Local Rule. Because of these required rescissions, the Court is also required to rescind the initiation of discovery provisions contained in paragraph (c) of this Local Rule.

As a consequence of this amendment, the provisions of Fed. R. Civ. P. 26 are fully applicable in adversary proceedings in the Court, although the terms of the rule set forth circumstances in which the parties may stipulate or the Court may order variations in individual cases. The Court may not do so, however, by local rule or standing order. Thus, the disclosures required by Fed. R. Civ. P. 26(a)(1) through (3) are generally applicable in adversary proceedings; the parties must meet as required by Fed. R. Civ. P. 26(f); and, pursuant to Fed. R.

Civ. P. 26(d), the parties may not seek discovery before the parties have conferred as required by Fed. R. Civ. P. 26(f).

Pursuant to Fed. R. Bankr. P. 7005 and Fed. R. Civ. P. 5(d), the parties may not file with the Court the disclosures required by Fed. R. Civ. P. 26(a)(1) and (2) until they are used in the proceeding. The parties must file, however, the disclosures required by Fed. R. Civ. P. 26(a)(3).

Pursuant to Fed. R. Bankr. P. 9014, Fed. R. Bankr. P. 7026 applies in contested matters "unless the court otherwise directs." Thus, the Court retains the ability to direct by local rule that only portions of Fed. R. Bankr. P. 7026 apply in contested matters. The Court has therefore contemporaneously promulgated new Local Rule 9014-2 that applies Fed. R. Bankr. P. 7026 to contested matters only to the extent permitted before this amendment to this Local Rule. Under Local Rule 9014-2, therefore, the mandatory disclosure provisions of Fed. R. Civ. P. 26(a)(1)-(3) do not apply in contested matters, the parties are not required to confer as set forth in Fed. R. Civ. P. 26(f), and the parties may immediately seek discovery. Of course, the Court may direct the application of these Rule 26 provisions by specific order, and the parties may agree that they apply.

"If necessary to comply with [the Court's] expedited schedule for Rule 16(b) conferences," Fed. R. Civ. P. 26(f) does permit the Court to make local rules as to certain matters related to the Rule 26(f) conference and the discovery plan. Unlike the timing and pace of litigation in civil actions in the district court, litigation in adversary proceedings in the bankruptcy court is handled on an expedited basis. In the new provisions of this Local Rule appearing as new paragraphs (a) and (b), therefore, the Court exercises this discretion in the manner the Committee believes is appropriate. The Court, of course, can vary these times by individual order.

The last paragraph of this Local Rule is re-lettered to reflect the rescission of old paragraphs (a) through (c) and the substitution of new paragraphs (a) and (b).

This amendment to the rule was effective on December 1, 2000.

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.

Paragraphs (a) through (c) of this rule were formerly paragraphs (a) through (c) of Local Rule 2.15. Paragraph (d) of this rule was formerly Local Rule 2.16(b). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment
Introduction

This rule is amended to reflect the Advisory Committee's judgment as to the desirability of applying the December 1, 1993, amendments to the Federal Rules of Civil Procedure to contested matters and adversary proceedings and to make other desirable technical changes.

The December 1, 1993, amendments to the Federal Rules of Civil Procedure greatly affect practice in contested matters and in adversary proceedings. Fed. R. Bankr. P. 7016, 7026, 7030, 7031, and 7033 extend the application of Fed. R. Civ. P. 16, 26, 30, 31 and 33 to adversary proceedings. In addition, unless the Court otherwise directs, Fed. R. Bankr. P. 9014 extends the application of Fed. R. Civ. P. 26, 30, 31, and 33 to contested matters pursuant to Fed. R. Bankr. P. 7026, 7030, 7031 and 7033. Although the Advisory Committee deems certain of the December 1, 1993, amendments to be desirable and beneficial to practice in contested matters and adversary proceedings in this Court, it believes that other of the amendments may not be practically or beneficially implemented. The Advisory Committee therefore intends here that the Court "opt out" of certain of these amendments to the Federal Rules of Civil Procedures as they are made applicable to contested matters and adversary proceedings.

Disclosure and Meeting of Counsel

Fed. R. Civ. P. 26(a)(1-4) now mandates the disclosure of certain relevant information. Paragraph (a) of Local Rule 2.15 therefore provides that these new disclosure requirements apply to contested matters and adversary proceedings only if the parties agree or if the Court orders that some or all of the disclosure requirements apply. Fed. R. Civ. P. 26(f) now requires a meeting of the parties and the filing of a proposed discovery plan within certain prescribed time limits. Paragraph (b) of Local Rule 2.15 therefore provides that these meetings and reporting requirements apply in contested matters and in adversary proceedings only upon the agreement of the parties or upon order of the Court.

Initiation of Discovery

Fed. R. Civ. P. 26(d), 30(a)(2)(C), 31(a)(2)(C), 33(a), 34(b), and 36(a) now generally preclude the initiation of any method of discovery until after the parties meet as required by Fed. R. Civ. P. 26(f), unless the parties agree or the Court otherwise orders. Because the Court has eliminated, in paragraph (b), the meeting of the parties requirement of Fed. R. Civ. P. 26(f) unless the Court specifically orders its application, paragraph (c) provides that the parties may initiate discovery immediately after service of the motion or other paper initiating contested matters and the summons and complaint in adversary proceedings. If the Court orders the application of the meeting of the parties requirement of Fed. R. Civ. P. 26(f), however, the early initiation of discovery authorized in paragraph (c) would not apply and the parties would be precluded from initiating discovery until after the Fed. R. Civ. P. 26(f) meeting unless they agreed or the Court orders to the contrary. Paragraph (c) also continues the meaning and the intent of former Rule 2.14 as to depositions upon oral examination.

These amendments to the rule were effective on February 15, 1995.

Rule 7026-2

E-DISCOVERY

This Local Rule, adapted from the United States District Court for the Middle District of Florida's *Civil Discovery Handbook*, applies to e-discovery in adversary proceedings and contested matters. References to Rules are to the Federal Rules of Civil Procedure, as incorporated by the Federal Rules of Bankruptcy Procedure.

(a) ***General.*** The Court's e-discovery goal is to facilitate fair, open, and proportional discovery of the facts underlying a dispute so that the dispute is resolved on the merits and not by gamesmanship. This requires cooperation among counsel. The discovery of electronically stored information ("ESI") stands on equal footing with the discovery of paper documents. The Federal Rules of Civil Procedure and Evidence provide a framework within which to conduct cost-effective e-discovery, but they cannot be effective unless attorneys become familiar with their applicability and use them where appropriate. The early discussion and resolution of discovery issues is an important factor in reducing overall case length and the cost of litigation. Attorneys must take the time to educate themselves about ESI; because attorneys often lack the technical knowledge to fully understand ESI, they should consult their clients' information technology departments and vendors regarding ESI issues. The Sedona Principles and the Sedona Cooperation Proclamation published by The Sedona Conference are an excellent source of information on the duties of clients and counsel and best practices for addressing the discovery of ESI. Additionally, the United States District Court for the District of Maryland has made available on its website Judge Paul Grimm's "Suggested Protocol for Discovery of Electronically Stored Information," which provides an excellent template for counsel.

(b) ***Preservation.*** A party has a duty to retain ESI that may be relevant to pending or reasonably anticipated litigation. The scope of a party's preservation obligation is determined on a case-by-case basis. Rule 26(f) requires the parties to confer as soon as practicable and plan for discovery. The discussion of preservation issues, to include each party's records management policies and procedures, ideally should occur before suit is filed but certainly no later than the Rule 26 conference. The parties should exercise reason and good faith when they discuss issues concerning ESI. On the topic of preservation, counsel should be informed and otherwise prepared to articulate both good cause for the preservation of ESI and the costs and burdens of maintaining ESI.

(c) ***Proportionality.*** The discovery of ESI should be proportional to the amount in controversy, the nature of the case, and the resources of the parties. Rule 26(b)(2)(C) imposes a duty on the parties to balance the need for the discovery with the burdens of production. Rule 26(b)(2)(B) expressly provides that a party does not have to provide discovery of ESI that is not reasonably accessible because of undue burden or cost except on motion and order of the Court. The Sedona Conference has published six principles to guide the Court and counsel in applying the concept of proportionality to civil litigation:

(1) The burdens and costs of preservation of potentially relevant information should be weighed against the potential value and uniqueness of the information when determining the appropriate scope of preservation.

(2) Discovery should generally be obtained from the most convenient, least burdensome, and least expensive sources.

(3) Undue burden, expense, or delay resulting from a party's action or inaction should be weighed against that party.

(4) Extrinsic information and sampling may assist in the analysis of whether requested discovery is sufficiently important to warrant the potential burden or expense of production.

(5) Nonmonetary factors should be considered when evaluating the burdens and benefits of discovery.

(6) Technologies to reduce cost and burden should be considered in the proportionality analysis.[1]

(d) ***ESI Conference.*** The following is a list of topics counsel should discuss prior to or at the beginning of the case and no later than the Rule 26(f) conference. Counsel are strongly encouraged to include their clients' information technology employees and vendors in these discussions.

(1) The locations and sources where relevant ESI is likely to be found. This includes the identity of people likely to have relevant ESI.

(2) Reasonable steps to preserve ESI.

(3) The relevant time period.

(4) The manner and forms of preservation and production including the production of live database-based materials. Possible formats for the production of ESI include native, TIFF, and PDF. Absent agreement or a Court order, Rule 34(b) provides that ESI should be produced in either the form in which it is "ordinarily maintained" or in a "reasonably useable" form. When deciding what format(s) to use, counsel, with the assistance of their information technology experts, are encouraged to discuss the following:

(A) The form or forms of ESI that will be most likely to provide the information needed to establish the relevant facts in the case.

(B) The need for metadata.

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[1] *The Sedona Conference Commentary on Proportionality in Electronic Discovery*, 11 Sedona Conf. J. 289 (2010).

(C) Accessibility of ESI in the form requested.

(D) The requesting party's ability to manage and use ESI in the form requested.

(E) Risks associated with the inadvertent production of privileged or confidential information associated with the different forms of production.

(F) The difficulty of redacting ESI in the form requested.

(G) The extent to which alternative forms of production will satisfy a party's needs.

(H) The types of metadata that will be preserved and produced.

(I) Sources of ESI that are not reasonably accessible.

(J) The relative costs and other burdens associated with collecting, processing, reviewing, and producing ESI.

(K) Allocation of the costs of production.

(L) The use of search terms, sampling, de-duplication, "quick-peeks," technology assisted review methods including, for example, predictive coding and other strategies to reduce the volume of ESI that must be preserved and produced.

(M) How to deal with issues of confidentiality and privilege including the use of "claw-back agreements."

(N) Tiered discovery in which ESI is produced sequentially in tranches.

(O) Disposal of ESI at the appropriate time.

(e) ***Procedure.*** Counsel should have sufficient technical knowledge to propound educated and reasonable requests for ESI. Opposing counsel should have sufficient technical knowledge to provide educated and reasonable responses to requests for ESI. Blanket, overbroad, or burdensome requests for production invite blanket objections and lead to motions to compel and for protective orders. To avoid this process and reduce the volume and expense of discovering ESI, requests for production should, to the extent possible, clearly specify what is being sought including by topic and reference to persons involved. Responses to requests for ESI should state clearly and specifically what is being objected to and why. They should also clearly state the extent to which discovery of ESI will be permitted, the sources from which ESI has been obtained and potential sources of ESI that were not searched.

(1) Rule 34(b) establishes that unless requested in another form, the producing party must produce electronically stored information in the form or format in which it is usually maintained or in a form or format that is reasonably usable. The Rule permits testing and sampling as well as the inspection and copying of ESI.

(2) Inspection of an opponent's computer system is the exception, not the rule and the creation of forensic image backups of computers should only be sought in exceptional circumstances which warrant the burden and cost. A request to image an opponent's computer should include a proposal for the protection of privacy rights, protection of privileged information, and the need to separate out and ignore non-relevant information.

(3) As an alternative to Bates-stamp numbers, counsel may wish to consider using hashtags or hash values to identify ESI.

(4) Ordinarily, information should only be produced once, i.e., electronically or by paper copies, not both.

(f) ***Resolving Discovery Disputes.*** The parties should resolve discovery disputes through the meet and confer process or, if such negotiations are unsuccessful, resort to motion practice. Counsel should consult Rule 26(b)(2)(B) on proportionality and this Local Rule for relevant factors to discuss when they confer.

(g) ***Discovery from Non-Parties.*** Rule 45 does not require a party issuing a subpoena for ESI to a non-party to confer with the non-party in advance. Nevertheless, in most cases, the party issuing the subpoena and the non-party responding to the subpoena should discuss, in advance, the same issues a party would discuss with an opposing party before commencing discovery of ESI.

(h) ***Metadata.*** Counsel are encouraged to discuss the types of metadata that are ordinarily maintained, the potential relevance of the metadata, the importance of reasonable accessible metadata to facilitate the parties' review, production and use of ESI, and the locations of metadata that will be sought in discovery. Except as otherwise ordered by the Court, once produced, metadata is reviewable without notice to the producing party.

Notes of Advisory Committee

2024 Amendment

The amendment conforms the rule to the updated *Middle District Discovery: A Handbook on Civil Discovery Practice in the United States District Court for the Middle District of Florida* (located on the District Court's website at www.flmd.uscourts.gov) and adds new section (h). This amendment to the rule is effective August 15, 2024.

2019

This new rule is adapted from *Middle District Discovery: A Handbook on Civil Discovery Practice in the United States District Court for the Middle District of Florida*, Rev. 6/05/15. This new rule is effective July 1, 2019.

Rule 7030-1

DEPOSITIONS UPON ORAL EXAMINATION

(a) ***Notice.*** Unless the Court orders otherwise, depositions upon oral examination of any person may be noticed on no less than 14 days' notice in writing to every other party to the contested matter or adversary proceeding and to the deponent.

(b) ***Location.*** For the guidance of counsel in preparing or opposing contemplated motions for protective order under Fed. R. Bankr. P. 7026 that relates to the place of taking a party litigant's deposition or the deposition of the managing agent of a party, the Court's general policy is

(1) a non-resident plaintiff or moving party may reasonably be deposed at least once in this District during the discovery stages of the case; and

(2) a non-resident defendant or respondent who intends to be present in person at trial may reasonably be deposed at least once in this District either during the discovery stages of the case or within a week prior to trial as the parties agree or the Court deems appropriate.

A non-resident, within the meaning of this rule, is a person residing outside the Middle District of Florida.

Notes of Advisory Committee

2016 Amendment

Section (b) incorporates former section (c) of Local Rule 7026-1 Discovery – General regarding the location of depositions of non-resident parties. The definition of "non-resident" has been changed from "a person residing outside the State of Florida" to "a person residing outside the Middle District of Florida." Other amendments to the rule are stylistic. This amendment to the rule is effective July 1, 2016.

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 2.15(d). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Paragraph (d) continues the policy of former Rule 2.14 that depositions be noticed on no less than ten days written notice.

Fed. R. Civ. P. 30(a)(2)(A) and Fed. R. Civ. P. 31(a)(2)(A) now limit to a total of ten the number of depositions upon oral examination and written questions unless the Court authorizes or the parties stipulate to a greater number. The Advisory Committee believes this to be the appropriate presumptive number of depositions in contested matters and adversary proceedings, and the Advisory Committee therefore has not proposed an amendment setting a different presumptive number.

These amendments to the rule were effective on February 15, 1995.

Rule 7033-1

INTERROGATORIES TO PARTIES

Parties serving written interrogatories shall provide the responding party's attorney, or the party if the party is not represented by an attorney, with a copy of the interrogatories in Word or WordPerfect format to enable the responding party to insert the answers to each interrogatory at the conclusion of that interrogatory.

Notes of Advisory Committee

2015 Amendment

This amendment reflects the changes in word processing technology. This amendment to the rule is effective July 1, 2015.

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 is derived from Local Rule 2.15(e) and (f). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Fed. R. Civ. P. 33(a) now limits each party to 25 written interrogatories including all discreet subparts unless, by order of the Court or written stipulation, a greater number is authorized. The Advisory Committee agrees that this is the appropriate presumptive number of interrogatories in contested matters and in adversary proceedings. As a consequence, the Advisory Committee has deleted the provisions of former paragraph (a) that allowed 50 written interrogatories.

These amendments to the rule were effective on February 15, 1995.

Paragraphs (e) and (f) are former paragraphs (b) and (c) without substantial change. They continue the manner in which interrogatories are to be prepared, served, and answered.

Rule 7037-1

FAILURE TO MAKE DISCOVERY:
MOTIONS TO COMPEL DISCOVERY

Motions to compel discovery pursuant to Fed. R. Bankr. P. 7037 shall quote in full:

(a) each interrogatory, question on deposition, request for admission or request for production to which the motion is addressed;

(b) the objection and grounds therefor as stated by the opposing party; and

(c) the reasons such objections should be overruled and the motion granted.

Notes of Advisory Committee

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 to the rule was effective on April 15, 1997.

This rule was formerly Local Rule 2.16(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Former subparagraph (a) required that motions to compel discovery or for protective order contain a certificate of counsel's failed good faith efforts to resolve the dispute amicably. Substantially identical requirements now appear in Fed. R. Civ. P. 26(c) and 37(a)(2)(A) and are applicable to adversary proceedings and contested matter through Fed. R. Bankr. P. 7026, 7037, and 9014. The provisions of former subparagraph (a) are therefore deleted as redundant.

These amendments to the rule were effective February 15, 1995.

Rule 7055-2

JUDGMENTS BY DEFAULT

When a defendant fails to respond after being timely served with a summons and complaint, cross-complaint, or third-party complaint, the plaintiff shall seek entry of a Clerk's default and a default judgment as follows:

(a) ***Motion for Entry of Clerk's Default.*** Motions for entry of Clerk's default shall:

(1) state that timely service was duly effectuated in compliance with the Federal Rules of Bankruptcy Procedure and that the defendant failed to file a responsive pleading or motion before the expiration of the time specified or any extension of time obtained; and

(2) where applicable, include a sworn statement of non-military service based upon personal knowledge or a certification from the Servicemembers Civil Relief Act Centralized Verification Service that the defendant is not on active military duty.

(b) ***Motion for Judgment by Default.*** Motions for judgment by default shall include a sworn statement supporting the allegations of the complaint, cross-complaint, or third-party complaint, and be accompanied by:

(1) a proposed order granting motion for judgment by default; and

(2) a proposed judgment.

Notes of Advisory Committee

2015 Amendment

The amendments are stylistic and state the requirements for statements of non-military status. This amendment to the rule is effective July 1, 2015.

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment adds definitions for new words and phrases created in these local rules specifically because of the newly implemented electronic filing system, CM/ECF.

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 1.01(e). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendments to Local Rule 2.09(a) and (c) are stylistic. No substantive change is intended. These amendments to the rule were effective on February 15, 1995.

PART VIII.

APPEALS

Rule 8002-1

DISMISSAL OF UNTIMELY APPEALS

Under the District Court's Amended General Order Establishing Protocols for Processing Bankruptcy Appeals, Case No. 3:21-mc-1-TJC (Doc. No. 156), the Bankruptcy Court is authorized to dismiss appeals that are not filed within the time period specified in Fed. R. Bankr. P. 8002.

Notes of Advisory Committee

2023

This new rule establishes procedures for dismissal of appeals that are filed after the time period specified in Fed. R. Bankr. P. 8002. This new rule is effective August 1, 2023.

Rule 8003-1

NOTICE OF APPEAL

Notices of appeal filed under Fed. R. Bankr. P. 8003 and 8004 shall be accompanied by an appeal cover sheet. The appeal cover sheet form is available on the Court's website, www.flmb.uscourts.gov.

Notes of Advisory Committee

2015

This rule was formerly Local Rule 8001-1. It is amended and renumbered to correspond to the amendments and renumbering of the rules in Part VIII of the Federal Rules of Bankruptcy Procedure. This amendment to the rule is effective July 1, 2015.

Rule 8007-1

STAY PENDING APPEAL; POSTING BONDS

(a) ***Posting a Bond; Court Order Required.*** The bankruptcy court, district court, or court of appeals may condition a stay pending appeal on the posting of a bond with the bankruptcy court under Fed. R. Bankr. P. 8007(c). Bonds must be delivered to the Clerk of the United States Bankruptcy Court for the Middle District of Florida. A copy of the Court order directing the posting of a bond must accompany all bonds. The Clerk will not accept a bond without a Court order.

(b) ***Release of Bond.*** The Clerk will maintain all bonds posted under this rule in the Clerk's safe until receipt of a Court order directing release. A Court order is required for the Clerk to release a bond.

(c) ***Docket Entry.*** The Clerk will file a docket entry reflecting the posting of a bond in the case or adversary proceeding.

Notes of Advisory Committee

2023

This new rule establishes the procedure for implementing Fed. R. Bankr. P. 8007(c) that requires the posting of a bond pending appeal if ordered by the bankruptcy court, district court, or circuit court of appeals. This new rule is effective August 1, 2023.

Rule 8009-1

COMPLETION OF RECORD – APPEAL

Requests for Transcripts. A transcript purchase order form, available on the Court's website, www.flmb.uscourts.gov, shall accompany a request for transcript filed under Fed. R. Bankr. P. 8009(b).

Notes of Advisory Committee

2015

This rule was formerly Local Rule 8007-1. It is renumbered to correspond to the amendments and renumbering of the rules in Part VIII of the Federal Rules of Bankruptcy Procedure. This amendment to the rule is effective July 1, 2015.

PART IX.

GENERAL PROVISIONS

Rule 9001-1

DEFINITIONS

The definitions of words and phrases contained in 11 U.S.C. §§ 101, 902, 1101, and 1182, and Fed. R. Bankr. P. 9001, and the rules of construction contained in 11 U.S.C. § 102 shall also apply in these rules. The following words and phrases used in these rules have the meaning indicated:

(a) "CM/ECF" means the Court's online case management and electronic filing system.

(b) "Electronic Filing User" means an attorney or other entity given a Court-issued login and password, who is thereby given authority to file papers through CM/ECF. As set forth in Local Rule 1001-2(d), Electronic Filing Users are deemed to have consented to electronic service via CM/ECF.

(c) "Electronic Transmission" or "Email" means delivery through electronic communication of papers to be filed with the Court or to be served on creditors or other parties in interest.

(d) "File" or "Filed" means the legal receipt of documents by the Court; by paper, acknowledged by date stamp affixed to the paper by the Clerk or Judge; or by electronic transmission, acknowledged by the date verified by CM/ECF.

(e) "Electronic Means" or "Electronic Methods" means a non-paper system of delivering documents to and from the Court and to and from attorneys and other parties, the original form of which may also be electronic. Such systems include the use of facsimile machines, Internet email systems, and CM/ECF.

(f) "Notice of Electronic Filing" means an electronic document produced by CM/ECF that certifies each filing with the Court.

Notes of Advisory Committee

2015 Amendment

This amendment is primarily stylistic. In addition, section (a) defines "CM/ECF." This amendment to the rule is effective July 1, 2015.

2004 Amendment

This amendment corrects the Bankruptcy Rules citation to that of the currently used citation. Further, this amendment adds definitions for new words and phrases created in these local rules specifically because of the newly implemented electronic filing system, CM/ECF.

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 1.01(e). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9004-1

PAPERS – CAPTION, DEMAND FOR JURY TRIAL, INJUNCTIVE RELIEF

(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) ***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.

(c) ***Injunctive Relief.*** If a pleading or other paper filed with the Court contains a request for injunctive relief pursuant to Fed. R. Bankr. P. 7065, the title of the pleading or paper shall include the words "Injunctive Relief Sought" or the equivalent.

Notes of Advisory Committee

2019 Amendment

This amendment revises the rule to move former sections (b) ("Motions") and (e) ("Emergency Hearings") to new Local Rule 9013-1. This amendment to the rule is effective July 1, 2019.

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 amendment to the 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 to the rule 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 to the rule 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 to the rule were effective on February 15, 1995.

Rule 9004-3

PAPERS – AMENDMENTS

(a) ***Amended Papers Shall Be Fully Integrated.*** Except for amendments to schedules, petitions, lists, matrices, and statements of financial affairs subject to the provisions of Local Rule 1009-1, unless otherwise directed by the Court, any party permitted to amend a pleading, motion, or other paper filed with the Court shall file the amended paper as a fully integrated paper with the amendments incorporated therein.

(b) ***Reference to Docket Number of Original Paper.*** The first page of the amended paper shall also include a reference to the CM/ECF docket number of the original paper.

(c) ***Minor Amendments.*** If the reason for the amendment is to correct a minor error in the original paper (*e.g.*, typographical errors or errors in citations or legal descriptions), the first page of the amended paper shall include a footnote that states the reason for the amendment.

Notes of Advisory Committee

2015 Amendment

The revisions to this rule are primarily stylistic. This amendment to the rule is effective July 1, 2015.

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 2.07. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9011-2

REPRESENTED PARTIES; *PRO SE* PARTIES

(a) ***Represented Parties.*** Any party for whom a general appearance of counsel has been made shall not thereafter take any step or be heard in the case in proper person, that is on his or her own behalf, absent prior leave of Court.

(b) ***Pro Se Parties*.** A party who has elected to proceed in proper person, that is to represent himself or herself without an attorney, shall not be permitted to obtain special or intermittent appearances of counsel except upon such conditions as the Court may specify.

Notes of Advisory Committee

2015 Amendment

The revisions to this rule are primarily stylistic. This amendment to the rule is effective July 1, 2015.

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 1.08(c). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9013-1

MOTION PRACTICE; REQUEST FOR EMERGENCY HEARING; REQUEST FOR INJUNCTIVE RELIEF

(a) ***Motions.*** A motion filed with the Court must 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).

(b) ***Motions May Be Considered by the Court Without a Hearing.*** As contemplated in 11 U.S.C. § 102(1), the Court may consider certain types of motions without a hearing. Under Local Rule 2002-4, the Court has published a list of the types of motions that may be served using negative notice procedures (the "Negative Notice List"). The Court has also published a list of the types of motions (generally administrative in nature) that may be considered without a hearing (the "Accompanying Orders List"). The Accompanying Orders List indicates whether the Court will prepare an order on the motion or whether the order is to be submitted by the moving party. However, the Court, in its discretion, may choose to set a motion for hearing even if it is included on the Negative Notice List or the Accompanying Orders List. The Negative Notice List and the Accompanying Orders List are posted on The Source page of the Court's website, www.flmb.uscourts.gov.

(c) ***Written Opposition to Motions.***

(1) ***Motions Served Using Negative Notice Procedures.*** If a motion is served using the negative notice procedures of Local Rule 2002-4, a party opposing the relief requested must file written opposition within the notice period set forth in the motion plus three days for mailing.

(2) ***Motions Set for Hearing.*** If a motion is set for hearing, a party opposing the relief requested in the motion should file written opposition no later than seven days prior to the date of the hearing. If the hearing is set on less than 21 days' notice, written opposition should be filed no later than 48 hours prior to the hearing. However, in all cases, the Court in its discretion may consider an oral objection to the requested relief in the absence of a filed written objection.

(d) ***Requests for Emergency Hearing.*** If a motion requests an emergency hearing, the words "Emergency Hearing Requested" or the equivalent must be included in the title or the first page of the motion. The Court will conduct an emergency hearing only if—absent the relief requested in the motion—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. The Court will not act upon an emergency motion or set it for an emergency hearing unless (1) the moving party, using the CM/ECF docketing event "Certificate of Necessity," files a Certification of Necessity of Request for Emergency Hearing in the form available on the Court's website,

www.flmb.uscourts.gov, that asserts sufficient facts to justify the need for an emergency hearing; and (2) alerts the Clerk's Office that the moving party has filed an emergency motion via the docket event "Emergency Matters Submission Notification."

(e) ***Request for Expedited Consideration.*** If a motion requests expedited consideration, the title of the motion must include the words "Request for Expedited Consideration" or the equivalent.

(f) ***Injunctive Relief.*** If a motion contains a request for injunctive relief pursuant to Fed. R. Bankr. P. 7065, the title of the motion must include the words "Injunctive Relief Sought" or the equivalent.

Notes of Advisory Committee

2023 Amendment

This amendment revises the language in section (d) to conform with the Court's current procedures. It also amends section (e) to require that a motion requesting expedited consideration contain the request in the title of the motion. Other changes are stylistic. This amendment to the rule is effective August 1, 2023.

2019

This new rule replaces former Local Rule 9013-1 Proof of Service, which has been renumbered as Local Rule 9013-3. Sections (a) and (d) of this new rule were previously included in Local Rule 9004-1. Section (b) refers parties to the Negative Notice List and the Accompanying Orders List which specify the types of matters that may be considered by the Court without a hearing. Section (c) sets forth deadlines for filing written opposition to motions. This new rule is effective July 1, 2019.

Rule 9013-3

PROOF OF SERVICE IN BANKRUPTCY CASES, ADVERSARY PROCEEDINGS, AND CONTESTED MATTERS

(a) ***Applicability.*** This rule applies to proofs of service required by the Federal Rules of Bankruptcy Procedure, Local Rule, or Court order other than proof of initial service of a summons and complaint pursuant to Fed. R. Bankr. P. 7004 or of a contested matter under Fed. R. Bankr. P. 9014.

(b) ***Service in Adversary Proceedings and Contested Matters.*** In adversary proceedings and contested matters in which all parties are represented by counsel or have consented to service via CM/ECF, service of papers and Court orders is effectuated upon the parties by CM/ECF; counsel are not required to file a separate proof of service reflecting such service.

(c) ***Proof of Service by an Attorney.*** If proof of service is made by an attorney appearing in the case or proceeding pursuant to the provisions of Local Rule 2090-1, the attorney may make a certificate of service stating the date and manner of service and the name and address of the person served, certified by the signature of the attorney who made the service.

(d) ***Proof of Service by a Non-Attorney.*** If proof of service is made by a person other than an attorney appearing in the case or proceeding pursuant to the provisions of Local Rule 2090-1, the non-attorney shall make a statement under penalty of perjury stating the date and manner of service and the name and address of the person served, signed, and sworn to by the non-attorney who made the service and including the non-attorney's name, address, and relation to the party on whose behalf the service is made.

(e) ***Service on Mailing Matrix.*** Where a reference is made to service on a group such as "to all creditors on the matrix," the proof of service shall include as an attachment a copy of the mailing matrix obtained from CM/ECF at the time of service.

(f) ***Reference to Paper Served.*** The proof of service shall refer to the pleading or other paper being served.

(g) ***Proof of Service Shall Be Promptly Filed.*** Proof of service, whether affixed to the paper served or separately filed, shall be filed within a reasonable time after service.

(h) ***Prima Facie Evidence of Service.*** Proof of service made in accordance with the provisions of this rule shall be taken as *prima facie* proof of service.

Notes of Advisory Committee

2021 Amendment

This amendment revises section (e) to correct a grammatical error; no other substantive change is being made. This amendment to the rule is effective August 1, 2021.

2019 Amendment

This amendment renumbers the rule from 9013-1 and revises section (g) to clarify that proofs of service shall be filed within a reasonable time. This amendment to the rule is effective July 1, 2019.

2015

This new rule substantially replaces former Local Rules 7005-1 and 9014-1 which are abrogated. This new rule is effective July 1, 2015.

Rule 9015-1

JURY TRIAL

(a) ***Voir Dire.*** The method of *voir dire* examination and exercise of challenges in selection of the jury shall be as specified by the Court. A list of the *venire* will be furnished to counsel only at the time the case is called for trial, and prior to commencement of *voir dire* examination (unless otherwise required by governing rule or statute), and must be returned to the Clerk when the jury is empaneled. No person shall copy from or reproduce, in whole or in part, a list of the *venire*.

(b) ***Instructions to the Jury.*** All requests for instructions to the jury shall be submitted in writing within the time specified by the Court. Such requests, and supplemental requests, if any, shall be marked with the name and number of the case, shall designate the party submitting the request, shall be numbered in sequence, and shall contain citation of supporting authorities, if any.

(c) ***Juror Interviews.*** No attorney or party shall undertake, directly or indirectly, to interview any juror after trial in any civil case except as permitted by this rule. If a party believes that grounds for legal challenge to a verdict exist, the party may move for an order permitting an interview of a juror or jurors to determine whether the verdict is subject to the challenge. The motion shall be served within 14 days after rendition of the verdict unless good cause is shown for the failure to make the motion within that time. The motion shall state the name and address of each juror to be interviewed and the grounds for the challenge that the moving party believes may exist. The presiding judge may conduct such hearings, if any, as necessary, and shall enter an order denying the motion or permitting the interview. If the interview is permitted, the Court may prescribe the place, manner, conditions, and scope of the interview.

Notes of Advisory Committee

2015 Amendment

The revisions to this rule are primarily stylistic. This amendment to the rule is effective July 1, 2015.

1998 Amendment

On December 1, 1997, amendments to the Federal Rules of Bankruptcy Procedure added new Rule 9015, entitled "Jury Trials." This new rule was made necessary by the addition of 28 U.S.C. § 157(e) contained in the Bankruptcy Reform Act of 1994, Pub. L. 103-394. The Court had adopted paragraphs (a) through (e) of Local Rule 9015-1 because their subject matter was not covered in the Federal Rules of Bankruptcy Procedure. These paragraphs of the local rule are now abrogated as duplicative of the national rule.

The remaining parts of the local rule, paragraphs (f) through (h), are derived from the comparable District Court Local Rule 5.01. These paragraphs are redesignated paragraphs (a) through (c), respectively.

The District Court has specifically designated all of the bankruptcy judges of the Court to conduct jury trials pursuant to 28 U.S.C. § 157(e). *See* District Court Order No. 94-127-MISC-J-16, entered on December 1, 1994. Although Fed. R. Bankr. P. 9015(b) contemplates that the Court by local rule might establish a time by which the parties must consent to a jury trial conducted by a bankruptcy judge, this amendment does not attempt to establish such a time. Instead, the Committee is of the view that the parties and the Court should have the flexibility to allow consent to be given at any time.

This amendment to the rule was effective on October 15, 1998.

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 2.18. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9016-1

SUBPOENAS BEFORE TRIAL

Absent Court order to the contrary, subpoenas before trial shall be filed with the Court and, as required by Fed. R. Civ. P. 45(a)(4), incorporated by Fed. R. Bankr. P. 9016, served on each party to the adversary proceeding or contested matter prior to being served on the person to whom the subpoena is directed.

Notes of the Advisory Committee

2015

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. This new rule is effective July 1, 2015.

Rule 9019-1

SETTLEMENTS

(a) ***Court to Be Advised of Settlement of Pending Matters.*** When the parties to a pending adversary proceeding or contested matter reach a settlement that will resolve all issues in the pending matter, counsel for the plaintiff or movant shall immediately notify the Clerk's office or chambers personnel that the matter has been settled. The Court in its discretion may cancel any scheduled hearing in the adversary proceeding or contested matter or may require counsel to appear at the time set for the hearing to announce the terms of the settlement on the record. The parties shall promptly file papers to conclude the matter.

(b) ***Dismissal of Adversary Proceedings Upon Settlement.*** When notified that an adversary proceeding has been settled, the Court may order that the proceeding be dismissed subject to the right of any party to file a motion within 14 days thereafter (or within such other period of time as the Court may specify) for the purpose of entering a stipulated form of final order or judgment; or, on good cause shown, to reopen the adversary proceeding for further action.

Notes of Advisory Committee

2015 Amendment

The revisions to this rule are primarily stylistic. This amendment to the rule is effective July 1, 2015.

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 2.08(i) and (j). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Local Rule 2.08(g) has been moved and renumbered 2.08(i). No substantive change is intended.

Local Rule 2.08(j) is new. It provides that, upon notification that an adversary proceeding has been settled, the proceeding may be administratively closed. For purposes of entering a stipulated form of final order or judgment or in the event that the parties are unable to satisfactorily conclude documentation of the settlement, the Court may reopen the proceeding. The amendment is substantially similar to District Court Local Rule 3.08(b).

These amendments to the rule were effective on February 15, 1995.

Rule 9019-2

MEDIATION

(a) ***Application.*** Unless otherwise ordered by the Court, this rule applies in all mediations of an issue before the Court. In the event of a conflict between a Court order and this rule, the order will control.

(b) ***Definition.*** Mediation is an opportunity for the parties to negotiate their own settlement consistent with the mediation policy of self-determination. Mediation is a confidential process that includes a supervised settlement conference presided over by an impartial, neutral mediator to promote conciliation, compromise, and the ultimate settlement of a civil action. The mediator's role in the settlement is to suggest alternatives, analyze issues, question perceptions, conduct private caucuses, stimulate negotiations between opposing sides, and keep order. The mediation process does not allow for testimony of witnesses. The mediator should not opine or rule upon questions of fact or law or render any final decision in the case.

(c) ***Purpose.*** Mediation is intended as an alternative method to resolve civil cases, saving time and money for litigants without sacrificing the quality of justice to be rendered or the right of the litigants to a full trial in the event of an impasse following mediation. Mediation enables litigants to resolve their disputes incorporating terms of their choosing.

(d) ***Qualifications; Conflicts.***

(1) ***Selection of Mediator.*** The parties may select any person to serve as mediator. If the parties cannot agree on a mediator, one will be selected by the Court. Parties are encouraged to choose a mediator who has sufficient knowledge and experience in mediation and in bankruptcy law.

(2) ***Conflicts of Interest.*** The mediator must disclose all actual or potential conflicts of interest involving the parties participating in the mediation process. The parties may waive a mediator's actual or potential conflict of interest, provided that the mediator concludes in good faith that the mediator's impartiality will not be compromised. The unique nature of bankruptcy cases favors the parties' ability to waive conflicts and supersedes the concept of non-waivable conflicts.

(e) ***Standards of Professional Conduct for Mediators.*** All mediators in cases pending in this District, whether or not certified under the rules adopted by the Supreme Court of Florida, will be governed by standards of professional conduct and ethical rules adopted by the Supreme Court of Florida for circuit court mediators.

(f) ***Disqualification of a Mediator.*** After reasonable notice and hearing, and for good cause, the presiding judge has discretion and authority to disqualify any mediator from serving as mediator in a particular case. Good cause may include any violation of the standards of professional conduct for mediators.

(g) ***Mediation Process.***

(1) ***Duties of the Mediator.*** At the conclusion of mediation, the mediator will report to the Court (A) the identity of the parties who participated in the mediation process; and (B) whether the mediation resulted in an agreement in whole or in part, was adjourned for further mediation, or whether the parties are at an impasse.

(2) ***Duties of Counsel.*** Counsel must be familiar with the duties imposed on them as well as their respective clients consistent with this rule. Counsel who fails to attend the mediation and actively participate in the mediation process may be subject to appropriate sanctions.

(3) ***Participation of Parties at Mediation.*** Unless excused in writing by the Court, all parties to the mediation must participate in the mediation with authority to negotiate the amount and the issues in dispute. If a party proxy will participate in lieu of a party, notice must be provided in advance to all other counsel and the mediator. If anyone objects to the proxy, then such matter should be brought to the Court's attention in advance of the mediation.

(4) ***Failure to Attend.*** The mediator will report non-attendance by any party.

(5) ***Settlement.*** A settlement agreement reached in whole or in part with any of the parties must be reduced to writing and signed by the parties and their attorneys.

(h) ***Compensation of Mediators.*** Unless otherwise indicated in an order appointing a mediator, an order directing parties to mediate, or other similar Court order, the mediator will be compensated for fees and expenses as established and agreed to by the parties to the mediation. Absent agreement of the parties or Court order to the contrary, the cost of the mediator's services will be paid equally by the parties to mediation within 30 days of invoicing, and payment thereafter will be enforceable by the Court. If one or more parties to the mediation is a case trustee or debtor-in-possession, payment of the mediator's charges attributable to that party will be an expense of the bankruptcy estate and are authorized without the necessity of further Court order.

(i) ***No Stay.*** Absent an order to the contrary or agreement of the parties, discovery and preparation for a trial or contested matter is **not** abated merely by the pendency of a mediation.

(j) ***Confidentiality.***

(1) ***Definitions.*** "Mediation Communication" means an oral or written statement, or nonverbal conduct intended to make an assertion, by or to a participant in a mediation made during the course of the mediation, or prior to a mediation if made in furtherance of a mediation; "Mediation Participant" means a mediation party or a person who attends a mediation in person or by telephone, videoconference, or other electronic means; "Mediation Party" means a person participating in a mediation directly or through a designated

representative, and who is a named party, a real party in interest, or who would be a named party or real party in interest if an action relating to the subject matter of the mediation were brought in a court of law; and "Subsequent Proceeding" means an adjudicative process that follows a mediation, including related discovery.

(2) ***Confidential Mediation Communications.*** Except as provided in this section (j), all Mediation Communications are confidential, and the mediator and the Mediation Participants must not disclose outside of the mediation any Mediation Communication, and no person may introduce in any Subsequent Proceeding evidence pertaining to any aspect of the mediation effort. However, information that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery merely because of its disclosure or use in mediation.

(3) ***Evidence Rules and Laws.*** Without limiting subsection (2), Rule 408 of the Federal Rules of Evidence and any applicable federal or state statute, rule, common law, or judicial precedent relating to the privileged nature of settlement discussions or mediations apply.

(4) ***Settlement Agreements.*** Notwithstanding subsections (2) and (3), no confidentiality attaches to a signed, written agreement reached during or as a result of a mediation, unless the Mediation Parties agree otherwise, or to any communication for which the confidentiality or privilege against disclosure has been waived by all Mediation Parties.

(5) ***Preservation of Privileges.*** The disclosure by a Mediation Participant or Mediation Party of privileged information to the mediator or to another Mediation Participant or Mediation Party does not waive or otherwise adversely affect the privileged nature of the information.

(6) ***Disclosures by Mediator.*** The mediator cannot be compelled to disclose to the Court or to any person or other tribunal outside the mediation conference any Mediation Communications, nor can the mediator be required to testify in regard to the mediation in connection with any Subsequent Proceeding or be a party to any Subsequent Proceeding.

(7) ***Disclosure of Communications.*** A Mediation Participant who makes a representation about a Mediation Communication in any Subsequent Proceedings waives that privilege, but only to the extent necessary for another Mediation Participant to respond to that particular disclosure.

(k) ***Mediators as Counsel in Other Cases.*** Any member of the bar who is selected as a mediator under this rule will not, for that reason alone, be disqualified from appearing and acting as counsel in another unrelated case pending in this District.

(l) ***Referral to Mediation.*** Any pending case, proceeding, or contested matter may be referred to mediation by the Court at such time as the Court may determine to be in the interests of justice. The parties may request the Court to submit any pending case, proceeding, or contested matter to mediation at any time.

(m) ***Mortgage Modification Mediations and Other Specialty Mediations.*** When deemed necessary, the Court may establish procedures, policies, and necessary orders to deal with the mediation of emerging bankruptcy trends, such as residential mortgage modifications.

Notes of Advisory Committee

2024 Amendment

The amendments to the rule are intended to clarify changes to the mediation rules regarding declaring impasse and execution of agreements. The amendments to the rule are effective August 15, 2024.

2023 Amendment

This amendment updates the rule to specify the duties of the mediator, counsel and parties to mediation. The amendment also establishes a deadline and terms for payment of the mediator and clarifies that litigation is not stayed while mediation is pending. This amendment to the rule is effective August 1, 2023.

2013 Amendment

The amendments to this rule significantly modify the rule as originally promulgated in 1989 and amended in 1995 and 1997. The amendments reflect the development of the mediation process in the Middle District of Florida.

Section (c)(2): The parties' ability to waive a mediator's actual or potential conflict of interest in bankruptcy cases differs from the Rules for Certified and Court Appointed Mediators adopted by the Florida Supreme Court, Rules 10.100 et seq., and the opinions of the Mediator Ethics Advisory Committee.

Section (g): The confidentiality provisions of section (g) are adapted in significant part from Florida's Mediation Confidentiality and Privilege Act, Sections 44.401-44.405, Florida Statutes. Although the civil remedies provisions contained in Section 44.406 are not incorporated in this rule, parties are reminded that violations of this rule may be sanctionable under Local Rule 9011-3. By way of example, permissible disclosures in a subsequent proceeding would include statements made at a mediation to the extent necessary to support or oppose a reformation or declaratory relief action concerning an ambiguity in a settlement agreement. Additionally, a confidential settlement agreement is subject to disclosure if required by a subpoena or order of a court of competent jurisdiction.

This amendment to the rule is effective July 1, 2013.

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 2.23. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendment to Local Rule 2.23(b) makes clear that if the parties stipulate to a particular person on the register of mediators, the Court may appoint that person as mediator.

The amendment to Local Rule 2.23(d)(1) makes clear that the parties may agree to a shorter notice period for the mediation conference.

Paragraph (k) is new. It clarifies that the Court and the parties retain the flexibility to order or conduct mediation in ways other than that described in this rule. If the Court orders mediation other than pursuant to the methods and procedures contained in this rule, the confidentiality and compliance provisions of the rule will nevertheless apply to that mediation.

These amendments to the rule were effective on February 15, 1995.

Rule 9027-1

REMOVAL/REMAND

(a) ***State Court Record to Be Filed with Notice of Removal.*** The party filing a notice of removal of a claim or cause of action under 28 U.S.C. § 1452 and Fed. R. Bankr. P. 9027 shall file a complete copy of the state court record, including copies of all papers on file in the state court, with the notice of removal.

(b) ***Operative Pleadings and Other Relevant Papers to Be Separately Docketed.*** In addition to filing a complete copy of the state court record, within seven days of filing the notice of removal, the party who filed the notice of removal shall also file, as separate docket entries, the operative pleadings, substantive rulings, and any pending motions and responses included in the state court record.

Notes of Advisory Committee

2015 Amendment

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. This amendment to the rule 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 to the rule was effective on April 15, 1997.

This rule was formerly Local Rule 1.06A. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

Local Rule 1.06A is new. It gives effect to Fed. R. Bankr. P. 9027(e)(3) which permits the bankruptcy judge to require the party filing the notice of removal to file with the Clerk copies of all records and proceedings relating to the claim or cause of action in the court from which the claim or cause of action was removed. It is derived from District Court Local Rule 4.02(b).

These amendments to the rule were effective of February 15, 1995.

Rule 9070-1

EXHIBITS

(a) ***General Provisions.***

(1) ***Submission of Exhibits When All Parties Are Represented by Counsel.*** If all parties in an adversary proceeding or contested matter are represented by counsel, unless the Court orders otherwise, exhibits shall be exchanged and submitted via CM/ECF. The filing of exhibits via CM/ECF shall be considered the parties' exchange of exhibits as required by Local Rule 7001-1(m).

(2) ***Submission of Exhibits if a Party Is Not Represented by Counsel.*** If any party in an adversary proceeding or contested matter is not represented by counsel, the *pro se* party(ies) shall file paper copies of exhibits no later than seven days before the scheduled trial. The Clerk will upload exhibits of *pro se* parties via CM/ECF. This shall constitute the *pro se* party's exchange of exhibits with represented parties. Represented parties shall provide paper copies of exhibits to the *pro se* party(ies) at least seven days before the scheduled trial and shall also submit the exhibits via CM/ECF.

(3) ***Redaction of Personal Data Identifiers.*** In compliance with Local Rule 1001-3, the following Personal Data Identifiers shall be redacted from all exhibits submitted to the Court whether in paper or electronic format: Social Security numbers, names of minor children, dates of birth, and financial account numbers other than the last four digits of the account number.

(4) ***Exhibit List.*** Each party shall prepare a separate Exhibit List in the form attached as Appendix A. The Exhibit List shall 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 shall 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 shall 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 file a completed Exhibit List on the case or adversary proceeding docket.

(5) ***Numbering Exhibits and Exhibit Cover Sheet.*** Exhibits, whether submitted in paper or electronic format, shall be numbered commencing with Arabic numeral 1. Each exhibit shall be preceded by an 8 1/2 x 11-inch Exhibit Cover Sheet in the form attached as Appendix B. Pending the amendment of this Local Rule, parties do not need to attach an Exhibit Cover Sheet to each exhibit if, *and only if,* the first page of the exhibit is stamped in the lower right corner with the name of the submitting party and the exhibit number (*e.g.*, "Debtor Ex. No. 1" or "Plaintiff Ex. No. 1").

(6) ***Exhibits Other than Paper Documents.*** Objects other than paper documents to be introduced into evidence shall be photographed and listed on the Exhibit List. An Exhibit Cover Sheet shall be attached to the photograph. If possible, the physical object shall be brought to court for the trial.

(7) ***Oversized Paper Documents.*** Paper documents that are larger than 8 1/2 x 11 inches shall be photocopied to a reduced 8 1/2 x 11-inch copy and listed on the Exhibit List. Exhibit Cover Sheets shall be attached to both the original oversized exhibit and to the reduced copy of the exhibit ("substitute"), 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. If an appeal is taken, only the substitute will be included in the record on appeal.

(b) ***Procedure for Use of Electronically Stored Exhibits.***

(1) ***Format of Exhibits.*** Each exhibit, together with the Exhibit Cover sheet, shall be electronically stored in an individual Portable Document Format (PDF) file. Each PDF file shall have a unique identification name and number (*e.g.*, "Debtor's Exhibit 1"). To facilitate the filing of exhibits via CM/ECF, the individual PDF files should be contained in a single folder. If an exhibit includes Personal Data Identifiers, the party filing the exhibit shall electronically file a redacted copy of exhibit and, if appropriate, seek to file the unredacted exhibit under seal as provided for in Local Rules 1001-2 and 5005-4.

(2) ***CM/ECF Electronic Exhibit Upload.*** Parties shall file their Exhibit List and all electronic exhibits 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 shall effectuate a party's delivery of exhibits to opposing parties. Instructions on the CM/ECF Electronically Stored Exhibit Upload are located on the Court's website at www.flmb.uscourts.gov.

(3) ***Electronic Upload of Exhibits Other than Paper Documents and Oversized Paper Exhibits.*** PDF's of photographs of exhibits other than paper exhibits and of reduced photocopies of oversized paper documents, as described in sections (a)(6) and (a)(7), shall be uploaded using the CM/ECF Electronically Stored Exhibit Upload.

(4) ***Use of Electronically Stored Exhibits in Court.*** The electronically stored exhibits filed via CM/ECF Electronically Stored Exhibit Upload are the official exhibits for purposes of the trial.

(5) ***Preparation of Exhibits for Use by Witness, Counsel, and the Court.*** A party using exhibits during the examination of a witness shall, at the commencement of the examination, provide paper copies of the exhibits to be used during the examination to the Court, the witness, and the other parties. If a witness will testify regarding more than one exhibit or to voluminous exhibits, the exhibits for that witness shall be placed in binder or folder. If an exhibit

is voluminous and the entire exhibit is not relevant to the witness's testimony, the witness's binder or folder may include only the relevant portion of the exhibit. To facilitate the use of exhibits by the witness, counsel for the parties, and the Court, each witness's exhibits shall be placed in a separate binder or folder. Parties should confirm the preferred procedure for preparing exhibit binders with the assigned judge's chambers. A party's failure to include a previously exchanged exhibit in a witness's individual binder or folder shall not bar the party from offering the exhibit into evidence. The paper copies of exhibits that are not removed from the courtroom following their use will be disposed of by the courtroom deputy.

(6) ***Additional Exhibits.*** In the event that additional exhibits that were not uploaded via the CM/ECF Electronically Stored Exhibit Upload are offered or introduced into evidence during the course of the trial, a complete set of such additional exhibits shall be filed via 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.

(c) ***Procedure for Use of Exhibits Submitted in Paper Format.***

(1) ***Copies of Exhibits for the Courtroom Deputy.*** At the commencement of a trial, each party shall deliver to the courtroom deputy two copies of the Exhibit List and a complete set of the exhibits to be introduced into evidence in paper format. Original exhibits shall not be stapled or permanently bound. Any exhibits introduced at a trial that have not been pre-marked shall be tendered to and marked by the courtroom deputy as they are presented into evidence.

(2) ***Copies of Exhibits for Witnesses, Opposing Counsel, and the Court.*** Additional copies of the exhibits shall be provided for use by witnesses, to opposing counsel, and the judge. If a witness will testify regarding more than one exhibit or to voluminous exhibits, the exhibits for that witness shall be placed in a binder or folder. If an exhibit is voluminous and the entire exhibit is not relevant to the witness's testimony, the witness's binder or folder may include only the relevant portion of the exhibit. To facilitate the use of exhibits by the witness, counsel for the parties, and the Court, each witness's exhibits shall be placed in a separate binder or folder. Parties should confirm the preferred procedure for preparing exhibit binders with the assigned judge's chambers. However, a party's failure to include a previously exchanged exhibit in a witness's individual binder or folder shall not bar the party from offering the exhibit into evidence.

(3) ***Disposal of Paper Exhibits.*** The Clerk, with or without notice, may dispose of any unclaimed paper exhibits unless the Clerk is notified by a party that it intends to reclaim that party's exhibits within 30 days after the later of the entry of an order or judgment concluding the matter or proceeding, the entry of an order determining any post-judgment motions if no appeal is pending, or if a notice of appeal has been filed, the filing of the mandate. Parties shall bear any costs associated with reclaiming exhibits.

(d) ***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.

Notes of Advisory Committee

2019 Amendment

Amended sections (a) and (b) clarify the procedures for the submission of exhibits by parties who are represented by counsel and parties who represent themselves *pro se.* New section (d) Objections to Admissibility of Exhibits is consistent with the revision to Local Rule 7001-1(m)(3). Amended section (d) clarifies the types of objections to the admission of exhibits into evidence that are required to be filed before the close of business on the second day before trial. This amendment to the rule is effective July 1, 2019.

2017 Amendment

This rule is amended to replace and incorporate the provisions of Administrative Order FLMB-2015-06, which governs the use of electronically stored exhibits. Other revisions include a provision for exhibits with Personal Data Identifiers (referring to Local Rules 1001-2 and 5005-4), and a clarification that the exhibits used for each witness shall be placed in a separate binder or folder. This amendment to the rule is effective July 1, 2017.

2012 Amendment

This amendment adopts new procedures to accommodate the use of electronic scanning of exhibits, which can be impaired by the use of permanently bound or stapled originals. Paragraph (g) was amended to permit the Clerk to dispose of exhibits left unclaimed for 30 days. This amendment incorporates archived Administrative Orders 99-0001-MIS-ORL and 99-00001-MIS-JAX "General Order for Disposal of Unclaimed Exhibits." A sample Exhibit List (Appendix A) and Exhibit Cover Sheet (Appendix B) are provided. The addition of headings and subheadings is intended to be a stylistic rather than substantive change. This amendment to the rule is effective March 15, 2012.

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 2.13. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

1995 Amendment

The amendment to Local Rule 2.13(e) requires that additional copies of exhibits shall be made available for use by witnesses. The deletion of the word "period" after "trial" is stylistic; no substantive change is intended.

The provisions in Local Rule 2.13(h), which dealt with notification to counsel of the obligation to pick up exhibits and the consequence of the failure to do so, have been deleted as this is now dealt with exclusively by Local Rule 2.13(i). For purposes of Local Rule 2.13(i), the term "post-judgment motion" shall mean a timely motion; (1) to amend or make additional findings of fact under Fed. R. Bankr. P. 7052, whether or not granting the motion would alter the judgment; (2) to alter or amend the judgment under Fed. R. Bankr. P. 9023; (3) for a new trial under Fed. R. Bankr. P. 9023; or (4) for relief under Fed. R. Bankr. P. 9024 if the motion is filed no later than ten (10) days after the entry of judgment. These amendments to the rule were effective on February 15, 1995.

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
DIVISION

In Re:

[Name of Debtor(s)],

Debtor*.

Case No._____
Chapter _____

[Name of Plaintiff],

Plaintiff,

v.

[Name of Defendant],

Defendant.

Adv. Pro. No. _____

[Plaintiff/Defendant's] Exhibit List
(Hearing on Acme Bank's Complaint to Determine Dischargeability (Doc. No. 1))
Hearing Date:_____

Exh. #	**Document Description**	**Date Identified**	***Date Admitted***	***With or Without Objection***
1	Promissory Note			

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

APPENDIX A

Exhibit Cover Sheet

Party submitting: _____ Ex. #___

Admitted: Yes or No (circle one)

Debtor:_____

Case No.:_____

***Adv. Pro. No.:*_____**

Nature of Hearing/ Docket No:_____

_____

United States Bankruptcy Court
Middle District of Florida

Dated _____ , 20___.

By:_____, Deputy Clerk

APPENDIX B

Rule 9071-1

STIPULATIONS

All factual and procedural stipulations must either be in writing and filed with the Court or stated on the record in open court.

Notes of Advisory Committee

2015 Amendment

The revisions to this rule are primarily stylistic. This amendment to the rule is effective July 1, 2015.

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 2.17. The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

Rule 9072-1

ORDERS – PROPOSED

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

(1) ***Orders to Be Provided to Opposing Counsel for Review.*** Attorneys must 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 must 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 must include:

(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);

(6) if it is an agreed order, the word "Agreed" or "Consented" in the title; and

(7) 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 to 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 (the "Accompanying Orders List"). Counsel may submit a proposed order at the time that a listed motion or application is filed, following the Court's guidelines for the submission of proposed orders. 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 must 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 should 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; or

(4) 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 must state that the scheduled hearing is cancelled.

(e) ***Amended Orders.*** Amended orders must 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

2024 Amendment

The revision to section (c)(3) clarifies that an order after hearing should be submitted within three days of the hearing. This amendment to the rule is effective August 15, 2024.

2022 Amendment

This amendment adds a provision to section (b) requiring that an agreed order should include "Agreed" or "Consented" in the title. Section (d) is revised to remove the ability to submit an agreed order signed by all parties without a prior filed motion. This amendment to the rule is effective July 1, 2022.

2021 Amendment

This amendment makes a minor revision to the section (b)(6) language required at the end of an order; no other substantive changes are made. This amendment to the rule is effective August 1, 2021.

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.