

## **The State of the District 2022**

**By: Hon. Caryl E. Delano, Chief Judge**

The title of my column in the April 2021 issue of the *Court Connection* was “Light at the End of the Tunnel?” As I wrote the column, we were a year out from the beginning of the pandemic, vaccines were becoming widely available, and we were looking forward to a busy year. Then came the Delta and Omicron variants, and with them the cancellations of investitures, conferences, and other disappointments. Through it all, the Court, our employees, and, critically, the members of the bar carried on. Fast forward to 2022. With the variant surges hopefully behind us, perhaps we are really seeing the “light at the end of the tunnel,” the theme of my 2022 State of the District presentation.

I presented the 2022 State of the District live for the Tampa and Fort Myers bankruptcy bars and by Zoom for Orlando and Jacksonville. Although the presentation is available—for CLE Credit—on the Court’s CLE webpage (<https://pacer.flmb.uscourts.gov/cle/index.asp>), here’s a recap of the highlights:

### **Judges in the News and on the Move**

“The Way We Were” – July 1999



Left to right: Judge Jerry Funk, Judge Karen Jennemann, Judge George Proctor, Judge Paul Glenn, Judge Alexander Paskay, Judge C. Timothy Corcoran, III, Judge Thomas Baynes, and Judge Arthur Briskman.

“We’ve Come a Long Way, Baby” – February 2022



Bottom row left to right: Chief Judge Caryl Delano, Judge Lori Vaughan, Judge Michael Williamson, Judge Catherine McEwen; Top row: Judge Jay Brown, Judge Roberta Colton, Judge Jerry Funk, Judge Grace Robson

Judge Jerry A. Funk:

- Appointed November 3, 1993.
- Retirement Luncheon held November 3, 2021, in Jacksonville.
- Recalled for three years through November 2024.

Judge Karen S. Jennemann:

- Appointed November 3, 1993.
- Retired February 2, 2022.
- Portrait ceremony held February 4, 2022, in Orlando.

Judge Cynthia C. Jackson:

- Appointed March 2013.
- Orlando Division 2013-2020; Jacksonville Division 2020-2021.
- Retired August 2021.

Judge Michael G. Williamson:

- Appointed by Chief Justice Roberts to the Space and Facilities Committee of the Judicial Conference of the United States.

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Judge Catherine Peek McEwen:

- National Conference of Bankruptcy Judges' 2021 Public Outreach Award Recipient.
- Appointed by Chief Justice John Roberts to a three-year term on the Judicial Conference's Advisory Committee on Bankruptcy Rules.
- Chair of Subcommittee on Business Rules and Liaison on the Advisory Committee on Civil Rules.
- National Conference of Bankruptcy Judges' Eleventh Circuit Governor.
- Member of NCBJ's Legislative Committee.

Judge Roberta A. Colton:

- Served on the four-judge Mediation Team in the Puerto Rico PROMESA bankruptcy case, 2017-2022.
- In a January 19, 2022 order, presiding Chief United States District Judge Laura Taylor Swain of the Southern District of New York:
  - ordered that the Mediation Team had "completed its work and accomplished fully the assigned tasks;"
  - thanked the Team members for "undertaking the unprecedented responsibility of facilitating and guiding the negotiations of the parties to these extraordinary cases to substantially consensual conclusions;" and
  - stated, "The Court is sincerely and deeply grateful to Judge Houser and the Mediation Team for answering the call and their tireless, skillful work throughout the progress of these uniquely complex cases."

Judge Lori V. Vaughan:

- Appointed February 25, 2020.
- Investiture (finally!) held February 25, 2022, in Tampa.
- Judicial Chair, Local Rules Lawyers' Advisory Committee.

Judge Jacob A. Brown:

- Sworn in on November 3, 2021.
- Former law clerk to Judge Funk.
- Former partner at Akerman LLP, Jacksonville.
- Formal investiture will be held in Jacksonville.

Judge Grace E. Robson:

- Sworn in on November 3, 2021.
- Board-Certified Bankruptcy Attorney.
- Former partner at Markowitz Ringel Trusty & Hartog, P.A., Miami.
- Formal investiture will be held in Orlando (scheduled for June 21, 2022).

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Judge Jason A. Burgess:

- Sworn in on March 18, 2022.
- Board-Certified Business and Consumer Bankruptcy Attorney.
- Former Subchapter V Trustee.
- Formal investiture will be held in Jacksonville.

Judge Tiffany Payne Geyer:

- Sworn in on March 25, 2022.
- Former law clerk to Judge Jennemann.
- Former partner at BakerHostetler, Orlando.
- Formal investiture will be held in Orlando.

Chief Judge Caryl E. Delano:

- Reappointed for second term beginning June 24, 2022.

United States Bankruptcy Judge Denise E. Barnett:

- Trial attorney with the Office of the United States Trustee, Tampa, 2002-2021.
- Appointed November 8, 2021, as United States Bankruptcy Judge, Western District of Tennessee, Memphis Division.

**Clerk's Office**

Sheryl Loesch, Clerk of Court:

- Serves as President of the International Association for Court Administration.

José Rodriguez, Chief Deputy:

- Joined our Court in December 2021 after serving as Chief Deputy for the U.S. Bankruptcy Court, Southern District of Florida.
- SDFL Chief Deputy for seven years and Director of Administrative Services for 11.5 years.

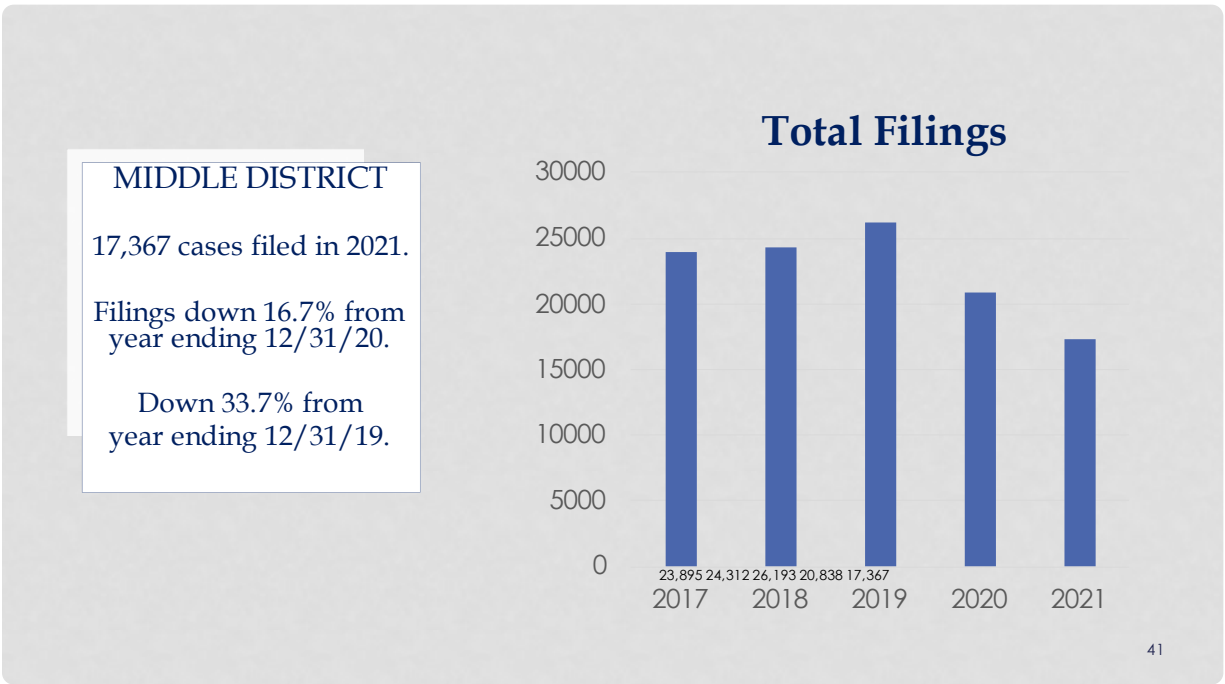
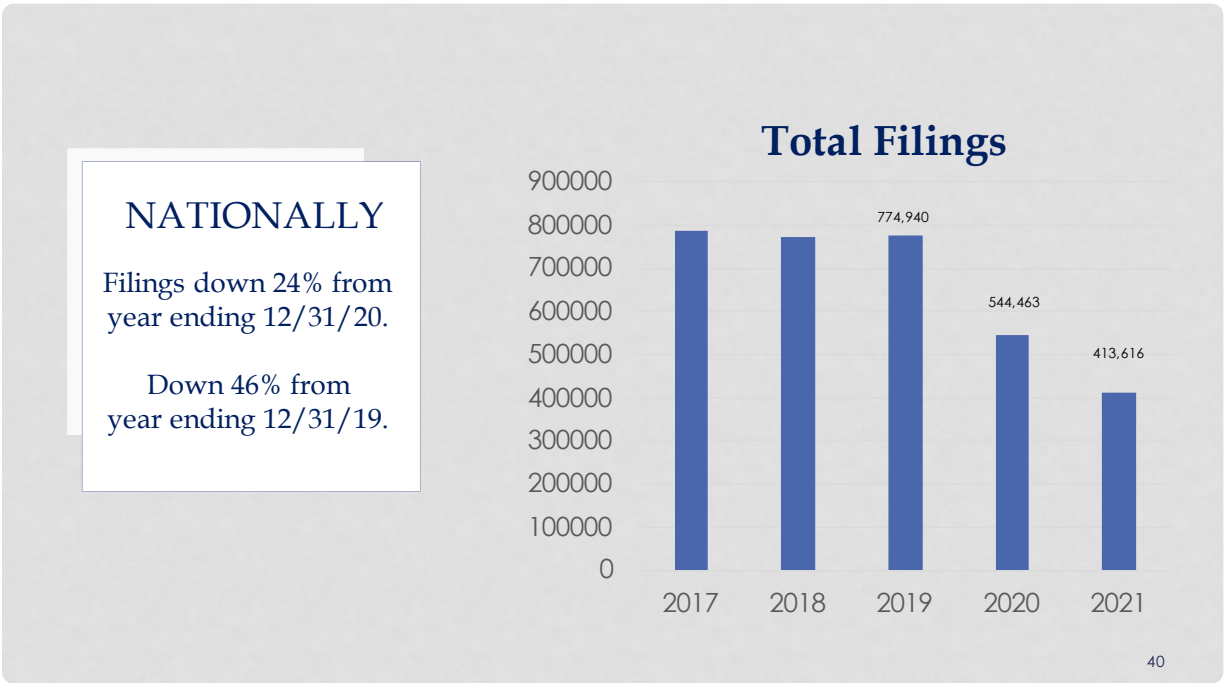
Division Managers:

- Gull Weaver – Jacksonville
- Kathy Deetz – Orlando
- Tina Mason – Tampa and Fort Myers

Court Employees:

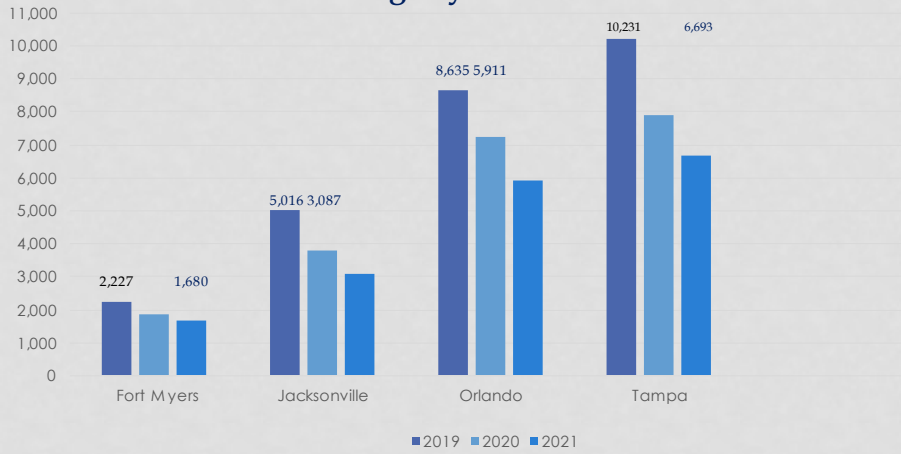
- 66 Employees
- 3 Division Managers
- 27 Case Managers
- 10 IT Staff

**Statistics**



## FILING STATISTICS - MDFL

**Filings By Division**



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## COMPARISON: 2019, 2020, & 2021 FILINGS

	2019	2020	2021
• Chapter 7	18,873	16,653	13,753
• Chapter 11	349	282	226
• Chapter 13	6,951	3,891	3,382
• Other-12,15	20	12	6
• <b>Total Filings</b>	<b>26,193</b>	<b>20,838</b>	<b>17,367</b>
• APs	1,234	977	773



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## MIDDLE DISTRICT RANKINGS

Nationally, for the year ending December 31, 2021,  
The Middle District of Florida ranked:

- 2nd in total number of bankruptcy case filings;
- 2nd in total number of Chapter 7 case filings;
- 5th in total number of Chapter 11 case filings;
- 7th in total number of Chapter 13 case filings;
- 3rd in total number of adversary proceedings; and
- 1st in *pro se* filings per authorized judgeship.



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## MIDDLE DISTRICT WEIGHTED CASE AVERAGE

Nationally, for the Year Ending December 31, 2021

- National average of weighted cases per judge is 535.
- MDFL ranked 7th in the nation for a total of 754 cases per judge (8 judges, plus 1 temporary judgeship).
- For 8 judges, 848 weighted cases per judge, tied for 4th place with the Southern District of Florida.

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**Small Business Reorganization Act (“SBRA”)**

**Florida is #1.**

500 Subchapter V Cases filed in Florida through February 28, 2022.

- Middle District – 277 Sub V Cases Filed.
- Southern District – 193 Sub V Cases Filed.
- Northern District – 30 Sub V Cases Filed.

**Middle District is #1.**

- Middle District – 1st in the U.S.
- Southern District – 3rd in the U.S.
- Northern District – 33rd in the U.S.

**Middle District Filings by Division:**

- Tampa – 119 Cases
- Orlando – 100 Cases
- Jacksonville – 41 Cases
- Fort Myers – 17 Cases

**New Developments**

**No More Masks!!**

On March 7, 2022, Chief District Judge Corrigan entered an Order Vacating COVID-19 Mask Order.

- Masks are no longer required to be worn by visitors or employees in Middle District of Florida courthouses.
- However, the presiding judge retains discretion to require masks in a court proceeding, and anyone who wishes to wear a mask in the courthouse may continue to do so.

**Thank you to our Bar!**

**Local Rules Lawyers’ Advisory Committee:**

- Committee works with Judge Vaughan, Judicial Chair, to suggest and review proposed new and amended Local Rules.
- Hon. Lori V. Vaughan – Judicial Chair
- Members from each Division:
  - Jason A. Burgess, Esq. – Jacksonville Division
  - David W. Fineman, Esq. – Fort Myers Division



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- Elena Paras Ketchum, Esq. – Tampa Division
- Kim Osment – Court Project Manager
- Daniel A. Velasquez, Esq. – Orlando Division

District-Wide Steering Committee:

- Established in 2012.
- Suggests and evaluates procedures and policies.
- Hosts Bench-Bar Conference.
- 2020 and 2021 Bench-Bar Conferences held via Zoom.
- Outgoing Members:
  - Barbara A. Hart, Esq., Chair – Tampa
  - Ana V. De Villiers, Esq. – Orlando
  - Eileen Dolaghan, Esq. – Jacksonville
  - Melissa H. Jeda, Esq. – Fort Myers
  - Gary J. Lublin, Esq. – Orlando
  - Douglas N. Menchise, Esq. – Tampa
  - Jonathan A. Semach, Esq. – Tampa
  - Miriam Suarez, Esq. – Orlando
- Current Members:
  - Christopher R. Thompson, Esq., Chair – Orlando
  - Gregory L. Atwater, Esq. – Jacksonville
  - Todd Budgen, Esq. – Orlando
  - Jason A. Burgess, Esq. – Jacksonville
  - Gregory A. Champeau, Esq. – Fort Myers
  - Kelly Remick, Esq. – Tampa
  - Scott A. Underwood, Esq. – Tampa
  - Guy A. Van Baalen, Esq. – Tampa
  - Daniel A. Velasquez, Esq. – Orlando



## **Retirement And Portrait Ceremony For Judge Karen S. Jennemann**

**By: Jeanne Kraft Herdeker and Chelsea Moore, Law Clerks**

On February 4, 2022, the Middle District of Florida Bankruptcy Court, District Court, and Magistrate Judges; Florida State Court Judges; family; and friends, along with the Central Florida Bankruptcy Law Association, attorneys, and other distinguished guests, gathered at the George C. Young United States Federal Building and Courthouse for the retirement and portrait ceremony of the Honorable Karen S. Jennemann. Consistent with Judge Jennemann’s trailblazing career and commitment to the community, the ceremony and reception that followed reflected that same initiative spirit, while giving back to the community.

The retirement ceremony, emceed by Orlando locals Joel Swanson and Frogpig—a half pig/half frog puppet (yes, a puppet!!)—provided levity throughout the usually solemn ceremony. The ceremony began with the Pledge of Allegiance and the singing of the National Anthem by William Doherty. Remarks followed from Chief Judge Caryl E. Delano, as well as Judge Lori V. Vaughan—Judge Jennemann’s former law clerk.

Judge Jennemann’s husband, Scott, and her son, Tom, proceeded with the portrait unveiling, which initially revealed a caricature of Judge Jennemann and her beloved dog, Sophie, drawing many laughs from attendees. The official portrait, however, is a stunning photograph of Judge Jennemann before Lake Eola and the Orlando cityscape. Local photographer, Matt Good, who donates a portion of the proceeds from his work to charity, created the art. A quilt with the seal of the United States Bankruptcy Court for the Middle District of Florida and the Flag of the United States made by Judge Jennemann’s courtroom deputy, Gena Whitsett, initially draped the portrait. After closing remarks by Judge Jennemann, the reception immediately followed.

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The casual reception allowed many to congratulate Judge Jennemann on her retirement and many accomplishments after serving over 28 years on the bench. Judge Jennemann was accompanied by her husband, Scott; her son, Tom; her daughter-in-law, Dawn; and her grandson, Bob. Second Harvest Food Bank of Central Florida catered the event. As a final farewell, judges, court personnel, members of the bar, family, and friends performed a flash mob dance to “Celebration” by Kool & the Gang.

The retirement and portrait ceremony, along with the commission of the portrait, were made possible by the Central Florida Bankruptcy Law Association and the following sponsors: Akerman; Baker Hostetler; Bench Bar Fund of the United States District Court for the Middle District of Florida; Branson Law, PLLC; Dean Mead; Ewald Auctions; Fisher Auction Company; Latham, Luna, Eden & Beaudine, LLP; Nardella & Nardella, PLLC; and Winderweedle, Haines, Ward & Woodman. Please stop by to view the portrait, which will hang on the walls of the sixth-floor lobby of the George C. Young United States Federal Building and Courthouse.



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**Judge Vaughan’s Investiture – February 25, 2022**  
**By: Hon. Caryl E. Delano, Chief Judge**



The Honorable Lori V. Vaughan’s formal investiture was held in Tampa on Friday, February 25, 2022, exactly two years after her swearing-in as a United States Bankruptcy Judge for the Middle District of Florida. The ceremony took place in the District Court’s ceremonial courtroom in the Sam M. Gibbons United States Courthouse, with a reception following at Bizou Brasserie at the Le Méridien Hotel.

Judge Charles R. Wilson of the United States Court of Appeals for the Eleventh Circuit administered the oath of office to Judge Vaughan. And two of the Middle District’s retired bankruptcy judges, Fr. Timothy Corcoran, and Judge Karen Jennemann, attended and participated in the ceremony. It was a special day for Judge Vaughan and Judge Jennemann because Judge Vaughan served as Judge Jennemann’s first law clerk.

Bankruptcy Judges Mary Grace Diehl (Atlanta), Mary Jo Heston (Tacoma, Washington), and Denise Barnett (Memphis) traveled to Tampa for the ceremony. Other distinguished guests included United States District Court Judges and Magistrate Judges.



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Megan Murray emceed presentations from the Tampa Bay Chapter of the Federal Bar Association (Jordan Maglich, President), The Florida Bar Business Law Section (Katherine Donlon, Chair), Central Florida Bankruptcy Law Association (Jonathan Sykes, President), Tampa Bay Bankruptcy Bar Association (Noel Boeke, President), International Women’s Insolvency & Restructuring Confederation (Leyza Blanco, Immediate Past Chair), and International Women’s Insolvency & Restructuring Confederation, Florida Network (Leanne Prendergast, Immediate Past Chair).

Judge Colton and Mark Wolfson reflected on their experiences working with Judge Vaughan as an attorney, and I formally “welcomed” Judge Vaughan to the bench. In her heartfelt response, Judge Vaughan described the obstacles she overcame on her path to the bench and gave special recognition to those who helped her along the way. When Judge Vaughan described the impact of her former high school teacher, Ronald Blake, on her life, there were few dry eyes in the courtroom.

Please join me in officially welcoming Judge Lori Vaughan to the bench!







Pictured from left to right: Retired Bankruptcy Judge Fr. C. Timothy Corcoran, III (aka, Fr. Tim), Mark Wolfson, Judge Roberta Colton, Jordan Maglich, Judge Lori Vaughn, Kacy Donlon, Leyza Blanco, Megan Murray.

## Judge Jason Burgess and Judge Tiffany Geyer Sworn In As Middle District of Florida Bankruptcy Judges

The Honorable Jason Burgess and the Honorable Tiffany Geyer were recently appointed as the United States Bankruptcy Court for the Middle District of Florida's newest judges.



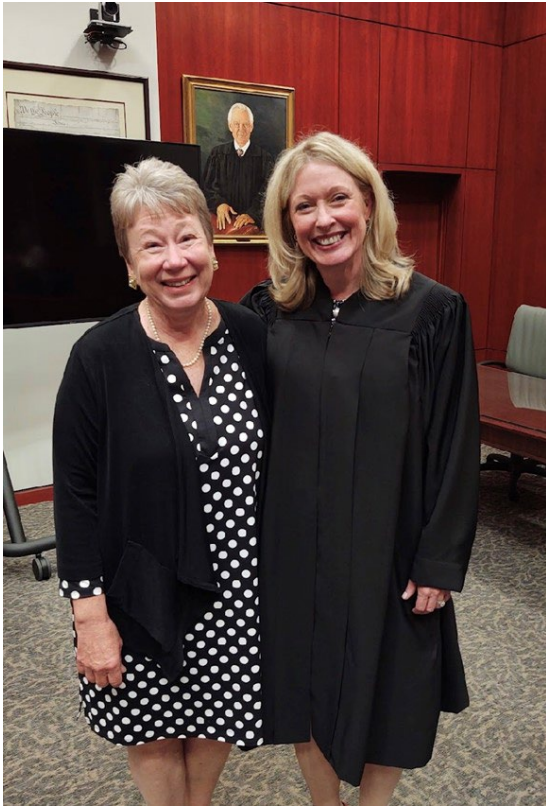
*Judge Burgess and Judge Funk*

Prior to his appointment, Judge Burgess practiced at The Law Offices of Jason A. Burgess, LLC, in Atlantic Beach, Florida, and served as Subchapter V Chapter 11 Trustee in both the Middle District of Florida and Northern District of Florida. He presides in the Jacksonville Division.

Judge Burgess was sworn in on March 18, 2022, in Jacksonville by Judge Funk.



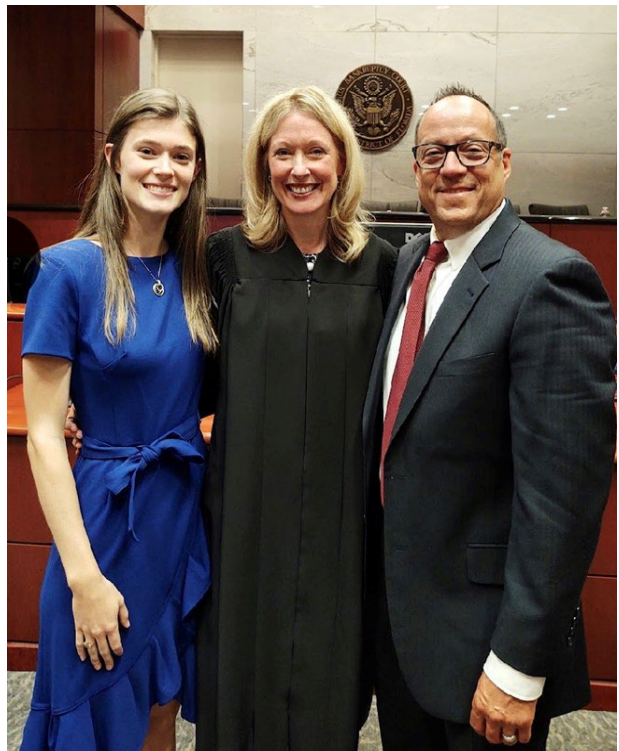
*Judge Burgess & Family*



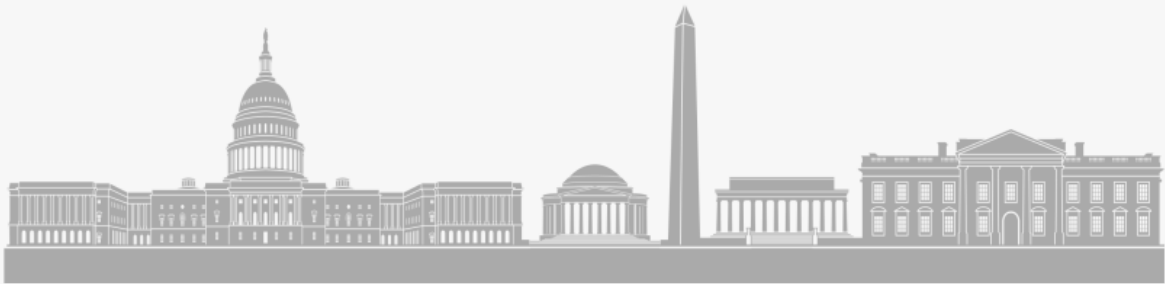
*Judge Jennemann and Judge Geyer*

Prior to her appointment, Judge Geyer was a partner at Baker & Hostetler LLP in Orlando, Florida. She presides in the Orlando Division.

Judge Geyer was sworn in on March 25, 2022, in Tampa by Chief Judge Delano.



*Judge Geyer & Family*



## **Baby Judge School, Cherry Blossoms, and COVID**

**By: Hon. Jacob A. Brown<sup>1</sup>**

After my first round of “baby judge” school, which consisted of eight four-hour virtual sessions, I was looking forward to the first in-person session being conducted by the Federal Judicial Center (FJC) for newly minted bankruptcy judges since the start of the pandemic. We were scheduled for training from March 21-24, 2022, in Washington, D.C., at the Thurgood Marshall Federal Judiciary Building. Each year’s crop of recently appointed “baby” bankruptcy judges is a class or “Cohort,” and each group comes up with a name for their Cohort (more on that later). This session had three different Cohorts who attended, with a total of 43 baby judges. The Cohort for Judge Robson and me was the smallest of the three, with just ten judges—a small but mighty bunch. There were also eight seasoned bankruptcy judges that served as faculty. Having set the stage, here’s my travel log. Enjoy!

**Sunday, March 20th** – Fly to Washington, D.C., in time to meet some of my Cohort at the Old Ebbitt Grill.

**Monday, March 21st** – Our first day of training started with introductions, after which we broke out into small groups, where each new judge had the opportunity to act as a judge while others, acting out roles such as attorneys, told you how wrong your ruling was or that you didn’t know what you were doing and would be reversed, or forced you to deal with *pro se* siblings fighting over a family business. It was a great way to learn how to deal with some tough situations.

After class, I went for a long walk around the entire mall. I said hello to Abe at his monument and took in the amazing cherry blossoms (approximately 15,000 steps,

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<sup>1</sup> Special thanks to the Hon. Grace E. Robson for her contributions to this article.

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give or take). Judge Robson led the charge for an awesome Cohort dinner at St. Anselm. Some of us had walked there, and on the walk back, my Cohort Judge Ronald Clifford (C.D. Cal.) and I discovered we both worked at Pizza Hut in our earlier days—Judge Clifford in Los Angeles, and me in Washington, Georgia. We had a great laugh, and the others walking back with us enjoyed the Pizza Hut experience banter.

**Tuesday, March 22nd** – Headed to training to find a group of judges in the hotel lobby:

“Did you read the email?”

“What email?”

“The email that said there was a COVID exposure and telling us not to come in until further notice.”

“Hmmm – must have missed that one.”

I then headed to Union Station and had coffee with Judge Lori Vaughan. Judge Scott Grossman also joined us, and the three of us had a good chat—and likely solved a few of the world’s problems. Afterward, I learned that Judge Elizabeth Gunn (D.C.), the only bankruptcy judge in the D.C. Circuit, volunteered to lead a group of us around the city to the best cherry blossom viewing locations during our break. We caught a great day with a great walk led by Judge Gunn. It was also National Ag Day, so we saw a number of agricultural vendors with various machinery, equipment, and other displays set up on the mall.

Around 12:15 p.m., we were summoned back (approximately another 15,000 steps): class was set to begin at 1:00 p.m. The abbreviated day of training included presentations on implicit bias, security, handling *pro se* cases, and other relevant topics. We closed out with a request that we plan to leave a day early and conclude the following day at noon. That afternoon, I visited the Holocaust Museum for a tour that was made available to the judges during the visit to D.C. I had been there years before, and more recently, I had been to Yad Vashem in Jerusalem. This visit to the Holocaust Museum was a reflective, somber visit that spurred many thoughts and emotions (my grandparents on my mom’s side were Holocaust survivors). I then had dinner with a cousin who lives in D.C. who has a baby girl, Adele. It was nice to end a crazy day with family and get to read a bedtime story to Adele.

**Wednesday, March 23rd** – The weather took a turn for the worse, and we had a half-day of training with more practice rounds with the new judges facing tough challenges. John Cooke, director of the FJC, said a nice goodbye with a story about a sea captain that I won’t repeat here (but will gladly do so in the future). Mr. Cooke



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ended his remarks by noting the importance of being kind (more on that below). Kudos to the FJC and bankruptcy judge faculty for doing a great job in a tough situation.

One of the things I didn't quite realize when I became a judge was how many great resources there are for training. Between the FJC, numerous online resources, and my best resource—my many awesome colleagues—I feel well-poised to take on the challenges ahead.

Final note for now—our Cohort name. Our small but mighty bunch didn't want COVID in our class name. So we decided on something a little different: "The Vonneguts." Why is that? Well, a few reasons. First, the choice was solidified by John Cooke's closing remarks, during which he said, "Be Kind." This was a common Kurt Vonnegut quote and theme. Second, Vonnegut (admittedly not for all) was a supporter of the concept of family and being there for each other. Well, my Cohort is now a family of new judges and will be there for each other as we grow and take on the challenges of the position. Finally, Vonnegut tells a story about how his uncle was someone who insisted on recognizing good times and would often say, "If this isn't nice, what is?" Well, if the honor of our appointments and the privilege to serve as bankruptcy judges isn't nice, I don't know what is. I hope to be able to remember these points day in and out. So, Judge Robson and I are now in the Cohort named "The Vonneguts," and when people ask what that means, we can share the reasons above: Be kind! If this isn't nice, what is? We are a family and there for each other.



Baby judges in front of the United States Capital.



Baby judges in front of the Jefferson Memorial and numerous cherry trees almost in full blossom.





## **PROPOSED AMENDMENTS TO LOCAL RULES**

**By Hon. Lori V. Vaughan**  
**Judicial Chair, Local Rules Lawyers' Advisory Committee**

The judges of the United States Bankruptcy Court for the Middle District of Florida are considering proposed amendments to the Local Rules. The proposals are now posted for public comment until April 29, 2022. When promulgated by the judges, the amended Local Rules will become effective on July 1, 2022.

Attorneys and parties who appear before the Court are encouraged to review the proposed amendments. The Court appreciates all comments and will consider them before promulgating the amended Local Rules.

You can click [here](#) to review redlined versions of the proposed amendments. Click [here](#) to provide comments.

Following is a summary of the proposed amendments:

### **[Rule 1001-2 Case Management and Electronic Filing System – CM/ECF](#)**

This proposed amendment allows for service on debtor's counsel under Fed. R. Bankr. P. 7004(g) to be made electronically through CM/ECF.

### **[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](#)**

This proposed amendment outlines a procedure for waiving the credit counseling requirement under 11 U.S.C. § 109(h) for an incapacitated person. It also outlines 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.

#### **Rule 2004-1 Examination of Debtor and Others**

This proposed amendment adds a new section (h), which provides that a prevailing party may be awarded expenses incurred in making or opposing motions to compel under Fed. R. Civ. P. 37(a)(5).

#### **Rule 2016-1 Compensation of Professionals**

This proposed amendment modifies section (c)(1)(B) to change the deadline for filing final applications for compensation in cases converted to Chapter 7 from 90 days from the order converting the case to 90 days from the Chapter 7 trustee's notice of recovery of assets, if any. The proposed amendment also modifies the rule to clarify that all fee applications may be served on negative notice in accordance with Local Rule 2002-4. Subsection (c)(3)(C) is also amended to clarify the procedure for final fee applications to be approved at confirmation in Chapter 11.

#### **Rule 4001-1 Automatic Stay**

This proposed amendment adds new section (c)(10), which deems use of the negative notice procedure 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).

#### **Rule 5011-1 Withdrawal of Reference**

This proposed 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.

#### **Rule 9072-1 Orders – Proposed**

This proposed amendment adds a subsection 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.



## Upcoming Events in the Middle District

- May 3**  
12:00 pm  
**TBBBA Consumer Program: *Pre-Filing Issues for Chapter 7 Cases: A Debtor's Perspective*** –  
Presented by Samantha Dammer  
*Zoom Webinar*
- May 10**  
12:00 p.m.  
**TBBBA CLE Luncheon: *Challenges Valuing Assets Amid Pandemic and Other World Events***  
Presented by Donald Kirk, Melissa Davis, & Scott Underwood  
*University Club, Tampa*
- May 12 & 13**  
8:00 a.m. –  
12:30 p.m.  
***Bankruptcy Law & Practice: A View from the Bench***  
Sponsored by the Business Law Section of The Florida Bar  
**Tampa - May 12 - *Center for Advanced Medical Learning & Simulation***  
**Miami - May 13 - *Hyatt Regency Hotel***
- May 18**  
12:00 p.m.  
**JBBA Clerk's & Staff Appreciation Luncheon**  
*The River Club, Jacksonville*
- May 19**  
12:00 p.m.  
**CFBLA CLE Luncheon: *Avoid Fear Factor by Factoring in Bankruptcy***  
Roy Kobert, Moderator; Jared Ullman, Esther McKean, & Jeff Ainsworth, Panelists  
*Akerman, LLP, Orlando*
- May 19**  
12:00 p.m.  
**Judge McEwen's Mentoring Program for New Bankruptcy Lawyers: *How to Avoid Stormy Seas – Forecasting Cash Flow for Smooth Sailing Under Sunny Skies***  
Presented by Dr. Ruediger Mueller  
*Zoom Webinar*

- May 24**  
12:00 p.m.                    **CFBLA & USBC CLE Brown Bag Lunch**  
*George C. Young Federal Annex Courthouse,  
5th Floor Training Room, Orlando*
- May 26**  
6:00 p.m. –  
8:00 p.m.                    **TBBBA/TMA Happy Hour**  
Food will be provided; cash bar  
*World of Beer, 5311 Avion Park Drive, Tampa*
- June 8**                        **TBBBA Annual Installation and Awards Dinner**  
*Palma Ceia Golf & Country Club, Tampa*
- June 21**  
3:00 p.m.                    **Investiture of Hon. Grace E. Robson**  
*George C. Young Federal Annex Courthouse; reception  
immediately following at The University Club, Orlando*
- June 28**  
12:00 p.m.                    **CFBLA & USBC CLE Brown Bag Lunch**  
*George C. Young Federal Annex Courthouse  
5th Floor Training Room, Orlando*
- June 29**  
12:00 p.m.                    **JBBA Annual Meeting & Board Elections**  
*The River Club, Jacksonville*
- July 21**  
12:00 p.m.                    **CFBLA CLE Luncheon: *Equitable Subordination in  
Universal Towers Case***  
*Akerman, LLP, Orlando*
- July 28**  
12:00 p.m.                    **CFBLA & USBC CLE Brown Bag Lunch**  
*George C. Young Federal Annex Courthouse  
5th Floor Training Room, Orlando*
- August 19**                    **JBBA Annual Seminar**  
*Marriott Sawgrass, Ponte Vedra*
- August 24**                    **CFBLA Annual Seminar**  
*The Citrus Club, Orlando*



**Jacksonville Bankruptcy Bar Association**  
**By: Allan E. Wulbern, Esq., President**

The Jacksonville Bankruptcy Bar Association is excited that two of its own, Judge Jay Brown and Judge Jason Burgess, have been recently appointed to the Bench in the Jacksonville Division. On April 6, Judge Funk, Judge Brown, and Judge Burgess hosted the JBBA's members at the federal courthouse in Jacksonville for a Brown Bag Lunch sponsored by the law firm Jones and McCorkle. At the lunch, the judges engaged in an open discussion about practice pointers and their expectations of the Bankruptcy Bar.

The big news of the day, though, was the judges' announcement that beginning May 1, attorneys in the Jacksonville area will be expected to appear in person at hearings and trials in the Jacksonville Division. The JBBA believes this is a great development that will benefit the local bankruptcy bar and their clients because attorneys will regain opportunities to interact with each other and court staff and get back to the practice of resolving issues in the hall outside the courtroom.

Consistent with the return of in-person hearings, the JBBA is resuming monthly in-person meetings and activities. On May 18, the JBBA will host the Jacksonville Division Clerk's and JBBA members' staff for a Clerk's and Staff Appreciation Lunch to be held at the River Club.

The JBBA's Annual Meeting and Board elections will be held on June 29 at the River Club. Karen Brune Mathis from the *Jacksonville Daily Record* will be there to talk about the many new developments in downtown Jacksonville. Any JBBA member interested in joining the JBBA Board should contact any Board member for information about the nomination process.

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Finally, on Friday, August 19, the JBBA will host a live seminar at the Marriott Sawgrass. The highlight of the seminar will be a conversation between Judge Funk and Steve Busey about Judge Funk's extraordinary career on the bench. The JBBA Seminar will be kicked off with a round of golf on Thursday, August 18 at TPC Sawgrass, hosted by Mark Healy with Moecker & Associates. Everyone is invited – JBBA members and non-members alike. We hope to see you there!



## Central Florida Bankruptcy Law Association News

CFBLA's first in-person luncheon since the start of the pandemic was held on April 21, 2022, at the offices of Akerman LLP. *A 60-Year Celebration and Tribute to Jules Cohen* was well attended by family, friends, and colleagues. Judges Briskman, Brown, Kimball, Vaughan, and Williamson were in attendance. Judge Williamson was our guest speaker. He shared a timeline of Jules' accomplishments, talked about how Jules has had such a positive impact on our community, and reminded the local bar of the importance of professionalism and civility. A video recording will be available to all on our website at [www.cfbla.org](http://www.cfbla.org).

### *A 60-Year Celebration and Tribute to Jules Cohen* *April 21, 2022*



**Upcoming CFBLA Events:** We have been busy planning, and going forward, all our CLE luncheons will be in-person and by webinar. Please save the date for our upcoming CFBLA events, and for more information, see our website at [www.cfbla.org](http://www.cfbla.org).

- May 19, 2022      *CFBLA CLE Luncheon: Avoid **Fear Factor** by Factoring in Bankruptcy – 12:00 p.m., Akerman, LLP*
- May 24, 2022      *CFBLA & USBC CLE Brown Bag Lunch – 12:00 p.m., Sam M. Gibbons United States Courthouse, 5th Floor Training Room*
- June 21, 2022      *The Hon. Grace E. Robson’s Investiture – 3:00 p.m., George C. Young Federal Annex Courthouse; Reception immediately following at the University Club*
- June 28, 2022      *CFBLA & USBC CLE Brown Bag Lunch – 12:00 p.m., Sam M. Gibbons United States Courthouse, 5th Floor Training Room*
- July 21, 2022      *CFBLA CLE Luncheon: Equitable Subordination in Universal Towers Case – 12:00 p.m., Akerman, LLP*
- July 28, 2022      *CFBLA & USBC CLE Brown Bag Lunch – 12:00 p.m., Sam M. Gibbons United States Courthouse, 5th Floor Training Room*
- August 24, 2022      *CFBLA Annual Seminar 2022 – 8:00 a.m. to 4:00 p.m., The Citrus Club*



## **Southwest Florida Bankruptcy Professionals Association**

**By: Jonathan M. Bierfeld, Esq., President**

On March 24, 2022, we held our Ninth Annual Alexander L. Paskay Memorial Dinner for the first time since November 2019. At the dinner, we announced two new officers: Christian Haman was elected Secretary; Ryan Really was named Vice-President.

The highlight of the evening, though, was the announcement of the winner of the annual Alexander L. Paskay Professionalism Award. The award is given to the Southwest Florida Bankruptcy Professional who has most exemplified the following traits throughout the year: outstanding effectiveness in presentation of matters in court; a reputation for thorough preparation; civility and courtesy to other parties; appropriate courtroom demeanor; ethical conduct and professionalism at the highest level; and long-term service to the Bar.

Since we have not had an opportunity to present this award for the last couple years, we were hoping to have the opportunity to present the award to someone who had exemplified these qualities consistently for several years. The winner of this year's award who most exemplified the above qualities was Paula Luce.

Paula recently retired after 29 years of service in the Tampa and Fort Myers Divisions. Anyone who has practiced in the Fort Myers division knows that Paula basically ran both courtrooms during the last few years. She will be greatly missed, and I can't think of anyone who is more deserving of the award.

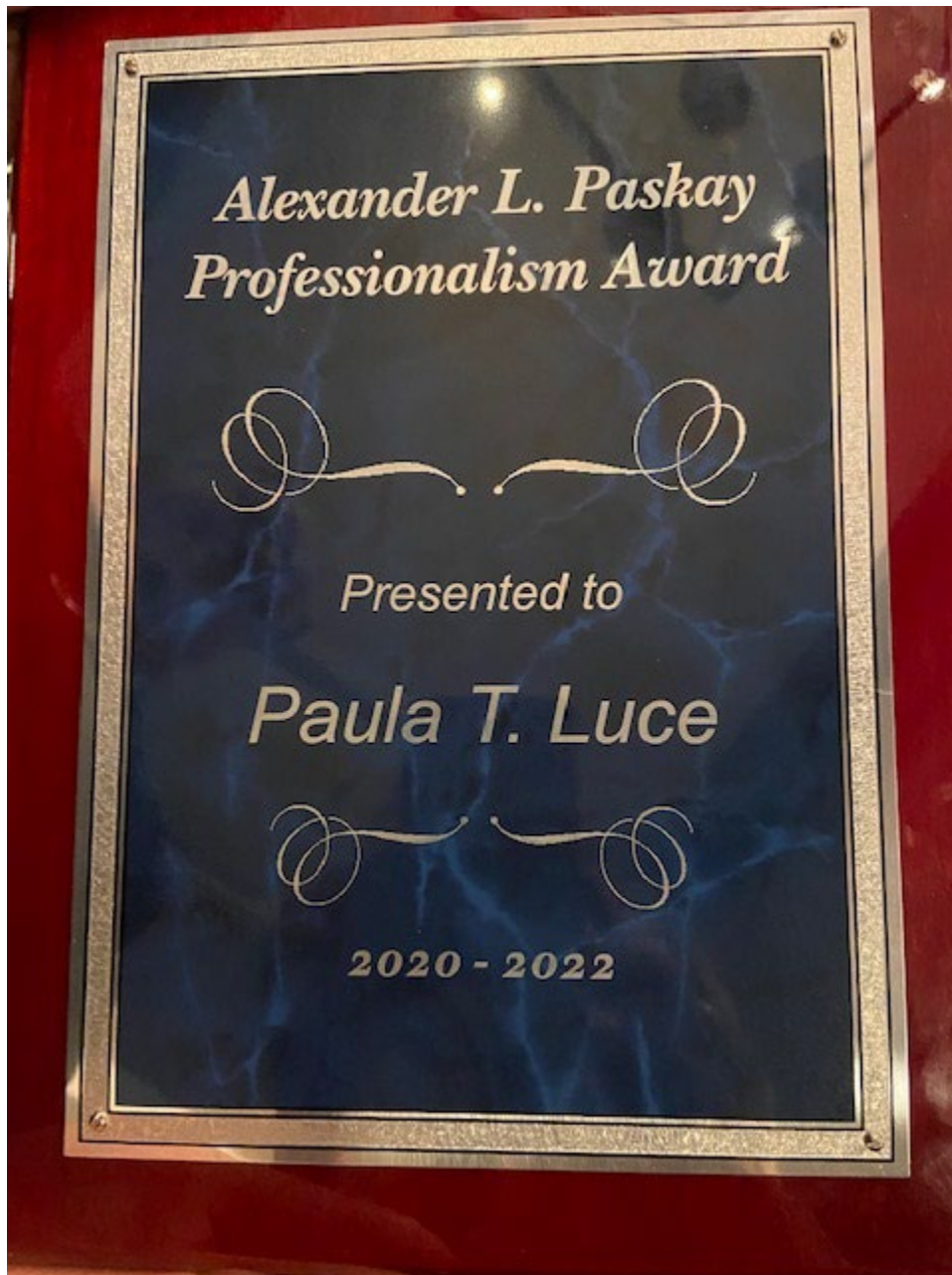
Going forward, we are looking into starting up our monthly meetings again and looking into CLE credit for the upcoming speakers.

It was good to see everyone at last month's dinner. Pictures are below.











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### **Lawyers Help Welcome Court Staff Back to the Office**

On Wednesday, April 6, 2022, the Court staff for the Middle District of Florida resumed their pre-pandemic “core day” schedule. To help everyone ease back into their office routine, members of the TBBBA, CFBLA, and JBBA teamed up to provide breakfast to the Jacksonville and Orlando staff and lunch for the Tampa staff. Special thanks to Allan Wulbern (JBBA), Andy Layden (CFBLA), and TBBBA members Noel Boeke, Kathleen DiSanto, Daniel Etlinger, Daniel Fogarty, Barbara Hart, John Landkammer, Angelina Lim, Nicole Noel, Ryan Reinert, and Ryan Yant.

### **Jacksonville Division....Thank you JBBA!**



## Orlando Division....Thank you CFBLA!



## Tampa Division....Thank you TBBBA!





### **Judge McEwen Serenades Court Staff at Welcome Back Lunch**

Judge McEwen led the TBBBA Chorus in a welcome-back tribute to our staff in Tampa during the TBBBA's Clerk's Staff Appreciation Luncheon on the first core day since the pandemic hit. You can google for the melodies and sing the lyrics below.

Lyrics to the chorus to "You're the Best Around" from *Karate Kid* movie (by Bill Conti):

You're the best! Around!  
Nothing's gonna ever keep you down  
You're the Best! Around!  
Nothing's gonna ever keep you down  
You're the Best! Around!  
Nothing's gonna ever keep you down

\*\*\*

Lyrics to "Welcome Back" from *Welcome Back Kotter* TV series (by John Sebastian, with some slight tweaks):

Welcome back, Covid was your ticket out  
Welcome back, to that place you belong without a doubt

Well the names haven't changed since you hung around  
And you're back where your impact on the team is profound

Who'd have thought we'd need ya?  
(Who'd have thought we'd need ya?)  
Back here where we need ya  
(Back here where we need ya)

Welcome back, welcome back, welcome back

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Welcome back, welcome back, welcome back  
Welcome back, welcome back, welcome back!

\*\*\*

Lyrics to “Welcome Back” from *Rio 2* movie (by Bruno Mars, with some slight tweaks):

Can you feel what I feel?  
The day has come at last  
Our precious crew has returned  
We’ll be the first to say welcome back  
Oh, welcome back

I say welcome, welcome, welcome . . .  
Back!



**Tech Production Tip**  
**By: Hon. Catherine Peek McEwen:**

For those of you (and you know who you are) who look down at your laptop during video hearings and thus expose the viewer to the inside of your nostrils, take note of this handy device . . . an adjustable laptop stand. (Available through Amazon, and I don't get a commission.) Position the stand so that the camera is face high. Voila, no more nostril views! When finished with the video hearing, just take the laptop off the stand. You're welcome.





## **CASE LAW UPDATE FOR Q2 2022 ISSUE OF THE COURT CONNECTION**

### **Editors:**

Bradley M. Saxton and C. Andrew Roy, Winderweedle, Haines, Ward & Woodman, P.A.

### **Eleventh Circuit Cases**

#### ***U.S. Trustee Region 21 v. Bast Amron LLP (In re Mosaic Management Group, Inc.)***

22 F. 4th 1291 (11th Cir. 2022)

Even though the U.S. Supreme Court had already granted *certiorari* to decide a circuit split on the issue, the Eleventh Circuit held that the increase in the quarterly fees paid by chapter 11 debtors to the U.S. Trustee system, which went into effect on January 1, 2018, was constitutional and did not violate the Constitution's uniformity clause.

#### ***Valley National Bank v. Warren (In re Westport Holdings Tampa Ltd.)***

2022 WL 964962 (11th Cir. Mar. 31, 2022)

A bank, which was the target of claims by the trustee of a liquidation trust, objected to a litigation funding agreement whereby the debtor's principal funded the litigation against the bank. The Eleventh Circuit affirmed, finding the bank lacked standing to object to the funding agreement.

Bankruptcy Court Cases

***In re Eva-Djina Grant-Carmack***

2022 WL 1115001 (Bankr. M.D. Fla. Mar. 31, 2022) (Robson, J.)

After the debtor received her chapter 7 discharge, her former spouse moved for contempt in the parties' state court divorce proceeding seeking to enforce a fee award entered against the debtor in that case. In response, the debtor moved for sanctions against her spouse in bankruptcy court, arguing that her spouse should be sanctioned under § 524(a)(2) and § 105 for violating the discharge injunction. Noting that a creditor may be held in contempt only "where there is *not* a 'fair ground of doubt' as to whether the creditor's conduct might be lawful under the discharge order," Judge Robson denied the motion for sanctions because there had not been a determination of the dischargeability of the state court fee award, and it was still arguable that the fee award could be nondischargeable under either § 523(a)(5) or § 523(a)(15).

***In re Zausner***

2022 WL 981398 (Bankr. M.D. Fla. Mar. 31, 2022) (McEwen, J.)

After the debtor filed for bankruptcy, the judge in a state court eviction action continued to enter orders, including a judgment for possession and a ruling that the automatic stay did not apply. So the debtor moved to enforce the automatic stay. Judge McEwen granted the debtor's emergency motion, ruling that the actions of the state court were null and void and that the *Rooker-Feldman* doctrine does not bar a bankruptcy court from making an independent determination regarding the application of the automatic stay.

***Everson v. U.S. Department of Education (In re Everson)***

Case No. 2:20-ap-00267-FMD (Bankr. M.D. Fla. Mar. 29, 2022) (Delano, C.J.)

Chief Judge Delano found that the debtor's student loan debt was excepted from the debtor's discharge under § 523(a)(8). In doing so, the Court conducted a thorough analysis of the debtor's financial situation in accordance with the *Brunner* test. Although debtor met the *Brunner* test's first two prongs, she failed the third prong because, according to Chief Judge Delano's findings, the debtor had only made a minimal effort to repay the student loan over the last eight years, failed to apply for any Department of Education repayment programs, and used any excess funds for discretionary purchases, rather than for repayment of the loan.

***Pierce v. Frick (In re Frick)***

2022 WL 404375 (Bankr. M.D. Fla. Jan. 26, 2022) (Robson, J.)

The debtor's ex-wife filed a claim for a non-dischargeable domestic support obligation, which was paid in full by the Chapter 7 Trustee. Later, the ex-wife filed an adversary complaint seeking to deny the debtor's discharge under § 727(a)(4). Judge Robson granted the debtor's motion to dismiss the complaint because his ex-wife lacked standing since her claim had been paid in full. Judge Robson went on to state that even if the claim had not been paid in full, the debtor's ex-wife still lacked standing because her claim was nondischargeable under § 523(a)(15), and as a consequence, the ex-wife had no redressable injury.

***Tardiff v. 71 Rutgers Street, LLC (In re Maier)***

2022 WL 203594 (Bankr. M.D. Fla. Jan. 24, 2022) (Delano, C.J.)

For a debt to be subject to turnover under § 542, it must not be in dispute. Therefore, Chief Judge Delano denied the trustee's motion for summary judgment on a turnover count.

***In re Civic***

2022 WL 404338 (Bankr. M.D. Fla. Jan. 21, 2022) (Robson, J.)

Where debtor and his wife had filed four prior cases, all on the eve of foreclosure sales, Judge Robson granted relief from stay with a two year *in rem* bar as to the specific property. Judge Robson also granted relief from the co-debtor stay under §§ 1301(a) and (c)(3) and awarded sanctions to the creditor.



## UNITED STATES TRUSTEE'S CORNER

By: Jill Kelso, Orlando Office  
of the U.S. Trustee

### **Upon Director Clifford White's Retirement, Ramona D. Elliott Is Appointed Acting Director of The Executive Office for United States Trustees**

Clifford White, Director of the Justice Department's U.S. Trustee Program (USTP), which oversees the administration of bankruptcy cases, retired on March 31, 2022.



"I want to express my appreciation to Cliff, not only for his 17 years of leadership of the U.S. Trustee Program, but also for 40 years of exceptional public service," said Attorney General Merrick B. Garland. "During his long service as the head of USTP, Cliff oversaw the work of USTP's 21 regions and 90 field offices to ensure the integrity and efficiency of the bankruptcy system. I wish him all the best in his future endeavors."

White was a career civil servant who held numerous leadership positions within the government. He was twice recognized with Presidential Rank Awards — the highest recognition accorded to career officials — first by President George W. Bush and then by President Barack Obama.

Under White's leadership, USTP successfully implemented many significant statutory changes; launched major enforcement initiatives to combat fraud and abuse; enforced compliance with bankruptcy laws; and, most recently, upheld the legal rights of victims of the opioid crisis in the Purdue Pharma case by challenging releases of liability that shield alleged wrongdoers.





On April 1, 2022, Ramona D. Elliott was appointed Acting Director of the Executive Office for United States Trustees, after having served as its Principal Deputy Director and General Counsel since January 2011. Ms. Elliott has 27 years of federal service, the majority of which has been with the United States Trustee Program, including formerly as the Deputy General Counsel and as the Acting Assistant United States Trustee for the District of Puerto Rico.

She also previously served as Counsel for Bankruptcy and Redress to the Federal Trade Commission's Bureau of Consumer Protection and in private practice. Ms. Elliott graduated from the

University of Florida with a B.S. in Accounting and received her J.D. from Emory University School of Law.

W E L C O M E

# To The Team

## FLMB Welcomes New Law Clerks



### **Kameron Fleming, Jacksonville**

I am Judge Jacob Brown's new law clerk. I was born and raised in Prince George's County, Maryland, next to Washington, D.C. I studied history and psychology at Stevenson University. After earning my bachelor's degree, I worked for two years as a legal assistant for a foreclosure and bankruptcy firm in Baltimore County before attending Washington University School of Law in St. Louis, Missouri. After law school, I worked as an associate at Baker Sterchi Cowden & Rice in St. Louis, practicing litigation involving insurance defense, products liability, and medical malpractice. I enjoy long walks on the beach and reading books about the Victorian Era and the Civil War. My partner and I regularly try new restaurants. We recently enjoyed some marvelous tacos at Taqueria Cinco.

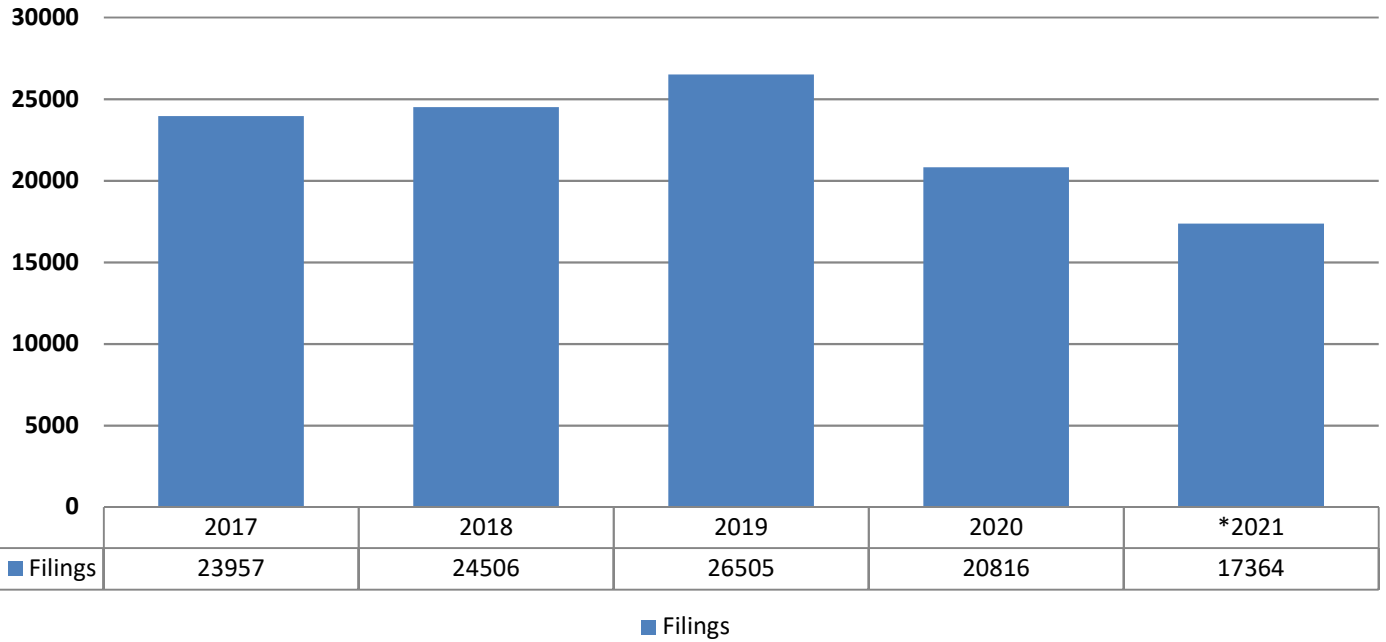


### **Caitlyn Myerson, Orlando**

I recently began working as a law clerk for Judge Robson. I grew up in the Orlando area and attended the University of Central Florida for undergrad. I graduated from Florida State University College of Law in April 2021. After graduating, I began working as a Staff Attorney for the Criminal Division at the Ninth Judicial Circuit Court of Florida. In my spare time, I like to explore different local parks with my dog and spend time with friends and family. I am excited for the opportunity to work with Judge Robson, and I look forward to meeting everyone at the FLMB.

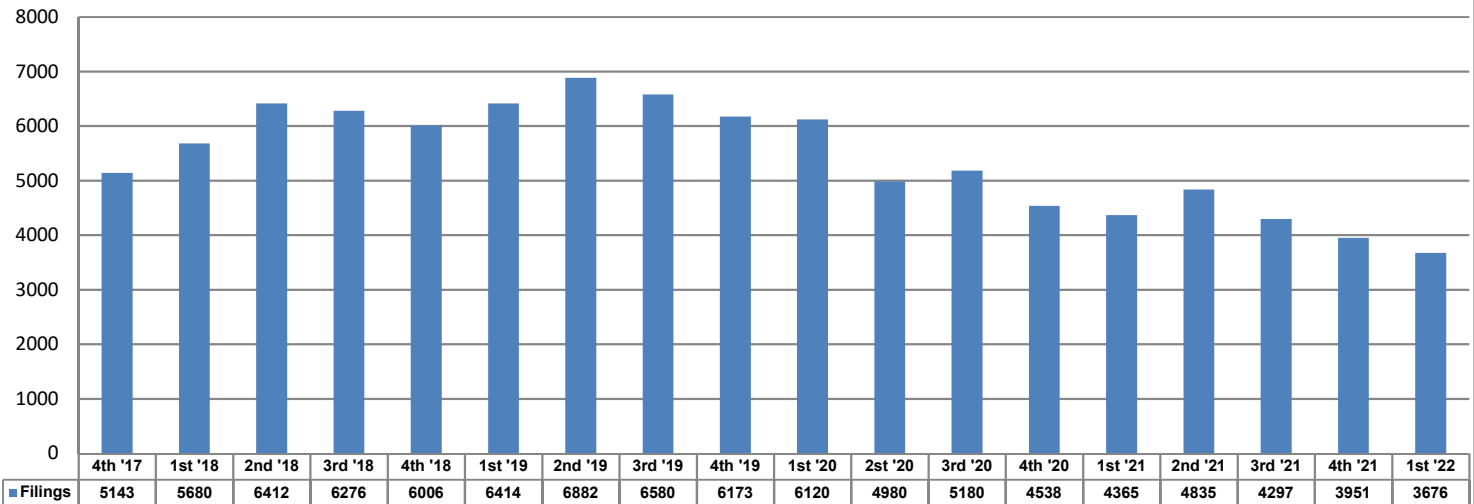
**United States Bankruptcy Court - Middle District of Florida**  
**Updated April 25, 2022 Meeting Data and Information**  
**Statistics as of March 31, 2022**

### Annual Filings

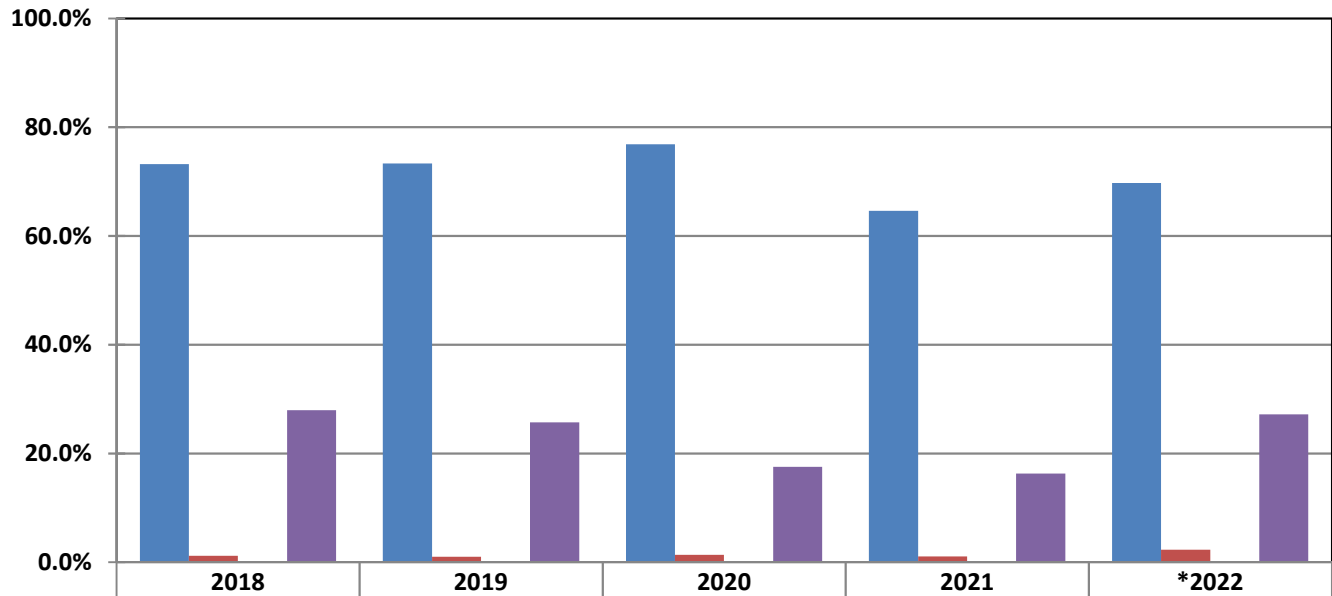


Year	Annual Filings	vs. 2015	vs. Prior Yr.
2018	24506		
2019	26505	8%	8%
2020	20816	-15%	-21%
2021	17364	-29%	-17%
*2022	14704	-40%	-15%

### Filings by Quarter

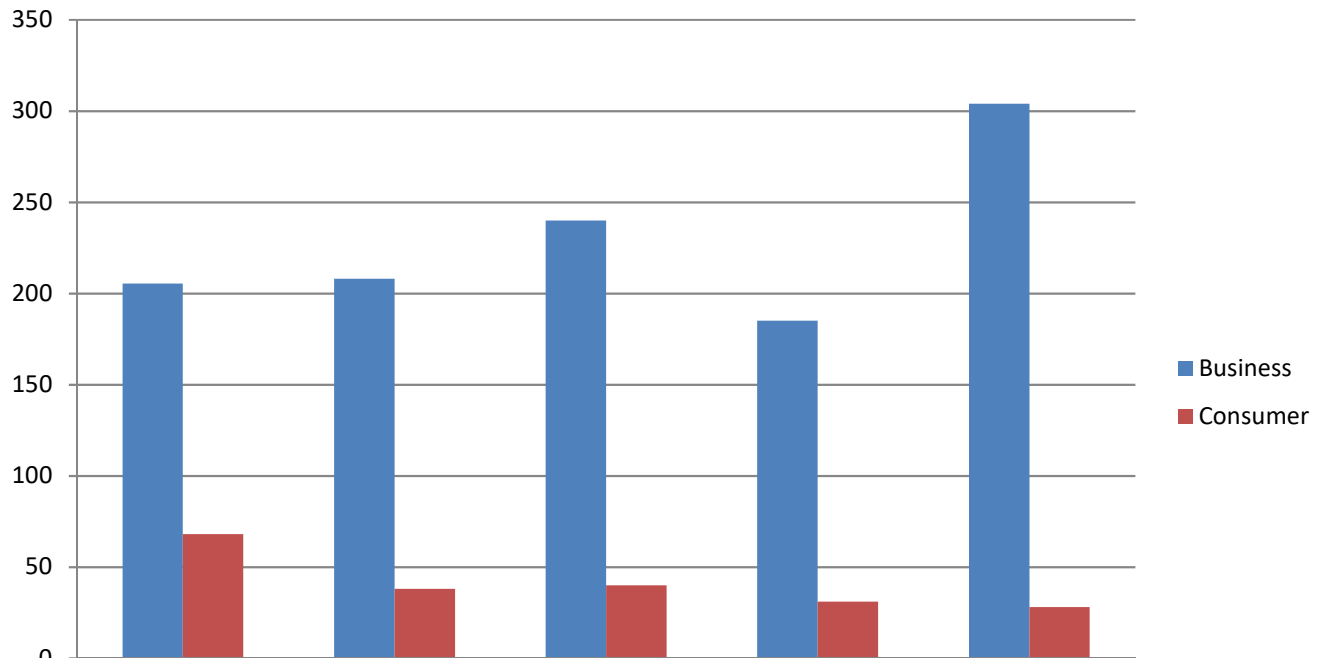


## Filings by % of Chapter Type



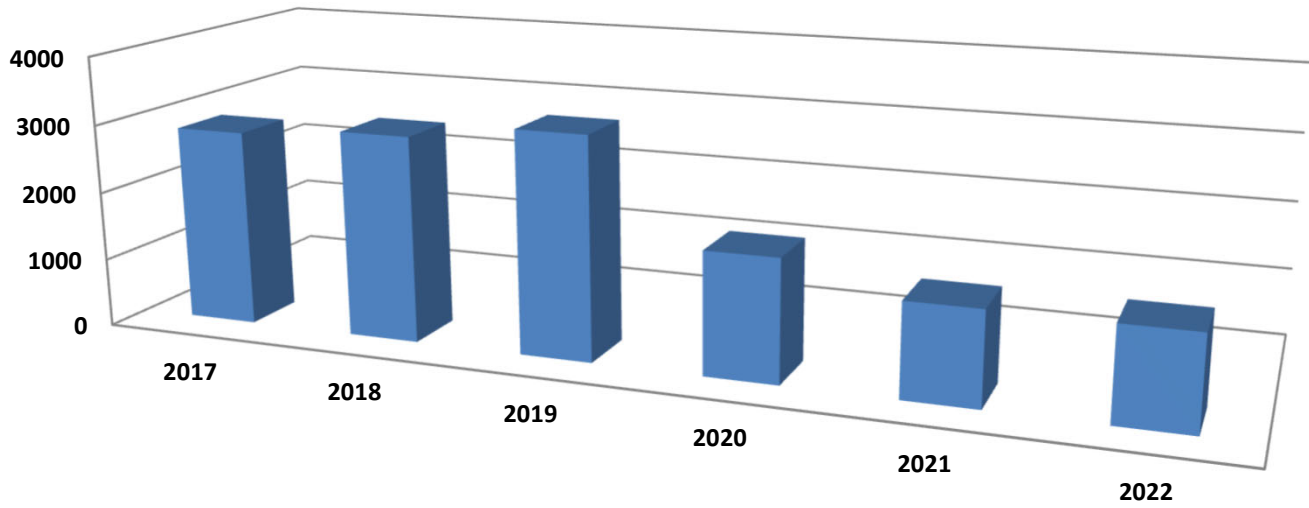
	2018	2019	2020	2021	*2022
Chapter 7	73.2%	73.3%	76.9%	64.6%	69.7%
Chapter 11	1.2%	1.0%	1.3%	1.0%	2.3%
Chapter 12	0.0%	0.0%	0.0%	0.0%	0.1%
Chapter 13	27.9%	25.7%	17.5%	16.3%	27.2%

## Chapter 11 Filings



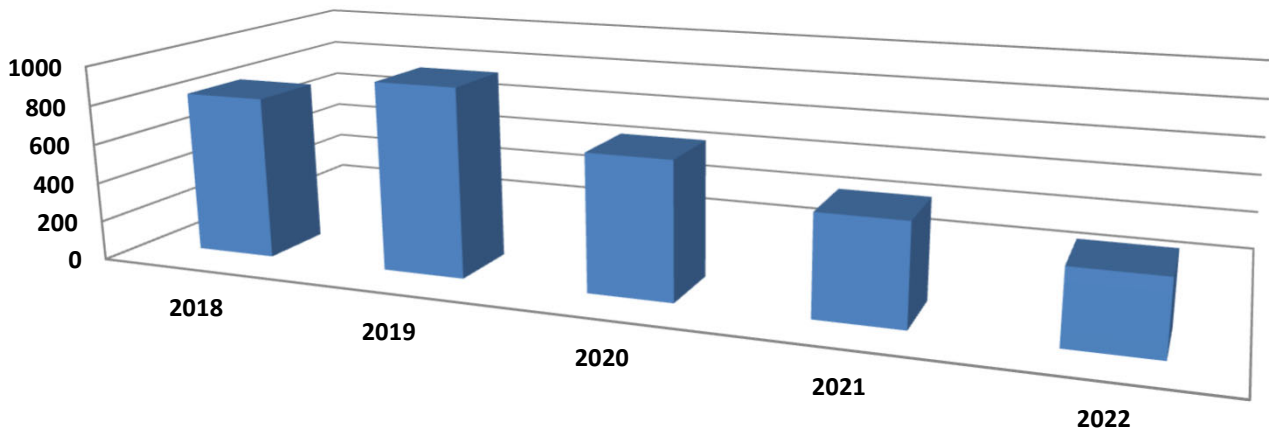
	2018	2019	2020	2021	*2022
Business	205	208	240	185	304
Consumer	68	38	40	31	28

## Pro Se Filings



	2017	2018	2019	2020	2021	2022
■ Pro Se	2868	3006	3232	1779	1363	1356
% of All Filings	12%	13%	13%	7%	7%	8%

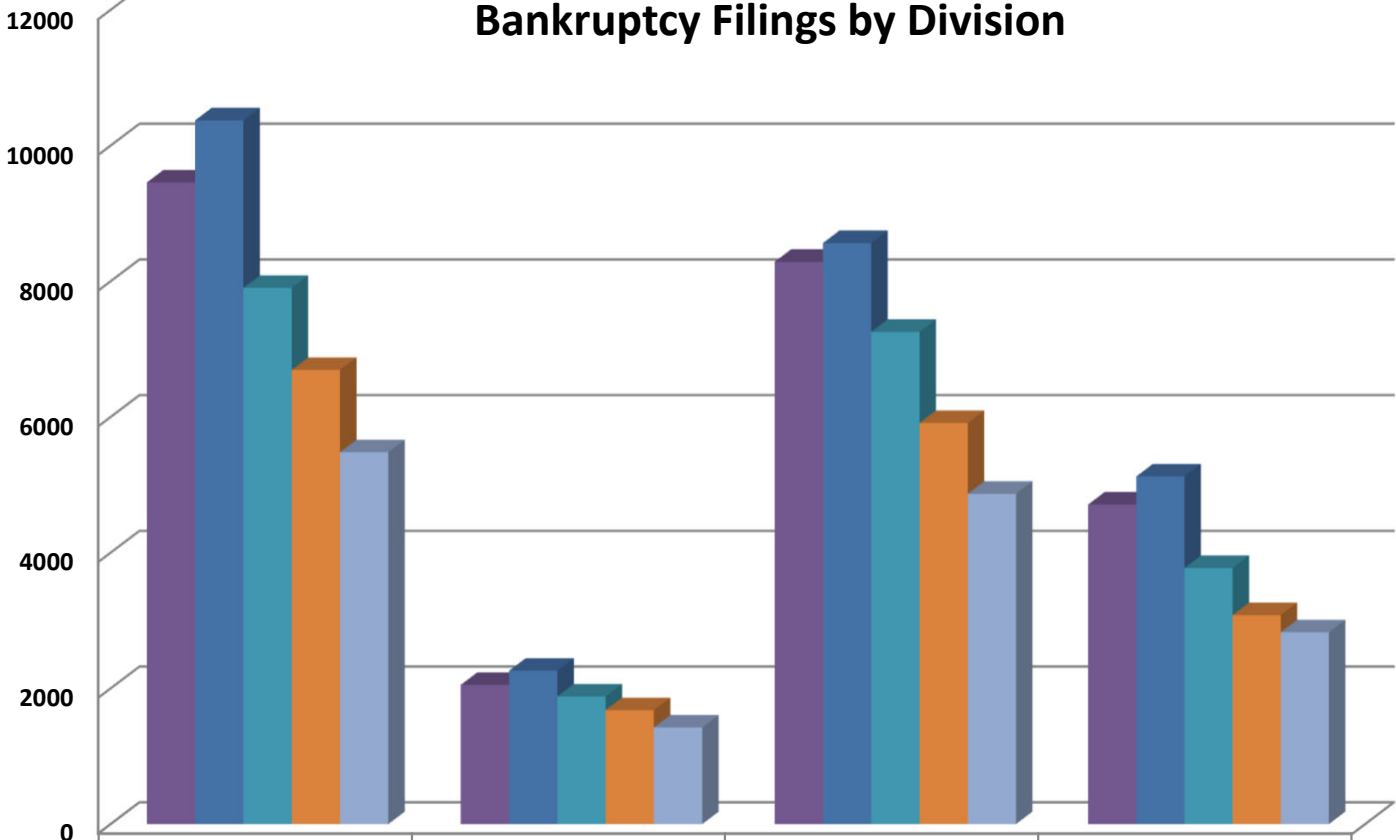
## In Forma Pauperis Filings



	2018	2019	2020	2021	2022
■ IFP Granted	825	956	691	507	372
% of All Filings	3%	4%	3%	2%	2%



## Bankruptcy Filings by Division



	Tampa	Ft. Myers	Orlando	Jacksonville
2018	9456	2052	8288	4711
2019	10372	2260	8564	5124
2020	7904	1882	7255	3775
2021	6693	1680	5911	3080
2022	5480	1424	4868	2828

Note: Counts include reopen cases  
 Order Granting IFP counts have been corrected to include approving language.