



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.