



## **The State of the District 2023**

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

In 2012, the Middle District's former Chief Judge, Judge Karen Jennemann, started the tradition of presenting an annual State of the District presentation, and Judge Williamson and I continued this tradition.

Pre-pandemic, the SOTD presentation provided the Chief Judge with a wonderful opportunity to visit with the attorneys in each of our Court's Divisions. After I became Chief Judge in October 2019, my last out of town trip before the COVID-19 shutdown was to give the SOTD presentation in Jacksonville. Due to the pandemic and other scheduling conflicts, I have presented the live version of the SOTD only once in Jacksonville, twice in Fort Myers, three times in Tampa, and never in Orlando. Believe me, I enjoy the interaction of a live audience much more than I enjoy looking at myself on a Zoom screen! This year, I gave the 2023 State of the District presentation live in Tampa and Fort Myers and by Zoom for Orlando and Jacksonville. If you missed one of the presentations, you can watch the Zoom version—for CLE Credit—on the Court's CLE webpage (<https://pacer.flmb.uscourts.gov/cle/index.asp>).

Here's a quick update on what's going on with the Court:

### **Our Judges**



Judge Michael G. Williamson

Our Court and the entire bankruptcy bar continue to mourn the loss of former Chief Judge Williamson who passed away in November 2022. In addition to being a judge, Judge Williamson was a scholar, a leader, and a mentor to many. Judge Williamson was the founder of the Business Law Section of The Florida Bar's View from the Bench Seminar, which is presented annually in Tampa and Miami. In January 2023, the Executive Council of the BLS unanimously voted to rename the seminar the *Judge Michael G. Williamson View from the Bench Seminar*. And in March 2023, the Southwest Florida Bankruptcy Professionals Association posthumously awarded Judge Williamson its 2023 *Alexander L. Paskay Judicial Excellence Award*.

Judge Jerry A. Funk and Judge Karen S. Jennemann:

- Judge Funk (Jacksonville) "officially retired" in November 2021, but serves on recall.
- Judge Jennemann (Orlando) retired in February 2022; her influence on the Court remains, and she's been engaged in pro bono matters.

Judge Catherine Peek McEwen (Tampa)

- Member of the Judicial Conference's Advisory Committee on Bankruptcy Rules.
- Chair of a subcommittee on Business Rules.
- Liaison on the Advisory Committee on Civil Rules.
- NCBJ's Legislative Committee.

Judge Caryl E. Delano (Tampa and Fort Myers)

- Reappointed June 2022 for a second 14-year term. Sworn in on June 15 by 11th Circuit Judge Charles Wilson in Tampa.
- Appointed as the 11th Circuit Representative to the Bankruptcy Judges Advisory Group at the Administrative Office of U.S. Courts for 2023-2025 term.

Judge Roberta A. Colton (Tampa)

- Finally finished her work on the Puerto Rico PROMESA bankruptcy mediation team. Some months, put in 150 hours per month.
- Judicial Co-Chair of the Paskay Seminar.

Judge Lori V. Vaughan (Orlando)

- Serves as Judicial Chair, Local Rules Lawyers' Advisory Committee.

Judge Jacob A. Brown (Jacksonville)

- Formal investiture held September 23, 2022.
- Former law clerk to Judge Funk and partner at Akerman LLP.

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Judge Grace E. Robson (Orlando)

- Formal investiture held June 21, 2022.
- Board-Certified Bankruptcy Attorney and former partner at Markowitz Ringel Trusty & Hartog, P.A., Miami.

Judge Jason A. Burgess (Jacksonville)

- Formal investiture held February 2, 2023.
- Board-Certified Business and Consumer Bankruptcy Attorney, former Subchapter V Trustee.

Judge Tiffany P. Geyer (Orlando)

- Formal investiture held March 17, 2023.
- Former law clerk to Judge Jennemann and partner at BakerHostetler, Orlando.

Judge Denise Barnett (Memphis, Tennessee)

- Former Judicial Law Clerk to the Honorable George L. Proctor, Chief Judge Emeritus, United States Bankruptcy Court, Middle District of Florida
- Former trial attorney with the US Trustee Program in Tampa.
- Appointed November 8, 2021, as United States Bankruptcy Judge, Western District of Tennessee, Memphis Division.
- Formal investiture to be held on July 14, 2023, in Memphis.

**Clerk's Office**

Sheryl Loesch, Clerk of Court

- Clerk Liaison to the International Judicial Relations Committee (a Committee of the U.S. Judicial Conference)
- Immediate Past President of the International Association for Court Administration.

José Rodriguez, Chief Deputy

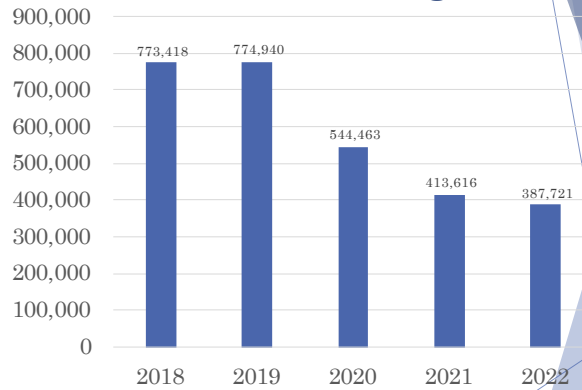
- Joined our Court in December 2021 after serving as Chief Deputy for the U.S. Bankruptcy Court, Southern District of Florida.
- SDFL Chief Deputy for seven years and Director of Administrative Services for 11.5 years.

## Statistics

### **National**

-6.3% from year ending  
12/31/21;  
-28.8% from year ending  
12/31/20; and  
-49.96% from year ending  
12/31/19.

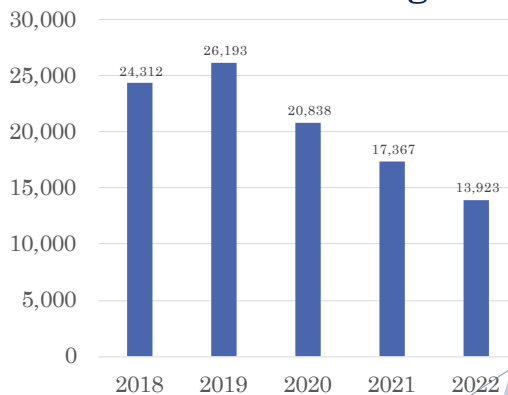
### **Total Filings**



### **Middle District**

-19.8% from year ending  
12/31/21;  
-33.2% from year ending  
12/31/20; and  
-46.8% from year ending  
12/31/19.

### **Total Filings**



## **Filings – MDFL**

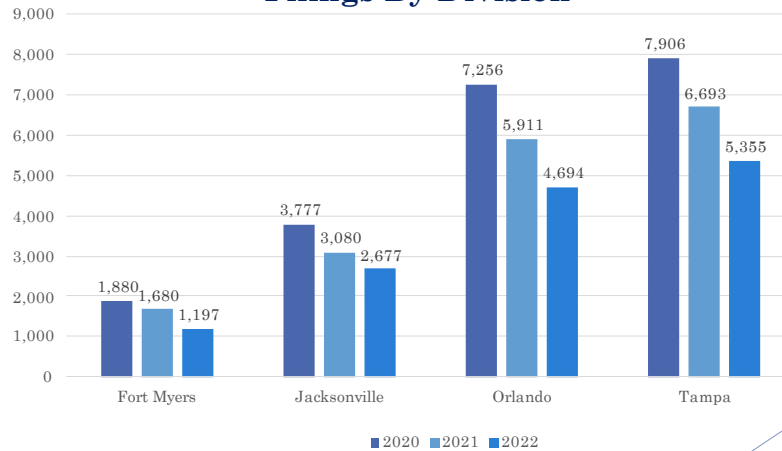
### **2002-2022**

<b>2002</b>	<b>52,923</b>	<b>2012</b>	<b>46,004</b>
<b>2003</b>	<b>55,511</b>	<b>2013</b>	<b>41,167</b>
<b>2004</b>	<b>52,207</b>	<b>2014</b>	<b>36,268</b>
<b>2005</b>	<b>64,094</b>	<b>2015</b>	<b>30,077</b>
<b>2006</b>	<b>15,756</b>	<b>2016</b>	<b>24,968</b>
<b>2007</b>	<b>26,437</b>	<b>2017</b>	<b>23,895</b>
<b>2008</b>	<b>42,611</b>	<b>2018</b>	<b>24,312</b>
<b>2009</b>	<b>61,671</b>	<b>2019</b>	<b>26,193</b>
<b>2010</b>	<b>66,688</b>	<b>2020</b>	<b>20,838</b>
<b>2011</b>	<b>53,555</b>	<b>2021</b>	<b>17,367</b>
		<b>2022</b>	<b>13,923</b>

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## **Filings - MDFL**

### **Filings By Division**



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## **Filings 2019-2022**

	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
▶ Chapter 7	18,873	16,653	13,753	10,016
▶ Chapter 11	349	282	226	290
▶ Chapter 13	6,971	3,891	3,382	3,593
▶ Other-12,15	20	12	6	24
▶ <b>Total Filings</b>	<b>26,193</b>	<b>20,838</b>	<b>17,367</b>	<b>13,923</b>
▶ APs	1,234	977	773	525



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## **Middle District Rankings**

Nationally, for the year ending December 31, 2022,  
Middle District of Florida ranked:

- **5th in total number of bankruptcy case filings;**
- **2nd in total number of Chapter 7 case filings;**
- **6th in total number of Chapter 11 case filings;**
- **12th in total number of Chapter 13 case filings;**
- **3rd in total number of adversary proceedings; and**
- **5th in *pro se* filings per authorized judgeship.**

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## Middle District Weighted Caseload Average for the Year Ending December 31, 2022

- ▶ National average of weighted cases per authorized judgeship – **525**.
- ▶ MDFL ranked 9th in the nation for a total of **700** weighted cases per authorized judgeship (9 total judgeships).
- ▶ For 8 authorized judgeships, **788** weighted cases per judge.

### Small Business Reorganization Act – Subchapter V

#### Subchapter V Statistics

- Middle District of Florida Is #1 through December 31, 2022.
- 4,800 Subchapter V cases filed nationwide through December 31, 2022.
- 406 filed in the Middle District of Florida.

#### Subchapter V Cases by Division

- Tampa – 156 Cases
- Orlando – 141 Cases
- Jacksonville – 65 Cases
- Fort Myers – 44 Cases

### **Pro Bono**

#### **District-Wide *Pro Se* Virtual Clinic**

- Funded by the Middle District's Bench Bar Fund and BLES.
- Court mails every *pro se* debtor a list of available pro bono resources in the division in which the case is filed.
- **The Virtual Clinic ([www.bankruptcyproseclinic.com](http://www.bankruptcyproseclinic.com)):**  
Attorneys volunteer to provide 30-minute telephone or Zoom consultations with *pro se* parties, and *pro se* parties schedule consultations.
- Operations commenced in September 2022.
- Over 200 registered attorney volunteers.
- Averaging more than 20 consultations per month.

### **Coming Attractions**

\*pay.gov\*  
\*Self-Calendaring\*

### **New Developments**

#### **U.S. Trustee Update**

- Director of U.S. Trustee Program: Tara Twomey

#### **New Department of Justice Guidance on Student Loan Bankruptcy Litigation - November 17, 2022**

- DOJ advises its attorneys to stipulate to the facts demonstrating that a debt would impose an undue hardship and recommend to the court that a debtor's student loan be discharged if three conditions are satisfied:
  - (1) the debtor presently lacks an ability to repay the loan;
  - (2) the debtor's inability to pay the loan is likely to persist in the future; and
  - (3) the debtor has acted in good faith in the past in attempting to repay the loan.





## **Roadways to the Bench Seminar held Nationwide**

**By: Hon. Roberta A. Colton and  
Hon. Grace E. Robson**

On April 3, 2023, Roadways to the Bench was presented to a national audience in 38 cities. Roadways is an event sponsored by the Judicial Conference of the United States. It is intended to expand and attract a diverse pool of applicants for Bankruptcy and Magistrate

judge positions by making the process more transparent. More than 620 federal judges and over 2,400 attorneys and law students participated in this year's event. Two cities in the Middle District of Florida hosted the programs: Orlando and Tampa. The National Program was livestreamed to all of the host cities, and then each city conducted an in-person roundtable experience.

### **Orlando —**

The Orlando program was co-chaired by Magistrate Judge Embry Kidd and Bankruptcy Judge Grace E. Robson. The attorney co-chairs were Jeremy Bloor, Stephanie Alcalde, Jonathan Sykes, and Annie Blanc, who assisted to get the word out about the event to the law students and attorneys.

The Orlando program took place at the jury assembly room at the George C. Young Federal Annex Courthouse. We had 11 judges in attendance, including District Judges Antoon, Dalton, and Howard, Magistrate Judges Kidd, Irick, Hoffman-Price, Norway, and Barksdale, and Bankruptcy Judges Vaughan, Robson, and Geyer. Jennifer Harrington and Ali Kamalzadeh of the Orlando chapter of the Federal Bar Association assisted with the check-in for the event.

Over 70 people registered for the event. After the livestream was broadcast, the attendees rotated to a different table at least three times and were able to have discussions with at least three types of judges, getting different perspectives on the many and varying pathways to the bench. The attendees had varied interests, were engaging, and asked thoughtful questions. We asked the attendees to complete exit questionnaires, and the responses were all positive.

I would like to acknowledge and give special thanks to Richard Banke, Israel Barreto, Chris Brubaker, Luis Vega, Mia Mom, and Lauren Reese, as well as Sharon Adelhelm (who retired shortly before the event), who worked so hard to make the program seem effortless! They assisted with the use and configuration of the jury assembly room

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(including moving all of the furniture around), coordinated our IT needs, worked with the food/beverage vendors, and so much more – thank you!!!



*Orlando participants, including Bankruptcy Judges Geyer and Robson*



*Orlando participants watching the nationwide livestream*

**Tampa —**

The Tampa program was headed up by its judicial co-chairs and its attorney co-chair. Magistrate Judge Julie Sneed and Bankruptcy Judge Roberta Colton were the judicial co-chairs. Stephanie Lieb and Dana Robbins were the attorney co-chairs. The event took place at the Chester Ferguson Bar Building.

Circuit Judge Charles Wilson of the United States Court of Appeals for the Eleventh Circuit kicked off the event with a talk about the importance of diversity in the judiciary and an explanation of the process for the selection of Bankruptcy Judges. District Judge Mary Scriven offered the Tampa participants insight to her own road to the bench with valuable advice and encouragement.

Following the National Program, Tampa participants spent time in three round table discussions. The judges participating in the roundtables included Eleventh Circuit Court Judge Wilson, District Court Judges Scriven and Sneed, Magistrate Judges Porcelli, Flynn, and Sansone, as well as Chief Bankruptcy Judge Delano, Bankruptcy Judges Colton and McEwen, a special guest, Bankruptcy Judge Barnett from the Western District of Tennessee.

After spirited discussion, the participants shared a glass of wine and appetizers at a reception sponsored by the Bench Bar Fund and the Federal Bar Association.



*Tampa participants, including Bankruptcy Judges Delano, McEwen, and Colton*





*Tampa participants watching the nationwide livestream*



## **Bankruptcy Court Hosts Formal Investitures of Hon. Jason A. Burgess and Hon. Tiffany P. Geyer**

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

Between February 2022 and March 2023, the Bankruptcy Court for the Middle District of Florida hosted a record five investiture ceremonies. Most recently, the Court celebrated the investitures of Judge Jason A. Burgess (Jacksonville) and Judge Tiffany P. Geyer (Orlando).

Judge Burgess's investiture was held in the ceremonial courtroom of Jacksonville's Bryan Simpson United States Courthouse. Distinguished guests included Judge Gerald Tjoflat of the Eleventh Circuit Court of Appeals, United States District Court Judges and Magistrate Judges, and Judge Burgess's family and friends. Chief Bankruptcy Judge Karen Specie of the Northern District of Florida and Bankruptcy Judge Paul Hyman of the Southern District of Florida also attended the ceremony.

Reverend Thomas Cagle gave the invocation, followed by presentations by the Jacksonville Chapter of the Federal Bar Association (Laura Renstrom, President),

the Jacksonville Beaches Bar Association (Katheryn Hancock, President), the Jacksonville Bar Association (Christian George, Treasurer), International Women's Insolvency & Restructuring Confederation, Florida Network (Angela Scott, Secretary), the Northern District of Florida Bankruptcy Bar (Byron "Trey" Wright III, Treasurer), the Central Florida Bankruptcy Law Association (Frank Wolff, President), and the Business Law Section of The Florida Bar (Douglas Bates, Chair). Attorney Allan Wulbern emceed the bar associations' presentations.

Attorneys Roy Kobert and Eugene Johnson reflected on their experiences working with Judge Burgess as an attorney. Judge Jerry Funk administered the oath of office and officially welcomed Judge Burgess to the bench. Finally, Judge Burgess delivered a heartfelt and inspiring speech regarding the importance in his life of faith and family and the collegiality of the Jacksonville bankruptcy bar.

Following the benediction by Pastor Nathan Loewen, the attendees adjourned to a reception in the Jury Assembly Room of the Courthouse.

On March 17, 2023, the Middle District celebrated St. Patrick's Day and Judge Geyer's investiture ceremony in the ceremonial courtroom of Orlando's George C. Young Federal Annex Courthouse. Distinguished guests included United States District Court Judges and Magistrate Judges, and Judge Geyer's family and friends. Our former Chief Judge, retired Bankruptcy Judge Karen Jennemann, and Bankruptcy Judge Erik Kimball of the Southern District of Florida also attended the ceremony, as well as Mary Ida Townson, the United States Trustee for Region 21, which includes Florida, Georgia, Puerto Rico, and the U.S. Virgin Islands.

Annette M. Snedaker gave the invocation, followed by presentations by the Central Florida Bankruptcy Law Association (Frank Wolff, President), the Tampa Bay Bankruptcy Bar Association (Barbara Hart, President), the Business Law Section of The Florida Bar (Douglas Bates, Chair), International Women's Insolvency & Restructuring Confederation (Esther McKean, Immediate Past Chair), the Jacksonville Bankruptcy Bar Association (Amy Leitch, President), and the Orlando Chapter of the Federal Bar Association (Andrew Ballentine, Treasurer). Attorney Liz Green emceed the bar associations' presentations.

Judge Geyer's daughter, Eleanor, gave a beautiful speech about her mother, followed by Judge Geyer's former law partners, Liz Green and Jimmy Parrish, who reflected on their experiences working with Judge Geyer as an attorney. I was honored to administer the oath of office; Judge Jennemann robed Judge Geyer—her former law clerk—and commented on the significance of Judge Geyer's having been appointed to Judge Jennemann's seat on the bench.

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Judge Lori Vaughan, now the senior-most Orlando bankruptcy judge, officially welcomed Judge Geyer to the bench. In her warm remarks, Judge Geyer recognized her family members and described the history of St. Paddy's (not Patty's!) Day. Following the benediction by Ms. Snedaker, the attendees adjourned to a reception at the Dr. Phillips Center for the Performing Arts.

Please join me in officially welcoming Judge Burgess and Judge Geyer to the bench!



Judge Jerry A. Funk and Judge Jason A. Burgess



Judge Jacob A. Brown, Judge Jerry A. Funk and Judge Jason A. Burgess



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Judge Jason A. Burgess and Family



Roy S. Kobert, Esq., Judge Jason A. Burgess and Eugene H. Johnson, Esq.





Judge Karen Jennemann (ret.) with Judge Tiffany P. Geyer



Judge Geyer's daughter, Eleanor



Karla Lee Hue, Orlando Case Administration Team Leader, Judge Tiffany P. Geyer and former Orlando Supervisors Maggie Moyet and Nola Russell.



## UNITED STATES TRUSTEE'S CORNER

By: Nicole Peair, Tampa Office  
& Jill Kelso, Orlando Office

### TARA TWOMEY APPOINTED DIRECTOR OF U.S. TRUSTEE PROGRAM



Attorney General Merrick B. Garland selected Tara Twomey to serve as Director of the U.S. Trustee Program (USTP) at the Department of Justice. Ms. Twomey assumed her duties on February 27, 2023.

“The United States Trustee Program plays a critical role in ensuring the fairness of the bankruptcy process — including by providing impartial oversight and protecting consumer debtors from fraud and abuse,” said Attorney General Merrick B. Garland. “I am confident that Ms. Twomey’s leadership will advance USTP’s mission to promote the integrity and efficiency of the bankruptcy system for debtors, creditors, and the public.”

Ms. Twomey has over 20 years of experience working on bankruptcy and consumer credit issues. Prior to her appointment, she served as the Executive Director of the National Consumer Bankruptcy Rights Center, which advances the rights of consumer bankruptcy debtors. She was also Of Counsel at the National Consumer Law Center. From 2021 to 2023, Ms. Twomey served as a member of the Judicial Conference Advisory Committee on Bankruptcy Rules. She is the author of numerous books and articles on bankruptcy law and practice, and has served as an instructor at Boston College Law School, Harvard Law School, and Stanford Law School. Ms.

Twomey is a fellow of the American College of Bankruptcy, a conferee of the National Bankruptcy Conference, and served as a director of the National Association of Consumer Bankruptcy Attorneys. She earned her Bachelor of Arts in Political Science from the University of California, San Diego, and her Juris Doctor, summa cum laude, from Boston College Law School.

“Throughout her career as a practitioner, scholar, and teacher, Tara Twomey has been a leader in the bankruptcy bar and a passionate voice for making the bankruptcy system accessible to all,” said Associate Attorney General Vanita Gupta. “She will bring energy, experience, and judgment to her new role as USTP Director. I look forward to working with her in this new role.”

The USTP is the only neutral party in the bankruptcy process and brings a national perspective to every bankruptcy matter. USTP also plays a critical role in protecting consumer debtors against fraud and abuse. USTP consists of the Executive Office for U.S. Trustees, located in Washington, D.C., and 21 regions with 90 field offices throughout the country. The Director of USTP is responsible for leading approximately 1,000 employees to implement USTP’s core mission to protect the integrity of the bankruptcy system.

### **DEBTOR AUDITS TO RESUME ON MARCH 13, 2023**

The United States Trustee Program (USTP) will resume audits of individual chapter 7 and chapter 13 bankruptcy cases under the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 on March 13, 2023. The USTP contracts with independent firms, utilizing certified public accountants and independent licensed public accountants, to perform audits of individual chapter 7 and chapter 13 cases randomly selected by the USTP. The purpose of the audit is to determine the accuracy, veracity, and completeness of petitions, schedules, and other information required to be provided by the debtor under sections 521 and 1322 of title 11. The audits are designed to provide baseline data to gauge the magnitude of fraud, abuse, and error in the bankruptcy system; to assist the USTP in identifying cases of fraud, abuse, and error; and to enhance deterrence.

The USTP randomly designates for audit one out of every 250 consumer bankruptcy cases per federal judicial district and cases for exception audit in which the income or expenditures of a debtor deviate from the statistical norm of the district where the case was filed. An audit consists of a comparison between selected items on a debtor’s originally filed bankruptcy papers and documents produced by the debtor at the request of the audit firm. The audit firms also conduct public record searches to look for unreported assets and to verify the market value of assets.

After reviewing information provided by the debtor, the audit firm contacts the debtor, through counsel if represented, to provide the debtor an opportunity to offer an explanation or supply additional information that may negate any negative findings. A material misstatement indicates the audit produced information that challenged the accuracy, veracity, or completeness of a debtor's petition, schedules, or other filed bankruptcy documentation. After an audit has been completed, the audit firm files a Report of Audit with the court and transmits a copy to the United States Trustee. If the audit firm cannot complete the audit because the debtor did not produce documents requested in connection with the audit, the audit firm files a Report of No Audit.

If a material misstatement is identified in a Report of Audit, the bankruptcy court gives notice to all creditors in the case. Additionally, the United States Trustee determines what action is appropriate based on the material misstatement(s) or Report of No Audit, if the debtor fails to satisfactorily explain the failure to make available the documentation requested for the audit, and may pursue a variety of actions depending on the circumstances of the case.

## **To The Team**

### **Seth Bowe – New Deputy-in-Charge, Jacksonville Division**

Hello, my name is Seth Bowe, and I am the new Deputy-in-Charge for the Jacksonville Division. I started my professional career at a small law firm in Fort Myers, FL, assisting Debtors with Chapter 7 and 13 bankruptcies. In 2018 I joined the Florida Middle District Court as a Courtroom Deputy to the Honorable Carol Mirando in Fort Myers. Most recently, I served the District Court as the Operations Analyst, performing district-wide trainings, launching new policies and procedures, and assisting with Attorney Admissions.

In early 2020, my husband, Efrain, our miniature Aussiedoodle, Pepper, and I became residents of the great city of Jacksonville. I am excited about being a part of the Court and look forward to meeting and working with you all.





# WELCOME To The Team

## Isaac Pagán – New IT Supervisor, Orlando Division

Hey everyone! My name is Isaac Pagán, and I am the new IT Support Supervisor in the Orlando Division. I hail from New York but classify myself as a Floridian since I've been here 20+ years (still a Yankees and Knicks fan though!). When it comes to IT in the workplace, I pretty much had to prove myself through the years, starting in 2012 when I got my first shot at a property management company in Maitland, Florida. After learning the ways of the computer wizards, I then landed a job as a Temp IT Support Specialist for Florida Middle District Court in 2016. Yes, the gig was posted as “temporary with possibility of becoming permanent.” With my wife becoming pregnant with our first child during the hiring process, I was determined to be the hardest worker in the room (which has since become my motto). Seven years later, I was still with the District Court and moved up the ranks to leading the Support team, as well as transitioning to Security/Network Administration. It was bittersweet moving over to the Bankruptcy Court because of the great relationships I made in District Court, but I am grateful for the opportunity and hope to do the same here. I also cannot confirm nor deny the fact that casual Fridays helped my decision in joining you all!





## Upcoming Events in the Middle District May – July 2023

- |                       |  |
|-----------------------|--|
| May 2<br>12:00 p.m.   | <b>TBBBA Consumer Program – Elevating Your Practice</b><br>Featuring Hon. Catherine Peek McEwen - Reaffirmation Agreements<br><i>Zoom</i>  |
| May 5                 | <b>Paul M. Glenn Memorial Golf Tournament</b><br><i>Bay Palms Golf Course, MacDill Airforce Base, Tampa</i>  |
| May 9<br>12:00 p.m.   | <b>TBBBA CLE Luncheon</b><br>Featuring - Current Issues with Merchant Cash Advances<br><i>University Club, Tampa</i>   |
| May 12<br>12:00 p.m.  | <b>Orlando Chapter of the Federal Bar Association<br/>CLE Luncheon</b><br>Featuring Hon. Lori V. Vaughan - An Introduction to Bankruptcy<br><i>George C. Young Federal Annex Courthouse, Orlando</i>   |
| May 25<br>3:30 p.m.   | <b>Honoring the Legacy of Judge Michael G. Williamson:<br/>A Retrospective of his Most Influential Decisions</b><br>Presented by the Tampa Bay Bankruptcy Bar Association and<br>Tampa Bay Chapter of the Federal Bar Association<br><i>Sam M. Gibbons United States Courthouse<br/>3rd Floor Jury Assembly Room, Tampa<br/>Reception following at Le Méridien Hotel</i> |
| June 6<br>6:00 p.m.   | <b>TBBBA Annual Dinner &amp; Officer Installation</b><br><i>Palma Ceia Golf &amp; Country Club, Tampa</i>  |
| June 28<br>12:00 p.m. | <b>JBBA Annual Election Luncheon</b><br><i>The River Club, Jacksonville</i>  |



## **The TBBBA Update**

**By: Barbara A. Hart, Esquire - President**

The TBBBA Raised \$1,500.00 for Hurricane Ian Relief and Recovery Efforts. To support Hurricane Ian relief and recovery efforts, the TBBBA donated the proceeds from its Holiday Party in the amount of \$1,500.00 to the SWFL Emergency Relief Fund to continue those recovery efforts. The SWFL Emergency Relief Fund is a partnership between the Collaboratory (a/k/a Southwest Florida Community Foundation, Inc.) and United Way of Lee, Hendry, and Glades Counties.

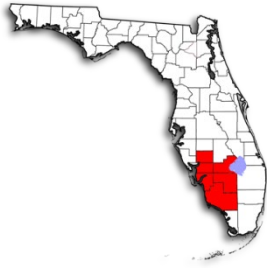
The TBBBA's Annual Clay Shoot Raises \$3,500.00 for Local Financial Literacy Programming. While serving as its president (shortly before taking the bench), Judge Vaughan lobbied the TBBBA to create an annual charitable event, thus launching our annual Clay Shoot. Since its inception, the TBBBA's Clay Shoot has raised money for a variety of charitable organizations. The Board designated our local C.A.R.E. program as the recipient of this year's event proceeds. The TBBBA's C.A.R.E. program provides financial literacy education in the Tampa Bay Area.

The Paul M. Glenn Golf Tournament is May 5th at MacDill Air Force Base. Judge Glenn loved this event, and we love the opportunity to remember him each year as we enjoy the Golf Tournament. Many thanks to Mike Markham and Johnson Pope for coordinating the Golf Tournament again this year!

Officer and Director Elections Scheduled During the May 9th CLE Luncheon. TBBBA members will vote on the incoming Board at our May 9th CLE luncheon at the University Club. The proposed slate of Officers and Directors and a registration link for the CLE luncheon are in the TBBBA's weekly news blast.

Save the Date. The TBBBA's Annual Awards and Installation Dinner is scheduled for June 6th at the Palma Ceia Golf & Country Club beginning at 6:00 p.m. Please join us.





**SOUTHWEST FLORIDA BANKRUPTCY  
PROFESSIONALS ASSOCIATION**  
**By: Ryan J. Really, Esquire – President**

On March 23, 2023, the Southwest Florida Bankruptcy Professionals Association (SWFBPA) held its Tenth Annual Alexander L. Paskay Memorial Dinner at Pinchers Restaurant in Fort Myers. The dinner is held to honor the lifetime achievements of the late Bankruptcy Judge Alexander L. Paskay.

The evening's program commenced with the recognition of longtime SWFBPA Treasurer Gerard "Jerry" A. McHale for his many years of years of service to the Bar. Jerry has "retired" as Treasurer and is succeeded by incoming Treasurer Luis E. Rivera, II.

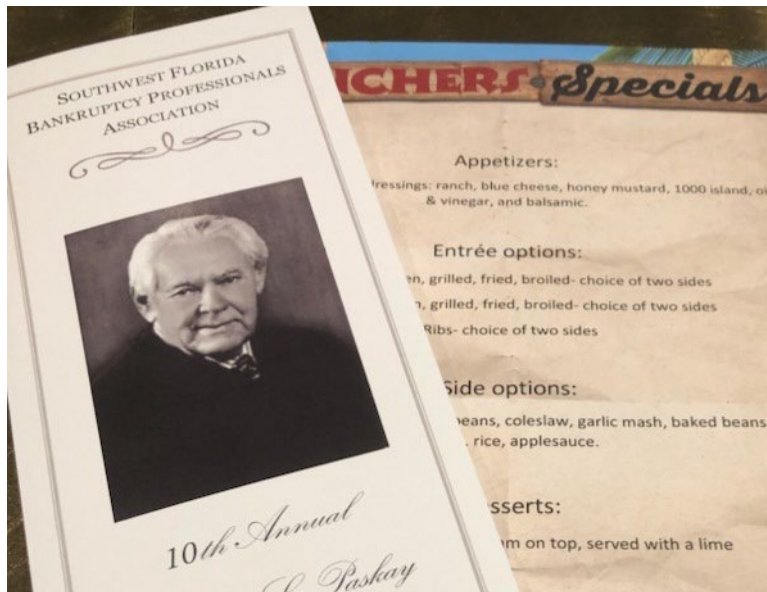
For the first time ever, the Judge Alexander L. Paskay Professionalism Award was presented posthumously. Luis Rivera announced the presentation of the Award to U.S. Bankruptcy Judge Michael G. Williamson. Judge Williamson's wife, Linda, attended the dinner and accepted the Paskay Award on Judge Williamson's behalf. Judge Williamson's law clerk, Ed Comey, also attended the dinner.

The Paskay Award is given annually to a bankruptcy professional who exemplifies the following qualities: 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.

Although Judge Williamson's "duty station" was in the Tampa Division, he presided in Fort Myers for nearly nine months in 2006 and 2007. Judge Williamson greatly enjoyed his visits to Fort Myers, and he always spoke highly of the Fort Myers bar and the high level of the attorneys' practice and professionalism. In 2010, when Judge Paskay was no longer able to travel to Fort Myers, Judge Williamson arranged, first for Judge David Adams, and then for Judges Barry Schermer and Jeffery Hopkins to serve as visiting judges in Fort Myers. Judge Williamson also enjoyed his many trips to Fort Myers and attending SWFBPA events during his term as Chief Judge of the Middle District of Florida.

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The evening concluded with Chief Judge Caryl E. Delano swearing in this year's SWFBPA officers: President Ryan J. Really; Vice-President Christian Haman; Secretary Shannon Puopolo; and Treasurer, Luis E. Rivera, II.



*Left to right:  
Luis Rivera, Shannon Puopolo, Christian Haman, Ryan Really, and Judge Delano*



## **CASE LAW UPDATE FOR Q2 2023**

### **ISSUE OF THE COURT CONNECTION**

**Editor:**

Bradley M. Saxton and Lauren M. Reynolds, Winderweedle, Haines, Ward & Woodman, P.A.

#### **Bankruptcy Court Cases**

***In re Ingole***

Case No. 2:22-bk-00395-FMD (Bankr. M.D. Fla. Mar. 31, 2023) (Delano, C.J.)

Addressing two separate accounts which debtor claimed exempt as tenancy by entireties property, Court found that debtor's release of his interest in one account terminated the TBE, but other account was TBE. Despite inconsistencies in the signature cards, the unities to create TBE existed, and the evidence showed the funds came from the sale of property which was TBE property.

***Q & H Partners, LLC v. Gonzalez (In re Gonzalez)***

2023 Bankr. LEXIS 583 (Bankr. M.D. Fla. Feb. 21, 2023) (Geyer, J.)

Court denied motion to extend the discovery deadline by defendant in a non-dischargeability adversary proceeding. Defendant was trying to avoid litigation expenses while awaiting a ruling on a summary judgment motion. Nonetheless, when the motion was filed on the date of the deadline, and defendant failed to show good cause as required by F.R.B.P. 7016(b)(4) to modify the prior scheduling order, the motion was denied.

***In re Central Florida Civil, LLC***

Case No. 3:22-bk-01736-BAJ (Bankr. M.D. Fla. Feb. 17, 2023) (Burgess, J.)

In a subchapter V chapter 11 case, the Court confirmed the chapter 11 plan over the objections of two creditors and approved the plan injunction which enjoined creditors from pursuing guaranty claims against the debtor's

principals. The Court thoroughly analyzed the *Dow Corning* factors and other recent case law from the Eleventh Circuit and other Middle District bankruptcy cases involving plan injunctions. The Court was persuaded by the evidence that the principals were essential to the reorganization, the number of affected creditors that approved the plan, and the temporary nature of the injunction.

***SRQ Taxi Mgmt., LLC v. Sarasota Manatee Airport Auth. (In re SRQ Taxi Mgmt., LLC)***

2023 Bankr. LEXIS 192 (Bankr. M.D. Fla. Jan. 26, 2023) (Delano, C.J.)

The Court conducted an extensive analysis of the potential expert testimony pursuant to a *Daubert* motion to exclude the expert opinion. The Court concluded that the expert testimony and the expert's damages calculations were legally unreliable and therefore inadmissible under F.R.E. 702. *Daubert* motion granted.

***Q & H Partners, LLC v. Gonzalez (In re Gonzalez)***

Adv. No. 6:21-ap-00157-TPG (Bankr. M.D. Fla. Jan. 26, 2023) (Geyer, J.)

Court analyzed the collateral estoppel effect of a prior state court judgment in an adversary proceeding seeking to except the debt from discharge under §523(a)(2)(A). Where the state court judgment contained only conclusive assertions, without findings regarding the specific elements of proof required under §523(a)(2)(A), the Court denied the plaintiff's motion for summary judgment.

***In re Myers***

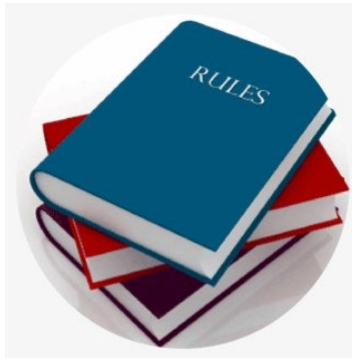
Case No. 2:21-bk-00123-FMD (Bankr. M.D. Fla. Jan. 20, 2023) (Delano, C.J.)

Court denied debtor's motion for reconsideration, dismissed the chapter 13 case as a bad-faith filing, and barred the debtor from refile for two years.

***In re Morozov***

Case No. 3:10-bk-00724-BAJ (Bankr. M.D. Fla. Jan. 20, 2023) (Burgess, J.)

Court held the unique circumstances of the case resulted in granting the creditor's motion to annul the automatic stay.



## **Court Solicits Comments for Amendments to Local Rules**

The judges of the United States Bankruptcy Court for the Middle District of Florida are considering proposed amendments to the Local Rules. The proposed changes are posted on the Court's website (<http://www.flmb.uscourts.gov/>) for review and public comment. The comment period ends on June 2, 2023. When promulgated by the judges, the amended and new Local Rules will become effective on July 1, 2023.

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

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

This proposed amendment to section (f) specifies the format of papers filed electronically. Other changes are stylistic.

### **Rule 1074-1 Corporations and Other Non-Individual Persons**

This proposed amendment adds new section (b) requiring the filing of documentation stating that a non-individual debtor authorizes the filing of a bankruptcy petition.

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

This proposed 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.

### **Rule 5005-4 Sealed Papers**

This proposed 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.

**Proposed New Rule 8002-1 Dismissal of Untimely Appeals**

This proposed new rule establishes procedures for dismissal of appeals that are filed after the time period specified in Fed. R. Bankr. P. 8002.

**Proposed New Rule 8007-1 Stay Pending Appeal; Posting Bonds**

This proposed 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.

**Rule 9013-1 Motion Practice; Request for Emergency Hearing; Request for Injunctive Relief**

This proposed 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.

**Rule 9019-2 Mediation**

This proposed 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.



### **Where Are They Now?**

Many of you have asked about Judge Williamson's chambers staff. **Marti Malone** (Courtroom Deputy) is working in the Tampa Division as a case manager/back-up courtroom deputy. **Ed Comey** (Law Clerk) is on temporary assignment (working remotely) as a law clerk for the U.S. Bankruptcy Judge Peter D. Russin in the Southern District of Florida's Fort Lauderdale Division. **Mary Maddox** (Judicial Assistant) has accepted a position on the Court's administrative staff as an Internal Controls Analyst in Tampa and will start her new position on April 24.



## **Welcome to the (Maddox) Family**

The family of Mary Maddox has two new additions!



Granddaughter, Ava Jayne, was born on March 8, 2023.



And here is Leo (right), the Maddox's newest rescue (mini Schnauzer) who has made fast friends with "big brother" Owen (left).



## **And a Year of Good Luck goes to...Cindy Turner!**

**By Hon. Catherine Peek McEwen**

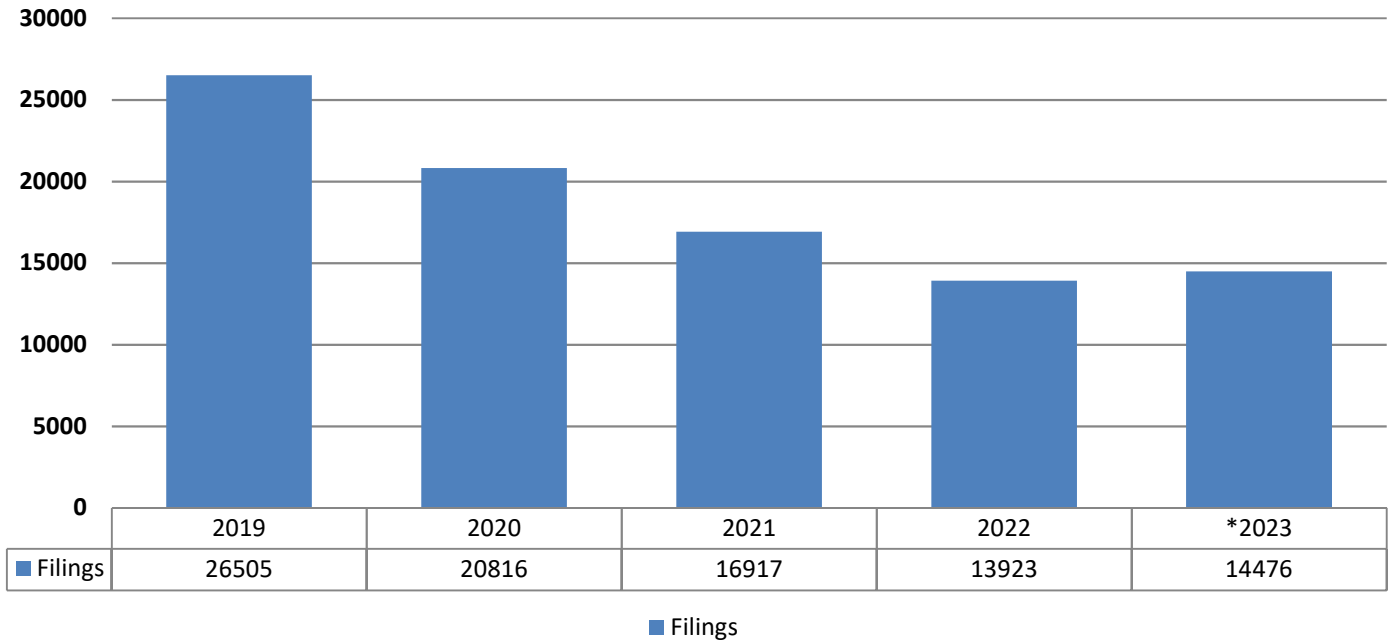
The annual Baby King Cake celebration happened in Tampa on a Fat Wednesday in April -- better late than never. Tradition dictates that finding the baby in your piece of king cake symbolizes luck and prosperity for the coming year. Congrats to Cindy Turner, Judge Delano's career law clerk, who found the baby!



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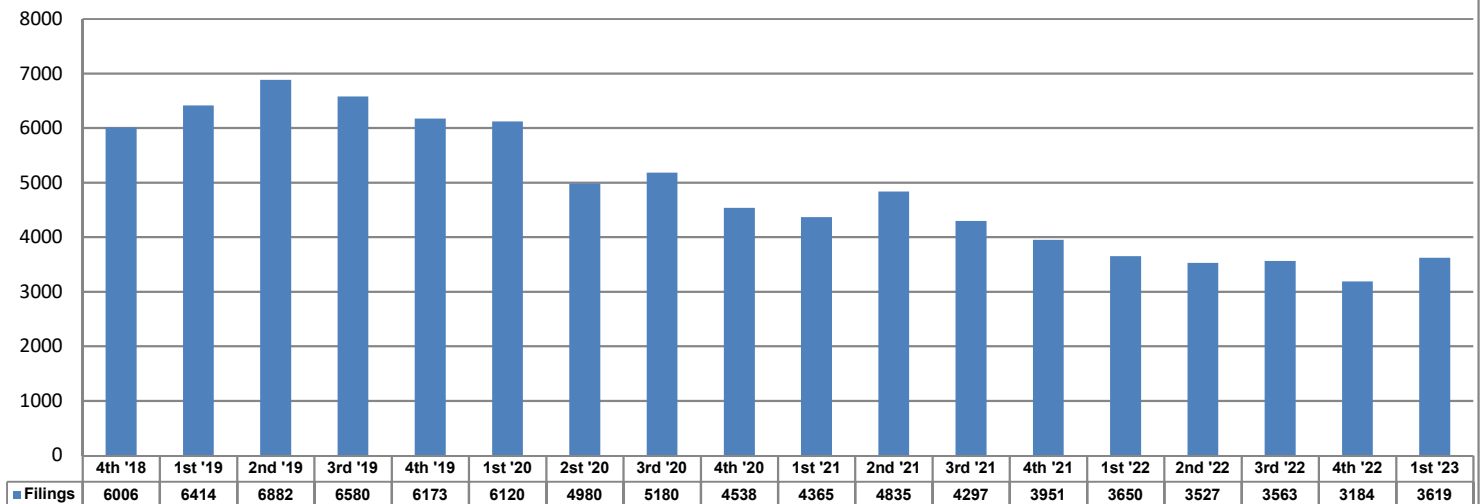
**United States Bankruptcy Court - Middle District of Florida**  
**Updated April 24, 2023 Meeting Data and Information**  
**Statistics as of March 31, 2023**

## Annual Filings

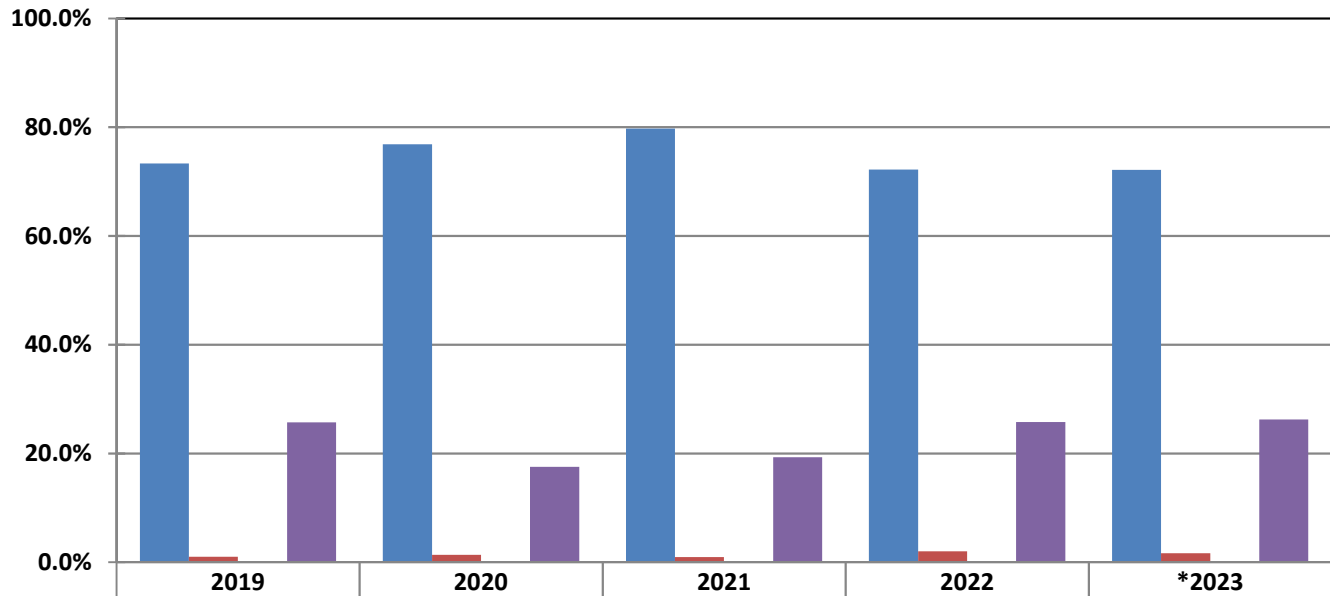


Year	Annual Filings	vs. 2015	vs. Prior Yr.
2019	26505		
2020	20816	-21%	-21%
2021	16917	-36%	-19%
2022	13923	-47%	-18%
2023	14476	-45%	4%

## Filings by Quarter



## Filings by % of Chapter Type



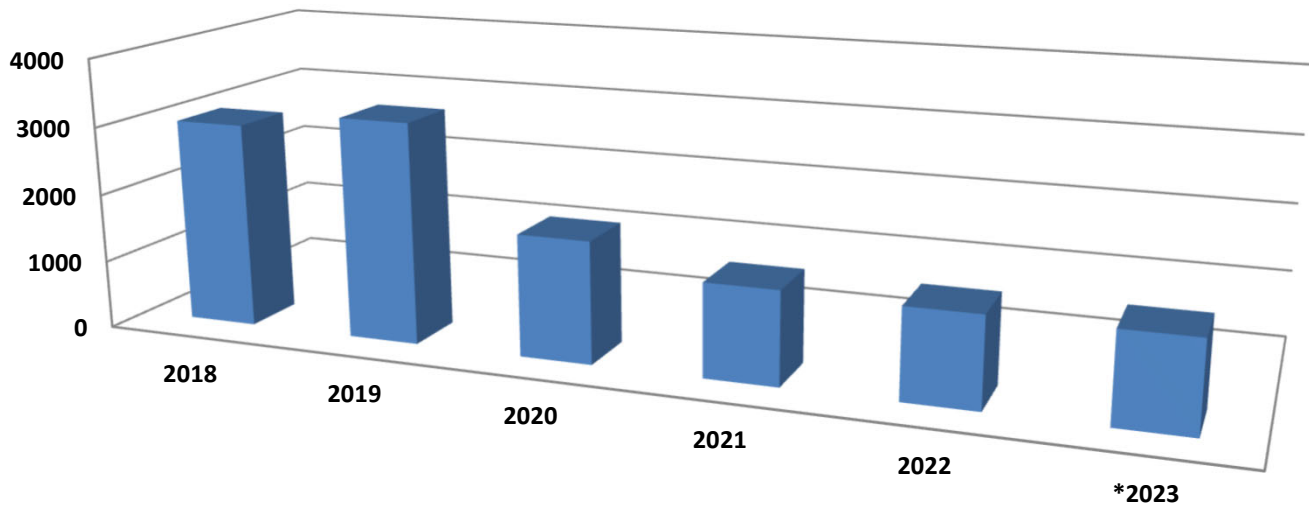
Chapter 7	73.3%	76.9%	79.7%	72.2%	72.1%
Chapter 11	1.0%	1.3%	0.9%	2.0%	1.6%
Chapter 12	0.0%	0.0%	0.0%	0.1%	0.0%
Chapter 13	25.7%	17.5%	19.3%	25.7%	26.2%

## Chapter 11 Filings



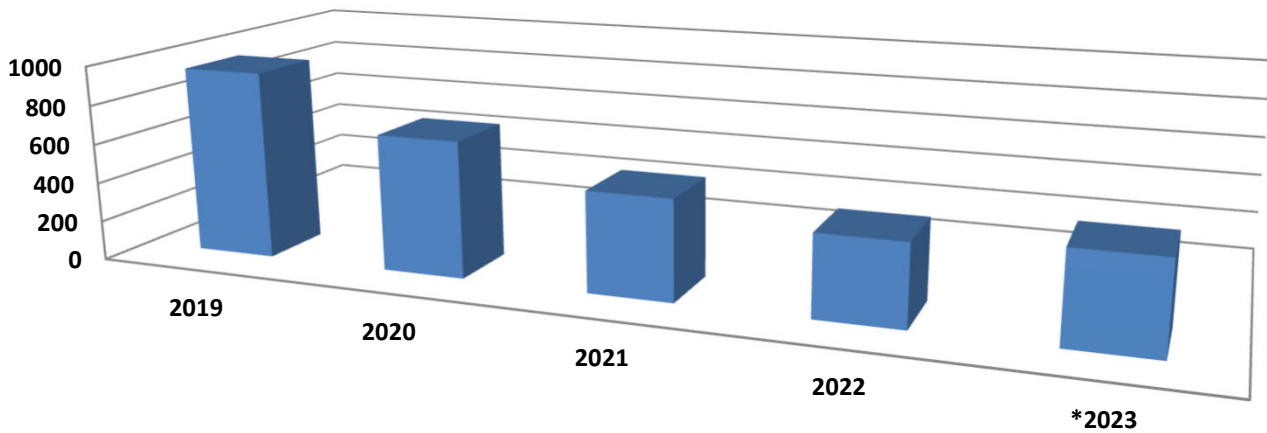
Business	208	240	185	250	196
Consumer	38	40	31	34	40

## Pro Se Filings



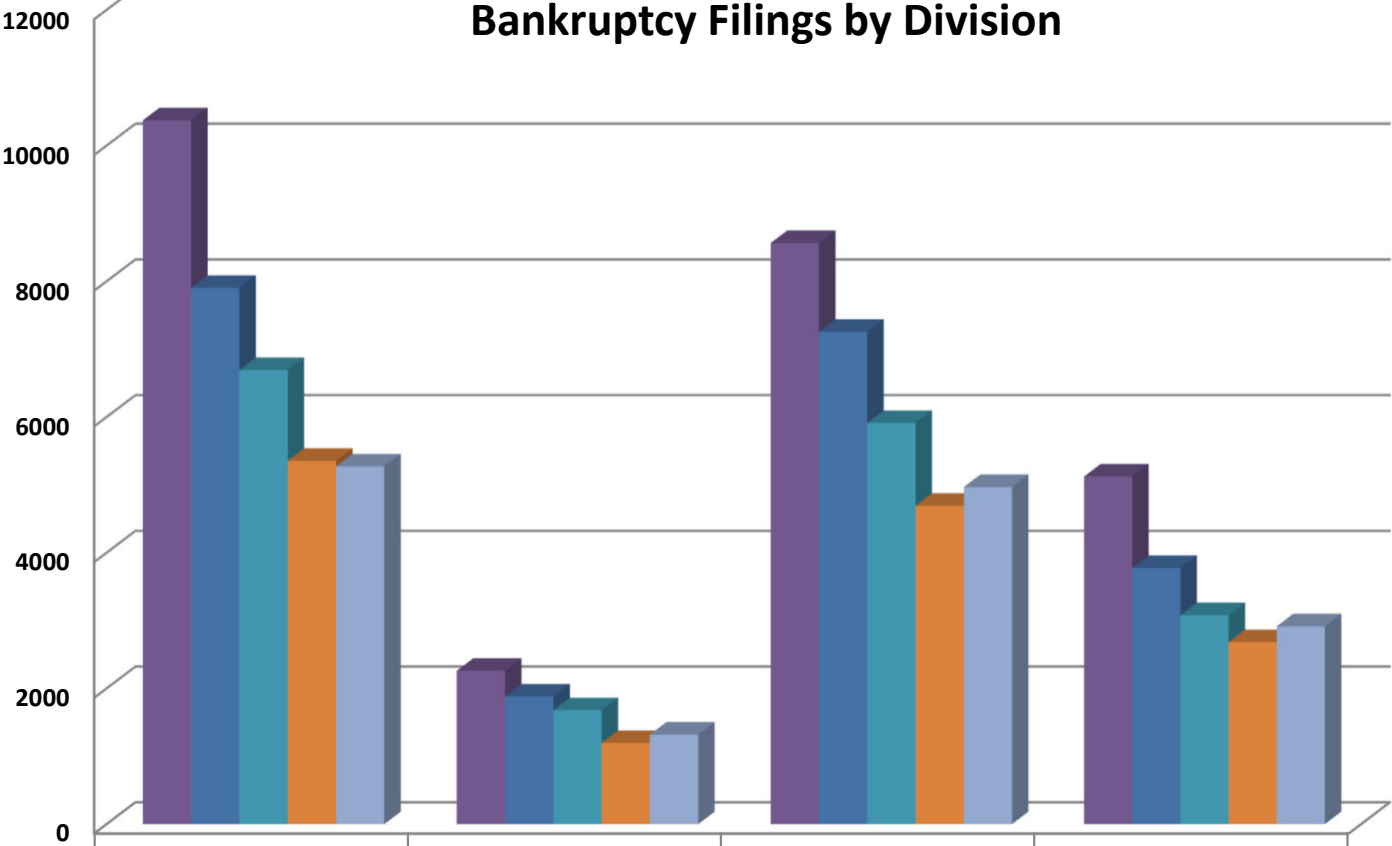
	2018	2019	2020	2021	2022	*2023
Pro Se	3006	3232	1779	1363	1319	1312
% of All Filings	11%	12%	9%	8%	9%	9%

## In Forma Pauperis Filings



	2019	2020	2021	2022	*2023
IFP Granted	956	691	507	411	456
% of All Filings	4%	3%	3%	3%	3%

# Bankruptcy Filings by Division



2019	10372	2260	8564	5124
2020	7904	1882	7255	3775
2021	6693	1680	5911	3080
2022	5354	1196	4691	2682
2023	5272	1320	4968	2916

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