

# Court Connection

**United States Bankruptcy Court  
Middle District of Florida  
Jacksonville, Orlando, and Tampa/Fort Myers Divisions**

\*\*\*\*\*

## MISSION STATEMENT

**Our Court serves the public by processing and deciding bankruptcy cases with fairness, impartiality, and excellence, while treating everyone with dignity, integrity, and respect.**

\*\*\*\*\*

**October 2014**

**The Court  
Connection**

### Inside this issue:

|  |    |
|--|----|
| Chief Judge Article                            | 1  |
| Introducing New Shared Law Clerks              | 3  |
| New Uniform Reaffirmation Agreement Procedures | 5  |
| Steering Committee Update                      | 8  |
| Save the Date Announcements                    | 10 |
| Case Summaries                                 | 12 |
| Important Dates                                | 29 |



## My Court Family

**By: Hon. Karen S. Jennemann, Chief U.S. Bankruptcy Judge**

Over the last couple of years, I, like many of you, have lost a loved and trusted mentor. For me, it was my Dad. He was a builder both at work and at home. He taught me many things about building, like how to swing a hammer and how to read a set of blueprints. But even more important, he taught me how to start and finish a project, how to work with others, and how to insure that I was proud of the quality of my work. He was a true craftsman by any measure.

The most important lesson he taught me, however, was that the more complicated life gets, the more ordinary life matters. Regular life. Simple life. Work is a very important, but people should always come first. What matters is a true connection to others. He always said, "Never too busy to help others."

In August, most members of my Court Family gathered in Tampa for a working offsite. Here is a photo:



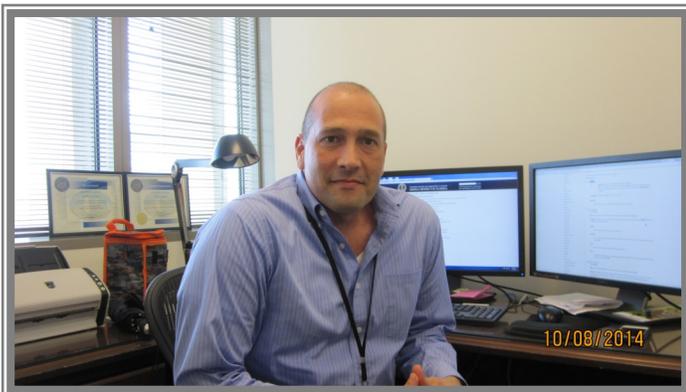
**Chief Judge Article (continued):**

We learned where each of us was born—mostly east of the Mississippi River. We learned about our strengths, the successes of the last year, and the plans for the next year. But, most important, just as my Dad taught me, and as I expect your mentors have taught you, we learned that everyone has at least one valuable thing to teach. And, if you can recognize that and seek it out, your life will be far richer.

I try to extend that wisdom to every person the Bankruptcy Court touches. Every attorney serving on a court committee makes a difference. Every lawyer who volunteers time to one of our active pro bono projects helps improve the life of an unrepresented party. Every case manager who patiently answers the questions of the new paralegal improves the quality of our Bankruptcy Court. And, every new procedure or practice we streamline reduces errors and helps insure parties get the full benefit of the bankruptcy process.

So, even though we all come from different places, have different backgrounds, speak different languages, and do different types of work, we all yearn for relationships and connections between us. I am proud of the people with whom I work and for whom I work. They teach me something new every day and help me remember to ask them, “What do you think we should do?” Please keep sharing your wisdom with me and everyone at the Court. We welcome and will benefit from your suggestions.

## Introducing... Court Web Developer/ Programmer Analyst



Marco Eguia joins us from the Puerto Rico Bankruptcy Court where he worked for the previous 10 years. He has experience with databases and has worked on applications for unclaimed funds, CHAP, FINSYS, Cash Register, and internal/external website development to name but a few. Marco earned a Master Degree with Database Administration certification from InterAmerican University of Puerto Rico in 2007. In addition, Marco is part of the Air National Guard and taught IT classes at Ana G. Mendez University in his spare time. We are pleased

to have someone with Marco's extensive background in bankruptcy IT systems joining our IT department.

Marco has moved his wife and two children to Orlando and will work in both Orlando and Tampa. Please join us in welcoming Marco to his new position at our court.

# Introducing... Shared Law Clerks



On October 1, 2014, three new Shared Law Clerks joined the staff of the Middle District of Florida. Although their home base is in Tampa, they work for all Bankruptcy Judges throughout the entire District. They are supervised by Judge Glenn's career law clerk, Cindy Turner. Please welcome them to the family!

**Anna Wiand:** Anna is a 2010 graduate of the University of Georgia School of Law. She received her Bachelor of Business Administration from the University of Miami in 2005. Anna was an extern with the United States Bankruptcy Court for the Tampa Division in 2009. Since graduating from law school Anna worked for the FDA Office of Regulatory Affairs in Washington, D.C.

**Adam Suess:** Adam is a 2012 graduate of the University of Florida's Levin College of Law. He received his Bachelor of Science in Business Administration from the University of Florida, Warrington College of Business. Adam served as an intern in the Office of the United States Attorney for the Middle District of Florida, Jacksonville Division and for the Honorable Maurice M. Paul, Senior United States District Judge for the Northern District of Florida. Before joining the Court, he worked as an Assistant State Attorney in Ocala.

**Jennifer Ronay:** Jessica is recent graduate of Stetson Law School. She received her undergraduate degree in journalism from the University of Florida. While in law school she interned for Judges Bucklew and Porcelli in the United States District Court, Tampa Division.



Pictured Left to Right: Anna Wiand, Adam Suess, and Jessica Ronay

## Congressional Relationships Matter

Over the last few years, the Judiciary as a whole and the Bankruptcy Court in particular has suffered significant budget cuts. We have lost approximately 33% of our staff as a result and are working harder than ever to improve the efficiency of our procedures. Because the United States Congress approves our annual budget, we try hard to maintain good relationships with our U.S. Representatives and U.S. Senators. Luckily, Judge Bill Glenn is on the national Budget Committee, and Clerk Bennett is the Clerk Liaison to the Bankruptcy Committee as well as President of the National Conference of Bankruptcy Clerks. Both are actively involved in our Congressional Outreach efforts.

If you have any connections with any of our elected federal representatives, please contact either Clerk Bennett or Judge Glenn. They welcome your assistance.



Representatives of the Bankruptcy Family in the Senate Judiciary Committee's conference room prior to a meeting with counsel for Chairman Chuck Grassley (R-IA).

Pictured clockwise from the bottom left: NCBC President Clerk Lee Ann Bennett (MD/ FL), Judge Kevin Carey (DEL), Chief Judge Bob Nugent (KS) Judge Gene Wedoff (ND/IL), NCBC President-Elect Clerk Gina Thomas (ND/GA), Chief Judge Mike Romero (CO), and Judge Randy Doub (ED/NC).

**New Uniform Reaffirmation Agreement Procedures**  
**By: Hon. Karen S. Jennemann, Chief United States Bankruptcy Judge**

On August 27, 2014, the Bankruptcy Judges largely approved the Recommendations of the Steering Committee relating to how we process and review Reaffirmation Agreements. Starting October 15, 2014, here are the new uniform, district-wide rules:

(1) Hearings on Reaffirmation Agreements. If a case is not closed, discharged, or dismissed, the Court will set a hearing on all reaffirmation agreements, including agreements relating to real property, that are filed: (a) by a *pro se* party, or (b) in the case of a represented Debtor, either not signed by the Debtor's lawyer or the Debtor's lawyer indicates reaffirming the debt would create a presumption of hardship for the Debtor. If represented, the lawyer will need to advise their client on the impact of reaffirming the debt but is not required to appear at the hearing.

(2) Parties Must Agree to Reaffirm Debt *BEFORE* the Discharge is Entered. Absent special circumstances, the Court will not set aside discharges to consider belated agreements to reaffirm debt and will not set hearings on Reaffirmation Agreements signed after a Discharge. The Court, however, routinely will give parties an extension of up to 60 days to file signed reaffirmation agreements, as long as the Motion for Extension of Time to File Reaffirmation Agreement is filed before the Discharge is entered. Parties should submit an accompanying order with the motion seeking an extension. The Court will set hearings on any request for an extension of greater than 60 days to allow the movant to demonstrate good cause for the lengthy extension.

(3) National Reaffirmation Forms Required. The Court will require the use of the Official Forms B240A and B27, and will consider failures to use the required forms on a case-by-case basis. <http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms.aspx>.

(4) Debtors Need to Return Executed Reaffirmation Agreement to Creditors for Final Signature and Filing. The Court will not require creditors to sign proposed reaffirmation agreements before they are sent to the Debtor.

(5) No Additional Information Needed. A represented debtor does not need to provide any information beyond that required on the Cover Sheet (Official Form B27), in the event their attorney indicates that the reaffirmation agreement would create a "presumption of hardship" or fails to sign the agreement.

(6) Reopening Cases. The Court will consider Motions to Reopen to approve reaffirmation agreements *timely reached but untimely filed* without negative notice. Parties are requested to submit an order simultaneously with the filing of the motion. However, the Court will not waive the fee to reopen, unless good cause is shown.

The Judges thank the Steering Committee for again helping us unify our procedures district-wide. If parties have any further comments or suggestions on these new procedures, please direct them to a member of the Steering Committee.



## US Bankruptcy Court, Middle Florida Named in Top 10 Court Websites By: Sarah Wiener, Data Quality Analyst/Trainer

Have you seen the above “e Badge” proudly displayed on our [www.flmb.uscourts.gov](http://www.flmb.uscourts.gov) website? Curious as to what it is?

FACT, the Forum on the Advancement of Court Technology (A Special Committee of the National Association for Court Management), announced the 2014 winners of their annual Top 10 Court Website Awards during their annual July NACM conference in Scottsdale, Arizona. A judge panel scored nominees on a multitude of criteria including, “Interactive capabilities, access to public records and other helpful information, user Interface (layout, navigation, ease of use), optimization for mobile services and accessibility,” to name a few.

FACT’s Top Ten Court Website Awards is an annual award to honor courts who are working hard to expand access to public records and information online. Our Court was not only given this distinct honor, but also was **the only federal court to receive it**. We are proudly featured on the FACT website as one of the winning sites.

Our new and improved US Bankruptcy Court, Middle Florida website was unveiled late January 2014 after months of revisions and upgrades. The Website Committee, Court staff, Judges, and the Bar all were instrumental in providing suggestions for the redesign and reorganization of our web content for easy access for all viewers. The site is a great resource tool for all seeking information about our US Bankruptcy Court.

The FACT award is a wonderful honor as it recognizes and reflects the hard work of the Court and its Bar to serve the Middle Florida many.

Check out our new, improved, and now nationally recognized website:





Pictured Left to Right: Bob Branson and Tammy Branson



Pictured Left to Right: Judge Michael Williamson, Judge Catherine McEwen, Florida Lawyers Melissa Youngman and Bob Branson, Chapter 13 Trustee Laurie Weatherford, and Moderator Liz McCausland

## **National Summit on Loss Mitigation in Chicago** **By: Bob and Tammy Branson, Branson Law PLLC**

Just wanted to report that we had a great Summit! Judge Kelley from Wisconsin, Judge Stong from New York, Judge Williamson and Judge McEwen from the Middle District of Florida did such a marvelous job.

Also in attendance were Judge Lundin from Tennessee and Judge Waites from South Carolina.

Participants included Trustees from Nevada, Ohio, Georgia, and Florida; Debtor and creditor attorneys from all across the country. Judge Stong was instrumental in asking where everyone was from in order to get the feel of the crowd.

The lenders represented by Wells Fargo, Bank of America and Chase sent representatives from all over the country as well as their “in-house” counsel.

Everyone was impressed with the turnout.

Thank you for your support! I believe Laurie Weatherford, Liz McCausland, Kevin Hing, and our office represented Florida well.

### **Want to Use the Mortgage Modification Mediation Portal?** **File a Motion to Amend the MMM Order**

Starting August 15, 2014, the district-wide Mortgage Modification Mediation (MMM) Order required parties to use an electronic portal for submitting documents and for communications relating to the mediation process. Many parties already involved in the MMM process now also would like to require parties to use the Portal. All you need to do is file a motion seeking an amended MMM order together with the accompanying order. Sample motions and orders as well as district-wide procedures are posted in the Procedures Section of our website [http://www.flmb.uscourts.gov/mortgage\\_modification/](http://www.flmb.uscourts.gov/mortgage_modification/).

## **News from the District Wide Steering Committee**

### **By: Douglas W. Neway, Chapter 13 Standing Trustee**

The District Wide Steering Committee has maintained its regular routine of meeting every month by video conference and continuing important conversations between meetings by email and teleconferencing. Since the last publication of the Court Connection, we suggested Uniform District-Wide Procedures for Reaffirmation Agreements and for Adversary Proceedings. At the August meeting of the Bankruptcy Judges, the District-Wide Procedures for Reaffirmation Agreements were adopted with very minor changes. The procedures on adversary proceedings are still being considered, and a district-wide procedure should be established in the coming months.

The annual Bench-Bar Conference is set for November 5<sup>th</sup> in Tampa at the Sam Gibbons Federal Courthouse. This coming year, the judges are going to focus on establishing uniformity in the Chapter 13 arena. To that end, the topics for this year's Bench-Bar Conference are going to be limited to Chapter 13 issues. The topics are:

- 1) Assessing Mortgage Modification Mediations after implementation of new district-wide procedures, including the use of a secure portal in the mortgage modification process;
- 2) Proactive measures that can be taken to address the impending student loan bubble bursting;
- 3) Discussion of issues that arise in Chapter 13 when dealing with homeowner association dues; and
- 4) Standardizing an order establishing duties of debtors, creditors, and trustees that can be implemented district-wide.

If you have any comments that you would like to offer regarding these topics, the Steering Committee is eager to hear them. You can send an email to: Elena Ketchum at [eketchum@srbp.com](mailto:eketchum@srbp.com) or Douglas Neway at [dneway@ch13jaxfl.com](mailto:dneway@ch13jaxfl.com).

The thought occurs, there may be some curiosity about how topics are chosen for consideration by the Steering Committee. Therefore, I will devote the remainder of this article to providing a glimpse of how we operate.

As a member of the Steering Committee since its inception, I am very pleased and impressed with the protocols we have developed in conducting our committee business. When Chief Judge Jennemann formed the Steering Committee in February 2012, she deliberately avoided giving much structure to it. Her vision was to have a committee of bankruptcy professionals from different disciplines who could ascertain areas in bankruptcy that might be ripe for district-wide uniformity and also plan an annual Bench-Bar Conference where a more robust discussion could take place about a few specific topics. Chief Judge Jennemann did not want to have much judicial interference in this process, so she chose the initial members, told us our purpose and backed off. My assessment of attorneys is that we are not a very "organic" species. Not providing structure and specific marching orders was a risky move by the Chief Judge. Nonetheless, the Steering Committee embraced its task within the parameters NOT set and has flourished. The organic approach can become a bit rudderless at times, so we organically chose a leader to marshal us through our meetings. Elena Ketchum runs the show, and any success we have had is a direct reflection of her leadership. This environment really does allow for an open dialogue and free exchange of ideas. It fosters

**Steering Committee Update (continued):**

an approach of beginning a broad discussion that considers varied topics and slowly and thoughtfully distills the material down to a manageable issue. Once we feel comfortable that we have created a worthwhile issue that is ripe for uniformity, we turn our attention to the bankruptcy bar in each division. We solicit commentary through surveys and inquiries to various constituencies and collect all the interests and concerns on the topic. A subcommittee is usually formed to further discuss, debate, and create proposed procedures based on the feedback from the bar. The subcommittee's recommendations are presented to the entire Steering Committee where more discussion and debate ensues, and a final draft of comprehensive proposals is submitted to the Chief Judge. Judge Jennemann then offers them to the other bankruptcy judges at their bi-monthly meetings for their consideration and occasionally this results in uniform procedures being published to the middle district bankruptcy bar. Not everything results in a uniform procedure. Sometimes it's sufficient to offer an issue to the judges for their sole consideration and discussion.

Recognition must be given to the bankruptcy community for your participation. The recommendations that we make are always tailored by the comments and suggestions that you furnish. Your willingness to complete our surveys and offer topics for the Committee's consideration create better results. The unique character of the bankruptcy bar with its collegial and communicative nature yields a positive effect in this instance. Thank you for being an integral part of our organic process.

**Introducing the Newest Chapter 13 Standing Trustee: Kelly Remick  
By: Jon Waage, Chapter 13 Standing Trustee**

Kelly Remick has been appointed by the United States Trustee as a new Chapter 13 Standing Trustee in the Middle District of Florida. She has been assigned to take over all of the cases that had been assigned to the now retired Terry Smith. Terry has left some big shoes to fill, but I know Kelly is up for the challenge. Kelly was one of my staff attorneys for nine years. She was my senior staff attorney for the last 8 years. Before coming to work for me she had spent several years as an attorney working in the bankruptcy field. Even though I will miss working with her as my staff attorney, I look forward to working with her as the new 13 Trustee.

The nine years Kelly and I worked together went by fast. Early on she came to me daily with questions. It wasn't long before she learned that in the world of chapter 13 bankruptcy many times there is no perfect answer. In the years I worked with her she has always worked to do the right thing. As a chapter 13 Trustee I know she will continue working toward that same goal.

The Court, the United States Trustee, creditors and debtors are fortunate to have Kelly Remick as a Chapter 13 Trustee. Although, I have lost an outstanding member of my office, the Middle District of Florida has gained an exceptional Chapter 13 Trustee.



## Upcoming Events Save the Date Announcements

### 11th Minority Mentoring Picnic

**Date:** November 1, 2014

**Time:** 12:00 pm to 4:00 pm

**Location:**

Amelia Earhart Park  
401 E. 65th Street  
Hialeah, FL

**Sponsored By:**

Kozyak Minority Mentoring Foundation  
RSVP: [john@kmmfoundation.org](mailto:john@kmmfoundation.org)



**SAVE THE DATE!**

Central Florida Bankruptcy Law Professionals'

## FALL FESTIVAL

Food, fun & fellowship for the whole family!

Sunday, Nov. 2nd  
12pm – 3pm  
Mead Gardens  
1300 S. Denning Dr.  
Winter Park, FL 32789

Sponsored by  
Central Florida Bankruptcy Law Association

**ATTORNEYS AND PARALEGALS**

**JOIN THE COURT FOR OUR NEXT BROWN-BAG LUNCHEON**

**DATE & TIME:**

December 10, 2014  
12:00 NOON TO 1:00 PM

**PLACE:**

**UNITED STATES BANKRUPTCY COURT**  
CLERK'S OFFICE MULTI PURPOSE ROOM – FIFTH FLOOR  
400 WEST WASHINGTON STREET  
ORLANDO, FLORIDA

**TOPIC:**

“Ethical Issues Stemming from the Requirement for Wet Signatures”

**PRESENTERS:**

Samuel R. Pennington, Esquire  
Barry Rigby, Esquire  
Christopher Shipley, Esquire

1 HOUR GENERAL C.L.E.R. CREDIT – CREDIT HAS BEEN APPLIED FOR



**Annual CFBLA Spring Seminar**

**Date:** April 23, 2015

**Location:**

Embassy Suites  
191 East Pine Street  
Orlando, FL 32801

## Electronic Court Reporter “Rules”

Every Bankruptcy Judge in the Middle District of Florida now relies on digital electronic court reporter. We call our software FTR Gold. Here are a few hints to improve the quality of your record:

Speak loudly and clearly into a microphone.

When you make your initial appearance, speak slowly; spell your name and any difficult case name or party.

State whether your clients are present in the courtroom.

If appearing by telephone, please announce your name *every* time you speak.

If you have not spoken in a while, reintroduce yourself to the Court before you speak.

Do not speak when the judge or another party is talking.

Do not physically touch the microphone because it distorts the audio.

Do not tap the microphone to see if it is working. The courtroom deputy already has tested the device.

Do not place a cell phone near a microphone; it distorts the audio.

If you would like a transcript or an Audio Compact Disc (CD) of the hearing, you may request one by following the procedures set forth on the Court’s website.



### Bankruptcy Trivia



1. Shakespeare play in which a character gives the following advice to his son “Neither a borrower or a lender be.”
2. This movie featuring a big character is also said to have played a big part in saving RKO studios from bankruptcy.
3. The failure in 1946 of this now classic Christmas movie is reported to have contributed to the financial ruin of the producer and director’s new studio Liberty Films.
4. 1977 comedy remake in 2005 about a married couple trying to recover from financial disaster in a non traditional way.

**NOTE: Answers will be posted on the Court website seven days after publication of the October issue of the “Court Connection.”**

**Case Summaries**  
**By: Bradley M. Saxton, Esquire and C. Andrew Roy, Esquire,**  
**Winderweedle, Ward, Haines & Woodman, P.A.**

**Eleventh Circuit Cases**

***In re Bifani***

--- Fed. Appx. ----, 2014 WL 4457144 (11th Cir. Sept. 11, 2014)

Chapter 7 trustee moved for summary judgment against fraudulent transfer defendant. The trustee supplied evidence demonstrating that the debtor transferred property to the defendant, and that proceeds from the sale of the transferred property were ultimately used to purchase the joint home of the debtor and defendant, which the debtor claimed as his homestead. The bankruptcy court granted summary judgment in favor of the trustee and also granted the trustee's request for an equitable lien against the debtor's homestead. The Eleventh Circuit affirmed, finding that the trustee supplied evidence of a prima facie case to avoid a fraudulent transfer, and to justify an equitable lien – the home was purchased with “ill-gotten proceeds . . . .” Though the defendant argued that questions of fraud are fact-specific, she presented no evidence in support of her good faith argument. The bankruptcy court properly granted summary judgment and imposed an equitable lien on the homestead.

***General Lending Corp. v. Cancio***

---Fed.Appx.---, 2014 WL 4099739 (11th Cir. Aug. 21, 2014)

On appeal of order denying motion to dismiss chapter 13 case based on eligibility, Eleventh Circuit affirmed denial of motion because laches barred creditor's attempts to assert section 109(e) debt limitations two years after the case was filed.

***Wortley v. Chrispus Venture Capital, LLC (In re Global Energies, LLC)***

---F.3d---, 2014 WL 3974577 (11th Cir. Aug. 15, 2014)

Eleventh Circuit determined that bankruptcy court applied incorrect legal standard in denying Rule 60(b) (2) motion by part-owner of debtor business. Former business partner attempted to use involuntary bankruptcy filing against debtor business in order to gain the part-owner's interest in the business. Part-owner initially moved to dismiss, but had insufficient evidence at the time to justify dismissal on bad faith grounds. About a year later, the part-owner uncovered emails substantiating his suspicions and sought relief in the bankruptcy court. The wrongfully withheld evidence was sufficient to satisfy the Rule 60(b)(2) standard.

***Crawford v. LVNV Funding, LLC***

---F.3d ----, 2014 WL 3361226 (11th Cir. July 10, 2014)

Eleventh Circuit reversed bankruptcy court's dismissal of adversary proceedings alleging violations of Fair Debt Collection Practices Act. Creditor's filing proofs of claim based on time-barred debts was false, deceptive, or misleading representations in connection with collecting a debt.

**Case Summaries (continued):****District Court Cases*****Kahama VI, LLC v. HJH, LLC***

Slip Copy, 2014 WL 4655741 (M.D. Fla. Sept. 17, 2014) (Moody, J.)

Plaintiff-creditor filed a breach of note and foreclosure action naming not only the borrower, but also the borrower's attorney. The defendant-attorney moved for summary judgment as to his liability based on the "mere conduit" defense. The evidence the attorney supplied in support of the summary judgment was not countered by any evidence offered by the plaintiff-creditor. The district court granted summary judgment, distinguishing this case from *In re Harwell*, 628 F.3d 1312 (11th Cir. 2010), and also noted that this case was based on Florida's fraudulent transfer statutes, not bankruptcy law.

***In re Nabavi***

---B.R.---, 2014 WL 3939595 (M.D. Fla. Aug. 12, 2014) (Honeywell, J.)

Creditor bank sought to dismiss debtors' bankruptcy case, but bankruptcy court denied the motion to dismiss. Debtors requested an award of attorney fees against the bank because the loan documents and section 57.105(7), Fla. Stat., provided for such right. The bankruptcy court awarded the fees and the district court affirmed the award on appeal.

**Bankruptcy Court Cases*****In re Berkman***

Slip Copy, 2014 WL 4823833 (Bankr. M.D. Fla. Sept. 29, 2014) (Delano, J.)

Years after chapter 7 trustee reached settlement with debtor, who perpetrated an elaborate Ponzi scheme, and the bankruptcy court had approved the settlement, a post-petition creditor of the debtor sued the trustee alleging that the settlement payments were fraudulent transfers by the debtor. The bankruptcy court granted the trustee's motion for summary judgment, finding that the trustee had received the payments in good faith and provided reasonably equivalent value to the debtor.

***In re Pearlman***

---B.R.---, 2014 WL 4799547 (Bankr. M.D. Fla. Sept. 26, 2014) (Jennemann, J.)

Bankruptcy court granted partial summary judgment in favor of defendant-lender in fraudulent transfer action by bankruptcy trustee. Lender asserted "single satisfaction rule" defense under section 550(d) and presented evidence that the funds the lender received, those that were the transfers of interest, were paid back to the debtor(s) prior to the bankruptcy case. Other fact issues remained to preclude summary judgment as to other transfers to the lender.

**Case Summaries (continued):*****Kondapalli v. DeMasi (In re DeMasi)***

2014 WL 4071664 (Bankr. M.D. Fla. Aug. 18, 2014) (Williamson, J.)

Bankruptcy court permitted substitution of plaintiff in dischargeability action over debtor's objection. In prior ruling, bankruptcy court determined that original plaintiff lacked standing because the fraud claim against the debtor could not be assigned under Florida law. Thus, based on that prior proceeding, the debtor was put on notice that another party was the proper plaintiff.

***In re Whitehill***

---B.R.---, 2014 WL 3955063 (Bankr. M.D. Fla. Aug. 12, 2014) (Jennemann, J.)

Bankruptcy court sanctioned attorney for filing petitions, schedules, and other papers without clients reviewing those documents first. In addition, attorney failed to comply with local rule that required the retention of original signature documents for at least four years after the closing of a case.

***In re Sivilonis***

2014 WL 3361986 (Bankr. M.D. Fla. July 9, 2014) (Funk, J.)

Chapter 13 debtor failed to prove a change in circumstances that warranted reducing payments under his confirmed plan by \$1,678 per month. Unanticipated medical expenses were unsubstantiated and financial support to non-dependent son was not a viable change in circumstances.



**BLES Update:**  
**Your Official “Go-To” Tax-Deductible Non-Profit**  
**By: C. Andrew Roy, Winderweedle, Haines Ward & Woodman, P.A.**

To the “BLES-ed” District:

We’re getting closer to the end of 2014, and many steps closer to our end-of-the-year goal thanks to the unyielding participation of the Middle District bankruptcy bars and our dedicated judges. In last quarter’s newsletter, I put to paper the “JUST ONE S” Campaign for 2014, calling for \$30,000 in non-sanction donations for BLES. While sanctions have really helped, we would rather that BLES sustain itself through other means, like seminar fees, donations, and unclaimed funds from Chapter 11 plans.

Ultimately, the goal is for BLES to have enough funds to establish an evergreen endowment from which BLES can support its mission and projects around the Middle District, including the District-wide Pro Se Clinic. We are well on our way, but we cannot get there without you.

As of today, the JUST ONE S Campaign has raised nearly \$19,000. Special thanks to the **Jacksonville Bankruptcy Bar Association** and **Katherine Fackler** for the most recent contribution of \$3,615, which the JBBA raised at their 2014 Annual Seminar. But with 63% of our goal met, we still have about \$11,000 to go before the end of the year.

And what better way to make a call to complete this goal than to formally announce that BLES just earned its non-profit tax-exempt status from the IRS? Although BLES was treated as a non-profit organization during its application period, we finally can make it official. Thanks to the hard work of **Gene Crick** at **Broad and Cassel** in Orlando, the Service declared BLES’s non-profit status in September.

With that, and with the end of the year fast approaching, you finally have a “go-to” non-profit to get that last-minute tax deduction. So what are you waiting for? Pick up the phone and give me a call at 407-246-8808 (seriously!) to help BLES get that last little push it needs to finish strong in 2014.

Until 2015!

**BLES is the Bankruptcy Law Educational Series Foundation.** If you would like more information about BLES, how to contribute to BLES, or how to request funding from BLES for a project that fits the BLES mission, please contact C. Andrew Roy ([aroy@whww.com](mailto:aroy@whww.com)). Also, visit <http://blesfoundation.org/> for more information.



## ***Pro Bono Corner: A Partnership of the Courts and the Bar***

### **Cooley Pro Bono Bankruptcy Clinic to Assist Tampa Clients\***

**By: Rawan Bitar, Associate Editor, The Florida Bar News**

*\*Reprinted from the August 15, 2014 Edition*

A large number of indigents who are unfamiliar with complex legal processes are filing pro se in Tampa Bay area courts. Unfortunately, there aren't enough pro bono attorneys to meet the area's need.

To serve the purpose of providing a much-needed resource for the community, while also giving students exposure to real-world legal issues, the Thomas M. Cooley Law School will open a bankruptcy clinic in September. Students involved in the clinic will have the opportunity to provide free legal services to a percentage of the population at or below the federal poverty line for filing for bankruptcy in the United States Bankruptcy Court for the Middle District of Florida.

U.S. Bankruptcy Judge Catherine McEwen of Tampa has been instrumental in supporting efforts to establish the clinic.

"What a great contribution to the community this will be," Judge McEwen said. "We have a significant underserved population of poor and working poor without attorneys. The Cooley students will provide needed access to the courts for these filers. As a by-product, our court will be able to process these cases more efficiently."

The future law graduates will conduct interviews for potential filers for bankruptcy, prepare and file documents, and represent clients in bankruptcy meetings with creditors.

Under the supervision of Professor Robert Savage, students who participate in the program will be "learning the right skills to go out there and be contributing members of the legal community."

"They will transition from the legal text books and apply [what they've learned] in the real world by dealing with real clients, with real problems, and developing real solutions for them," Savage said.

Pro se filers in Tampa Division courts added up to nearly 12.5 percent last year, and the number is growing. The clinic aims to give students valuable courtroom experience while fulfilling the needs of bankruptcy filers without attorneys.

For referrals or more information, contact [drc-tb@cooley.edu](mailto:drc-tb@cooley.edu) or (813) 405-3555.

### **Middle District of Florida *Pro Bono* News**

Kudos to Patrick Mosley for agreeing to serve as the inventory attorney for the files of a lawyer who is no longer practicing law. This is a big undertaking and one that really helps prevent the clients from falling through the cracks and helps the court keep the clients' cases on track.

Kudos to Jake Blanchard, who has agreed to serve *pro bono* to several debtors whom he counseled at the Tampa *pro se* clinic. He's already obtained a mortgage modification for one of them.

## National *Pro Bono* Celebration October 19-25, 2014

National *Pro Bono* Celebration was October 19-25. Each division placed table tents in the courtrooms acknowledging the Court's appreciation for all Pro Bono participation.

The Tampa Division placed candy bowls in the courtrooms and attorney review rooms and Judge McEwen placed an easel in her courtroom with a message.



In Orlando, staff passed out cookies by the courtrooms and provided a 'Thank You' card signed by all staff and personal message from Chief Judge Jennemann



## September Lunch and Learn: Personal Injury Claims in Bankruptcy

### By: Matthew Hale and Alexis Leventhal

A panel of experts including Chapter 7 Trustee, Arvind Mahendru; bankruptcy attorney, John R. Meininger; and personal injury attorney, William Umansky, spoke at Orlando's Brown Bag Luncheon on September 10, 2014. They discussed the difficulty of dealing with personal injury claims as property of the estate from the perspective of the debtor's bankruptcy counsel, debtor's personal injury counsel, general unsecured creditors, the chapter 7 trustee, the insurance company, and the debtor's health care providers. The Lunch and Learn was insightful and made clear that a debtor's personal injury claim raises a variety of issues including the ability to exempt a personal injury claim settlement or judgment, distribution of any settlement or judgment proceeds, priority of claimants regarding potential proceeds, among others. Some highlights of this lively discussion are as follows:

- As debtor's counsel, it is important to ask a debtor not only about the existence of a personal injury claim, but about events that have occurred in recent history and may give rise to a personal injury claim (e.g. a recent motor vehicle accident, slip and fall, etc.) as the right to commence a personal injury claim may exist and should be listed in a debtor's bankruptcy schedules.
- A prepetition personal injury suit or right to bring a personal injury suit arising from prepetition events is property of the estate pursuant to 11 U.S.C. § 541 and, in turn, may be pursued by the Trustee for the benefit of the estate.<sup>1</sup> Where a suit is already commenced, the personal injury attorney should consult with the Trustee as to the status of the suit, potential settlements and awards, and any costs, fees, and other payments expected from a settlement or judgment.
- Although a personal injury settlement or judgment received by a debtor after commencement of his or her bankruptcy case may be property of the estate, a debtor may claim the proceeds as exempt pursuant to 11 U.S.C. § 522(l). An exemption in property is conclusively established under § 522(l) once the thirty-day Rule 4003(b) period has elapsed, even if a debtor claiming an exemption had no colorable legal basis to do so.<sup>2</sup> Additionally, if a debtor makes it clear in a schedule or claim of exemption that a debtor seeks to exempt an entire cause of action, then a debtor effectively exempts all eventual proceeds of the cause of action despite the assignment of a nominal value to the cause of action in the schedule or claim of exemption.<sup>3</sup>
- A debtor injured in an accident or other incident will seek medical attention and, often, will be directed to particular doctors for treatment. The payment of this treatment, and continued treatment while a personal injury claim is pending, is frequently made from any recovery from the personal injury lawsuit. This arrangement is formalized in a "Letter of Protection" ("LOP").<sup>4</sup>
- A LOP does not create a lien on any potential recovery from a Debtor's personal injury law suit upon the filing of the debtor's bankruptcy petition nor does a LOP create priority over other general unsecured creditors.<sup>5</sup> However, a Trustee may, and frequently does, provide for payment out of recovered proceeds from a lawsuit in accordance with the terms of a LOP.

<sup>1</sup>*In re Mills*, 46 B.R. 525, 526 (Bankr. S.D. Fla. 1985)(citing *Tignor v. Parkinson*, 729 F.2d 977 (4th Cir. 1984).

<sup>2</sup>*In re Graham*, 258 B.R. 286, 289 (Bankr. M.D. Fla. 2001)(citing *Taylor v. Freeland & Kronz*, 503 U.S. 638, 643–44, 112 S.Ct. 1644, 118 L.Ed.2d 280 (1992)).

<sup>3</sup>*See In re Green*, 31 F.3d 1098, 1100 (11th Cir.1994).

<sup>4</sup>*See Katzman v. Rediron Fabrication, Inc.*, 76 So. 3d 1060, 1064 (Fla. Dist. Ct. App. 2011); *Pedro v. Baber*, 83 So. 3d 912, 914 (Fla. Dist. Ct. App. 2012)(citing *Francisco Ramos, Jr., Litigating*, LSL FL–CLE 84 (2007)).

<sup>5</sup>*In re El-Khachib*, 6:03-bk-04054-ABB (ECF 57) (Bankr. M.D. Fla. Jan. 10, 2003)(finding the claims of health care service providers who had entered into a LOP with debtor were not determined by the terms of the LOP, but "[s]o long as the services rendered by the health care providers benefited the estate, were provided post-petition, and claims are properly filed, they may be allowed as administrative expenses regardless of whether letters of protection were issued. Those services rendered, pre-petition are general unsecured claims to the extent claims are properly filed regardless of letters of protection.").



## News from the Central Florida Bankruptcy Law Association

**July 17, 2014** – Soneet R. Kapila and Melissa Davis, both with KapilaMukamal, LLP, presented on Ponzi Schemes at CFBLA’s Monthly Luncheon Meeting at GrayRobinson’s Downtown Orlando office.

**August 21, 2014** – Senior Special Agent Timothy Mowery, Federal Housing Finance Agency – Office of the Inspector General, presented on “Mortgage Fraud” at GrayRobinson’s Downtown Orlando office.

**September 2014** – CFBLA partnered with both Junior Achievement and the Orange County Public Schools to bring financial literacy education to high school seniors throughout Orange County. On two different days during September, CFBLA members volunteered to teach to senior economics students (i) Credit Abuse Resistance Training and identity theft; and (ii) paying for post-secondary education. The following CFBLA members and associates attended training offered by Junior Achievement and/or volunteered at local high schools: Kathleen Appel, Christine Baker, Walter Benenati, James B. Benjamin, Marie F. Benjamin, Scott Bomkamp, Jack Brennan, Ryan Davis, Kathy Deetz, Elena Escamilla, Isabel Freeman, Maureen Gimenez, Jill Kelso, Timothy Laffredi, Cynthia Lewis, Lexie Lewis, Lori Luce, David McFarlin, Maggie Moyet, Joyce Nunnallee, Ana Rodriguez, Brad Saxton, Wayne Spivak, Miriam Suarez, Laurie Weatherford, and Julius Williams. We anticipate that this will be an on-going collaboration with volunteer opportunities each semester.



**September 24, 2014** – CFBLA hosted its Annual Appreciation Luncheon at Ember, which proved to be an excellent opportunity for CFBLA members to express their immense appreciation and gratitude to all of those working in Judicial Chambers and at the Clerk’s Office for their superb and seamless service in processing and handling our bankruptcy cases!

**October, 2014** – CFBLA launches Tables for Eight, an event series designed to enable CFBLA members to learn from each other, to further develop their careers, and to enjoy each other’s fellowship and company! Here’s how it works: each month, with some breaks here and there, a CFBLA member will host a dinner for eight fellow CFBLA members. The theme, style, and location of the dinner is entirely up to the host. Hosts are encouraged to do what they are comfortable with, and what they believe is best for promoting interaction and fellowship among their guests. Richard B. Webber, II has graciously stepped up to host the first Table for Eight on October 17, 2014.



## News from the Central Florida Bankruptcy Law Association

On September 24, 2014, the CFBLA hosted a Clerk's Office and Chambers staff appreciation luncheon at Ember Restaurant.



## News from the Orange County Bar Association—Bankruptcy Committee

The OCBA Bankruptcy Committee will be hosting our good friend and colleague, Dan Munoz, now with Moecker & Associates on October 31, 2014 as he presents "Liquidations: Appraisals, Real Estate Auctions and ABC's" We look forward to seeing Dan and his associates Rose White and Robin Williams for this interesting presentation. Join us for lunch and some spirited conversation.



## News from the Tampa Bay Bankruptcy Bar Association

On July 23, 2014, the TBBBA hosted an Employee Appreciation Luncheon for all Clerk's Office staff and Chambers staff. The luncheon was catered by the Spain Restaurant.



## News from the Southwest Florida Bankruptcy Professionals Association



The Southwest Florida Bankruptcy Professional Association (SWFBPA) would like to announce and congratulate its new officers for the 2014 -2015 term. On October 23, 2014 at the SWFBPA's 3rd Annual Alexander J. Paskay Memorial Dinner, Paul A. Giordano, Luis E. Rivera, Adrian Lynn, and Gerald A. McHale were sworn in to their respective positions. Mr. Giordano will serve as the Association's president; Mr. Rivera, vice president; Mr. Lynn, secretary; and Mr. McHale will continue his role as the Association's treasurer.

Mr. Giordano is a partner at Roetzel & Andress practicing in bankruptcy & creditors' rights, troubled debt restructuring, workouts, and related litigation; partnership disputes, commercial foreclosures, contract and corporate disputes, construction liens and general and professional liability lawsuits. He regularly assists national, regional and community banks in stabilizing distressed commercial and industrial properties; from negotiating pre-foreclosure agreements to advocating for the appointment of receivers and judicial sales. He received his B.A. and J.D. from the University of Florida in 1995 and 1999, respectively. The Association looks forward to Mr. Giordano's leadership during his term.

For more information on the SWFBPA and its events, please visit <http://swfbpa.com/>.



## News from the Jacksonville Bankruptcy Bar Association



Katherine C. Fackler  
 Akerman LLP  
 50 North Laura Street  
 Suite 3100  
 Jacksonville, FL 32202-3646  
 Tel: 904.798.3700  
 Fax: 904.798.3730  
 katherine.fackler@akerman.com

**September 2, 2014**  
**VIA UNITED STATES MAIL**

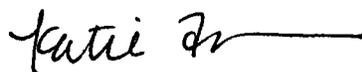
BLES Foundation, Inc.  
 c/o Alvin F. Benton, Executive Director  
 Holland + Knight, LLP  
 200 Crescent Court, Suite 1600  
 Dallas, Texas 75201

**Re: Jacksonville Bankruptcy Bar  
 Association Donation to BLES**

Dear Alvin:

On behalf of the Board of the Jacksonville Bankruptcy Bar Association and its membership, please accept the JBBA's enclosed donation to BLES in the amount of \$3,615. During the 2014 Annual Seminar, JBBA members and Judges of the Bankruptcy Court for the Middle District of Florida posed with Chewbacca to raise funds for BLES. Chief Judge Jennemann's portrait with Chewbacca is also enclosed. The JBBA looks forward to supporting BLES and its commendable charitable efforts in the future.

Very truly yours,



Katherine C. Fackler

Enclosures

cc: Honorable Karen S. Jenneman, Chief Judge  
 Honorable Michael G. Williamson  
 Robert A. Heekin, Jr., Esq.





## News from the Jacksonville Bankruptcy Bar Association

### **JBBA Judicial Liaison Meeting - A Collaborative Dialogue between the Court and Local Jacksonville Bankruptcy Practitioners By: Anna Haugen, Law Clerk to the Hon. Jerry A. Funk**

On July 28, 2014, Jacksonville Bankruptcy Bar Association (“JBBA”) hosted yet another successful judicial liaison meeting, which was attended by many JBBA members and our distinguished Judges, Karen S. Jennemann, Jerry A. Funk, Paul M. Glenn and as well as our Clerk of Court, Lee Ann Bennett, and the Jacksonville Division’s Deputy-in-Charge, Gull Weaver. At the meeting, the JBBA’s distinguished guests answered questions posed by local practitioners and updated those in attendance on recent and upcoming Court changes.

To begin, Judge Jennemann informed attendees that the Middle District judges made a district-wide decision to deny motions to reopen Chapter 7 cases in order to strip off wholly unsecured junior liens if the case has been closed for over one (1) year. The judges reached this consensus the courts were flooded with motions to reopen Chapter 7 cases following the Eleventh Circuit’s decision in In re McNeal, 477, Fed. Appx. 562 (11th Cir. 2012). Judge Jennemann specified that this consensus, however, will not be reduced to an administrative order.

JBBA members expressed concern about limiting reimbursements of internal photocopy expenses to \$0.15 per page, suggesting \$.25 per page is more reasonable. Judge Jennemann clarified that this limitation comes from the Court’s Expense Reimbursement Guidelines, published in August of 2013 and available on the Court’s website. These guidelines are intended to guide to professionals who submit employment and expense applications to the Court.

The practitioners in attendance also raised a concern that the Court does not have a procedure for addressing matters that do not constitute a true emergency but that are nevertheless urgent. Judge Funk and Judge Glenn suggested that they would process certain motions and provide expedited hearings when appropriate and depending on the Judges’ availability. Judge Funk suggested that if a party wants to have a certain issue addressed in an expedited manner, the party should file a *short* (i.e., one page) separate motion requesting an expedited hearing and explaining why underlying motion should be heard on an expedited basis.

Some attorneys also voiced concerns about the process for submitting proposed orders, stating that submitted orders get denied for different reasons at different times. Gull Weaver emphasized that the rejection of deficient orders benefits the parties by ensuring the order contains accurate information. Judge Funk suggested that attorneys train their staff in reviewing proposed orders to make sure the submitted order contains accurate information (i.e., the name of the party, case number, the name of the judge), and attorneys should review orders to make sure they accurately address the subject matter. To improve efficiency, uniformity, and consistency, the Judges will work on a Uniform Order Submissions and Procedures for attorneys.

**JBBA Judicial Liaison Meeting (continued):**

The guests also discussed a few recent and upcoming changes to Court practices. Gull Weaver noted that the recent district-wide shift to attorney noticing has been a great success and has resulted in significant cost savings. Judge Funk stated that the Bankruptcy Court for the Middle District of Florida, the third largest bankruptcy filing district in the country, previously was ranked number one among all bankruptcy courts in the nation with respect to noticing costs.

Although attorneys are not yet able to calendar their own hearings, they likely will be able to in the near future. Judge Jennemann remarked that the implementation of Trustee self-calendaring has allowed Trustees to schedule their own hearings by selecting a date that best suits their need from a list of dates preselected by the courtroom deputies. All attorneys soon may be able to use this procedure to schedule their own hearings with the Court.

Judge Jennemann also indicated that as of August 1, 2014, the debtors will no longer be allowed to pick a filing Division. The filing Division will be determined automatically based on the debtor's address. And last but not least, Doug Neway informed the attendees about the changes regarding assessing fees by Chapter 13 Trustees. Beginning October 1, 2014, the UST is requiring Chapter 13 Trustees to take their percentage fees upon receipt of funds and not disbursements.

The JBBA judicial liaison meetings create a perfect opportunity for cultivating a collaborative dialogue between the Court and our local Jacksonville bankruptcy practitioners. It is important practitioners continue to attend these meetings and provide constructive feedback the Court's leadership can use to make needed changes.

## *Dear* POINT AND CLICK:

Q: What tops your list of the most important things to remember as an electronic filer?

A: Here is a TOP 10 List:

1. In order to practice in the Bankruptcy Court, you must be admitted to practice in the Middle District. It is important that you remain a member in good standing with the United States District Court, Middle Florida and that your renewal dues are paid timely. Renewal dues are paid directly to District Court through their CM/ECF system. All questions regarding admissions, including questions about renewal dues, should be direct to District Court.
2. Local Rule 5003-1(d) Electronic Documents - Entry of. A document filed electronically that is required to be signed under penalty of perjury ("Verified Document"), or that requires an original signature other than the signature of the Electronic Filing User, shall be maintained in the originally signed and verified paper form by the Electronic Filing User for a period of four (4) years after the closing of the case or proceeding in which the document or paper is filed.
3. CM/ECF logins are attorney specific, not firm specific. The owner of the login must sign the document that is to be filed electronically and must use his or her own login and password to file the document. Each attorney must have his or her own login to in order to file electronically. You cannot file for a "friend in need."

**Point and Click (continued):**

4. It is important that your CM/ECF account information is kept up to date. This includes your primary e-mail address, any secondary e-mail addresses as well as your firm name, address and telephone numbers. When changing law firms or your address changes, in addition to updating your address with the Bankruptcy Court in the Middle District, it is important that you update this information with the ALL of the Court's in which you file and the Florida Bar.
5. When electronically filing a Proof of Service for an order you were directed to serve, you must use the event located under Bankruptcy/Adversary – Miscellaneous – Proof of Service. During the filing process, refer the Proof of Service to the Order, not to the underlying motion or application to which the order refers.
6. If you have new employees working in your law firm who are unfamiliar with the electronic filing process, the Court's online e-Training course is available for their use all day, every day. Note that attorneys are required to complete this training program before receiving access to the Court's electronic filing system.
7. Case related questions should be directed to the case manager assigned to the case as they are best able to respond. Staff phone lists are available on the Court's website. CM/ECF and Training questions should be directed to the Help Desk staff. If you receive an error message during the filing process, providing a copy of that message is important to the resolution process. When experiencing issues with filing, you should also be prepared to answer questions about the operating system, internet browser and hardware and software versions you are using.
8. The Court regularly sends CM/ECF update information, procedural changes and other important information through "E-Mail Blast" to the email addresses associated with all filing accounts. The subject line of the email reflects: From: U.S. Bankruptcy Court, Middle District of Florida – Subject: Topic of E-Mail. These messages sometimes contain attachments or links, but are often text only information. It is important that you review the content of each of these messages and distribute them to others in your office who might not receive them.
9. Selecting the correct filing event is important to the efficient processing of the documents you file. The Search feature that is built into CM/ECF allows you to search key words to identify the location of a specific filing event (or Report). When searching, it is recommended that you use a very specific term from the title of the document you are filing. For example, if you are filing a Motion for Authority to File Document under Seal and are unsure what event to use, search seal. Doing so yields a Motion to File Document under Seal event. If you had performed a search using authority, the event would not have displayed.
10. When you receive a voice message or email from a member of the Clerk's Office staff it is important that you respond as quickly as possible. Often, there is an issue with a filing, proposed order or newly filed Bankruptcy Case or Adversary Proceeding. Failure to respond to our inquiries often delays the processing of the document or case and necessitates additional, unnecessary action for everyone.

## Court Committee Updates

### Procedures Drafting Committee

**By: Sara Mason, Data Quality Analyst/Trainer**

The Procedures Review Committed finalized it's drafting of the Motion to Determine Secured Status, Motion to Confirm No Stay in Effect, Application for Compensation and Chapter 7 Asset Closing procedures. They were sent back to the originating committee for one final review before being sent on to Raymond.

We are currently reviewing and drafting the Motion to file Documents under Seal and Sealed Document procedures.

In addition, we have received Division information on Conversions from Chapter 7 to 13, Conversions from Chapter 11 to 7, Motions to Sell, Motions to Sell Free and Clear, Motions for Turnover, Chapter 12 Case Opening and Schedules & Statements filed after the Petition. We will review this information and begin drafting procedures in the order in which the topics were received.

### Website Committee

**By: Sarah Wiener, Data Quality Analyst/Trainer**

The Website Committee gained two very valuable committee members in September 2014. Our new Webmaster, Marco Eguia, hails from the US Bankruptcy Court in Puerto Rico with over 10 years of experience. He started with our Court on Monday, September 8, 2014. We also welcome our own Ellen Morton from Tampa intake. Welcome!



In other great news, our US Bankruptcy Court, Middle Florida external website was named one of the Top 10 Court Websites of 2014 by FACT (Forum on the Advancement of Court Technology) at their annual NACM conference in Scottsdale, AZ. The Committee Members involved in the project were: Richard Arendt (former Assistant IT Manager), Sarah Wiener, Alyson Johnson, Heather Lang, Kate Menard, Celia Rodenmeyer, Grenton Pierce, Wendy Chatham, and Dedra Gann. More information is available by selecting the “e badge” on the court website.

Some of the projects the website committee is currently working on are:

Revamping our current intranet, as well as creating a survey for internal staff to gauge our needs for items on the intranet and, perhaps, “wish list” items staff would like to see on it.

Working to develop a web matrix system to help with keeping the content of our external website updated.

Developing a script for a video segment to be placed under the social media page on the Court website.

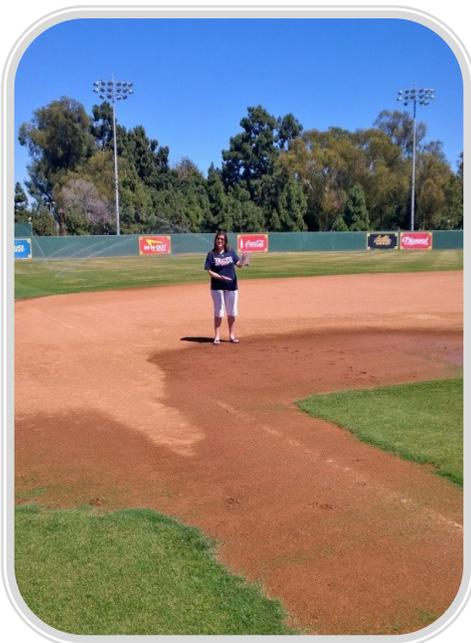
Stay tuned for more next quarter...



# Judges' Corner



“My first class at Thomas M. Cooley Law School - Looks like a newly minted group of bankruptcy geeks to me!” - - Judge McEwen



At the place it all came together for Evan Longoria, third base at Blair Stadium, home of the Long Beach State Dirtbags.

Here's me holding, yes, a bag of dirt from third base area of the Dirtbags' home.



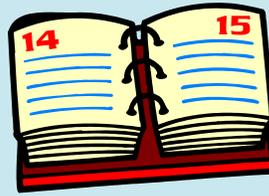
Judge McEwen with her Rays boyfriends James Loney (1B), Kevin Kiermaier (RF), Curt Casali (C), Not pictured are my other Rays boyfriends, Joe Maddon (skipper) and the rest of the boys, especially Desmond Jennings (CF), Ben Zobrist (utility), Evan Longoria (3B), Yunel Escobar (SS), and Chris Archer (P).



# Judges' Corner



Judge Paul M. Glenn and daughter, Catherine G. Pappas, pictured with the 2014 Distinguished Service Award presented to Judge Glenn by the American Inns of Court, Bankruptcy Alliance

**\* \* \* HAPPENINGS AROUND THE MIDDLE DISTRICT \* \* \*****FT. MYERS**

|              |                                    |
|--------------|------------------------------------|
| 11/20 @ noon | SWFBPA Monthly Luncheon            |
| 12/18 @ noon | SWFBPA Monthly Luncheon            |
| 1/14 @ noon  | State of the District Presentation |

**JACKSONVILLE**

|                  |                                    |
|------------------|------------------------------------|
| January 7 @ Noon | State of the District Presentation |
|------------------|------------------------------------|

**ORLANDO**

|                      |   |
|----------------------|---|
| October 31 @ noon    | OCBA Monthly Lunch @ Orange County Bar Association  |
| November 2 @ noon    | CFBLA Fall Festival at Mead Gardens   |
| November 20 @ noon   | CFBLA Monthly Lunch @ GrayRobinson (Speaker: Linda E. Coco, Associate Professor of Law at Barry University's Dwayne O. Andreas School of Law will present on a number of bankruptcy topics) |
| December 4 @ 6:00 pm | CFBLA Holiday Party @ Akerman, LLP  |
| December 10 @ noon   | USBC Quarterly Brown Bag Lunch @ USBC 5th Floor Multi-Purpose Room  |
| December 18 @ noon   | CFBLA Monthly Lunch & Board Elections   |
| January 30 @ noon    | OCBA Monthly Lunch @ Orange County Bar Association (Speaker: Larry Heinkel and Topic: Dischargeability of Taxes – Recent cases on this subject are changing the analysis)                   |
| February 19 @ noon   | State of the District Presentation  |
| February 27 @ noon   | OCBA Monthly Lunch @ Orange County Bar Association (Speaker: Catherine Jones and Topic: Credit Reporting Issues Post-Bankruptcy)  |

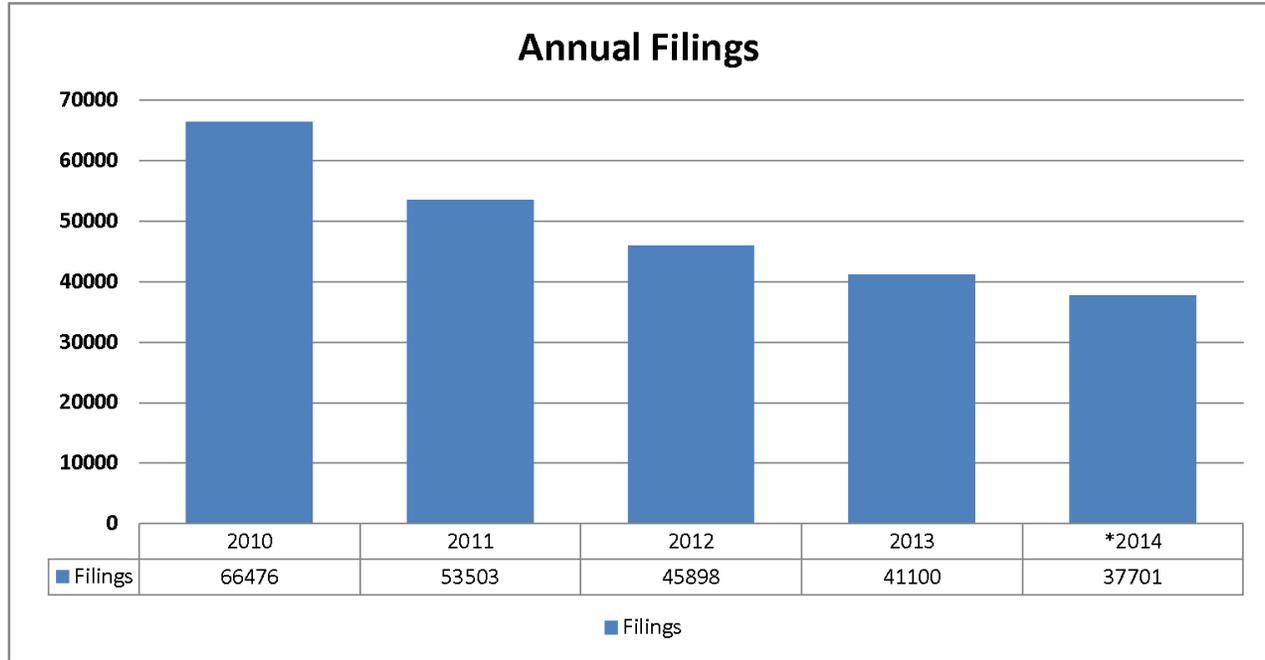
**TAMPA**

|                      |                                    |
|----------------------|------------------------------------|
| November 6 @ 8:00 am | View from the Bench                |
| January 13 @ noon    | State of the District Presentation |

**OTHER  
IMPORTANT DATES**

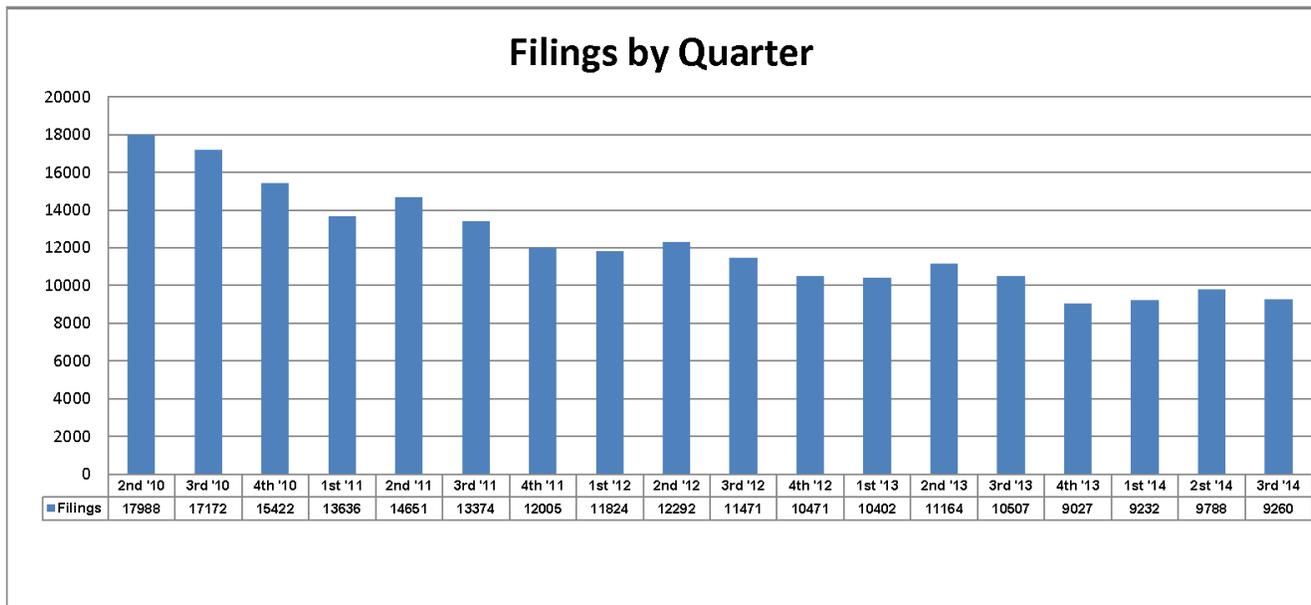
|                |  |
|----------------|--|
| April 23, 2015 | CFBLA Seminar at Embassy Suites, Orlando, FL |
|----------------|--|

### United States Bankruptcy Court Middle District of Florida Statistics as of September 30, 2014

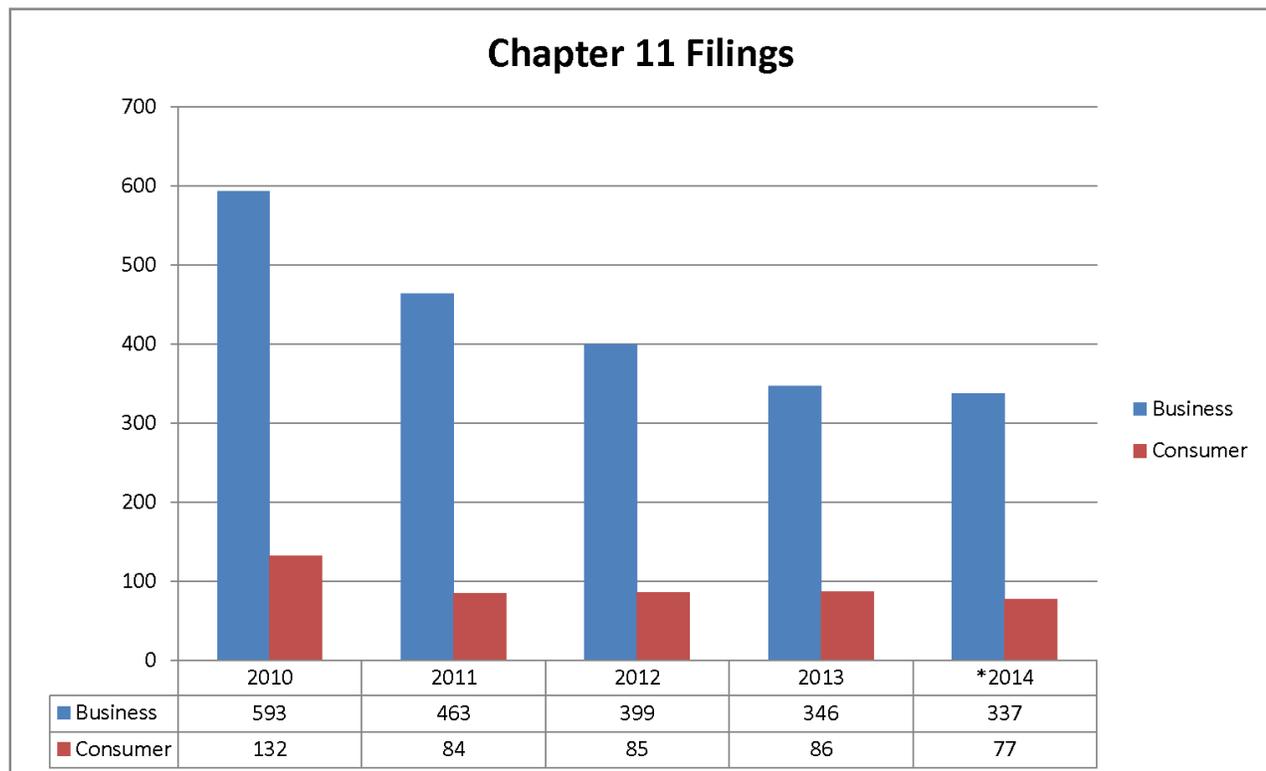
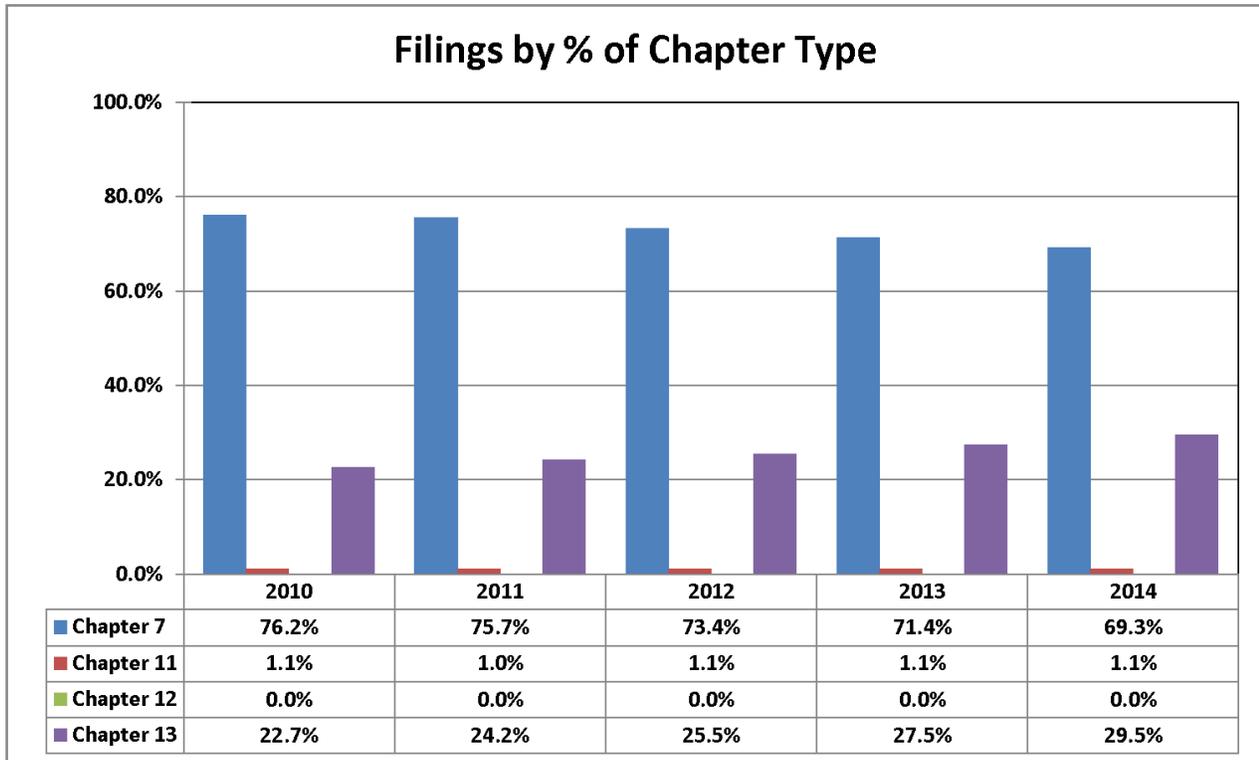


| Year         | Annual Filings | vs. 2010 | vs. Prior Yr. |
|--------------|----------------|----------|---------------|
| <b>2010</b>  | 66476          |          |               |
| <b>2011</b>  | 53503          | -20%     | -20%          |
| <b>2012</b>  | 45898          | -31%     | -14%          |
| <b>2013</b>  | 41100          | -38%     | -10%          |
| <b>*2014</b> | 37701          | -43%     | -8%           |

\* Projected Filings

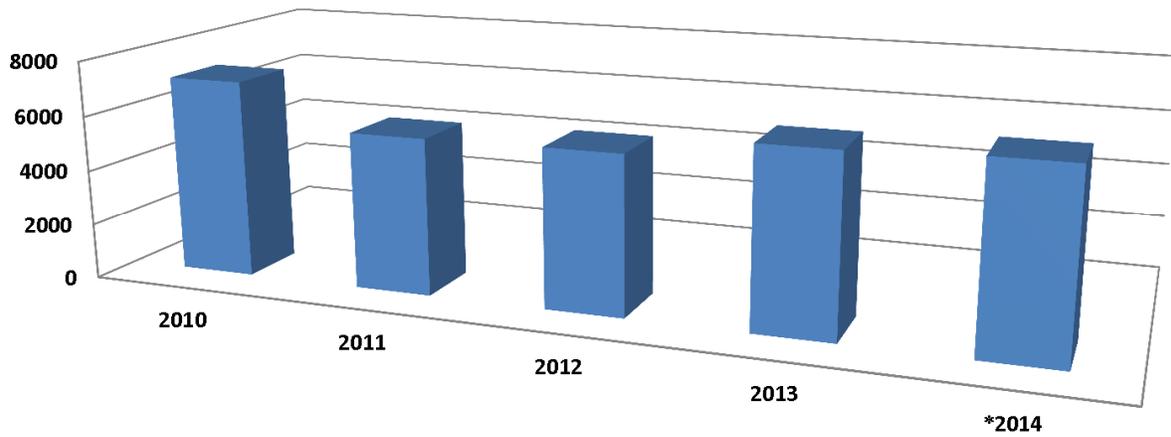


**United States Bankruptcy Court Middle District of Florida  
Statistics as of September 30, 2014**



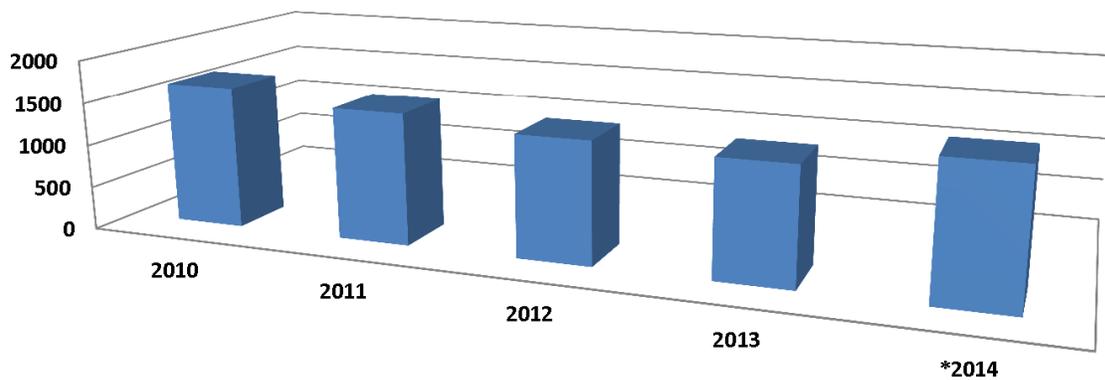
**United States Bankruptcy Court Middle District of Florida  
Statistics as of September 30, 2014**

**Pro Se Filings**



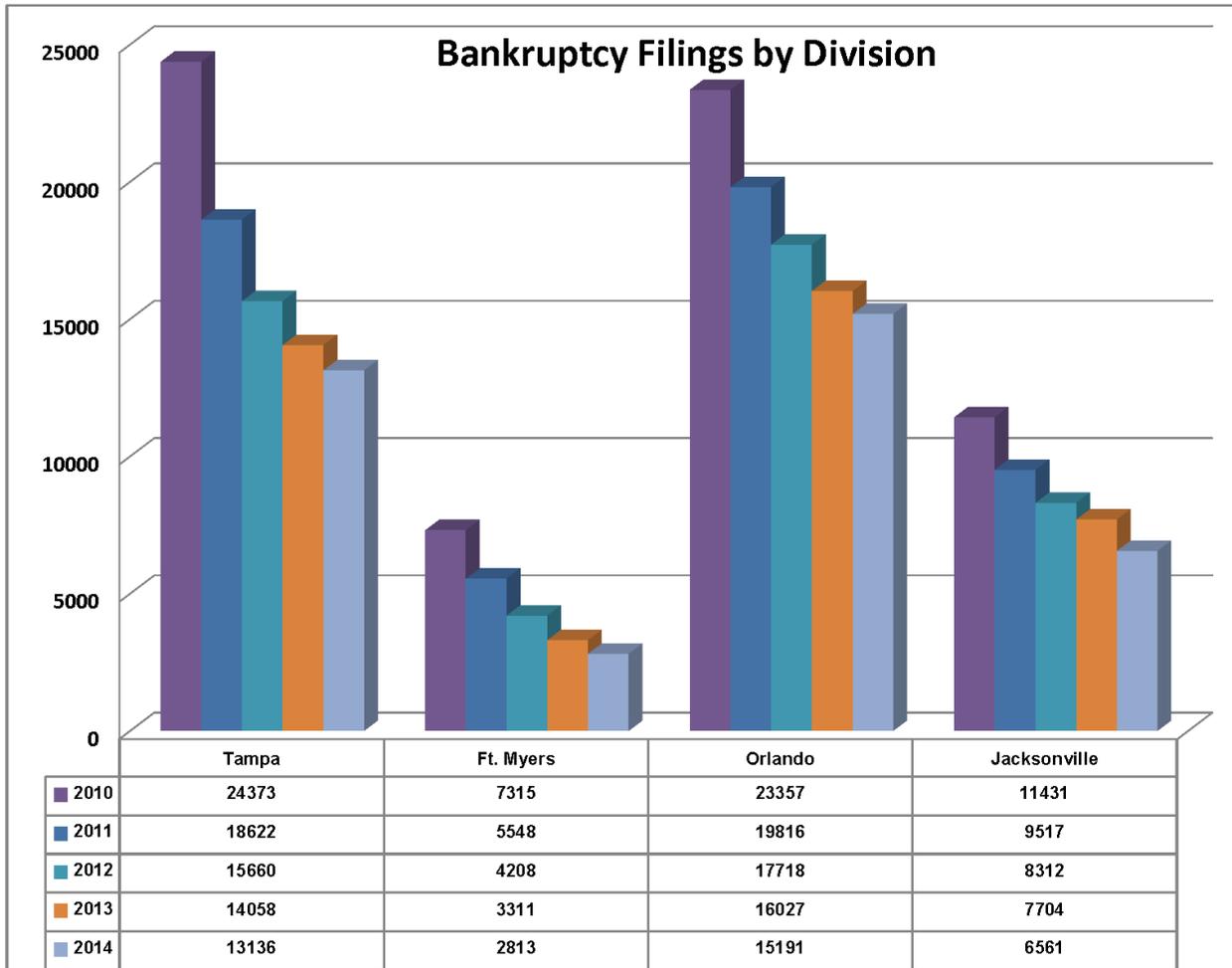
|                  | 2010 | 2011 | 2012 | 2013 | *2014 |
|------------------|------|------|------|------|-------|
| ■ Pro Se         | 7201 | 5682 | 5737 | 6435 | 6596  |
| % of All Filings | 11%  | 11%  | 12%  | 16%  | 17%   |

**In Forma Pauperis Filings**



|                  | 2010 | 2011 | 2012 | 2013 | *2014 |
|------------------|------|------|------|------|-------|
| ■ IFP Granted    | 1659 | 1524 | 1396 | 1334 | 1529  |
| % of All Filings | 2%   | 3%   | 3%   | 3%   | 4%    |

### United States Bankruptcy Court Middle District of Florida Statistics as of September 30, 2014



Note: Previous quarterly reports incorrectly reflected total cases filed by including adversary proceedings. Order Granting IFP counts have been corrected to include approving language.

**United States  
Bankruptcy Court**

400 West Washington Street  
Suite 5100  
Orlando, FL 32801

Phone: 407--237-8000  
Fax: 407-237-8005



**The Court Connection is  
published quarterly  
on:**

**January 15**  
**April 15**  
**July 15**  
**October 15**

**Please submit news, photos, and  
articles by January 1, April 1,  
July 1, and October 1 to:**

**Kim Osment**

(kimosment@flmb.uscourts.gov; 407.237.8111)

**[** [www.flmb.uscourts.gov](http://www.flmb.uscourts.gov) **]**