



UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA

The Court Connection

Newsletter of the
United States Bankruptcy Court
Middle District of Florida

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

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**Local Rule 1001-2 Requires Attorneys to Obtain
Original Signatures Prior to Filing Signed Papers via CM/ECF
By: Chief Judge Caryl E. Delano**

Middle District Local Rule 1001-2(g)(2) provides that attorneys may file papers signed by their clients via CM/ECF by including a scanned paper with the client's signature or by including the client's name on a signature block (*e.g.*, “/s/ Client's Name”). Does this mean that attorneys must obtain their clients' original signatures BEFORE the attorney files signed papers with the Court? YES! May attorneys use digital software (such as DocuSign) in lieu of their clients' original signatures? NO! And must attorneys retain original signatures for two years after the closing of the case? YES!

First, original signatures are important. Bankruptcy petitions, schedules, affidavits, and unsworn declarations are all signed under penalty of perjury. Attorneys have an ethical obligation to review papers with their clients before the clients sign them. *See In re Whitehill*, 514 B.R. 687 (Bankr. M.D. Fla. 2014) (attorney who filed bankruptcy petitions, schedules, and statements without first obtaining clients' review or signature was subject to sanctions under Rule 9011). An in-person meeting between a client and an attorney (preferably) or a member of the attorney's staff provides the attorney with the opportunity to review the paper to be signed with the client and to obtain the client's signature. And having the client's original signature protects the attorney from the client later claiming that he or she did not sign the filed paper.

That said, Local Rule 1001-2(g)(2) recognizes that it's not possible for papers filed via CM/ECF to contain “original” signatures. So under the Rule, attorneys may either “scan in” their clients' signatures, or, if they prefer to file a paper in PDF format, they may include the “/s/” signature block, *e.g.*, “/s/ Signer's Name.”

In 2020, during the early days of the COVID-19 pandemic, the Court recognized that attorneys and their clients were likely unable to meet in person to review papers and for clients to sign papers such as bankruptcy petitions, schedules, affidavits, and unsworn declarations. Therefore, the Court entered Administrative Order FLMB-2020-4 and suspended the provisions of Local Rule 1001-2(g)(2), provided that the attorney: (1) had express written permission, including by email, to affix the signer's signature; (2) had in his or her possession an image, photograph, or facsimile of the signed signature page; or (3) had obtained the digital signature using software that provides authentication (*e.g.*, DocuSign).

In light of the April 10, 2023 termination of the COVID-19 national emergency, on September 27, 2023, the Court entered Administrative Order FLMB-2023-2 to vacate

FLMB-2020-4 and reinstate the requirements of Local Rule 1001-2, effective October 1, 2023.

The Court recognizes that alternatives for obtaining clients' signatures provided by Administrative Order FLMB-2020-4 were convenient. But this convenience is outweighed by (1) attorneys' obligations to review filed papers with their clients; and (2) the benefit—to the attorney—of being in possession of the client's original signature.

Second, DocuSign is not a substitute for an original signature. Given the proliferation of commercially available digital signature software (*e.g.*, DocuSign) in commercial and real estate transactions, you may question why the Court does not consider DocuSign to be a substitute for an original signature. Although signature authentication software provides some (but not complete) assurance that a party has authorized his or her signature, it does not address an attorney's obligation to review papers with the client before the client signs the paper under penalty of perjury. Because the Court considers a DocuSign signature to be the equivalent of an "/s/" signature, the Clerk's Office will not reject papers with a DocuSign signature. However, the use of DocuSign does not relieve an attorney's obligation to obtain an original signature before the signed paper is filed with the Court.

Third, attorneys must retain papers with original client signatures for two years after the closing of the case. Local Rule 1001-2(h) requires Electronic Filing Users to retain paper copies for two years after the case is closed of the following: petitions, schedules and supporting documents, affidavits and unsworn declarations; executed contracts required of debt relief agencies; and proofs of service executed by a non-lawyer (see the Local Rule for more complete descriptions). Although attorneys may perceive this requirement as being burdensome, it is designed to protect the attorney from a claim by the signing party that the signature (whether scanned in, or "/s/") is a forgery. Because handwriting experts generally need an original signature to opine on the authenticity of a signature, attorneys who do not retain their clients' original signatures (or, worse, who never obtained them in the first place) have an uphill battle to establish that their former client, or signatory to an affidavit or declaration, did in fact sign the paper in question.



Upcoming Events

2023

- | | |
|---------------------------|--|
| December 5
5:30 p.m. | CFBLA Annual Holiday Party
<i>Ember, Orlando</i> |
| December 6
12:00 p.m. | CFBLA Appreciation Luncheon
<i>The Citrus Club, Orlando</i> |
| December 11
5:30 p.m. | JBBA Holiday Party
<i>River Club, Jacksonville</i> |
| December 12
12:00 p.m. | TBBBA CLE Luncheon
<i>University Club, Tampa</i> |
| December 13 | TBBBA Holiday Celebration |

2024

- | | |
|-------------------------|--|
| January 9
12:00 p.m. | TBBBA CLE Luncheon
<i>University Club, Tampa</i> |
| January 17-18 | The Florida Bar Business Law Section Winter Meeting
<i>Gaylord Palms, Orlando</i> |
| February 6 | Judge Cynthia C. Jackson Portrait Ceremony
<i>Bryan Simpson United State Courthouse, Jacksonville</i> |

- February 7
12:00 pm JBBA State of the District with Chief Judge Delano
Jacksonville
- February 8
12:00 pm CFBLA State of the District with Chief Judge Delano
State of the District
Citrus Club, Orlando
- February 15-16 Alexander L. Paskay Memorial Bankruptcy Seminar
The Westin Harbour Island, Tampa
- February 29
12:00 pm SWFBPA State of the District with Chief Judge Delano
United States Courthouse, Fort Myers
- March 12
12:00 pm TBBBA State of the District with Chief Judge Delano
University Club, Tampa



Report from the Central Florida Bankruptcy Law Association

So far this year we have hosted eight CLE Luncheons, a half-day Bankruptcy Summit, and most recently in August, our 29th Annual Seminar in Orlando, Florida. The Seminar was very well attended, and we were able to offer 8 hours of CLE including Ethics, Technology, and Professionalism. We have a few more CLE luncheons planned for this year along with some happy hours and our annual Holiday Party. Visit our website at www.cfbla.org to view our past CLE luncheons and Seminar, and to find out what's happening in the future.





**Report from the
Southwest Florida Bankruptcy Bar Association
By: Ryan Really, President**

September 2023 was a busy month for bankruptcy practitioners in the Fort Myers Division. In addition to in-person hearings on September 20 and 21, attorneys gathered for two events sponsored by the Southwest Florida Bankruptcy Professionals Association (SWFBPA).

On September 21, the SWFBPA presented a well-attended luncheon program featuring Chapter 7 Panel Trustee Luis E. Rivera II, along with Tampa Bay Bankruptcy Bar Association Past President (and Subchapter V Trustee) Kathleen DiSanto and current Director Matthew Hale. Luis, Kathleen, and Matt repeated their popular CLE and traveling road show, *Know When to Hold 'Em, Know When to Fold 'Em – Loans vs. Merchant Cash Advances*, in the Jury Assembly Room at the Fort Myers Courthouse. Luis and Kathleen first presented this program at a TBBBA meeting, and the materials provided included their recent American Bankruptcy Institute Journal article on merchant cash advances.



L to R: Matthew Hale, Kathleen DiSanto, Luis Rivera

SWFBPA officers Christian Haman and Shannon Puopolo coordinated the informative program and were delighted that attendance was close to the pre-COVID

monthly “lunch CLE before court” levels. Based on a show of hands, the SWFBPA plans to recommence regular monthly lunch meetings in the near future.

Members of the bar were delighted to have the opportunity to catch up with each other and with Chief Bankruptcy Judge Caryl E. Delano, District Judge Sherri Chappell, and Magistrate Judges Nick Mizell and Kyle Dudek. In addition, Lee County Magistrate Kimberly Davis Bocelli attended and shared her experiences as an attorney appearing in bankruptcy court before Judge Paskay!

The Happy Hour was part of the Southwest Florida bar associations’ deliberate effort to support Fort Myers’ downtown businesses and workers during the crucial off season, many of which are still recovering from the devastation suffered from Hurricane Ian in 2022.



Judges and attorneys enjoy camaraderie at Downtown Social House.

November 2023 promises to be another busy month for bankruptcy attorneys. Judge Delano will preside at in-person hearings on Thursday and Friday, November 16 and 17 (she will conduct hearings by Zoom on Wednesday, November 15). And on Thursday, November 16, Mike Ziegler of Ziegler Diamond Law, Clearwater, will be presenting a lunchtime CLE, *Identifying Consumer Claims In Your Bankruptcy Files*. And starting at 5:30 p.m. on Thursday, November 16, the SWFBPA will host the Annual Alexander L. Paskay Memorial Dinner at the ever-popular Pinchers.

Investiture of Bankruptcy Judge Denise Barnett

By: Chief Judge Caryl E. Delano



Hon. Denise E. Barnett
United States Bankruptcy Judge, Western District of Tennessee

On July 14, 2023, in Memphis, Tennessee, Sixth Circuit Judge Bernice Donald (ret.) formally administered the oath of office to United States Bankruptcy Judge Denise Barnett. Chief District Judge Sheryl Lipman presided at the ceremony and was joined on the bench by Chief Bankruptcy Judge Jennie Latta, Bankruptcy Judges Jimmy Croom and Ruthie Hagan, and the District and Magistrate Judges of the Western District of Tennessee.

I was honored that Judge Barnett asked me to speak at the ceremony. And I was delighted that that so many of my Florida colleagues—Bankruptcy Judges Catherine McEwen, Roberta Colton, Lori Vaughan, Jacob Brown, and Jason Burgess and Magistrate Judge Julie Sneed—and attorneys from throughout the State of Florida traveled to Memphis to celebrate Judge Barnett’s many accomplishments.

Judge Barnett’s career has demonstrated her willingness to travel. Born in Jamaica, Judge Barnett earned her bachelor’s degree from the City University of New York. After graduating from college, Judge Barnett moved to St. Paul, Minnesota, to attend the William Mitchell College of Law. And after she graduated from law school, Judge Barnett moved once again, this time to Jacksonville, Florida, to serve as a judicial law clerk to Bankruptcy Judge George Proctor.

At the conclusion of her two-year clerkship term, Judge Barnett worked in private practice, primarily with the prominent Jacksonville law firm of Smith, Hulsey &

Busey. During this time, she represented consumer debtors, Chapter 11 business debtors, creditors, and bankruptcy trustees. In other words, Judge Barnett handled the full gamut of bankruptcy issues.

In 2002, the Office of the United States Trustee advertised an opening for a Trial Attorney in Tampa, and, once again, Judge Barnett was prepared to move. During her 19 years with the U.S. Trustee's Office, Judge Barnett earned a reputation for always being prepared, always being poised, and always being collegial. As an attorney, Judge Barnett embodied all the qualities that judges love to see in the lawyers who appear before them. Although she vigorously represented the interests of the United States Trustee, she was always a consummate professional. Judge Barnett was also active in the legal community and served on the board of the Tampa Bay Bankruptcy Bar Association.

Please join me in congratulating Judge Barnett on her appointment to the bankruptcy bench!



L to R: Judge Lori Vaughan, Judge Catherine McEwen, Judge Barnett, Judge Caryl Delano, and Judge Roberta Colton at Judge Barnett's investiture



United States Trustee’s Corner

By: Jill Kelso, Orlando Office

U.S. Trustee Program to Implement Virtual Section 341 Meetings of Creditors Nationwide

Pursuant to its authority under 11 U.S.C. §§ 341(a) and 343, Federal Rule of Bankruptcy Procedure 2003, and other authorities, the U.S. Trustee Program (“USTP”) will implement virtual section 341 meetings of creditors (“341 meetings”) via Zoom for all chapter 7, 12, and 13 cases in all USTP jurisdictions.

These virtual 341 meetings via Zoom will be implemented on a rolling basis through early 2024. Debtors and other interested parties should follow the instructions provided in the 341 meeting notice they receive from the court, as well as additional instructions provided by the trustee assigned to the debtor’s case, to determine the proper procedures for connecting to the meeting. Please refer to each district’s USTP Local 341 Meeting Information page (set forth below for the Middle District of Florida).

The USTP’s transition to video 341 meetings will foster greater participation, result in substantial cost and time efficiencies for debtors and creditors, and better ensure the efficiency and integrity of the bankruptcy system. Once implemented, the U.S. Trustee may approve alternative arrangements for 341 meetings when extenuating circumstances exist that preclude a debtor’s attendance by video. In addition, in rare cases, the U.S. Trustee may determine that an in-person 341 meeting is necessary.

Middle District of Florida Virtual 341 Meeting Information for Chapter 7, 12, and 13 Cases

The Middle District of Florida is implementing virtual 341 meetings for all chapter 7, 12, and 13 cases filed on or after September 1, 2023. These virtual 341 meetings will be held by video conference, which will be conducted through the Zoom platform, beginning on or after October 2, 2023.

To join the virtual 341 meeting, participants will need the Meeting ID, Passcode, and phone number if joining by audio only, assigned to the presiding trustee in the case. Individual Meeting IDs, Passcodes, phone numbers, and meeting links assigned to each trustee can be found at the following links:

- The Source: <http://www.flmb.uscourts.gov/trstee/default.htm?id=1>
- USTP Information for Jacksonville and Orlando Divisions:
<https://www.justice.gov/ust-regions-r21/region-21-section-341-meetings-6>
- USTP Information for Tampa and Fort Myers Divisions:
<https://www.justice.gov/ust-regions-r21/region-21-section-341-meetings-0>

Detailed instructions for joining a virtual 341 Meeting via Zoom can be found here:
<https://www.justice.gov/ust/page/file/1590011/download>

Telephonic Section 341 Meeting Information for Chapter 11 Cases

Chapter 11 section 341 meetings of creditors will continue to be held telephonically until further notice. Information for joining the meeting can be found on section 6 (section 7 for subchapter V cases) of the Notice of Bankruptcy Case (Official Form 309) that you receive from the Bankruptcy Court.

Judge McEwen Administers Oath of Admission to The Florida Bar to Recent Law School Graduates

With the release of The Florida Bar exam results in September came the joyful task of administering the Oath of Admission to new attorneys.

Julia G. Traina
Florida State University College of Law
Anthony & Partners



L to R: Judge McEwen, Ms. Traina, and Stephenie Anthony, Anthony & Partners

Alena Miles
Western Michigan University Thomas M. Cooley Law School
(and Judge McEwen's Bankruptcy Class Student)
KPMG, LLP



L to R: Ms. Miles' mother Tamara Melnik, Judge McEwen, and Ms. Miles

Camille Callahan
Georgia State University College of Law
Manson Bolves Donaldson Tanner



Judge McEwen and Ms. Callahan

Ms. Callahan first knew Judge McEwen as “Coach Mac” when they met in 2002. At the time, then-lawyer McEwen was managing a little league softball team, the mighty Reds, of which Camille was a standout! (Judge McEwen has continued to coach softball— her last crew, earlier this year, being the Bubblegums—and looks forward to swearing in more of her former players!)

What's New?

Proposed Revisions to Administrative Order Governing Procedures in Chapter 13 Cases, Model Plan, and Order Confirming Plan for Public Comment

The Middle District of Florida is in the process of revising the Administrative Order Governing Procedures in Chapter 13 Cases, the Model Plan, and the Order Confirming Plan. Comments are due by November 20, 2023. Attorneys and parties who appear before the Court are encouraged to review the proposed revisions. The Court appreciates all comments and will consider them prior to the December 1, 2023 effective date of the revisions. [Click here](#) for the full announcement and links to the proposed amendments and comment form.

Court Terminates COVID-Related Temporary Suspension of Attorneys' Obligation to Obtain Original Client Signatures Prior to Filing Signed Papers

The Court has entered Administrative Order FLMB-2023-2, which vacates Administrative Order FLMB-2020-4 and reinstates attorneys' obligations to obtain their clients' original signatures prior to filing petitions and other papers via CM/ECF. Effective October 1, 2023, compliance with Local Rule 1001-2(g)(2) and (h) is required. [Click here](#) to view Administrative Order FLMB-2023-2.

Amended Order Establishing Presumptively Reasonable Debtor's Attorney's Fees In Tampa And Fort Myers Chapter 13 Cases

The judges of the Tampa and Fort Myers Divisions entered an Amended Order Establishing Presumptively Reasonable Debtor's Attorney's Fees in Chapter 13 Cases. [Click here](#) to view the Amended Order.

Revisions to Local Rules Effective August 1, 2023

Revisions to the Middle District of Florida's Local Rules were effective August 1, 2023. [Click here](#) to view a memorandum from Judge Lori V. Vaughan summarizing the changes.

Revision to Negative Notice List (Motions for Relief from Codebtor Stay)

Local Rule 4001-1(c)(2)(C) clarifies procedures for filing motions for relief from the codebtor stay in Chapter 12 and 13 cases. The Court's Negative Notice List has been updated to add the following motions in Chapter 12 and Chapter 13 cases:

- Motion for Relief from Codebtor Stay as to Codebtor Only
- Combined Motion for Relief from Stay as to the Debtor and Codebtor

[Click here](#) for the updated Negative Notice List.

Case Law Update For Q4 2023

Editors:

Bradley M. Saxton and Lauren M. Reynolds
Winderweede, Haines, Ward & Woodman, P.A.
and
Kathleen L. DiSanto
Bush Ross, P.A.

In re Ariman

653 B.R. 685 (Bankr. M.D. Fla. 2023) (Geyer, J.)

Chapter 7 debtor sought to redeem windows, which she valued at \$500.00 but were subject to a secured claim of \$24,542.00. The creditor contended that the windows did not constitute tangible personal property and, therefore, were not eligible for redemption under section 722 of the Bankruptcy Code. In evaluating whether the windows were personal property or a fixture, the court focused on the intention of the parties in annexing the chattel to realty. Based on the fact that the contract between the parties described the windows as goods, the bankruptcy court granted the debtor's motion to redeem.

In re Padilla

2023 WL 5770143 (Bankr. M.D. Fla. Aug. 25, 2023) (Colton, J.)

Court granted chapter 7 debtors' motion for sanctions for willful violation of the discharge injunction against a Florida holding company for certain gyms located in Puerto Rico. The company was listed as a creditor on the debtors' schedules and was served with a copy of the discharge order. Despite this, the company made at least five threatening phone calls to the debtors in an effort to collect the prepetition debt. The holding company failed to appear at the hearing or otherwise respond to the motion or multiple orders to show cause issued by the bankruptcy court. The bankruptcy court awarded the debtors their attorney's fees and costs, lost wages, and emotional distress damages, for a total sanction in excess of \$15,000.00.

In re Tampa Hyde Park Café Properties, LLC

2023 WL 5425243 (Bankr. M.D. Fla. Aug. 23, 2023) (Delano, C.J.)

Debtor's motion for order enjoining clerk of the state court to disburse funds was denied as procedurally improper, as proceedings to obtain an injunction or other equitable relief must be commenced by adversary proceeding. The court further noted that the motion was due to be denied on the merits, as the debtor lacked standing and could not demonstrate irreparable harm.

In re Friends of Citrus and the Nature Coast, Inc.

2023 WL 5374399 (Bankr. M.D. Fla. Aug. 22, 2023) (Delano, C.J.)

Real estate purchase contract included a prevailing party attorney's fee provision, where related asset purchase agreement did not. Bankruptcy court treated asset purchase agreement and real estate purchase agreement as single contract for purposes of awarding prevailing party attorney's fees. The bankruptcy court denied motion for reconsideration of order awarding prevailing party attorney's fees, where movant argued for the first time that the asset purchase agreement and real estate purchase agreement could not be treated as a single integrated contract.

In re Lubin

2023 WL 5775729 (Bankr. M.D. Fla. Aug. 18, 2023) (Colton, J.)

A physician filed a petition seeking relief under chapter 11, subchapter V of the Bankruptcy Code on the eve of a trial on the United States' claims for civil damages under the False Claims Act based on his alleged receipt of illegal kickbacks by participating in a sham speaker program to induce him to prescribe fentanyl medication, regardless of medical necessity. The United States sought a determination that its claims under the False Claims Act were excepted from the automatic stay as a police or regulatory action under section 362(b)(4) of the Bankruptcy Code to allow the trial to proceed in district court. The bankruptcy court concluded that the claims were excepted from the automatic stay as a police or regulatory action under both the pecuniary purpose and public policy tests, even though the United States sought a monetary judgment against the debtor. Alternatively, even if such actions were not excepted from the stay under the police or regulatory action exception, the bankruptcy court determined that cause existed to lift the stay under the totality of the circumstances, when considering the conservation of judicial resources, in light of the time the case had been pending in district court and the nature of the claims asserted in the litigation, the lack of interference of

the litigation with the bankruptcy case, lack of prejudice to the debtor and other creditors, and the likelihood of success on the merits.

In re Huckleberry Partners LLC

2023 WL 5321704 (Bankr. M.D. Fla. Aug. 15, 2023) (Robson, J.)

Liquidating agent sought approval of mediated settlement agreement, and creditor objected. Bankruptcy court approved compromise under Bankruptcy Rule 9019, over the objection of the creditor, finding that the settlement did not fall below the lowest point in the range of reasonableness and satisfied the *Justice Oaks* factors.

In re Worrell

2023 WL 5096081 (Bankr. M.D. Fla. Aug. 8, 2023) (Geyer, J.)

Chapter 13 debtor sought to enforce discharge against the IRS. The IRS contended that its claim was not dischargeable because the debtor filed her 2012 through 2015 tax returns after the date they were due and after two years before the petition date, and the debtor did not oppose these assertions. The bankruptcy court denied the motion, concluding that the taxes were not dischargeable under section 1328(a) or section 523(a)(1)(B)(ii) of the Bankruptcy Code.

In re Gilbert

652 B.R. 817 (Bankr. M.D. Fla. Aug. 4, 2023) (Geyer, J.)

More than six years after the entry of the confirmation order, chapter 13 debtor sought to modify confirmed plan to include a secured creditor who was inadvertently omitted from the schedules and was not provided for in the chapter 13 plan. Debtor also sought to vacate the confirmation order to allow her to strip the lien of the secured creditor and treat the claim as unsecured, and the secured creditor objected. The bankruptcy court denied the motion to modify the confirmed plan, finding that there was no authority under section 1329 to modify the plan for the purpose of reclassifying a claim. The bankruptcy court also denied the motion to vacate the confirmation order, finding that section 1330 provides the only basis for revoking a confirmation order and that such relief must be sought within 180 days of the entry of the confirmation order and is limited to situations where the order was procured by fraud. The time periods for seeking relief from an order in Bankruptcy Rule 9024 and Rule 60(b) do not trump the time limitations set forth in section 1330.

The court specifically rejected applying section 105(a) to vacate a confirmation order in a chapter 13 case.

In re Wilson

2023 WL 4759515 (Bankr. M.D. Fla. July 12, 2023) (Vaughan, J.)

Court granted debtor's motion for sanctions against IRS for violating the discharge injunction, where IRS, after discharge was entered, applied tax refunds owed to debtor to 2015 taxes that were discharged.

In re Scohy

2023 WL 4535110 (Bankr. M.D. Fla. July 12, 2023) (McEwen, J.)

Court conditionally granted a motion to avoid lien that impairs exemption. The lien at issue was a Pinellas County code enforcement lien, which the court concluded arises only after an administrative proceeding takes place, which precedes the enforcement board's ability to issue and record an order imposing a fine. Therefore, the lien is a judicial lien, not a statutory lien, which can therefore be avoided under section 522(f) if it impairs the homestead.

In re Mulholland

2023 WL 4412061 (Bankr. M.D. Fla. July 6, 2023) (Brown, J.)

Court granted trustee's motion for summary judgment in preference case, finding no issues of material fact with respect to all elements of the preference claim. Defendant, transferee, was the debtors' daughter and is therefore a statutory insider despite daughter's claim of estrangement with the debtors.



Fond Farewells

By: Kathryn Sullivan, Human Resources Administrator

Over the past few months, we have bid fond farewells to some long-time Court family members.

Gull Weaver - Division Manager, Jacksonville

Retired July 31 with 28 years of Court service.

Gull started with the Court in 1995 as an IT professional, serving in roles of increasing responsibility until her ultimate promotion to Division Manager in 2010. Gull's guidance and leadership have been invaluable to the Jacksonville Division, and we wish her much joy and adventure in her well-deserved retirement!

Dedra Gann - Judicial Assistant to Judge McEwen, Tampa

Retired August 31 with 36 years of Court service.

Dedra began her career with the Court in 1987, serving as Judge Paskay's and then Judge Jennemann's courtroom deputy for over 30 years. In 2016, she became Judicial Assistant to Judge McEwen. Thank you, Dedra, for your dedication to the Court these last 36 years. We hope you give yourself the time to explore anything and everything you've ever desired!

Marti Malone - Courtroom Deputy to Judge Williamson, Tampa

Retired September 30 with 25 years of Court service.

Marti started with the Court in 1998 as a Case Manager. She then served as Judge Williamson's sole Courtroom Deputy for his 22 years on the bench. Marti continued to serve the Tampa judges as a backup courtroom deputy until her recent retirement. We thank Marti for everything she's contributed to the Court and celebrate her in retirement!

Kim Osment - Systems Project Manager, Orlando

Retired September 30 with 33 years of Court service.

Kim began with the Court in 1989 as a Generalist Clerk until her appointment as a Judicial Assistant in 1994, where she would go on to support Judges Briskman and

Jennemann. Kim would later lend her operational expertise to the Clerk's Office as its Communications Specialist and then Systems Project Manager. Kim was a true professional who showed by example that excellence is something to aim for daily. Congratulations to Kim!

Cindy Turner - Law Clerk to Judge Delano, Tampa

Retired October 31 with 28 years of Court service.

Cindy started with the Court in 1995 as Judge Glenn's law clerk. In July 2019, she joined Judge Delano's chambers, where she continued to serve with distinction and honor. Cindy's legal career with the Court was one of excellence and renown. The Court is grateful for the legacy of hard work and commitment Cindy left behind.



Judge McEwen's Make Me Smile Column

It's great to see debtor's counsel getting fully engaged in the reaffirmation/redemption analysis and negotiation. A couple recent examples:

1. Katelyn Vinson assisted her client to redeem a 2019 Nissan for about \$18,000, resulting in a discharge of the remainder of the \$38,452 loan balance – a savings of more than \$20,000!
2. Megan Klotz assisted her client to redeem a 2020 Buick for \$19,250, resulting in a discharge of the remainder of the \$27,379 loan balance – a savings of more than \$8,000!

For an online primer on the ins and outs of reaffirmation agreements, surrender, redemption, or using a buying/financing service for purchasing a new car while in or just after a bankruptcy go here: <https://www.youtube.com/watch?v=XvnNtK5--Ws&feature=youtu.be>.

Best Practice Tips (Does this Make You Smile?)

1. Worried that a debtor will withhold documents described in a Rule 2004 exam notice? You might consider serving a subpoena as you would with a notice of a Rule 2004 exam of a third party, as required by Local Rule 2004-1(f). At the very least, you would be entitled to the following under Fed. R. Civ. P. 45(e)(2) (adopted by reference in Fed. R. Bankr. P. 9016 and in our L.B.R.):
 - (2) *Claiming Privilege or Protection.*
 - (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
 - (i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

2. Best Practices in Mediation (free CLE): Summarily Podcast titled *Let's Mediate*, available at [Summarily - A Podcast for Busy Lawyers: FREE CLE: Let's Mediate \(with Rodney Romano\) on Apple Podcasts](#).

Bankruptcy Filings Rise 13 Percent

Total bankruptcy filings rose 13 percent, and business bankruptcies rose nearly 30 percent, in the twelve-month period ending September 30, 2023. This continues a moderate rebound after more than a decade of sharply dropping totals.

According to statistics released by the Administrative Office of the U.S. Courts, annual bankruptcy filings totaled 433,658 in the year ending September 30, 2023, compared with 383,810 cases in the previous year.

Business filings rose 29.9 percent, from 13,125 to 17,051, in the year ending September 30, 2023. Non-business bankruptcy filings rose 12.4 percent to 416,607, compared with 370,685 in September 2022.

Bankruptcy totals for the previous 12 months are reported four times annually.

This is the third straight quarter that total bankruptcy filings have risen, following a decade-plus decline. Bankruptcies fell especially sharply after the pandemic began in early 2020, despite some COVID-related disruptions to the economy.

Even with the recent increases, total filings remain far lower than in September 2010, when filings peaked at just less than 1.6 million.

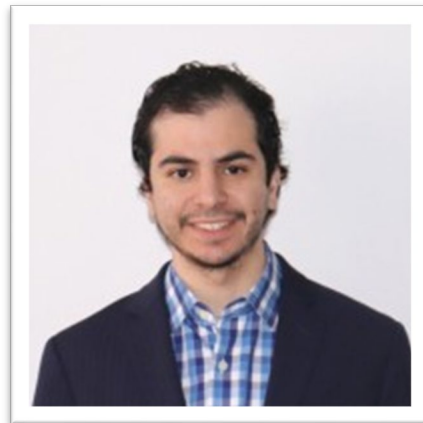
Published on October 26, 2023, on www.uscourts.gov, the website maintained by the Administrative Office of the U.S. Courts on behalf of the Federal Judiciary.

For more information and statistical information, go to [Bankruptcy Filings Rise 13 Percent | United States Courts \(uscourts.gov\)](#).

W E L C O M E

To The Team

Andre Festekjian
Term Law Clerk to Hon. Lori V. Vaughan
Orlando Division

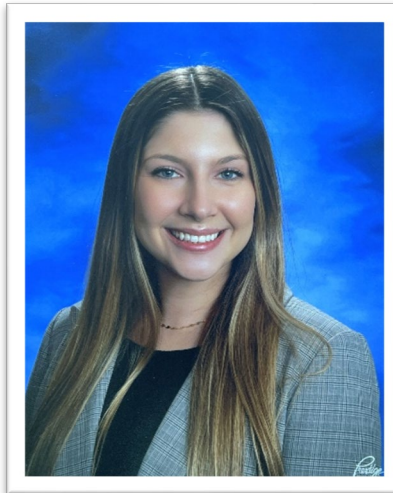


I am Judge Vaughan's new law clerk. I recently graduated from Boston College Law School. During my time at law school, I was drawn to Code-oriented course work such as tax and unsurprisingly bankruptcy. Before that, I grew up in New Jersey and went to the University of Pennsylvania for undergrad, majoring in economics. In my spare time, I like to play tennis, try out new restaurants, and spend time with friends and family. I am excited about the opportunity to be working with Judge Vaughan and joining the team in the Middle District of Florida's Bankruptcy Court.

W E L C O M E

To The Team

Carli Frederick
Term Law Clerk to Hon. Jacob A. Brown
Jacksonville Division



I am very excited to be joining the FLMB Team as Judge Brown’s new term law clerk. I recently graduated from Rutgers Law School and moved to Jacksonville to begin my legal career. I am originally from Pennsylvania, so I am enjoying the beach life down here in my spare time. I also enjoy baking, trying new restaurants, and going to sporting events.

Editor’s Note:

We misspelled Acel Masar’s last name in the caption and front page of the July newsletter. Acel is the new IT Support Technician in the Jacksonville Division. Our apologies to Acel!

Tech Tip

Check your Zoom video preview before you join a hearing by Zoom. Otherwise, the participants might see something like this:

