

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
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In re:

Administrative Order 09-5

**PROPOSED AMENDED
LOCAL RULES - OPPORTUNITY
FOR PUBLIC COMMENT**

On March 26, 2009, the United States Supreme Court approved amendments to the federal rules, including an amendment to Bankruptcy Rule 9006, that will affect the manner in which certain time deadlines are calculated. These amendments are due to take effect on December 1, 2009. As a result of the federal rules amendments, corresponding amendments to this court's local rules are required to maintain consistency with the national rules and to avoid confusion.

The court, having noted that this court's local rules were last amended on June 2, 2008, determined that it was not prudent to attempt to complete a comprehensive local rules amendment process prior to the December 1, 2009 effective date of the federal rules amendments. Instead, the court undertook an internal review of the local rules and identified those rules which required amendment due to the federal rules amendments and those rules which, subsequent to their June 2, 2008 effective date, have been amended by Administrative Orders or would require amendment due to scrivener or other errors and omissions. In addition, the court determined it necessary to include proposed new Local Rule 7056-1 and new Local Form "Notice Regarding Opposing Motions for Summary Judgment" in these amendments to ensure compliance with 11th Circuit case law. Having identified these necessary amendments, the court has further decided to consider their adoption as amended local rules effective December 1, 2009, as an interim solution pending a future comprehensive review of the local rules that would include appointment of an advisory committee to provide the court with recommendations for changes. Accordingly it is **ORDERED** as follows:

1. These proposed rules ([attached as Exhibit A](#)) are subject to further modification prior to final approval either as a result of timely public comments submitted or further judicial review.
2. Any comments on the proposed amendments must be submitted in writing and mailed or delivered to Katherine Gould Feldman, Clerk, U.S. Bankruptcy Court, Southern District of Florida, 51 S.W. First Ave., Room 1517, Miami, FL 33130-1669 to be received **not later than October 1, 2009**. The court will not consider any comment that is not related to these proposed amendments. Each comment must identify the specific rule being addressed together with any supporting authority.
3. If the court determines that the issues raised in the public comments necessitate an en banc hearing, the court shall schedule, and the clerk of court shall publish notice of, such hearing.

4. If, after review of timely submitted comments, the court determines that a hearing is not necessary, the court will determine if any additional amendments to the published rules are necessary and enter an order adopting amended local rules.
5. The clerk of court shall provide notice to the public of the entry of this order and the deadline set forth above for submission of comments on the proposed amended local rules and shall, during the comment period, maintain a paper copy of the proposed amended local rules, summary of proposed amendments ([attached as Exhibit B](#)) and proposed new Local Form "Notice Regarding Opposing Motions for Summary Judgment" ([attached as Exhibit C](#)) in each divisional office for review by the public and post notice and an electronic version on the court website.

ORDERED in the Southern District of Florida on August 28, 2009.

/s
PAUL G. HYMAN
Chief United States Bankruptcy Judge

c: All SD Bankruptcy Judges
Clerk of Court