

Rule 1001-1. Scope of Rules; Sanctions; Definitions.

(A) Scope. These local rules are promulgated in accordance with Bankruptcy Rule 9029. They shall apply to all cases and proceedings arising in, under, or related to cases pending under Title 11 of the United States Code in the United States Bankruptcy Court for the Southern District of Florida.

[Comment: These local rules are sequentially numbered to correspond to certain of the Federal Rules of Bankruptcy Procedure, if applicable, except that a dash and a fifth digit has been added in accordance with the directive of the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States. If no related national rule number exists, the local rule has been assigned a number for the related topic in accordance with the Judicial Conference of the United States Uniform Numbering System for Local Bankruptcy Rules.]

(B) District Court Rules. The Local Rules of the United States District Court for the Southern District of Florida shall not apply to cases or proceedings in the Bankruptcy Court, except to the extent that Local Rules 87.1 through 87.5 of the District Court governs bankruptcy matters.

[Comment: See Local Rule 87.1 of the United States District Court (giving bankruptcy court authority to enact local rules).]

(C) Incorporation by Reference. Reference in these rules to administrative orders, local forms, court guidelines or clerk's instructions shall mean the referenced order, form, guideline or instruction as revised or amended.

(D) Sanctions. The court, on its own motion or on the motion of any interested party, may impose sanctions for failure to comply with these rules, including: striking of papers filed with the court; dismissal of proceedings; dismissal or conversion of cases; or as may otherwise be appropriate under the circumstances.

(E) Waiver in Exceptional Circumstances. For good cause shown in exceptional circumstances, the court may suspend the requirements of any of these rules.

(F) Definitions.

- (1)** The terms “court”, “judge”, “clerk”, “local rule”, “local form”, and “administrative order” shall refer to the United States Bankruptcy Court for the Southern District of Florida and the judges, clerk, rules, and forms, respectively, of this Bankruptcy Court, unless otherwise specifically noted. The term “clerk” shall be interpreted to mean the clerk or members of the clerk’s staff.
- (2)** “Bankruptcy Rules” shall mean the Federal Rules of Bankruptcy Procedure.
- (3)** “Individual” shall mean natural person, and “non-individual” shall mean corporation, partnership, trust, or other legal entity which is not a natural person.

- (4) “Parties of record”, when used by the clerk to designate service on specific parties, shall mean all parties listed on the three service matrices as described in Local Rule 2002-1(E)(1), (2), and (3).
- (5) Otherwise, the definitions of words in 11 U.S.C. § 101 and § 1101 and Bankruptcy Rule 9001, and the rules of construction in 11 U.S.C. § 102, govern their use in these rules.