

Rule 5011-1. Motions to Withdraw Reference.

(A) **Place for Filing. Fee Required.** A request for withdrawal in whole or in part of the reference of a case or proceeding, other than a *sua sponte* request by the judge, shall be filed by motion with the clerk of this court, accompanied by the required filing fee.

(B) **Designation of Record; Response to Motion.**

- (1) **Designation of Record.** Motions for withdrawal of reference shall include a designation of those portions of the record of the case or proceeding that the moving party believes will reasonably be necessary or pertinent to the district court's consideration of the motion.
- (2) **Response to Motion; Reply.** Within 10 days after service of the motion and designation, any other party may file and serve a response to the motion and a supplemental designation of record. The moving party may file and serve a reply to the response within 10 days after service of the response.
- (3) **Exhibits.** Copies of court papers designated shall only be obtained directly from the official court records and shall be attached to the motion and to any supplemental designation filed.
- (4) **Transcripts.** If the record designated by any party includes a transcript of any untranscribed bankruptcy court hearing, that party shall immediately after filing the designation deliver to the court reporter and file with the clerk of this court a written request for the transcript and make satisfactory arrangements for payment of its cost.

(C) **Transmittal to District Court.**

- (1) **Transmittal of Record.** When the record is complete for purposes of transmittal, and after the time for filing a response or reply has expired, the clerk of this court shall promptly transmit to the clerk of the district court the motion to withdraw, all timely filed responses and memoranda, and the portions of the record designated.
- (2) **Filing of Papers After Transmittal of Record.** After the opening of a docket in the district court, papers pertaining to the matter under review by the district court shall be filed with the clerk of the district court, but all papers relating to other matters in the bankruptcy case or adversary proceeding or contested matter shall continue to be filed with the clerk of this court.
- (3) **Transmittal of File.** Unless otherwise directed by the district court judge:

- (a) if the district court withdraws the reference of the entire case (including all adversary proceedings) or an entire adversary proceeding, this court's clerk shall immediately transmit the entire case or proceeding file to the clerk of the district court; and
- (b) if the district court withdraws a portion of the case or proceeding, this court's clerk shall immediately transmit to the clerk of the district court such portions of the case or proceeding file as the parties designate.

[Comment: The General Order of the United States District Court for the Southern District of Florida referring all cases and proceedings arising under or related to Title 11, U.S.C. has been codified into District Court Local Rule 87.2.]