

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA

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In Re:

Administrative Order 2021-08

Adoption of:

- I. Interim Local Rules 2002-1(F), 9073-1(B)
and 9073-1(D) (to reflect modifications to
service requirements for notices of hearings); and
II. Interim Local Rule 3002.1-1(B) (technical amendment)
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The Court has determined that adoption of the four Interim Local Rules set forth below is required to put into immediate effect amendments to the Local Rules necessary to ensure efficient administration of cases and proceedings in this Court.

Local Rules 2002-1(F), 9073-1(B), and 9073-1(D) are amended to clarify the requirements for filing certificates of service. Local Rule 3002.1-1(B) is a technical amendment.

Accordingly, effective August 12, 2021, it is **ORDERED** as follows:

- I. Interim Local Rules 2002-1(F), 9073-1(B) and 9073-1(D) and related amendments to local forms shall be adopted as follows:
- A. Local Rule 2002-1(F) is amended by substituting the following as Interim Local Rule 2002-1(F):

“Certificate of Service” Substantially Conforming to Local Form Required. The party filing any paper required to be served by the Bankruptcy Rules, these Rules, or by order of the court, must file with the court, within two business days after service, a certificate of service substantially conforming to the Local Form “Certificate of Service.” The Certificate of Service must list the names and addresses, and date and manner of service, of all parties required to be served by the filing party. The NEF is not a substitute for the filing of a separate certificate of service, except to the extent permitted by Local Rule 9073-1(B) with respect to notices of hearing. An NEF may be incorporated by reference in the certificate of service to identify those parties who – having previously appeared in the case – were served electronically. A certificate of service may be incorporated into a motion, application, or other paper filed with the court, or, alternatively, a certificate of service may be filed separately. If a certificate of service is filed separately, the filing party must reference the paper that was served as required by Local Rule 9004-1(D), and must not attached another copy of the paper being served to the certificate of service filed with the court.

- B. Local Rule 9073-1(B) is amended by substituting the following as Interim Local Rule 9073-1(B).

Filing of Certificate of Service of Notice of Hearing. No certificate of service is required when all parties entitled to service of a notice of hearing have received service by CM/ECF. In such instances, the docketed notice of hearing constitutes sufficient proof of service of the notice of hearing for the requested relief. If, however, a notice of hearing is required to be served on one or more parties who do not receive CM/ECF service, then the movant must serve that notice of hearing and file a certificate of service as required under Local Rule 2002-1(F); failure to do so may result in the request for relief being denied without further notice or hearing. If a certificate of service is not filed by the movant, it will be treated as a representation by the movant that all interested parties have been served through CM/ECF.

- C. Rule 9073-1(D) is amended by substituting the following as Interim Local Rule 9073-1(D):

Conference with Opposing Attorneys Required. If a motion seeks relief involving the trustee, a debtor that is represented by an attorney, or another adverse party that is represented by an attorney, and that attorney has appeared in the case or proceeding, the motion must include a certification that the movant's attorney has contacted counsel for all adverse parties to attempt to resolve the matter without hearing. This requirement does not apply, however, to a motion or application that is required to be served on all creditors and parties in interest in the case or proceeding under the Bankruptcy Rules, these Rules, or by order of the court.

- D. Local Form "Certificate of Service and Certificate of Compliance with Local Rule 9073-1(D)" shall be amended to remove reference to the Local Rule 9073-1(D) certification, because new Interim Local Rule 9073-1(D) will now require this certification to be included in any motion to which Local Rule 9073-1(D) applies.

- E. The following local form motions have been amended to reflect the new Interim Local Rule 9073-1(D) requirement that a certification be included in any motion to which Local Rule 9073-1(D) applies:

- Motion to Value and Determine Secured Status of Lien on Real Property LF-77
- Motion to Value and Determine Secured Status of Lien on Personal Property LF-102

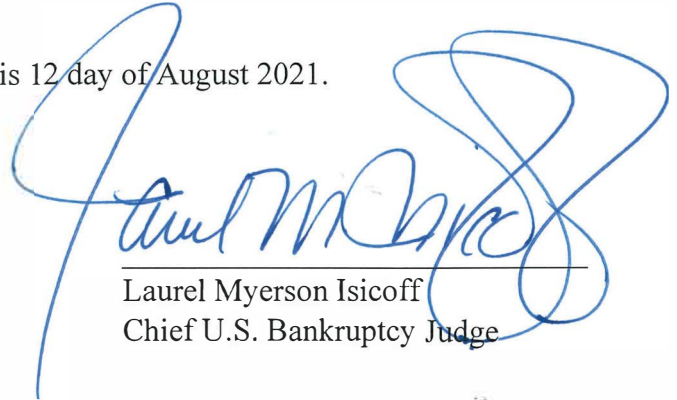
- II. Local Rule 3002.1-1(B) is amended by substituting the following as Interim Local Rule 3002.1-1(B):

Prohibited Notices and Sanctions. If the plan's treatment of a claim secured by a security interest in real property is not covered by subsection (A) of this rule and the stay has been lifted in relation to the creditor's claim, the creditor is prohibited

from filing a 3002.1 Notice. Upon motion by the debtor, the court will consider awarding sanctions against a creditor that files a 3002.1 Notice that is not required under Bankruptcy Rule 3002.1, as expanded by subsection (A) of this rule, and that is expressly deemed unnecessary under this rule.

- III.** The Clerk is directed to provide notice of entry of this Order by publishing a copy of this Order, along with copies of the amended local forms listed in this Order on the Court website.

ORDERED in the Southern District of Florida, this 12 day of August 2021.



Laurel Myerson Isicoff
Chief U.S. Bankruptcy Judge

c: All SD Bankruptcy Judges
Clerk of Court