

**UNITED STATES BANKRUPTCY COURT**  
**SOUTHERN DISTRICT OF FLORIDA**  
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**In Re:**

**Administrative Order 2021-12**

**Adoption of Interim  
Local Rules 9036-1 and 9076-1**

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The United States Supreme Court approved certain amendments to the Federal Rules of Bankruptcy Procedure to take effect on December 1, 2021. The Court has determined that the amendment to Bankruptcy Rule 9036 necessitates amendments to this court's Local Rule 9036-1 and Local Rule 9076-1. Accordingly, effective December 1, 2021, it is

**ORDERED** as follows:

(1) Local Rule 9036-1 is amended by substituting the following as Interim Local Rule 9036-1:

***9036-1 Notice By Electronic Transmission***

**(A) *For Registered Users of CM/ECF.***

(1) ***Electronic Appearances.*** Filing a document in CM/ECF for the first time (except for filing a proof of claim or ballot) is that registered user's electronic notice of appearance in that case or proceeding only. However, if a party has previously conventionally filed a notice of appearance or request for notice in a main case or proceeding prior to becoming a CM/ECF registered user, it is not necessary to enter an electronic appearance in such main case or proceeding.

(2) ***Notice Provided Registered Users.*** Every registered user who has made an electronic appearance in a specific case will automatically be sent an NEF (or Daily Summary Report-DSR) for each electronic entry in the case to the current e-mail address provided to the court. If a PDF document is attached to that NEF, the registered user will be able to view the document once at no charge for a period of 15 days from the date the document is entered on the docket. Subsequent access to that document or any other docketed items in CM/ECF cases will be available through PACER, which provides electronic access to publicly filed electronic documents at the published fees or at the public computer terminals in each divisional clerk's office. Registered users who have not made an electronic appearance in a specific case will be served as provided under section (B) of this Rule.

(3) ***Withdrawal of Electronic Appearance.*** A registered user seeking to withdraw an electronic appearance in a specific case or adversary proceeding must comply with Local Rule 2091-1.

**(B) *Electronic Notice in Lieu of Paper Notice from the BNC.*** Conventional filers and those registered users who have not yet made an electronic appearance in a specific case will receive notices generated by the clerk and served through the BNC in paper form unless they 1) elected to receive notices electronically in lieu of U.S. Mail service by either

*registering directly with the BNC EBN Program, 2) are required to receive electronic notice as entities designated as high-volume papers recipients under Bankruptcy Rule 9036(b)(2)(B), or 3) are debtors who registered directly with the clerk of court for DeBN noticing as provided under subdivision (C) of this Rule.*

*(C) **Debtor Electronic Bankruptcy Noticing (DeBN).** Debtors may elect to receive documents served by the clerk of the U.S. Bankruptcy Court electronically from the BNC under the DeBN program in lieu of by paper notice by filing the Local Form “Debtor’s Request to Receive Notices Electronically Under DeBN Program.” Debtor participation in DeBN does not constitute consent by the debtor to receive electronic notice from other parties, including attorneys and trustees. Documents not served by the clerk under DeBN must be served conventionally (non-electronic) on debtors as authorized under FRBP 7004 and 7005(b).*

- (2) Local Rule 9076-1 is amended in section (C) by substituting the following text as section (C) of Interim Local Rule 9076-1:

*(C) **Reduction of Noticing Costs.** To reduce noticing costs and unnecessary duplication of service, registered users who are served with an NEF in a specific case or proceeding will not receive duplicate electronic notice served via the BNC. Registered users who have not made an appearance in a specific case or proceeding and thus do not receive notice via an NEF, will be served through the BNC in paper form, unless those registered users have separately entered into an electronic service agreement with the BNC EBN Program, or are required to receive electronic notice as entities designated as high-volume paper recipients under Bankruptcy Rule 9036(B)(2)(B), or are debtors who registered directly with the clerk of court for DeBN noticing as provided under Local Rule 9036-1(1)(C).*

- (3) All cross-references in the Local Rules to Local Rules 9036-1 and 9076-1, including any references contained in the official comments and in all court forms, guidelines, and clerk's instructions, shall be deemed to refer, respectively, to Interim Local Rule 9036-1 and Interim Local Rule 9076-1.
- (4) The Clerk is directed to provide notice of entry of this Order and to update the Local Rules as published by this Court to reflect Interim Local Rule 9036-1 and Interim Local Rule 9076-1.

**ORDERED** in the Southern District of Florida, this 16<sup>th</sup> day of November 2021.



Laurel Myerson Isicoff  
Chief United States Bankruptcy Judge

c: All SD Bankruptcy Judges  
Joe Falzone, Clerk of Court