



**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA**

[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

**NOTICE OF AMENDMENTS TO  
LOCAL FORMS & COURT GUIDELINES**

The following Local Forms and Court Guidelines have been amended effective September 20, 2022. Redlined copies of amendments to these documents are attached as Exhibits A, B, C, D.

**Forms:**

- Notice Regarding Opposing Motions for Summary Judgment (LF-101)  
(see Exhibit A)
- Order Setting Filing and Disclosure Requirements for Pretrial/Trial (LF-68)  
(see Exhibit B)
- Internal Bankruptcy HTML form Order Setting Scheduling Conference (CGFD-106)  
(see Exhibit C)

**Court Guideline:**

- Guidelines for Reimbursement to Chapter 7 Trustees for Costs Without Prior Order Pursuant to Local Rule 2017-1(A) (CG-4)  
(see Exhibit D)

Copies of amended Local Forms and Court Guidelines are available on the court's [Forms](#) web page.

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA**  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In re:

Case No.  
Chapter

\_\_\_\_\_ Debtor \_\_\_\_\_ /

Plaintiff

Adversary Proceeding No.

vs.

\_\_\_\_\_ Defendant \_\_\_\_\_ /

**NOTICE REGARDING OPPOSING  
MOTIONS FOR SUMMARY JUDGMENT**

[Name of Movant] (the “Movant”) has moved for summary judgment pursuant to Rule 7056 of the Federal Rules of Bankruptcy Procedure, which adopts by reference Rule 56 of the Federal Rules of Civil Procedure. This means that the Movant has asked the Court to decide this matter in the Movant’s favor without a trial, based on written materials, which may include affidavits and other evidence, submitted in support of the motion. The claims asserted by the Movant may be decided without a trial if the Court determines that there is no genuine dispute as to any material fact and the Movant is entitled to judgment as a matter of law.

You have a right to respond to the motion under Rule 56(c). **Your response must comply with the requirements of paragraph 8 of this Court’s Order Setting Scheduling Conference and Establishing Procedures and Deadlines entered in this Adversary Proceeding – including the requirement to file with your response a separate Statement of Material Facts.** Your response may **also** include affidavits, declarations or other evidence in opposition to the motion. You may NOT oppose summary judgment simply by relying on the statements you made in your answer or original response. If you do not respond with affidavits or other evidence contradicting the facts asserted by the Movant, the Court may accept these factual assertions as true. Therefore, it is important that you provide support to show that there is an issue for trial based on a dispute of the material facts. On the last page of this notice, you will find a form of affidavit which you may wish to use in responding to the motion for summary judgment.

EXHIBIT A

Rule 56, which governs motions for summary judgment, provides as follows:

**Rule 56. Summary Judgment**

**(a) Motion for Summary Judgment or Partial Summary Judgment.** *A party may move for summary judgment, identifying each claim or defense — or the part of each claim or defense — on which summary judgment is sought. The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court should state on the record the reasons for granting or denying the motion.*

**(b) Time to File a Motion.** *Unless a different time is set by local rule or the court orders otherwise, a party may file a motion for summary judgment at any time until 30 days after the close of all discovery.*

**(c) Procedures.**

**(1) Supporting Factual Positions.** *A party asserting that a fact cannot be or is genuinely disputed must support the assertion by:*

**(A)** *citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations (including those made for purposes of the motion only), admissions, interrogatory answers, or other materials; or*

**(B)** *showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact.*

**(2) Objection That a Fact Is Not Supported by Admissible Evidence.**

*A party may object that the material cited to support or dispute a fact cannot be presented in a form that would be admissible in evidence.*

**(3) Materials Not Cited.** *The court need consider only the cited materials, but it may consider other materials in the record.*

**(4) Affidavits or Declarations.** *An affidavit or declaration used to support or oppose a motion must be made on personal knowledge, set out facts that would be admissible in evidence, and show that the affiant or declarant is competent to testify on the matters stated.*

**(d) When Facts Are Unavailable to the Nonmovant.** *If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may:*

**(1)** *defer considering the motion or deny it;*

- (2) *allow time to obtain affidavits or declarations or to take discovery; or*
- (3) *issue any other appropriate order.*

**(e) Failing to Properly Support or Address a Fact.** *If a party fails to properly support an assertion of fact or fails to properly address another party's assertion of fact as required by Rule 56(c), the court may:*

- (1) *give an opportunity to properly support or address the fact;*
- (2) *consider the fact undisputed for purposes of the motion;*
- (3) *grant summary judgment if the motion and supporting materials — including the facts considered undisputed — show that the movant is entitled to it; or*
- (4) *issue any other appropriate order.*

**(f) Judgment Independent of the Motion.** *After giving notice and a reasonable time to respond, the court may:*

- (1) *grant summary judgment for a nonmovant;*
- (2) *grant the motion on grounds not raised by a party; or*
- (3) *consider summary judgment on its own after identifying for the parties material facts that may not be genuinely in dispute.*

**(g) Failing to Grant All the Requested Relief.** *If the court does not grant all the relief requested by the motion, it may enter an order stating any material fact — including an item of damages or other relief — that is not genuinely in dispute and treating the fact as established in the case.*

**(h) Affidavit or Declaration Submitted in Bad Faith.** *If satisfied that an affidavit or declaration under this rule is submitted in bad faith or solely for delay, the court — after notice and a reasonable time to respond — may order the submitting party to pay the other party the reasonable expenses, including attorney's fees, it incurred as a result. An offending party or attorney may also be held in contempt or subjected to other appropriate sanctions.*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
[division name] DIVISION**

**In re:** Case No.  
Debtor. Chapter

Plaintiff, Adv. No.  
v.  
Defendant.

\_\_\_\_\_ /

**DECLARATION UNDER PENALTY OF PERJURY**

I, [name of person making statements], being at least 18 years of age, hereby  
declare based on my personal knowledge:

[numbered paragraphs stating facts in support of your position]

I declare under penalty of perjury ~~under the laws of the United States of America~~  
that the foregoing is true and correct.<sup>1</sup> Executed on

[date signed].

\_\_\_\_\_

[name of person signing declaration - you  
need to print or type the name clearly below  
the line and then have the person making the  
declaration sign his or her name above the line]

\_\_\_\_\_

<sup>1</sup> If executed outside the United States, this statement instead must state "I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct."

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA**  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In re:

Case Number:

Name of Debtor(s)

\_\_\_\_\_ /

Adversary Number:

Plaintiff(s)

vs.

Defendant(s)

\_\_\_\_\_ /

**ORDER SETTING FILING AND DISCLOSURE  
REQUIREMENTS FOR PRETRIAL AND TRIAL**

To expedite and facilitate the trial of this adversary proceeding, in accordance with Fed. R. Civ. P. 16, made applicable here by Fed. R. Bankr. P. 7016, after having held a scheduling conference, it is **ORDERED** as follows:

1. **ATTENDANCE AT PRETRIAL CONFERENCE**. Unless judgment has been entered or the Court advises the parties that the pretrial conference has been continued or canceled, counsel for all parties (or the parties themselves, if unrepresented) must appear at the pretrial conference.

2. **PRETRIAL CONFERENCE DATE AND TRIAL DATE.** The pretrial conference will be held at:

**Date:**

**Time:**

**Location:**

At the pretrial conference, the Court will set the trial of this adversary proceeding.

3. **CONTINUANCES.** Continuances of the pretrial conference or trial or any deadlines set forth in this order must be requested by written motion. Any request for continuance or amendment to this order must set forth the status of discovery, including exchange of disclosures required under this order, must state the reasons why the party or parties seek a continuance, and must state whether the client and other parties consent to a continuance. The stipulation of all parties is not sufficient grounds, standing alone, for a continuance.
4. **DEADLINES TO JOIN ADDITIONAL PARTIES AND TO MOVE TO AMEND PLEADINGS.** Unless otherwise ordered by the Court, the deadlines to join additional parties and to file motions to amend the pleadings are 14 days\* before the pretrial conference.
5. **DEADLINES FOR DISPOSITIVE AND OTHER PRETRIAL MOTIONS.** The deadlines for filing motions for judgment on the pleadings, motions for summary judgment, motions in *limine*, and Fed. R. Evid. 702 motions are **14 days\*** before the pretrial conference. Absent good cause, failure to file and serve such a motion in a timely manner constitutes waiver of the right to do so. All dispositive motions, responses, and replies must comply with the page limits set forth in the Order Setting Scheduling Conference and Establishing Procedures and Deadlines. Any motion for summary judgment must also comply with **paragraph 8 of the Order Setting Scheduling Conference and Establishing Procedures and Deadlines – including the requirement to file a separate Statement of Material Facts and Local Rule 7056–1**, if applicable.
6. **DISCLOSURES.** The disclosures required by Fed. R. Civ. P. Rules 26(a)(1), 26(a)(2), and 26(a)(3)(A) must be made by the following deadlines:
- a. The initial disclosures required by Fed. R. Civ. P. 26(a)(1), must be made not later than **14 days\*** after entry of this Order.
  - b. The disclosures of expert testimony under Fed. R. Civ. P. 26(a)(2), must be made (i) at least **60 days\*** before the pretrial conference or (ii) within **14 days\*** after an opposing party's disclosure of evidence that gives rise to the need for

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\* This deadline is the default and minimum deadline required by the Court, however the parties are free to agree to and propose any other reasonable deadline, subject to Court approval at the Scheduling Conference.

- the expert, whichever is later. The party disclosing an expert witness must, within **14 days**\* of the disclosure, provide to each opposing party a written report prepared and signed by the witness as required by Fed. R. Civ. P. 26(a)(2)(B).
- c. The pretrial disclosures under Fed. R. Civ. P. 26(a)(3)(A), must be made no later than one business day before the pretrial conference.
  - d. All disclosures under Fed. R. Civ. P. 26(a)(1), 26(a)(2), and 26(a)(3)(A), must be made in writing, signed, served, and, except for copies of exhibits and expert witness reports, filed with the Court.
7. **SUMMARIES TO PROVE CONTENT**. If any party intends to offer in evidence at trial a summary, chart or calculation to prove content as permitted by Fed. R. Evid. 1006, that party must provide to the other parties a notice of the location(s) of the books, records, and the like, from which each summary has been made, and the reasonable times when they may be inspected and copied by adverse parties, as soon as practicable but in no event later than **seven days** before the pretrial conference.
8. **DISCOVERY**. The parties must complete discovery not later than **14 days**\* before the pretrial conference, except that any previously scheduled depositions may be completed up to one business day before the pretrial conference. The Court will allow discovery after the pretrial conference only upon a showing of good cause.
9. **JOINT PRETRIAL STIPULATION WHERE ALL PARTIES REPRESENTED BY COUNSEL**. If any party is not represented by counsel in this proceeding as of the date of entry of this Order, this paragraph will not apply. All parties to this proceeding must meet (in person, if geographically feasible, and otherwise by video conference or by telephone) not later than **14 days** before the pretrial conference to confer on the preparation of a Joint Pretrial Stipulation in substantially the form of Local Form 63C. The plaintiff must file the fully executed Joint Pretrial Stipulation no later than **one business day** before the pretrial conference. The Court will not accept unilateral statements and will strike sua sponte any such submissions. Should any of the parties fail to cooperate in the preparation of the Joint Pretrial Stipulation, any other party may file a motion requesting an order to show cause why such party or parties (and/or their counsel) should not be held in contempt and sanctioned for failure to comply with this order.
10. **SUBMISSION AND EXCHANGE OF EXHIBITS**.
- a. All parties must comply with the requirements regarding exhibits set forth in Local Rule 9070-1.
  - b. **OBJECTIONS TO EXHIBITS**. Any objection to the admissibility of any proposed exhibit must be filed and served, so as to be received **not later than 4:00 p.m. two business days** before trial. Objections to any deposition transcripts, including a recording (audio or video) or summary thereof, must follow the procedure specified in this paragraph:



- (1) The objection must: (a) identify the exhibit, (b) state the grounds for the objection, and (c) provide citations to case law and other authority in support of the objection.
  - (2) An objection not so made – except for one under Fed. R. Evid. 402 or 403 – is waived unless excused by the Court for good cause.
11. **PRESENTATION OF EXHIBITS DURING TRIAL.** The parties are strongly encouraged to use the Court’s information technology equipment to show exhibits at trial. The parties are further encouraged to contact the courtroom deputy in advance of the trial for access to the equipment to ensure counsel can properly use the equipment at trial. Unless otherwise ordered, each party must bring at least one paper copy of its exhibit register for the Court’s use, and at least two hard-copy books of all its exhibits, for witnesses and the Court.
  12. **FINAL ARGUMENT.** At the conclusion of the trial, in lieu of final argument, the Court may request that each party file with the Court (a) a written closing statement with supporting legal argument or (b) a proposed memorandum opinion with findings of fact and conclusions of law with a separate proposed final judgment. Each submission must contain individually numbered paragraphs and follow the formatting requirements set forth in Part Two of the Court’s Guidelines for Preparing, Submitting, and Serving Orders. Each proposed finding of fact must be supported by a citation to the record, or it will be disregarded. Each proposed conclusion of law must be supported by a citation to applicable law, or it will be disregarded. Absent prior permission of the Court, submissions may not exceed a total of **twenty pages**. If specifically requested, the Court may *also* direct the parties to submit a copy of the proposed memorandum opinion with findings of fact and conclusions of law, along with a copy of the separate proposed final judgment, in word processing format to an electronic mailbox designated by the Court. The filer must include in the “subject” line of the email the case name and number and the date of the relevant hearing.
  13. **FAILURE TO ATTEND PRETRIAL CONFERENCE; SANCTIONS.** Failure to comply with any provision of this order or failure to appear at the pretrial conference may result in appropriate sanctions, including the award of attorney’s fees, striking of pleadings, dismissal of the action, or entry of default judgment.
  14. **SERVICE.** Plaintiff(’s)(s’) counsel must serve a copy of this Order on the defendant(s) and file an appropriate certificate of service in accordance with Local Rule 5005-1(G)(2).

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UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA  
[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

In re:

Case Number:

Debtor(s)

-----/

Plaintiff(s)

vs.

Adversary Number:

Defendant(s)

\_\_\_\_\_ /

**ORDER SETTING SCHEDULING CONFERENCE AND  
ESTABLISHING PROCEDURES AND DEADLINES**

To secure the just, speedy, and inexpensive determination of this adversary proceeding, it is

**ORDERED** as follows:

1. **SCHEDULING CONFERENCE.** Consistent with Fed. R. Civ. P. 16, made applicable here by Fed. R. Bankr. P. 7016, the Court will conduct a scheduling conference at the date and time set forth in the Summons issued in this adversary proceeding. The parties may not introduce testimony or documentary evidence at the scheduling conference. The Court may, however, consider relevant undisputed facts, judicial notice items, and admissions made during the scheduling conference by parties either directly or through counsel.

2. **RIGHT TO JURY TRIAL; WAIVER.** Unless each party has timely filed a statement of consent under Local Rule 9015–1(B), and unless otherwise ordered by the Court, not later than **4:00 p.m. two business days** before the scheduling conference, each party requesting a jury trial on any issue in this proceeding must file with this Court a motion for withdrawal of the reference pursuant to Local Rule 5011–1. **FAILURE OF ANY PARTY TO FILE A MOTION TO WITHDRAW THE REFERENCE ON OR BEFORE THE DEADLINE PROVIDED IN THIS PARAGRAPH CONSTITUTES WAIVER BY SUCH PARTY OF ANY RIGHT TO TRIAL BY JURY IN THIS PROCEEDING.**
  
3. **OBJECTION TO ENTRY OF FINAL ORDERS AND JUDGMENTS BY THE BANKRUPTCY COURT; CONSENT.** Unless otherwise ordered by the Court, not later than **4:00 p.m. two business days** before the scheduling conference, each party objecting to the entry of final orders or judgments by this Court on any issue in this proceeding must file with this Court a motion pursuant to Rule 7016(b), Fed. R. Bankr. P., requesting that this Court determine whether this proceeding is subject to the entry of final orders or judgments by this Court. Any such motion will be treated as an objection to the entry of final orders or judgments by this Court. **FAILURE OF ANY PARTY TO FILE A MOTION ON OR BEFORE THE DEADLINE PROVIDED IN THIS PARAGRAPH CONSTITUTES CONSENT BY SUCH PARTY TO THIS COURT ENTERING ALL APPROPRIATE FINAL ORDERS AND JUDGMENTS IN THIS PROCEEDING.** Nothing in this paragraph limits this Court's ability to determine whether this proceeding is subject to entry of final orders or judgments by this Court.
  
4. **FED. R. BANKR. P. 7026 AND APPLICABILITY OF FED. R. CIV. P. 26.** Except as otherwise ordered by the Court, Fed. R. Civ. P. 26(d)(1) and 26(d)(2) do not apply to this adversary proceeding, and Fed. R. Civ. P. 26(f) applies only to the extent set forth in this Order.
  
5. **MEETING OF PARTIES.** At least 14 days before the scheduling conference, the attorneys for the parties (or, if a party is not represented by an attorney, the party) must meet (in person, if geographically feasible, and otherwise by video conference or by telephone) to discuss:
  - a. the parties' claims and defenses;
  - b. the possibility of settlement;
  - c. the initial disclosures required by Fed. R. Civ. P. 26(a)(1);
  - d. a discovery plan as required by Fed. R. Civ. P. 26(f);
  - e. any e–discovery issues in accordance with Local Rule 7026–2; and
  - f. proposed dates and deadlines to be set forth in a pretrial scheduling order, including dates and deadlines for:
    - (1) making the initial disclosures required by Fed. R. Civ. P. 26(a)(1);
    - (2) completion of discovery;
    - (3) expert disclosures as required by Fed. R. Civ. P. 26(a)(2), and completion of expert discovery (if applicable);
    - (4) filing motions to join additional parties and motions to amend the pleadings;
    - (5) filing motions for judgment on the pleadings, motions for summary judgment, motions *in limine*, and Fed. R. Evid. 702 motions;

- (6) conducting mediation;
- (7) pretrial disclosures as required by Fed. R. Civ. P. 26(a)(3)(A); and
- (8) a final pretrial conference.

6. **PRETRIAL SCHEDULING ORDER.** At the scheduling conference, the parties must announce the proposed dates and deadlines as required in paragraph 5.f. above, to be set forth in a proposed form of pretrial scheduling order, which will be entered after the conclusion of the scheduling conference. Unless otherwise permitted by the Court, the pretrial scheduling order must be in substantially the form of this Court's standard form Order Setting Filing and Disclosure Requirements for Pretrial and Trial, with the only material variations being the agreed-upon dates and deadlines required in paragraph 5.f. above. If the parties fail to agree on a pretrial scheduling order by the time of the scheduling conference, the Court will select a date for the pretrial conference and enter the Court's standard form of Order Setting Filing and Disclosure Requirements for Pretrial and Trial with the default dates and deadlines set forth therein (unless the Court determines otherwise).

7. **DISCOVERY DISPUTES.** If a discovery dispute occurs, the parties must first, as required by Fed. R. Civ. P. 37(a)(1), as incorporated by Fed. R. Bankr. P. 7037, confer in good faith to attempt to resolve the issues, before filing a motion with the Court.

8. **DISPOSITIVE MOTIONS.**

- a. **FORM REQUIRED FOR DISPOSITIVE MOTIONS.** Absent prior permission of the Court, no party may file any motion to dismiss, motion for judgment on the pleadings, motion for summary judgment, or response thereto, exceeding **twenty pages** in length, and no party may file any reply exceeding **ten pages** in length. Title pages preceding the first page of text, signature pages, and certificates of service are not counted as pages for purposes of this paragraph.

If a party submits affidavits, declarations, or other materials in support of or in opposition to a motion for summary judgment, then: (A) the movant must serve with the motion all such materials; and (B) the opposing party must serve with the response all such materials in opposition to the motion. Any reply must be strictly limited to rebuttal of matters raised in the response. Absent prior permission of the Court, in connection with any motion for summary judgment no party may file affidavits or declarations that exceed **twenty pages** in the aggregate.

- b. **STATEMENT OF MATERIAL FACTS.** A motion for summary judgment and the opposition to it must each be accompanied by a separate and contemporaneously filed and served Statement of Material Facts. The movant's Statement of Material Facts must list the material facts that the movant contends are not genuinely disputed.

An opponent's statement of Material Facts must clearly challenge any purportedly material fact asserted by the movant that the opponent contends is genuinely in dispute. An opponent's Statement of Material Facts also may thereafter assert additional material facts that the opponent contends serve to defeat the motion for summary judgment.

The movant must respond to any additional facts asserted in the opponent's Statement of Material Facts even if the movant does not serve a reply memorandum. The due date for the Reply Statement of Material Facts is the due date for the reply memorandum.

- c. **FORM REQUIRED FOR STATEMENT OF MATERIAL FACTS.**

**All Statements of Material Facts.**

All Statements of Material Facts (whether filed by the movant or the opponent) must be filed and served as separate documents and not as exhibits or attachments. In addition,

the Statements of Material Facts must:

(1) Not exceed ten pages;

(2) Consist of separately numbered paragraphs, limited as far as practicable to a single material fact, with each fact supported by specific, pinpoint citations to particular parts of record material, including depositions, documents, electronically stored information, affidavits, stipulations (including those made for purposes of the motion only), admissions (including admissions in the answer), and interrogatory answers (e.g., Exhibit D, Smith Affidavit, ¶2; Exhibit 3, Jones deposition, p. 12/lines 4-9).

The pinpoint citations must reference pages (and line numbers, if appropriate) of exhibits, designate the number and title of each exhibit, and provide the ECF number of all previously filed materials used to support the Statement of Material Facts. When a material fact requires specific evidentiary support, a general citation to an exhibit without a page number or pinpoint citation (e.g., “Smith Affidavit” or “Jones Deposition” or “Exhibit A”) is non-compliant. If not already in the record on CM/ECF, the materials must be attached to the statement as exhibits specifically titled within the CM/ECF system (e.g., Smith Affidavit dated April 12, 2017, Jones Deposition dated May 19, 2018). Reference to a previously filed exhibit must use the “ECF No.” format.

#### **Opponent’s Statement of Material Facts.**

(1) In addition to the foregoing requirements, an opponent’s Statement of Material Facts must correspond with the order and paragraph numbering format used by the movant, but it must not repeat the text of the movant’s paragraphs.

(2) An opponent’s Statement of Material Facts must use, as the very first word in each paragraph-by-paragraph response, the word “disputed” or “undisputed.”

(3) If an opponent’s Statement of Material Facts disputes a fact in the movant’s Statement of Material Facts, then the evidentiary citations supporting the opponent’s position must be limited to evidence specific to that particular dispute.

(4) Any additional facts that an opponent contends are material to the motion for summary judgment must be numbered and placed immediately after the opponent’s response to the movant’s Statement of Material Facts. The additional facts must use separately numbered paragraphs beginning with the next number following the movant’s last numbered paragraph. The additional facts must be separately titled as “Additional Facts” and may not exceed five pages (beyond the ten-page limit for the opponent’s Statement of Material Facts).

#### **Reply Statement of Material Facts.**

(1) If an opponent’s Statement of Material Facts includes additional facts, then the movant must respond to each additional fact in a separately served Reply Statement of Material Facts.

(2) The Reply Statement of Material Facts must correspond with the order and paragraph numbering format used in the opponent’s additional facts, identifying with the very first word in each fact as “disputed” or “undisputed” at the beginning of each paragraph in the statement, and, if disputed, citing to particular parts of materials in the record in the same manner as described above.

(3) The movant may file and serve a reply memorandum of law, which is separate and distinct from the required Reply Statement of Material Facts, addressing the opponent’s additional facts.

- d. **EFFECT OF FAILURE TO CONTROVERT UNDISPUTED FACTS.** All material facts in any party’s Statement of Material Facts may be deemed admitted unless controverted by the other party’s Statement of Material Facts, provided that: (i) the Court finds that the material fact at issue is supported by properly cited record evidence; and (ii) any exception under

Fed. R. Civ. P. 56 does not apply.

- e. **CONSEQUENCES OF NON-COMPLIANCE.** If a party files and serves any Statement of Material Facts that does not comply with this rule, then the Court may strike the Statement, require immediate compliance, grant relief to any opposing party for any prejudice arising from a non-compliant statement or response, or enter other sanctions that the Court deems appropriate.
  - f. **PROHIBITION AGAINST MULTIPLE MOTIONS FOR SUMMARY JUDGMENT.** Filing multiple motions for summary judgment is prohibited, absent prior permission of the Court. This prohibition is not triggered when, as permitted by Fed. R. Civ. P. 12(d), the Court elects to treat a motion filed pursuant to Fed. R. Civ. P. 12(b)(6) or 12(c), as a summary judgment motion.
9. **COMPLIANCE WITH FEDERAL JUDICIARY PRIVACY POLICY.** All papers, including exhibits, submitted to the Court must comply with the federal judiciary privacy policy as referenced under Local Rule 5005-1(A)(2).
  10. **MEDIATION.** Pursuant to Local Rule 9019-2, the Court may order the assignment of this proceeding to mediation at the scheduling conference or at any other time, upon the request of a party or sua sponte.
  11. **SETTLEMENT.** If the adversary proceeding is settled, the parties must submit to the Court a stipulation or proposed judgment approved by all parties before the date of trial. If a judgment or stipulation is not submitted to the Court, all parties must be prepared to go to trial in accordance with the pretrial scheduling order. If the adversary proceeding is removed from the trial calendar based upon the announcement of a settlement, the adversary proceeding will not be reset for trial if the parties fail to consummate the settlement. In such event, the Court will consider only a motion to enforce the settlement, unless the sole reason the settlement is not consummated is that the Court did not approve the settlement, in which case the matter will be reset for trial at a later date.
  12. **DEFAULT.** If any defendant fails to answer or otherwise respond to the complaint in a timely manner, the plaintiff(s) must promptly seek entry of a clerk's default pursuant to Fed. R. Bankr. P. 7055(a), and Local Rule 7055?1, and must promptly move for default judgment. Unless judgment has been entered or the Court advises the plaintiff(s) that the scheduling conference has been continued or canceled, the plaintiff(s) must appear at the scheduling conference.
  13. **SANCTIONS.** Failure to comply with any provision of this order or failure to appear at the scheduling conference may result in appropriate sanctions, including the award of attorney's fees, striking of pleadings, dismissal of the action, or entry of default judgment.
  14. **CONTINUANCES.** Except for brief continuances sought pursuant to Local Rule 7004-2(B) or to accommodate the schedules of counsel (or the parties, if unrepresented), the Court will continue the scheduling conference only in extraordinary circumstances. Any request to continue the scheduling conference or any deadlines set forth in this order must be presented by written motion, and must set forth the status of service of process, the pleadings, and the pendency of any potentially dispositive motions, and must state the reasons why the party or parties seek a continuance.
  15. **SERVICE.** Plaintiff('s)(s') counsel must serve a copy of this order on the defendant(s) with the summons and complaint.

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A copy of this order was furnished to \_\_\_\_\_ on behalf of the Plaintiff on \_\_\_\_\_.

By: \_\_\_\_\_  
Deputy Clerk

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF FLORIDA**

[www.flsb.uscourts.gov](http://www.flsb.uscourts.gov)

**GUIDELINES FOR REIMBURSEMENT TO CHAPTER 7 TRUSTEES  
FOR COSTS WITHOUT PRIOR COURT ORDER  
PURSUANT TO LOCAL RULE 2016-1(A)**

The following “Guidelines for Reimbursement to Chapter 7 Trustees for Costs without Prior Court Order”, issued with the approval of the U.S. Trustee, apply in all chapter 7 bankruptcy cases in the Southern District of Florida.

These Guidelines do not apply to any expenses relating to, or incurred by, a professional, such as an accountant, attorney, auctioneer, or real estate broker, which requires an order of the court regardless of the amount. All disbursement will continue to be subject to review by the Office of the United States trustee and ultimately the court at any time during the administration of the case. The chapter 7 trustee shall maintain proper documentation in the trustee's case file of all expenses paid pursuant to these Guidelines, and all such expenses shall be paid by a check from estate funds and all such expenses shall be clearly identified as to the nature of the expense on the trustee's semi-annual reports and on the trustee's final report of estate.

Chapter 7 trustees may pay the following specific expenses in a chapter 7 case without the necessity of seeking a court order prior to making the disbursement or incurring the expense<sup>1</sup>:

- (a) Changing of locks, up to an aggregate case total of ~~\$500.00~~ ~~250.00~~;
- (b) Retention of emergency security service (one week maximum), however a motion seeking Court approval of such retention should be filed within one week of employment of the security service;
- (c) Towing when necessary, up to an aggregate case total of ~~\$600.00~~ ~~\$200.00~~;
- (d) Court reporter and transcript fees up to an aggregate case total of \$500.00;
- (e) U.C.C. searches and title searches up to an aggregate case total of ~~\$500.00~~ ~~\$75.00~~;
- (f) Process servers and subpoena fees, ~~actual costs up to \$500.00 up to an aggregate case total of \$200.00~~;
- (g) Witness fees, limited to the fee and mileage required by Federal Rule of Civil Procedure 45(b);

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<sup>1</sup> The court has waived Pacer fees for all ~~Standing~~ Chapter 7 Panel Trustees, ~~and~~ Chapter 13 Standing Trustees, and Chapter 11 Subchapter V Trustees. Waiver also applies to Trustees' employee filing agents.

- (h) Actual clerk's fees and filing fees;
- (i) Necessary insurance on property of the estate (non-operating business), limited to **actual costs up to an aggregate of \$1,500.00. ~~the lesser of one month's coverage or \$250.00 maximum;~~**
- (j) Premiums on the trustee's bond;
- (k) Post-petition expenses for non-operating cases (utilities and alarm expenses) limited to **actual costs up to \$1,000.00. ~~the lesser of one month's expenses or an aggregate case total of \$250.00;~~**
- (l) Postage for mailing notices to creditors and parties in interest required by of Bankruptcy Rule 2002 when directed by the Clerk of the Bankruptcy Court (pursuant to Local Rule 2002-1(B)) and sent by the trustee **actual costs; ~~and~~**
- (m) Advertising expenses in connection with sale(s) of estate assets up to an aggregate case total of **up to \$500.00. ~~\$100.00.~~**
- (n) **Storage charges up to \$500.00; and**
- (o) **CourtCall charges, actual costs.**