



## THE TIMES, THEY ARE A-CHANGING

By: Hon. Laurel M. Isicoff

As we say farewell to 2021 (happily, I might add), we get ready for the changes that 2022 bring. First, we are working towards a full reopening of court proceedings, with the usual allowance for telephonic appearances (now supplemented by “Zoom” appearances) that we permitted pre-pandemic (how I wish that phrase did not exist. . .). Please remember to refer to the judges’ web pages to find out, notwithstanding the notice of hearing for the courthouse, when you may appear virtually or by video.

Second, we are moving towards a new courthouse in Fort Lauderdale and a revamped courthouse in Miami. Many of you who have been to the Miami courthouse since after Thanksgiving have found that, for now, our entrance has been moved. This is already a huge improvement over the entrance we have dealt with for the last twenty years. And in about two years’ time, we will have an incredible new front entrance on the corner of Third Street and North Miami Avenue. Unfortunately, between now and then, we will be dealing with loud jackhammering and other noises that will make our court proceedings aurally challenging.

Finally, sadly we must say “farewell” to Jose Rodriguez, our Chief Deputy Clerk. Jose is leaving us for the great unknown. Actually, Jose is just going up I-75 to become the Chief Deputy Clerk for the Bankruptcy Court for the Middle District of Florida. So Jose will still be part of our Bankruptcy Court family – just a little further away. Jose has been part of this Court’s family since long before I became a judge. When I joined the Court, Jose was the Director of Administrative Services. He helped me quite a lot during the settling-in process. And when serious mold issues were discovered in my “new chambers,” requiring several months of remediation, not to mention the redecorating (who remembers the ugly mustard-colored theater-style seating?), Jose offered me his office so I would have a private workspace. I am forever grateful to Jose for that kindness that he showed me when I first arrived, as well as all the wonderful things he has done to help me do my job over these last sixteen years. Most of you don’t see all the work that Jose has put in behind the scenes; he is a critical part of the team that has kept our Court running smoothly.

Fortunately, we have a wonderful new Chief Deputy Clerk of Court – Cameron Cradic – joining us. Actually, Cam has been with the Court a long time as well, as our deputy in charge in West Palm Beach. You can read all about Cam in another article in this edition of the Courthouse Beacon. One of the many wonderful things about Cam is that he is a chocolate devotee and usually one can find a generous stash of chocolate in his office . . . Of course, there are many other reasons why Cam was selected to be our next Chief Deputy Clerk.

As this year comes to a close, I want to thank all of you who are reading this for everything you have done to work with the Court and each other during these difficult times. We all know how hard it has been to be isolated from one another. We have been fortunate that technology has permitted us to continue to function and has brought many

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### Bankruptcy Cases Filed From 01/01/2021 to 11/30/21

|                     |               |
|---------------------|---------------|
| <b>TOTAL FILED:</b> | <b>11,379</b> |
| • Chapter 7         | 6,946         |
| • Chapter 9         | 0             |
| • Chapter 11        | 193           |
| • Chapter 12        | 2             |
| • Chapter 13        | 4,228         |
| • Chapter 15        | 10            |

Additional filing statistics are available on the court website [www.flsb.uscourts.gov](http://www.flsb.uscourts.gov) under the “Court Information” tab at the top of page.

Select: [“Case Filing Statistics”](#)

**THE TIMES, THEY ARE A-CHANGING** (continued from page one)

efficiencies that we will keep as we move back towards more “normal” operations. That same technology has presented its own challenges to all of us (although I hope that at this point everyone knows how to use the “share screen” function on “Zoom”). Unfortunately, this dreaded disease will continue to challenge us, but hopefully, as science has more time to learn about its characteristics, we will arrive at a place where we will need to be aware and cautious, but we won’t be held captive by its potentially deadly consequences. In the meantime, we will do what we must to keep ourselves and all of you as safe as we possibly can, so thank you for continuing to cooperate with our COVID protocols.

We know next year will still be challenging, but hopefully, as more of us are vaccinated and we continue to take precautions, we will get this under control. Meanwhile, Happy holidays for those of you who celebrate, and a Happy and Healthy New Year to all.

**FREE PRO SE BANKRUPTCY CLINICS ARE NOW VIRTUAL VIA ZOOM**

During the COVID-19 pandemic, unless otherwise posted, all bankruptcy clinics will be conducted via Zoom. Each clinic will feature a 15-minute video providing an overview of certain procedures for filing bankruptcy, followed by a Question & Answer session staffed by one or more pro bono attorneys who are available to give general advice on bankruptcy matters. Attendees will be advised that the attorneys at these clinics do NOT represent them and will NOT provide them with legal advice regarding their particular circumstances.

Attendees are also advised that if they have already filed their case and it is still pending, they are solely responsible for responding to any pleadings or motions and for compliance with any order issued by the assigned Bankruptcy Judge or to a request for information and documentation from the assigned Bankruptcy Trustee. Attendees are also advised that unless they are represented by a lawyer, they are solely responsible for protecting their own legal rights. Notice is also provided to attendees at the program that this is a FREE service, and the attorneys are not there to attempt to acquire them as clients or ask them for payment for advice or future services.

Any person unable to access zoom due to a lack of equipment (a “smartphone” or suitable tablet), please email Steven Newburgh: [snewburgh@mclaughlinstern.com](mailto:snewburgh@mclaughlinstern.com). Assistance may be available.

Visit this link on the court website for additional information and dates scheduled for these clinics.:

<https://www.flsb.uscourts.gov/node/231>

**RECENT USBC SDFL ADMINISTRATIVE ORDERS AND CLERK’S NOTICES**

To view all current Administrative Orders: visit <https://www.flsb.uscourts.gov/general-orders>  
To view Clerk’s Notices, visit the home page of the Court’s website <https://www.flsb.uscourts.gov/> and view “News and Announcements” in the lower-left column on the page

- [GO 2021-03](#) Order Adopting Additional Court Closure During Holiday Schedule of US District Court, Southern District of Florida
- [GO 2021-02](#) Vaccination Policy Addressing Exigent Circumstances Created by the COVID-19 Pandemic
- [GO 2021-01](#) Judicial Assignment of Chapter 11 and Chapter 15 Cases Filed After July 9, 2021 and Assigned Under Local Rule 1073-1(A) to the Miami Division
- [AO 2021-13](#) Adoption of Amended Schedule of Transcript Rates
- [AO 2021-12](#) Adoption of Interim Local Rules 9036-1 and 9076-1
- [AO 2021-11](#) Adoption of Southern District of Florida Employment Dispute Resolution Plan; and Appointment of EDR Coordinator and Alternate
- [AO 2021-10](#) Full Reopening of the Clerk’s Office Intake Hours of Operation to Serve the Public for In-Person Filings
- [AO 2021-09](#) Amendment of Local Rule 5081-1 to Reflect Change in Policy on Acceptable Forms of Payment for Fees Collected by Clerk of Court
- [AO 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)



## CORONAVIRUS RELATED INFORMATION FOR THE PUBLIC

Our court continues to take whatever steps are necessary to assist in ensuring a reduced risk of any potential spread of this virus. In addition to the items posted below, please visit the court website: [www.flsb.uscourts.gov](http://www.flsb.uscourts.gov) for all public notices and administrative orders posted by the court in order to keep current with future updates and new notifications. For U.S. District Court, Southern District of Florida information on this topic, please visit that court's website at [www.flsd.uscourts.gov](http://www.flsd.uscourts.gov).

Effective November 1, 2021: EFFECTIVE Monday, November 1, 2021, the Clerk's Office in all divisions will resume normal business hours of operation to serve the public for in-person filings between the hours of 8:30 a.m. and 4:00 p.m. on Monday through Friday. (See: [AO 2021-10 "Full Reopening of the Clerk's Office Intake Hours of Operation to Serve the Public for In-Person Filings"](#).)

### General Procedures For Hearings By Video Conference:

Individuals not represented by counsel will be permitted to use court telephonic services FREE of charge. Amended pricing is available for other users. All attorneys shall advise their clients NOT to appear at the courthouse. Information regarding telephonic service providers and pricing and contact information for each judge is posted in notices on the court website.

[https://www.flsb.uscourts.gov/sites/flsb/files/documents/judges/General\\_Procedures\\_for\\_Hearings\\_by\\_Video\\_Conference.pdf](https://www.flsb.uscourts.gov/sites/flsb/files/documents/judges/General_Procedures_for_Hearings_by_Video_Conference.pdf)

### The U.S. Trustee Program Telephonic or Video Section 341 Meetings.

The U.S. Trustee Program has extended the requirement that section 341 meetings be conducted by telephone or video appearance to all cases filed during the period of the President's "Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak" issued March 13, 2020, and ending on the date that is 60 days after such declaration terminates. [https://www.flsb.uscourts.gov/sites/flsb/files/documents/news/USTP\\_Notice\\_-\\_U.S.\\_Trustee\\_Program\\_Extends\\_Telephonic\\_or\\_Video\\_Section\\_341\\_Meeting\\_\[August\\_28\\_2020\].pdf](https://www.flsb.uscourts.gov/sites/flsb/files/documents/news/USTP_Notice_-_U.S._Trustee_Program_Extends_Telephonic_or_Video_Section_341_Meeting_[August_28_2020].pdf)

U.S. Federal Center For Disease Control Website For Updated Information [www.coronavirus.gov](http://www.coronavirus.gov)

Florida Department of Health websites for Miami-Dade, Broward and Palm Beach counties:

<http://miamidade.floridahealth.gov>

<http://broward.floridahealth.gov>

<http://palmbeach.floridahealth.gov>

**Information About Face Masks:** The CDC has advised that facemasks/coverings made at home from common materials available, or at low cost, can be used as a public health measure providing the mouth and nose are fully covered. The covering should fit snugly against the sides of the face so there are no gaps and should be washed after each use. Remember to handle your facemask/covering by the ear loops or ties only and wash your hands often. For more information, visit

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>

FLSB Court Website Link For Reporting Covid-19 Concerns and Issues:

<https://www.flsb.uscourts.gov/node/1246>



**Amendments to the Federal Rules of Bankruptcy Procedure 2005, 3007, 7007.1, 9036, and  
Official Form 122B [Chapter 11 Statement of Your Current Monthly Income].  
Effective December 1, 2021**

**Rule 2005 -- Apprehension and Removal of Debtor to Compel Attendance for Examination**

Amended Rule 2005(c) replaces the current reference to “the provisions and policies of 18 U.S.C. § 3146(a) and (b)” —sections that have been repealed—with a reference to “the relevant provisions and policies of 18 U.S.C. § 3142”—the section that now deals with the topic of conditions of release.

**Rule 3007 -- Objections to Claims**

Subdivision (a)(2)(A)(ii) is amended to clarify that the special service method required by Rule 7004(h) must be used for service of objections to claims only on insured depository institutions as defined in section 3 of the Federal Deposit Insurance Act, 12 U.S.C. § 1813.

**Rule 7007.1 -- Corporate Ownership Statement**

Amendments to this rule conform to recent amendments to Fed. R. Bankr. P. 8012 and Fed. R. App. P. 26.1, and the anticipated amendment to Fed. R. Civ. P. 7.1. Subdivision (a) would be amended to encompass nongovernmental corporations that seek to intervene. Subdivision (b) contains stylistic changes reflecting that some statements will be filed by nonparties seeking to intervene.

**Rule 9036 -- Notice and Service by Electronic Transmission**

Amended to take account of the Administrative Office of the United States Courts’ program for providing notice to high volume paper-notice recipients. • Under this program, when the Bankruptcy Noticing Center (BNC) has sent by mail more than a designated number of notices in a calendar month (initially set at 100) from bankruptcy courts to an entity, the Director of the Administrative Office will notify the entity that it is a high-volume paper-notice recipient. • As such, this “threshold notice” will inform the entity that it must register an electronic address with the BNC. If, within a time specified in the threshold notice, a notified entity enrolls in [Electronic Bankruptcy Noticing \(EBN\)](#) with the BNC, it will be sent notices electronically at the address maintained by the BNC upon a start date determined by the Director. • If a notified entity does not timely enroll in EBN, it will be informed that court-generated notices will be sent to an electronic address designated by the Director. Any designation by the Director, however, is subject to the entity’s right under § 342(e) and (f) of the Code to designate an address at which it wishes to receive notices in chapter 7 and chapter 13 cases, including at its own electronic address that it registers with the BNC.

This Rule is also reorganized to separate methods of electronic noticing and service available to courts from those available to parties. Both courts and parties may serve or provide notice to registered users of the court’s electronic filing system by filing documents with that system. Both courts and parties also may serve and provide notice to any entity by electronic means consented to in writing by the recipient. Only courts may serve or give notice to an entity at an electronic address registered with the BNC as part of the EBN program.

Additionally, the title of the rule is revised to more accurately reflect the rule’s applicability to methods of electronic noticing and service. Rule 9036 does not preclude noticing and service by physical means otherwise authorized by the court or these rules.

**AMENDED OFFICIAL BANKRUPTCY FORM**

**Official Form B 122B -- Chapter 11 Statement of Your Current Monthly Income (amended)**

Office Form B122B is amended to correct instructions on the form. The amended instructions clarify that the form is not to be used by an individual debtor filing under Subchapter V of Chapter 11.



## FROM THE JUDGES' CHAMBERS



## EPK CORNER

By: Hon. Erik P. Kimball

Imagine this is an article entitled *Wiley Champion, Esq. Instructs How To Win Your Case Every Time*. Enticing for sure. You start reading. The opening paragraph needlessly re-states the title, needlessly names the author, who is already mentioned in the title, and then defines the author with a short name that is unnecessary and distracting. The second, third and fourth paragraphs include a lot of confusing history. You have no idea why you are reading that history because there is no context other than the title of the article. On the second page you learn of some other people, entities and happenings. You are not sure why the author mentions those things — they are just more seemingly unrelated facts — but you hope eventually there will be a point to what you are reading. It would certainly be nice to learn how to win your case every time. Finally, on page 3, you get your first hint of the thesis of the article. It is in the middle of the second paragraph on that page. Now it sort of makes sense. You go back and re-read the first two pages hoping to understand how they fit in. Still, it is a little confusing. So you continue. Near the end, there is a sort-of summary followed by a conclusion written in a way to suggest that it logically follows from everything before it, but that connection is vague. You finish the article not quite knowing what you have read. You remember that you are attending a talk by Mr. Champion and hope to learn more then.

This is my experience reading a substantial portion of the motions heard on my motion calendar. I have written about this before. This time I will try to provide some useful rules.

I. Do Not Blindly Follow Traditional Form. “A foolish consistency is the hobgoblin of little minds,” wrote Ralph Waldo Emerson 180 years ago. Just because you have always started a motion with the formal introduction popular before you were born does not mean it remains (or ever was) useful. Some examples are helpful.

I often see something like this:

Gargantuan Lender Far Fetched Trust, Distant And Complex Loan Pool For Rural Farmer Borrowers, More Gibberish And Endless Words, Series 487 (“GLFFTDACLPRFBMGAEW Series 487”) moves this Honorable Court, after notice and hearing, for an order terminating, annulling, modifying or conditioning the automatic stay under 11 U.S.C. § 362(d), in connection with litigation pending before the 15th Judicial Circuit in and for Palm Beach County, Florida, in which debtor Always About To Fail, LLC (the “Debtor” or “Always About To Fail”) is a defendant among others, or, in the alternative, dismissing the chapter 11 case of the Debtor pursuant to 11 U.S.C. § 1112(b), with prejudice for 2 years, and for other relief the Court deems just, and seeks an expedited hearing thereon.

With that opening, all I know is that some entity with an endless name wants relief from stay or dismissal of the case. I have no idea why they want those remedies, why they want an expedited hearing, or even what their relationship is with the debtor or the case.

I would prefer to see this:

Gargantuan Lender\*, a secured creditor with a mortgage on the debtor’s principal office, seeks relief from the automatic stay to continue with a foreclosure action that has been pending for 5 years and was previously interrupted by the debtor’s two prior chapter 11 petitions. In the alternative, movant seeks dismissal of this case with extended prejudice of 2 years because the debtor filed this case in bad faith for the primary purpose of yet again stymying movant’s foreclosure case. In order to permit movant to proceed to trial in the foreclosure action after a state court calendar call scheduled for January 3, 2022, movant asks the Court to set this motion for expedited hearing no later than December 27, 2021. [\*Gargantuan Lender’s full name appears in a footnote, a rare appropriate use of a footnote in a motion.]

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## FROM THE JUDGES' CHAMBERS

**EPK CORNER** (continued from page 5)

From that text I know that the movant is a mortgagee that has been attempting to foreclose on the debtor's primary office for 5 years, and that the debtor filed two prior petitions that slowed the foreclosure. The movant explains that it wants relief from stay in time to set a foreclosure trial at an upcoming calendar call, and that it wants to dismiss the bankruptcy case with prejudice because of the perceived bad faith of the debtor. In short, I know a lot more about why the motion was filed. Then, as I read the remainder of the motion, I will better understand why I am reading about the history of the parties, the litigation in the state court, and the like.

2. Defined Terms Are Not Your Friend. Lawyers love defined terms. I have seen opening paragraphs in motions and responses with 5 or more defined terms. Not only does that make the text difficult to read, it is almost never necessary. In orders I write myself, after naming an individual I typically refer to them as Ms. So-and-so and Mr. Whoever, without including one of those ("Mr. Whoever") after the initial instance of the name. If you have named an individual, you do not need to define them. It is OK to refer to them with a salutation and surname. If the matter involves more than one person with the same surname, include a first initial. Try to avoid referring to the debtor as the "Debtor" as it is impersonal. Likewise, I disfavor referring to parties as plaintiff and defendant unless this makes for a cleaner presentation in light of the parties' actual names. Even then, once you have named the parties and referred to them as plaintiff and defendant, there is no need to create defined terms or capitalize those words. For corporate entities as well, I shy away from using formal defined terms. If the movant is Carnivore Enterprises, LLC, it is OK to use "Carnivore Enterprises" or just "Carnivore" without adding a specific definition as the reference is obvious. Defined terms are appropriate only where they are necessary to avoid confusion, such as when corporate entities use similar names and you refer to them repeatedly.

3. Headings Are Your Friend. Even in a relatively short motion, headings can be helpful. By including a few brief headings, you give me a road map for your presentation that hopefully illuminates the summary in your opening paragraph. Headings facilitate my understanding of what you are asking for and why you believe you are entitled to the requested relief. If you feel compelled to set out details for a series of documents or contracts, such as loan and security agreements, complete with parties, dates and the like, please include a heading entitled "Loan and Security Documents" or something similar and I will know to skim that section. It is almost never necessary to include such detail in a motion because those facts are rarely in dispute. If you know there is likely to be a dispute about some aspect of documentation underlying a claim, then focus on that. For example, if you know a debtor will dispute perfection of a secured claim, then address that briefly in the motion.

4. Be Brief and Direct. Many years ago, I received a motion filed by a dean of the bankruptcy bar who later became my partner (and is now retired). His request for relief arose in a very large case. He represented a creditor with an enormous claim based on a series of complex transactions. His client's contracts were difficult to explain even in person. His motion was 5 pages long. No sentence exceeded 10 words and he used only active verbs. His opening paragraph identified his client and its relationship with the debtor and others, explained what he wanted from the court, cited a relevant statutory provision, and explained why his client was entitled to what it wanted. He then presented his argument in a series of short paragraphs organized in a logical way. His request for relief seemed the inevitable outcome of the presentation. I wrote a brief cover memo and distributed a copy of that motion to every litigation associate in my firm. "This is how you should write," I said. Even now, when our case filings are down, we are ranked 6th of the 94 districts in caseload per judge. I currently have about 2,800 cases and more than 90 adversary proceedings. In the coming year we expect those numbers to at least double. As you know, I read everything ahead of my motion calendar, often including items previously filed in the relevant dockets. It is in your clients' best interests to make that work easier. In every recent motion calendar there has been at least one instance in my notes where I wrote something like "relief requested unclear until paragraph 14 on page 6." Please don't be that lawyer.





## FROM THE JUDGES' CHAMBERS

**UNSWORN DECLARATIONS UNDER PENALTY OF PERJURY****By: Hon. Scott M. Grossman**

All lawyers practicing in federal court should be familiar with 28 U.S.C. § 1746, which permits the use of unsworn declarations under penalty of perjury instead of affidavits. Section 1746 provides an easy way to support, evidence, establish, or prove a matter without requiring a declarant to have someone notarize their statement. To comply with section 1746, all one needs to do is track the language provided in the statute, which states as follows:

Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:

(1) If executed without the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on (date).

(Signature)".

(2) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

Executed on (date).

(Signature)".

Practitioners should note that there are two different jurats: one for where the declaration is executed within the United States, and one for where the declaration is executed outside the United States.

The jurat language is straightforward and easy to "cut and paste" into a document. Thus, there is little excuse for not using the exact statutory language in a declaration. That being said, section 1746 actually does not

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## FROM THE JUDGES' CHAMBERS

**UNSWORN DECLARATIONS UNDER PENALTY OF PERJURY** (continued from page 7)

require a declarant to use the literal language of the exemplary clauses provided in the statute. Rather, section 1746 states that the language must be in “substantially” the same form as the examples provided.\*

There is no binding precedent from the Eleventh Circuit as to what constitutes “substantially” the same language.

And courts within the Eleventh Circuit have reached inconsistent decisions as to how far the language may deviate from the statutory examples and still be compliant with the statute. Some courts have found a verification sufficient if the declaration contains the phrase “under penalty of perjury” and states that the document is true.\*\* Others require only that the declaration be signed under “penalty of perjury.” \*\*\*

A close examination of the statute, however, reveals the following five elements that must be included for the statement to be in “substantially” the same form as the statutory examples:

- (1) a declaration, certification, verification, or statement;
- (2) made under penalty of perjury (under the laws of the United States of America, if executed outside the U.S.); \*\*\*\*
- (3) that the unsworn declaration is true and correct;
- (4) the date the unsworn declaration is executed; and
- (5) the declarant’s signature.

By its own terms the statute does not require strict compliance, so any declaration including these five elements should suffice. Nevertheless, because section 1746 offers such an easy, efficient, and inexpensive shortcut for lawyers and their clients, there is little reason to deviate from the statute. And by tracking the language in the statute, lawyers can avoid any potential dispute over whether the verification is or is not in “substantially” the same form as the statutory examples.

\**Matter of Muscatell*, 106 B.R. 307, 309 (Bankr. M.D. Fla. 1989).

\*\**Smith v. Psychiatric Sols., Inc.*, 2009 WL 903624, at \*5 (N.D. Fla. 2009); *Ladner v. Litespeed Mfg. Co.*, 2009 WL 10687865, at \*6 (N.D. Ala. 2009); *Muscatell*, 106 B.R. at 309.

\*\*\*See *Callahan v. Emory Healthcare, Inc.*, 2019 WL 12405937, at \*3 (N.D. Ga. 2019), report and recommendation adopted, 2020 WL 10110993 (N.D. Ga. 2020); *Delano v. Mastec, Inc.*, 2011 WL 1557863, at \*1 (M.D. Fla. 2011); *Tishcon Corp. v. Soundview Commc’ns, Inc.*, 2005 WL 6038743, at \*4 (N.D. Ga. 2005) (citing *LeBoeuf, Lamb, Greene & MacRae, LLP v. Worsham*, 185 F.3d 61, 65-66 (2d Cir. 1999)).

\*\*\*\**Tishcon Corp.*, 2005 WL 6038743, at \*4 (citing *U.S. v. Bueno-Vargas*, 383 F.3d 1104, 1111 (9th Cir. 2004)) (When signed under “penalty of perjury,” the signer “has signaled that he understands the legal significance of his statements and the potential for punishment if he lies.”).





## FROM THE JUDGES' CHAMBERS

**ELEVENTH CIRCUIT ADDRESSES TENSION IN COURT'S  
APPLICATION OF STATUTORY MOOTNESS UNDER § 363(m) AND § 364(e)**

**By: Jacob Isenberg, Law Clerk to the Honorable Scott M. Grossman**

The Eleventh Circuit recently affirmed the dismissal of a case appealing a sale order as moot under § 363(m). That result—and statutory mootness generally—may not pique your interest. However, Judge Adalberto Jordan's concurrence in *In re Stanford*,\* highlighting an apparent tension between the courts' application of § 363(m) and § 364(e), should interest all bankruptcy lawyers in this district.

*In re Stanford*

Individual debtors (the “Owners”) and the company they owned (the “Company”) were proceeding through two separate chapter 11 proceedings. Before the Owners and the Company had filed for bankruptcy, both had borrowed money from a third party (the “Lender”), and both served as the guarantor for the other's debt. In total, the Owners and the Company owed \$12.2 million to the Lender on account of its guarantees.

In the Company's bankruptcy case, the Lender sought to “roll-up” the \$12.2 million pre-petition debt it was owed on account of the two guarantees, and agreed to provide an additional \$1 million in post-petition financing to the Company. The bankruptcy court approved the loan. Then, in the Owners' bankruptcy case, the Owners moved to sell the property (which had secured the Lender's lien) back to the Lender via a \$3.5 million credit bid. The bankruptcy court approved the credit bid and sale of the property to the Lender under § 363(k), finding that the buyer was a good faith purchaser under § 363(m).

After the bankruptcy court approved the sale of the property to the Lender, the Owners filed a motion to amend the sale order and to stay the sale. The Owners now contended that the Lender's roll-up loan to the Company had extinguished the \$3.5 million lien on the property, thus removing the Lender's right to credit bid for the property in a sale. The bankruptcy court rejected this argument, holding that the roll-up loan “simply ‘rolled-up’ all of [the Company's] obligations as a borrower and as a guarantor, making [The Company] an obligor or co-obligor on all debt owed to [the Lender] without eliminating [the Owner's] obligations to [the Lender.]”

The Owners appealed the sale order and the bankruptcy court's denial of their motion to amend the sale order. Importantly, the Owners failed to obtain a stay pending appeal, which the bankruptcy court conditioned on the posting of a \$1.5 million supersedeas bond. The Lenders proceeded to consummate the sale of the property and duly record the deed. Because the sale had closed and the Owners had failed to obtain a stay, the district court dismissed the appeal as moot under § 363(m).

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\*2021 WL 5049461.



## FROM THE JUDGES' CHAMBERS


**ELEVENTH CIRCUIT ADDRESSES TENSION IN COURT'S APPLICATION OF STATUTORY MOOTNESS UNDER § 363(m) AND § 364(e)** (continued from page 9)

The Owners appealed that ruling to the Eleventh Circuit, which affirmed the district court's conclusion that the appeal was statutorily moot under § 363(m).

Judge Jordan joined the Court's opinion except as to one part, where he concurred only in judgment. His concurrence highlights a tension between the court's application of statutory mootness under § 363\*\* (concerning authorizations to sell and lease property) and under § 364\*\*\* (concerning authorizations to obtain credit). The statutes contain nearly identical language, yet, the court has applied different standards to each. To Judge Jordan, it "seems incongruous to say that the validity of an underlying authorized transaction cannot be reached on appeal under § 363(m) (*Charter Company*),\*\*\*\* and at the same time say that the validity of an underlying authorized transaction can be reached on appeal absent a stay under § 364(e) (*Saybrook Manufacturing*).''\*\*\*\*\*

Statutory Mootness Under §§ 363(m) and 364(e)

The apparent tension between § 363(m) and § 364(e) stems from the differing results reached in *Charter Company* and *Saybrook Manufacturing*. In *Charter Company*, the Eleventh Circuit held that "once a sale is approved by the bankruptcy court and consummated by the parties, the bankruptcy court's authorization of the sale cannot be effectively altered on appeal." There, a third-party buyer sought to appeal a final order approving it as the buyer of assets at a bankruptcy auction, arguing that the court was without authority to enter the final sale order, and the assets sold were not part of the bankruptcy estate. Because the third-party buyer did not obtain a stay pending appeal, however, the Court held that § 363(m) mooted the appeal.

Contrast that result with the one reached in *Saybrook Manufacturing*. There, the Court stated it would be putting the "cart before the horse" if it mooted an appeal which challenged whether a lien was authorized under § 364. The debtor's pre-petition secured lender had agreed to provide financing to the debtor via a cross-collateralization arrangement. The bankruptcy court approved the transaction. Creditors appealed, arguing that cross-collateralization as a financing mechanism is forbidden by the Bankruptcy Code. The creditors did not obtain a stay. Despite this the court held that § 364(e) did not moot the appeal, holding that the court could not determine whether the appeal is moot under § 364(e) "until we decide the central issue in this appeal—whether cross-collateralization is authorized under § 364."

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\*\*"The reversal or modification on appeal of an authorization...of a sale...of property does not affect the validity of a sale...under such authorization to an entity that purchased...such property in good faith... unless such authorization and such sale...were stayed pending appeal." 11 U.S.C. § 363(m).

\*\*\*"The reversal or modification on appeal of an authorization...to obtain credit or incur debt, or of a grant...of a priority or a lien, does not affect the validity of any debt so incurred, or any priority or lien so granted, to an entity that extended such credit in good faith...unless such authorization and the incurring of such debt, or the granting of such priority lien, were stayed pending appeal." 11 U.S.C. § 364(e).

\*\*\*\**In re The Charter Company*, 829 F.2d 1054 (11th Cir. 1987).

\*\*\*\*\**Matter of Saybrook Manufacturing Company, Inc.*, 963 F.2d 1490 (11th Cir. 1992).

(continued on page 11)



## FROM THE JUDGES' CHAMBERS

**ELEVENTH CIRCUIT ADDRESSES TENSION IN COURT'S APPLICATION OF STATUTORY MOOTNESS UNDER § 363(m) and § 364(e)** (continued from page 10)

In Stanford, the Owners did not challenge the bankruptcy court's authorization to approve the sale under § 363. Rather, the Owners argued that the roll-up extinguished the lien on their property, thus making the Lenders ineligible to credit bid. Because the Owners did not challenge the bankruptcy court's authorization—as the appellants did in Saybrook Manufacturing—Judge Jordan acknowledges that Stanford is not the right case to address the tension in the courts' application of statutory mootness. Had the Owners in Stanford argued, for example, that the roll-up loan allowing the Lenders to credit bid on the property was not authorized under the Bankruptcy Code, they might have had a stronger argument under Saybrook Manufacturing that § 363(m) would not moot the appeal.

In his closing, Judge Jordan signaled his willingness to visit the question of whether roll-up financing is allowable under the Bankruptcy Code, as it “appear[s] to have precisely the same effect” as cross-collateralization. The practice of cross-collateralization financing was banned in Saybrook Manufacturing. Roll-ups are similar to cross-collateralizations in that they convert pre-petition claims to post-petition claims—but with one key difference: cross-collateralization converts a pre-petition unsecured debt to post-petition secured debt, while roll-ups convert a pre-petition secured debt to a secured post-petition debt. Despite this difference, Judge Jordan questioned why courts would reject cross-collateralization financing while being sympathetic to roll-ups and ended the concurrence stating that “the debtor-in-possession financing loan approved in [In re Stanford] is due for serious substantive review.”

**CENTER FOR DISEASE CONTROL EVICTION MORATORIUM IS NO LONGER IN EFFECT**

The CDC (Center for Disease Control) Eviction Moratorium is no longer in effect, and there is no moratorium to protect Florida tenants from eviction.

For additional Covid-19 information and resources from Legal Services of Greater Miami please access this link:

<https://www.legalservicesmiami.org/covid-19>

In addition, this link on the Court website provides information on other legal aid programs

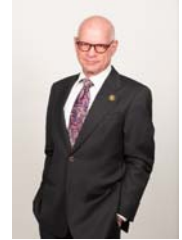
<https://www.flsb.uscourts.gov/legal-assistance-debtors>



## PRO BONO CORNER



**BY:**  
**STEVEN S. NEWBURGH, ESQ.**  
**(GUEST CONTRIBUTOR)**  
**LAY CHAIR,**  
**PRO BONO COMMITTEE**



### PRO BONO – THE PERFECT HOLIDAY GIFT

On April 7, 2021, our Chief Judge, Laurel M. Isicoff, entered [Administrative Order 2021-03](#), formalizing the previously formed ad hoc pro bono committee of our court by formation of a permanent, “Standing” Committee. In the past year, our Pro Bono Committee’s performance has surpassed all expectations. We have accomplished so much to assist those in need of pro bono assistance and we have accomplished this only through the tireless efforts of our committee members. Exhibit “B” to [Administrative Order 2021-03](#), identifies the Committee Members and the pro bono organizations they are associated with and in effect, representing through their service on the Court’s now-Standing Committee. As discussed in a prior edition of our Courthouse Beacon, we sought to constitute the Pro Bono Committee with representatives that cover particular interest groups, such as our Veterans, along with the Bankruptcy Bar Association’s Pro Bono Chairpersons from our three Divisions. The Bankruptcy Bar Association for the Southern District of Florida maintains the pro bono and low bono programs that service each Division and that also provides volunteer instructors for the monthly Pro Se Clinics that are currently being broadcast through the Zoom platform. Following is the composition of the Pro Bono Committee as set forth in Exhibit “B” to [Administrative Order 2021-03](#).

This year’s Pro Bono Week garnered a great deal of interest, and virtual attendance was strong. The “Demystifying Bankruptcy Pro Bono” seminar was aptly renamed this year. We now will have an annual presentation of the CLE seminar, “Behind the Myth of Bankruptcy Pro Bono.” Participating in this year’s presentation were Judges Mora and Kimball, and undersigned served as moderators. Our Presenters were Eric Silver (the BBA’s immediate past President), Grace Robson, Ariel Sagre, and Judge Mora. Chapter 7 Panel Trustee, Deborah Menotte, also presented at the seminar and offered valuable tips for lawyers appearing before her at her 341 Meetings.

The rest of Pro Bono Week was filled with 2 Pro Se Clinics, a Veteran’s Assistance Clinic and a Fund-Raising Silent Auction. As usual, there was a push for more volunteer lawyers and our sign-up sheets were well-populated by the end of the week with eager volunteers!

Pro Bono Week also included Chief Judge Isicoff’s Pro Bono Recognition event. In addition to honoring all of our volunteer attorneys who served over the past year (see our “Honor Roll” posted on the Court Website), Judge Isicoff presented this year’s recipient of the Chief Judge’s Pro Bono Award, Dia T. Colbert, with the beautiful sculpture award that is given to each recipient, annually. Congratulations, Dia, for going above and beyond in the representation of your pro bono clients. A well-deserved award!

This next year will be exciting. All of the programs and initiatives implemented by our Committee over the past year ensure that we are covering a larger segment of prospective filers, both geographically and socioeconomically. With the inclusion of veterans’ programs and outreaches, we hope to ultimately present every qualified pro se filer with an opportunity to work with an experienced bankruptcy practitioner, whether on a pure pro bono basis or within the scope of our low bono initiative. Please feel free to contact me in the event you would like to discuss opportunities to volunteer.

Wishing everyone a happy and healthy holiday season!

Steven S. Newburgh  
Lay Chair, Pro Bono Committee



**MARY IDA TOWNSON APPOINTED U.S. TRUSTEE FOR FLORIDA,  
GEORGIA, PUERTO RICO AND THE U.S. VIRGIN ISLANDS**

**By: Guy A. Van Baalen, Assistant U.S. Trustee  
Office of the U.S. Trustee Middle and Southern Districts of Florida**

Attorney General Merrick B. Garland recently appointed Mary Ida Townson as the U.S. Trustee for Florida, Georgia, the Commonwealth of Puerto Rico and the U.S. Virgin Islands (Region 21). Ms. Townson assumed her duties in June and replaced Nancy Gargula, who is the U.S. Trustee in Region 10 and who had served as the interim U.S. Trustee in Region 21 since April 2019.



Mary Ida Townson

Ms. Townson brings more than 30 years of bankruptcy experience to the position, including the past 18 years as a standing chapter 13 trustee for the Northern District of Georgia and, before that, in private practice representing debtors and creditors and serving as a chapter 7 panel trustee. She also has held various leadership positions with the National Association of Chapter 13 Trustees and the Southeastern Bankruptcy Law Institute over the past 10 years. Ms. Townson received a Bachelor of Arts with Honors from Auburn University and her Juris Doctor from the University of Georgia Law School.

“Ms. Townson has committed her career to improving the bankruptcy system and we are excited to have her join our leadership team,” said U.S. Trustee Program (USTP) Director Cliff White. “We also are indebted to Ms. Gargula for her expert leadership of Region 21 over these past two years.”

The USTP is the component of the Justice Department that protects the integrity of the bankruptcy system by overseeing case administration and litigating to enforce the bankruptcy laws. The USTP has 21 regions and 90 field office locations. Region 21 is headquartered in Atlanta, Georgia, with additional offices in Macon and Savannah, Georgia; Miami, Orlando, Tallahassee and Tampa, Florida; and San Juan, Puerto Rico.





## HONORABLE PETER D. RUSSIN JUDICIAL INVESTITURE CEREMONY

By: Dawn Leonard

Four-hundred and thirty days from his swearing-in over zoom, The Honorable Peter D. Russin was celebrated in-person, by his family, friends, and colleagues, at his official Judicial Investiture Ceremony, in the Ceremonial Courtroom at the Wilkie D. Ferguson, Jr., United States Courthouse on October 18th, 2021.

The Honorable Laurel M. Isicoff presided, opening the ceremony to a host of heartfelt recitations by family, friends, and colleagues. Rabbi Gayle Pomerantz D.D. offered the opening invocation followed by remarks from Haley G. Harrison, Esq, President of the Bankruptcy Bar Association for the Southern District of Florida and Dori Foster-Morales, Esq. the immediate past President of the Florida Bar. The Oath of Office was given by the Honorable Robert A. Mark, a colleague and mentor of Judge Russin. Andi Russin, Judge Russin's wife, performed the robing. She also prepared lovely and moving remarks, because she was afraid she would be overcome with emotion and unable to get through it herself, she asked a friend, Jill Meland, to read. His three sons spoke eloquently about their father, followed by memorable words from his longtime friend and ex-partner, Mark Meland.

Judge Russin spoke, conveying profound gratitude for the attendance of his family, many friends, and both former and current colleagues, feeling humbled, honored, and appreciative of all those who played a part in getting him to this day.

In closing, Rabbi Donald Bixon offered the benediction and Judge Isicoff the closing remarks. The reception followed in the 14th floor Atrium. The attendance was standing room only as there was a large showing to congratulate the man of honor.

We would like to extend our sincere appreciation to The Honorable Cecilia M. Altonaga, Chief United States District Judge for the use of courtroom and the Atrium for the festivities.



Honorable Peter D. Russin, Andi Russin, Honorable Robert A. Mark





## MIGRATION TO NEXTGEN: GETTING READY

By: Cameron Cradic

In the prior newsletter, the Southern District of Florida announced that this district will transition to NextGen, the new case management platform, sometime around the first quarter of 2022. Below are helpful topics to prepare registered users for the migration.

### Upgrade Your PACER Account

Action is required by some e-filers to upgrade their PACER account. If you have not already done so, now is a good time. Click the link below for step-by-step instructions to upgrade your PACER account:

<https://pacer.uscourts.gov/help/pacer/upgrading-your-pacer-account>

If you are unsure if your PACER account needs to be upgraded, click this link view Frequently Asked Questions:

<https://pacer.uscourts.gov/help/faqs/my-pacer-account-not-upgraded-how-do-i-upgrade-my-account>

### Filing Agents

In NextGen, a Filing Agent is a person who electronically files on behalf of another, such as a paralegal who e-files on behalf of an attorney. A Filing Agent **must** register for their own individual login account. To register for a PACER account now, prior to the court's migration to NextGen, click this link:

<https://pacer.uscourts.gov/register-account/non-attorney-filers-cmecf>

Filing Agents will register as a "Non-Attorney" filer. In CurrentGen, the court's current platform, the account will provide only query functionality. However, in NextGen, an attorney or trustee may have multiple Filing Agents submitting documents on his or their behalf at the same time.

Stay tuned for more NextGen information that will be posted on our website and in future newsletters.

## CHIEF DEPUTY CHANGES

By: Dawn Leonard

It is with bittersweet sentiment that we bid a fond farewell to our Chief Deputy Clerk, Jose Rodriguez, as he heads north to the Bankruptcy Court for the Middle District of Florida and welcome the new Chief Deputy, Cameron "Cam" Cradic, to the post.

This court has been extremely privileged to have a long list of stellar leaders and managers who have navigated the court through reorganizations, growing pains, and any budget crises. And to this end, Cam is no exception. He brings to the position a broad array of experience within the judiciary, beginning as an Intake Supervisor in the Central District of California and transitioning to Deputy in Charge. For 22 years, Cam has managed the West Palm Beach office, facilitating the transition from a small satellite division with a few employees and one judge to a fully staffed crew with two judges.

Cam will now share his talents across all three divisions to assist with exciting changes as our court grows with new technologies, as well as streamlining local processes and procedures.

Please join me in congratulating Cam Cradic as he takes on his new role of Chief Deputy Clerk for the US Bankruptcy Court for the Southern District of Florida.



## Help Desk Corner

By: Lorraine Adam

The help desk corner will highlight questions the clerk's office routinely receives by telephone or through the court's website at: <https://www.flsb.uscourts.gov/contact-us>. Whether you are contacting the Miami, Ft. Lauderdale, or West Palm Beach division, clerk's office staff are readily available to assist you during court hours of 8:30 am to 4:00 pm.

|                  |              |
|------------------|--------------|
| Miami:           | 305-714-1800 |
| Ft. Lauderdale:  | 954-769-5700 |
| West Palm Beach: | 561-514-4100 |



I was thinking about filing for bankruptcy. Can you recommend a good bankruptcy attorney?

Employees of the bankruptcy court are not permitted to recommend or refer you to a lawyer, nor are they permitted to provide legal advice. You may contact the Florida Bar Association of South Florida by accessing [www.bbassdf.org](http://www.bbassdf.org). There you will find helpful resources, including their Pro Bono outreach program and contact information. Additionally, if you are an individual debtor who cannot afford a lawyer, you may qualify for pro bono (free) or reduced fee legal representation. Please see additional resources posted on the court website at <https://www.flsb.uscourts.gov/legal-assistance-debtors>.



I don't have an attorney, and I know I can't ask you for legal advice, but I just have one general question. What chapter should I file for personal bankruptcy?

Helping you to choose which chapter to file is considered legal advice. Please visit our court's website at [www.flsb.uscourts.gov](http://www.flsb.uscourts.gov). There is a link on our court's home page to [FREE Pro Se Bankruptcy Clinics now VIRTUAL via Zoom](#) and a link to [Bankruptcy Basics Videos](#). The video provides an overview of the various chapters available and helps to familiarize you with basic bankruptcy terminology.

Additional resources can be found under the [Don't Have a Lawyer](#) tab. There you will find a link to a [Pro Bono Bankruptcy Referral Intake Form](#) for you to submit to see if you qualify for free or low-cost legal advice.



### ***Are You a Pro at Pro Hac Vice?***

**By: Lorraine Adam**

1. What is the definition for pro hac vice?
  - On one's own behalf
  - This time only
  - A classic French soup
2. What are some other names that refer to an attorney appearing pro hac vice?
  - Visiting Attorney
  - Attorney, per se
  - Pop-Up Attorney
3. Which attorney below may request to appear pro hac vice?
  - Anna Turney, admitted to practice in the Eastern District of New York, in good standing, and will represent the debtor/plaintiff in a hotly contested adversary case.
  - Alicia Radriguez, admitted to practice in the Southern District of Florida, not in good standing, and will represent a creditor in a chapter 11 bankruptcy proceeding.
4. Which scenario below does not required a motion to appear pro hac vice?
  - Lou Pohl, admitted to practice in the Northern District of Illinois, and is filing a proof of claim on behalf of his client.
  - Lou Pohl, admitted to practice in the Northern District of Florida, and is filing a ballot on behalf of his client.
  - Lou Pohl, attendance at the meeting of creditors.
  - All of the above
5. Does the attorney wishing to appear pro hac vice have to buddy up with a local attorney?
  - Yes
  - No
6. Where does a motion to appear pro hac vice need to be filed to appear in the Southern District Bankruptcy Court?
  - US District Court for the Southern District of Florida.
  - US Bankruptcy Court for the Southern District of Florida.
7. How many times will an attorney be allowed to file a motion to appear pro hac vice?
  - at the attorney's discretion
  - no more than three in a 365-day period
8. Which attorney must file a local form motion to appear pro hac vice and upload a local form order?
  - Attorney seeking to appear pro hac vice
  - Local attorney pro hac vice attorney will associate with
9. Does an attorney wishing to appear pro hac vice need to know all the local rules?
  - Yes
  - No
10. What is the fee to file a motion to appear pro hac vice with the USBC/SDFL?
  - \$250
  - It's FREE
  - \$200.00



**Are You a Pro at Pro Hac Vice answers:** (from page 17)

1. According to [www.uslegal.com](http://www.uslegal.com) the Latin term pro hac vice is defined as: this time only.
2. This court's Local Form Motion to Appear Pro Hac Vice (LF-44) defines the attorney wishing to appear pro hac vice as Visiting Attorney.
3. Anna Turney, admitted to practice in the Eastern District of New York, **in good standing**, and will represent the debtor/plaintiff in a hotly contested adversary case. Local Rule 2090-1(C)(2) requires an attorney, requesting to appear pro hac vice, to be in good standing of the bar of any state, territory, or insular possession of the United States.
4. All of the Above. Local Rule 2090-1(C)(1) allows an attorney to make an appearance in limited instances, such as preparing and filing a proof of claim and/or ballot. This Local Rule also allows attendance and inquiry at the meeting of creditors held under 11 U.S.C. § 341.
5. Yes. An attorney wishing to appear pro hac vice must associate with an attorney who is (a) qualified to practice with this court, (b) is a member in good standing of the bar of the US District Court/SDFL, and (c) maintains an office in this District for the practice of law.
6. US Bankruptcy Court for the Southern District of Florida.
7. No more than three in a 365-day period. The filing of more than three motions to appear pro hac vice within a 365-day period in separate representations before the courts of the US District Court/SDFL will be presumed to be a "general practice." Upon written motion and for good cause shown, the court may waive or modify this prohibition. District Court Local Rule 4(b)(2).
8. True. The motion must be filed in the relevant case. Refer to this court's website at: [www.flsb.uscourts.gov](http://www.flsb.uscourts.gov) under the Forms tab to access the *Motion to Appear Pro Hac Vice* (LF-33), and *Order Admitting Attorney Pro Hac Vice* (LF-45).
9. Yes. The local attorney, the proposed pro hac vice attorney will associate with, must file the motion and upload the order. The attorney seeking to appear pro hac vice must certify in an affidavit that he or she is familiar with and will be governed by the local rules of this court, the rules of professional conduct, and all other requirements governing the professional behavior of members of The Florida Bar. See Local Rule 2090-1(C)(2).
10. \$200 due at the time of filing the motion. Refer to this court's Clerk's Summary of Fees.



## FLORIDA SOUTHERN BANKRUPTCY MORTGAGE MODIFICATION MEDIATION STATISTICS

(From April 1, 2013 through November 30, 2021)

|                             | <u>MIA</u>  | <u>FTL</u>  | <u>WPB</u>  | <u>TOTAL</u> |
|-----------------------------|-------------|-------------|-------------|--------------|
| MMM Motion (Attorney Rep.)  | 7897        | 5261        | 3039        | 16197        |
| MMM Motion (Pro Se)         | 104         | 44          | 29          | 177          |
| <b>Total Motions Filed</b>  | <b>8001</b> | <b>5305</b> | <b>3068</b> | <b>16374</b> |
| Order Granting MMM Motion   | 7028        | 4628        | 2591        | 14247        |
| Final Report of Mediator    | 6000        | 3703        | 2035        | 11738        |
| Mediation Agreement Reached | 2609        | 1760        | 954         | 5323         |

### MMM MOTIONS FILED BY MONTH (Attorney Rep. & Pro Se)

| <u>MIAMI</u>           |  | <u>Jan</u> | <u>Feb</u> | <u>Mar</u> | <u>Apr</u> | <u>May</u> | <u>Jun</u> | <u>Jul</u> | <u>Aug</u> | <u>Sep</u> | <u>Oct</u> | <u>Nov</u> | <u>Dec</u> |                     |
|------------------------|--|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|---------------------|
| 2013                   |  |            |            |            | 18         | 82         | 106        | 137        | 130        | 173        | 181        | 169        | 141        | 1137                |
| 2014                   |  | 171        | 157        | 184        | 179        | 170        | 164        | 156        | 126        | 198        | 146        | 123        | 138        | 1912                |
| 2015                   |  | 161        | 168        | 189        | 183        | 142        | 164        | 127        | 122        | 127        | 108        | 93         | 93         | 1677                |
| 2016                   |  | 111        | 124        | 79         | 102        | 119        | 110        | 60         | 92         | 99         | 84         | 78         | 74         | 1132                |
| 2017                   |  | 59         | 49         | 59         | 52         | 59         | 56         | 54         | 44         | 48         | 57         | 63         | 39         | 639                 |
| 2018                   |  | 40         | 48         | 54         | 64         | 57         | 44         | 59         | 50         | 44         | 52         | 40         | 39         | 591                 |
| 2019                   |  | 57         | 39         | 48         | 41         | 48         | 35         | 31         | 42         | 45         | 45         | 35         | 23         | 489                 |
| 2020                   |  | 35         | 38         | 24         | 20         | 31         | 19         | 8          | 14         | 5          | 15         | 9          | 18         | 236                 |
| 2021                   |  | 18         | 19         | 15         | 22         | 18         | 18         | 14         | 16         | 21         | 16         | 11         |            | 188                 |
|                        |  |            |            |            |            |            |            |            |            |            |            |            |            | <b>TOTAL = 8001</b> |
| <u>FT. LAUDERDALE</u>  |  | <u>Jan</u> | <u>Feb</u> | <u>Mar</u> | <u>Apr</u> | <u>May</u> | <u>Jun</u> | <u>Jul</u> | <u>Aug</u> | <u>Sep</u> | <u>Oct</u> | <u>Nov</u> | <u>Dec</u> |                     |
| 2013                   |  |            |            |            | 49         | 92         | 98         | 116        | 144        | 189        | 118        | 99         | 77         | 982                 |
| 2014                   |  | 91         | 82         | 69         | 108        | 89         | 89         | 107        | 61         | 99         | 100        | 121        | 95         | 1111                |
| 2015                   |  | 96         | 101        | 109        | 89         | 94         | 94         | 82         | 74         | 93         | 89         | 91         | 79         | 1091                |
| 2016                   |  | 86         | 81         | 58         | 61         | 68         | 63         | 46         | 75         | 59         | 43         | 54         | 50         | 744                 |
| 2017                   |  | 38         | 25         | 38         | 26         | 47         | 42         | 40         | 34         | 33         | 39         | 29         | 26         | 417                 |
| 2018                   |  | 20         | 21         | 36         | 24         | 33         | 43         | 47         | 46         | 28         | 33         | 26         | 21         | 378                 |
| 2019                   |  | 34         | 20         | 31         | 24         | 28         | 20         | 20         | 18         | 25         | 19         | 26         | 19         | 284                 |
| 2020                   |  | 26         | 13         | 25         | 19         | 22         | 17         | 8          | 12         | 5          | 5          | 6          | 8          | 166                 |
| 2021                   |  | 9          | 21         | 13         | 12         | 8          | 5          | 15         | 9          | 9          | 16         | 15         |            | 132                 |
|                        |  |            |            |            |            |            |            |            |            |            |            |            |            | <b>TOTAL = 5305</b> |
| <u>WEST PALM BEACH</u> |  | <u>Jan</u> | <u>Feb</u> | <u>Mar</u> | <u>Apr</u> | <u>May</u> | <u>Jun</u> | <u>Jul</u> | <u>Aug</u> | <u>Sep</u> | <u>Oct</u> | <u>Nov</u> | <u>Dec</u> |                     |
| 2013                   |  |            |            |            | 9          | 35         | 56         | 91         | 83         | 147        | 63         | 68         | 67         | 619                 |
| 2014                   |  | 47         | 43         | 64         | 54         | 66         | 74         | 54         | 43         | 83         | 52         | 49         | 44         | 673                 |
| 2015                   |  | 51         | 57         | 52         | 41         | 47         | 54         | 48         | 39         | 35         | 35         | 33         | 36         | 528                 |
| 2016                   |  | 46         | 33         | 33         | 32         | 36         | 29         | 29         | 32         | 18         | 13         | 16         | 25         | 342                 |
| 2017                   |  | 22         | 18         | 21         | 22         | 20         | 10         | 23         | 27         | 18         | 24         | 17         | 13         | 235                 |
| 2018                   |  | 19         | 8          | 10         | 15         | 21         | 20         | 26         | 18         | 24         | 25         | 13         | 12         | 211                 |
| 2019                   |  | 22         | 20         | 13         | 28         | 14         | 20         | 27         | 19         | 10         | 31         | 18         | 10         | 232                 |
| 2020                   |  | 16         | 14         | 18         | 13         | 10         | 10         | 15         | 5          | 11         | 11         | 7          | 13         | 143                 |
| 2021                   |  | 4          | 8          | 6          | 4          | 7          | 6          | 7          | 10         | 9          | 5          | 19         |            | 85                  |
|                        |  |            |            |            |            |            |            |            |            |            |            |            |            | <b>TOTAL = 3068</b> |

### UPCOMING COURT HOLIDAY CLOSINGS \*

Friday, December 24 - Christmas Day\*      Friday, December 31 - New Year's Day

Monday, January 17 - Birthday of Martin Luther King, Jr.      Monday, February 21 - Washington's Birthday

\*Any additions to the court closing schedule are announced by General Order and posted on the court website

<http://www.flsb.uscourts.gov/general-orders>

### COURT MISSION STATEMENT

*To promote public trust and confidence in the administration of bankruptcy cases:*

- through easy access to comprehensible, accurate information about the court, its procedures, and records;
- by the efficient, respectful, and dignified conduct of business at all levels of the court—clerk's office, chambers and courtroom;
- through adjudication of bankruptcy cases by a fair and impartial tribunal that is designed to provide relief to the honest debtor, equitable distribution of available assets to creditors, and preservation of jobs and value through successful business reorganizations.

### CONTACT "COURTHOUSE BEACON NEWS" PUBLICATION STAFF

If you have any comments regarding this issue or want to suggest ideas for future articles, please contact "Courthouse Beacon News" staff at the following email address:

[Debbie\\_Lewis@flsb.uscourts.gov](mailto:Debbie_Lewis@flsb.uscourts.gov).

Please do not use the above email address to file or send papers to the court or to ask questions about court procedure or status of a particular case. Contact the clerk's office at any of the following numbers for assistance in these matters.

Visit the court website [www.flsb.uscourts.gov](http://www.flsb.uscourts.gov) for local filing information.

Thank you.

Miami: (305) 714-1800

Ft. Lauderdale: (954) 769-5700

West Palm Beach: (561) 514-4100

**Please Note:**

**Clerk's office staff is not permitted to give legal advice.**