

**AMENDED AND RESTATED
LOCAL RULES OF PRACTICE AND PROCEDURE FOR THE
UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA**

Effective [June 1], 2026.

**PART I. COMMENCING A BANKRUPTCY CASE; THE PETITION, THE
ORDER FOR RELIEF, AND RELATED MATTERS**

Rule 1001-1. Scope; Title; Citations; References to a Specific Form

- (a) **Scope.** These local rules of practice and procedure are promulgated under Bankruptcy Rule 9029(a)(2) and Rule 87.1 of the Local Rules of the United States District Court for the Southern District of Florida. They apply to all cases pending under Title 11 of the United States Code in the United States Bankruptcy Court for the Southern District of Florida, and to all civil proceedings arising in, arising under, or related to cases pending under Title 11 of the United States Code in the United States Bankruptcy Court for the Southern District of Florida.
- (b) **District Court Rules.** Except for Local Rules 77.1, 87.1, 87.2, 87.3, 87.4, and 87.5, and Rule 5 of the Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys, the Local Rules of the United States District Court for the Southern District of Florida do not apply to cases or proceedings in the United States Bankruptcy Court for the Southern District of Florida.
- (c) **Citations.** In these rules, the Bankruptcy Code is cited with a section sign and number (§ 101). A Federal Rule of Bankruptcy Procedure is cited with “Bankruptcy Rule” followed by the rule number (Bankruptcy Rule 1001(a)). A Federal Rule of Civil Procedure is cited with “Fed. R. Civ. P.” followed by the rule number (Fed. R. Civ. P. 1). A local rule is cited with “Local Rule” followed by the rule number (Local Rule 1001-1(a)).
- (d) **Incorporation by Reference.** Any reference in these rules to an administrative order, local form, court guidelines, or clerk’s instructions, means the administrative order, form, guidelines, or instructions, as revised or amended.

Rule 1002-1. Commencing a Bankruptcy Case – In General

- (a) **Authorization Required.** A voluntary petition or consent to an involuntary petition filed by an entity that is not an individual must be accompanied by a

copy of the resolution or other authorization for the entity to file the petition or consent to the involuntary petition.

(b) Nonelectronic Petition.

- (1) *In General.*** In addition to any other requirement of the Bankruptcy Code, Bankruptcy Rules, these rules, official forms, or local forms, a nonelectronic petition must contain a wet ink signature and an address for the debtor.
 - (2) *Identification Required.*** An unrepresented debtor or a person holding a power of attorney authorizing that person to file a petition for an unrepresented debtor must provide to the clerk a current official government photo identification.
 - (3) *Clerk Authorized to Refuse Noncompliant Petition.*** The clerk is authorized to refuse to accept for filing a petition that does not comply with (b)(1) or (b)(2).
- (c) *Compliance With § 342(b).*** The clerk's posting of the *Notice Required by 11 U.S.C. § 342(b) for Individuals Filing for Bankruptcy* (Form 2010) on the court's website and in each public intake area of the clerk's office, and making the form available to any requesting party, satisfies the clerk's obligations under § 342(b).

Rule 1002-2. Commencing a Bankruptcy Case – Divisional and Judicial Assignment

- (a) Court Divisions.** The court is divided into three divisions – the Miami Division, the Fort Lauderdale Division, and the West Palm Beach Division.
- (1) *Miami Division.*** The Miami Division comprises Miami-Dade and Monroe Counties.
 - (2) *Fort Lauderdale Division.*** The Fort Lauderdale Division comprises Broward County.
 - (3) *West Palm Beach Division.*** The West Palm Beach Division comprises Highlands, Indian River, Martin, Okeechobee, Palm Beach, and St. Lucie Counties.
- (b) Division in Which to Commence a Case.**
- (1) *Chapter 7, 11, 12, or 13 Petition.*** A petition under chapter 7, 11, 12, or 13 must be filed in the division of the court in which the debtor's

domicile, residence, principal place of business, or principal assets are located.

- (2) ***Chapter 9 or 15 Petition.*** A petition under chapter 9 or 15 may be filed in any division of the court.

(c) **Assigning Cases.**

(1) ***Chapter 7, 11, 12 or 13 Petition.***

- (A) A chapter 7, 11, 12, or 13 petition concerning an individual will be randomly assigned to a judge in the division in which the first address listed on the petition is located.
- (B) A chapter 7, 11, or 12 petition concerning an entity that is not an individual will be randomly assigned to a judge in the division in which the address listed on the petition as the debtor's principal place of business is located.

- (2) ***Chapter 9 Petition.*** A chapter 9 petition will be assigned under § 921(b).
- (3) ***Chapter 15 Petition.*** A chapter 15 petition will be randomly assigned to any judge of the court, regardless of the division in which it is filed.
- (4) ***Clerk Reassignment of Cases Filed in Wrong Division.*** The clerk is authorized to reassign to the correct division any petition filed in the wrong division.

Rule 1002-3. Commencing a Bankruptcy Case – Mega Cases

Except in exigent circumstances where advance notice is not practicable, at least two business days before filing a multi-debtor chapter 11 or chapter 15 case with more than \$100 million in cumulative assets or liabilities, counsel for the debtors or foreign representatives must advise the clerk and the United States trustee – without disclosing the identity of the debtors – of the impending filing and any anticipated emergency relief to be requested.

Rule 1004.1-1. Voluntary Petition on Behalf of an Infant or Incompetent Person

- (a) **Appointment Instrument.** A voluntary petition filed under Bankruptcy Rule 1004.1(a) must include with the petition:

- (1) a copy of the representative's appointment instrument – including a power of attorney or an order from a court of competent jurisdiction – and
- (2) a declaration signed under penalty of perjury, containing the following information:
 - (A) the representative's name, address, and relationship to the debtor;
 - (B) when the representative was appointed;
 - (C) why the petition was filed;
 - (D) why the debtor was unable to file the petition himself or herself;
 - (E) whether the debtor consents to filing the petition;
 - (F) whether any of the debtor's debts were incurred for the benefit of the representative;
 - (G) the name and address of any person the representative reasonably believes may object to the filing of the petition; and
 - (H) with respect to any power of attorney, whether:
 - (i) before executing the power of attorney the debtor was a minor or had been adjudicated incompetent; and
 - (ii) the power of attorney expressly authorizes the filing of a bankruptcy petition.
- (b) **Restricted Filing.** The declaration required by (a)(2) – together with any attachments thereto – must be filed under seal. No separate motion or court order is required to file this declaration under seal.
- (c) **Service of Petition and Declaration.** A voluntary petition filed under Bankruptcy Rule 1004.1 must be served together with the declaration required by (a)(2).
- (d) **Appointment as Guardian Ad Litem.**
 - (1) ***Motion Requirements.*** A motion seeking appointment of a guardian ad litem under Bankruptcy Rule 1004.1(b)(2) must attach a proposed order and a declaration containing the following information:
 - (A) why appointment of the movant as guardian ad litem is necessary;

- (B) why appointment of the movant as guardian ad litem would be in the debtor's best interest;
 - (C) the fee, if any, the movant would charge the debtor for serving as guardian ad litem;
 - (D) the movant's professional and criminal history, if any;
 - (E) the movant's competence to handle the debtor's financial affairs, including the movant's knowledge of the debtor's financial affairs;
 - (F) whether the movant has any current or potential future interest in the debtor's financial affairs, other than the proposed fee; and
 - (G) the name and address of any person the representative reasonably believes may object to appointment of the movant as guardian ad litem.
- (2) ***Additional Requirements.*** If appointment as a guardian ad litem under Bankruptcy Rule 1004.1(b)(2) is sought based on the debtor's incompetence, the motion must also attach:
- (A) a letter from the debtor's physician regarding the debtor's competence to conduct the debtor's own financial affairs; and
 - (B) a copy of any power of attorney or other document giving the movant the authority to act for the debtor.
- (3) ***Hearing.*** A motion seeking appointment of a guardian ad litem under Bankruptcy Rule 1004.1(b)(2) containing all the information required by (d) will be set for hearing within 14 days, or as soon thereafter as the court can hear it.
- (4) ***Authority to Act Pending Appointment.*** Except to seek an extension of time to comply with the debtor's bankruptcy case filing requirements, unless the court orders otherwise, the party seeking appointment as guardian ad litem must not take any other action on the debtor's behalf until the court rules on the motion seeking appointment.

Rule 1007-1. Lists, Schedules, Statements and Other Documents; Time to File

- (a) **Extension of Time to File.** Motions to extend the time to file lists, schedules, statements or other required documents must identify the date of the scheduled § 341 meeting of creditors.

- (b) **Local Form Requirement.** When filing Schedules D or E/F other than with the petition – or when amending these schedules – a debtor must file local form *Debtor's Notice of Compliance with Requirements for Amending Creditor Information*.
- (c) **Payment Advices.** An individual debtor must file local form *Declaration Regarding Payment Advices* by the deadline set forth in Bankruptcy Rule 1007(c), even if a debtor did not receive any payment advices or other evidence of payment from any employer within 60 days before the petition date.

Rule 1009-1. Amending a Voluntary Petition, List, Schedule, or Statement

- (a) **Deadline for Amendment in Unconfirmed Chapter 13 Case.** To be considered at a confirmation hearing, an amended schedule or statement of financial affairs in a chapter 13 case must be filed no later than 14 days before the confirmation hearing.
- (b) **Service Requirements.** If an amended schedule adds a creditor or modifies a creditor's name or address, the debtor must:
 - (1) serve a copy of the notice of the § 341 meeting of creditors (or any amended notice) containing the debtor's complete social security number, on the added creditors and all creditors whose name or address was modified, even if the date first set for the § 341 meeting of creditors has passed; and
 - (2) file a certificate of service.

Rule 1015-1. Consolidating or Jointly Administering Cases in the Same District

- (a) **Consideration Without a Hearing in Chapter 11 Cases.** The court may order joint administration of related chapter 11 cases pending in this court without a hearing under Local Rule 9013-2 on a motion supported by an affidavit, declaration, or verification establishing that joint administration of the cases is warranted and will ease the administrative burden for the court and the parties.
- (b) **Procedure.** A motion for joint administration of related chapter 11 cases must be filed only in the case with the lowest case number. After a joint administration motion is filed – and pending entry of an order granting the motion – except as set forth in (c), all other documents in the related chapter 11 cases must be filed only in the case with the lowest case number.

- (c) **Lists, Schedules, and Statements.** In jointly administered chapter 11 cases, each debtor's schedules and statement of financial affairs (including any amendments), must be filed in both the debtor's case and in the lead case. The statistical information required by CM/ECF must also be completed for each debtor.
- (d) **Mailing Matrix and Twenty Largest Unsecured Creditor List.** In jointly administered chapter 11 cases with a claims and noticing agent, the lists required by Bankruptcy Rules 1007(a)(1) and (d) may be consolidated. But upon request, the debtors must provide deconsolidated lists required by Bankruptcy Rule 1007(d).

Rule 1017-1. Dismissing a Case; Suspending Proceedings; Converting a Case to Another Chapter – In General

(a) **Dismissal on the Court's Own Initiative.**

- (1) ***With Prior Notice After Opportunity to Cure.*** If the clerk has given a debtor prior notice that its case may be dismissed for failure to cure any of the following deficiencies and an opportunity to cure these deficiencies, then the court may dismiss a voluntary chapter 7, 11, 12, or 13 case without further notice or a hearing after expiration of the cure deadline, for:
 - (A) failure to file a chapter 13 plan; or
 - (B) failure to file a pre-bankruptcy certification of credit counseling under § 109(h).
- (2) ***With Prior Notice, but No Opportunity to Cure.*** If the clerk has given a debtor prior notice that its case may be dismissed for any of the following reasons, then the court may dismiss a voluntary chapter 7, 11, 12, or 13 case without further notice or a hearing, and no opportunity to cure, for:
 - (A)
 - (i) failure to timely pay the filing fee in installments (after being granted permission to do so) or any other fee due from the debtor (including fees due upon conversion of a case);
 - (ii) denial of a chapter 7 fee waiver application; or
 - (iii) revocation of an order permitting waiver of the chapter 7 filing fee;

- (B) failure to appear at the § 341 meeting of creditors;
- (C) failure to commence making chapter 13 plan payments within 30 days of the petition date or date of conversion to chapter 13;
- (D) failure to remain current on chapter 13 plan payments as of the time of the § 341 meeting of creditors; or
- (E) denial of confirmation of a chapter 13 plan and denial of a request for additional time to file an amended plan.

(b) Dismissal Upon Motion or Request of United States Trustee. If the clerk has given a debtor prior notice that its case may be dismissed for failure to cure any of the following deficiencies and an opportunity to cure these deficiencies, then the court may dismiss a voluntary chapter 7, 11, or 13 case upon motion or request of the United States trustee (or its delegee) under §§ 707(a)(3), 1112(e), 1307(c)(9), or 1307(c)(10), without further notice or a hearing after expiration of the cure deadline, for:

- (1) failure to file, within 15 days or such additional time as the court may allow after the filing of the petition, the information required by § 521(a)(1); or
- (2) failure to file, within 15 days or such additional time as the court may allow after the filing of the petition, the information required by § 521(a)(2).

(c) Dismissal Upon Request of Chapter 13 Trustee.

(1) *Dismissal at the § 341 Meeting of Creditors.* If a chapter 13 debtor is not current on their payments required under § 1326 by the time of the § 341 meeting of creditors, the chapter 13 case may be dismissed without further notice or hearing upon the chapter 13 trustee filing by virtual docket entry the *Trustee's Request for Entry of Order Dismissing Case*.

(2) *Post-Confirmation Dismissal for Payment Delinquency.*

- (A) *Notice of Delinquency.* If a chapter 13 debtor fails to timely make any payment under a confirmed chapter 13 plan, the chapter 13 trustee may serve a notice of delinquency on the debtor and the debtor's attorney.
- (B) *Curing a Delinquency.* A debtor may cure any delinquency by making all past-due payments under the plan within 45 days

after service of a notice of delinquency (including making any payments that become due within the 45-day period).

- (C) *Failure to Cure.* A chapter 13 case may be dismissed without further notice or hearing upon the chapter 13 trustee filing a report of noncompliance based on a debtor's failure to cure a delinquency and remain current on the plan by the 45th day after service of the notice of delinquency.
- (d) **Dismissal for Failure to Provide Tax Return.** The court will dismiss a case under § 521(e)(2)(B) only upon motion and after a hearing on notice to the debtor.
- (e) **Fees Outstanding at Time of Dismissal.** All unpaid fees owed to the clerk – either under 28 U.S.C. § 1930 or any court order – remain due and owing upon dismissal of a case.
- (f) **Deadline in Reinstated Case to File a Motion to Dismiss or Serve a Notice of Hearing Under Bankruptcy Rule 1017(e).** If a case is dismissed before expiration of the deadline to file a motion to dismiss under Bankruptcy Rule 1017(e)(2) or to serve a notice of a hearing on the court's own motion under Bankruptcy Rule 1017(e)(3), and then reinstated, the new deadlines are:
 - (1) in a case dismissed before the date first set for the § 341 meeting of creditors, 60 days after the rescheduled § 341 meeting of creditors; and
 - (2) in a case dismissed after the date first set for the § 341 meeting of creditors, 60 days after entry of the order reinstating the case.

Rule 1017-2. Dismissing a Case; Suspending Proceedings; Converting a Case to Another Chapter – Motion to Dismiss or Convert Under § 1112(b)

A party's request – or its consent on the record – to continue a hearing on its motion to dismiss or convert a case under § 1112(b) constitutes the party's consent to waive the 30- and 15-day time periods set forth in § 1112(b)(3).

Rule 1019-1. Converting or Reconverting a Chapter 11, 12, or 13 Case to Chapter 7

- (a) **Temporary Retention of Funds by Chapter 13 Trustee Upon Voluntary Conversion.** Before distributing any funds in a case converted by notice under § 1307(a), the chapter 13 trustee must retain for 30 days (or any longer period that the court directs) all undistributed funds not needed to satisfy outstanding checks.

(b) Deadline for Filing Postpetition Claims.

- (1) *In a Converted Case.*** In a case converted from chapter 11, 12, or 13 to chapter 7, a request for payment of an administrative expense or a claim under § 348(d) must be filed no later than 70 days after conversion.
- (2) *In a Reconverted Case.*** In a chapter 7 case that had been converted to a chapter 11, 12, or 13 case and then reconverted to a chapter 7 case, the trustee must file a motion requesting the court set a deadline to file requests for payment of an administrative expense or a claim under § 348(d).

**PART II. OFFICERS AND ADMINISTRATION; NOTICES; MEETINGS;
EXAMINATIONS; ELECTIONS AND APPOINTMENTS; FINAL REPORT;
COMPENSATION**

Rule 2002-1. Notices to Creditors, Equity Security Holders, Administrators in Foreign Proceedings, Persons Against Whom Provisional Relief is Sought in Ancillary and Other Cross-Border Cases, United States, and United States Trustee

- (a) Service by the Clerk.** Unless these rules or a court order provide otherwise, the clerk will serve:
- (1)** any notice under Bankruptcy Rule 2002 that would otherwise have to be served by the United States trustee or by a chapter 7 trustee in a case where a notice of insufficient assets to pay a dividend was given to creditors;
 - (2)** an initial chapter 13 plan filed on the petition date; and
 - (3)** for unrepresented debtors:
 - (A)** any chapter 13 plan, amended chapter 13 plan, or modified chapter 13 plan;
 - (B)** any local form *Debtor's Certificate of Compliance, Motion for Issuance of Discharge, and Notice of Deadline to Object*;
 - (C)** any local form *Debtor's Certificate of Compliance, Motion for Issuance of Discharge Before Completion of Plan Payments, and Notice of Deadline to Object*;
 - (D)** any local form *Individual Chapter 11 Debtor's Certification Regarding Limitation on Claimed Exemptions, Instructional*

Course Concerning Personal Financial Management, and Eligibility for a Discharge; and

- (E) any local form *Individual Chapter 12 Debtor's Certification Regarding Limitation on Claimed Exemptions and Domestic Support Obligations*.

(b) **Service by the Debtor's Attorney.** Unless these rules or a court order provide otherwise, the debtor's attorney must serve:

- (1) any chapter 13 plan filed after the petition date, together with a copy of the official form *Notice of Chapter 13 Bankruptcy Case*;
- (2) any amended chapter 13 plan or modified chapter 13 plan, together with any notice of hearing thereon;
- (3) any notice of a continued § 341 meeting of creditors;
- (4) any notice of a continued chapter 13 confirmation hearing;
- (5) any local form *Debtor's Certificate of Compliance, Motion for Issuance of Discharge, and Notice of Deadline to Object*;
- (6) any local form *Debtor's Certificate of Compliance, Motion for Issuance of Discharge Before Completion of Plan Payments, and Notice of Deadline to Object*;
- (7) any local form *Individual Chapter 11 Debtor's Certification Regarding Limitation on Claimed Exemptions, Instructional Course Concerning Personal Financial Management, and Eligibility for a Discharge*; and
- (8) any local form *Individual Chapter 12 Debtor's Certification Regarding Limitation on Claimed Exemptions and Domestic Support Obligations*.

(c) **Service by the Plan Proponent.** The proponent of a chapter 11 or chapter 12 plan must serve the confirmation order.

(d) **CM/ECF Mailing Matrix.** Although CM/ECF generates a mailing matrix, proper service is the responsibility of the party providing service.

(e) **Multi-Paged Notices.** Multiple page one-sided papers may be condensed to two-sided papers with up to four pages per side for noticing purposes, but the first page of a paper may not be printed on the reverse side of a separate paper, except by the clerk.

(f) Addresses for Notice.

- (1) A notice of address change must be filed in each case or adversary proceeding in which the change is to be made.
- (2) A debtor registered under the DeBN program must file with the clerk an updated local form *Debtor's Request to Receive Notices Electronically Under DeBN Program* to change the debtor's email address.
- (3) An entity registered with the BNC to receive notices under the EBN program must notify the BNC of any change in service information.
- (4) An entity filing a notice under § 342(f) must file the notice directly with the NCRS.

Rule 2003-1. Meeting of Creditors or Equity Security Holders

(a) Initial Request to Reschedule.

- (1) **Chapter 7, 12, or 13 Case.** A request to reschedule the § 341 meeting of creditors in a chapter 7, 12, or 13 case must be made to the trustee, with a copy sent to the United States trustee.
- (2) **Chapter 11 Case.** A request to reschedule the § 341 meeting of creditors in a chapter 11 case must be made to the United States trustee, and in a case under subchapter V of chapter 11, with a copy to the subchapter V trustee.

(b) Motion to Reschedule. Only if the request under (a) is denied may a party file a motion to reschedule with the court.

(c) Service. If a request to reschedule or a motion to reschedule is granted, the requesting party must serve notice of the rescheduled § 341 meeting of creditors under Bankruptcy Rule 2002(a)(1).

Rule 2004-1. Examinations

(a) When an Examination May Be Taken. Any party in interest may – without a court order – notice an examination or request the production of documents or ESI under Bankruptcy Rule 2004.

(b) Notice of the Examination.

- (1) **Notice in General.** The party noticing the examination or requesting documents or ESI must file local form *Notice of Rule 2004 Examination*

and serve it on the trustee, the debtor, and the debtor's attorney. Unless otherwise agreed or ordered by the court, the party noticing the examination or requesting documents or ESI must provide at least 14 days' notice.

- (2) **Method of Recording.** The testimony may be recorded by audio, audiovisual, or stenographic means. The notice of examination must specify how it will be recorded.
- (3) **Remote Examination.** An examination may be conducted in person or by videoconference. The party noticing an examination by videoconference must provide a link to the video conference in the notice.
- (c) **Subpoena.** No subpoena is necessary to compel attendance of – or production of documents or ESI from – a debtor.
- (d) **Response to Document or ESI Request.** Subsections (b)(2)(B)–(E) of Fed. R. Civ. P. 34 apply to responses and objections to requests for production of documents or ESI under Bankruptcy Rule 2004.
- (e) **Motion for Protective Order.** Any interested party may move for a protective order with respect to an examination under this rule, stating the reasons for prohibiting, limiting, or rescheduling the examination. The filing of a motion for protective order stays the examination and production of documents or ESI until the court rules on the motion.

Rule 2014-1. Employing Professionals

- (a) **Engagement Letter and Retention Agreement.** An application to employ a professional must include a copy of any engagement letter or retention agreement.
- (b) **Attorney for Chapter 13 Debtor.** Before filing a chapter 13 petition, a Chapter 13 debtor and her or his attorney must execute local form *Rights and Responsibilities Agreement Between Chapter 13 Debtor and Chapter 13 Debtor's Attorney for Cases Filed in the United States Bankruptcy Court, Southern District of Florida*. The form must be retained by the attorney and made available to the chapter 13 trustee at the § 341 meeting of creditors but must not be filed with the court.

Rule 2016-1. Compensation for Services Rendered; Reimbursing Expenses

- (a) **Chapter 7 Expenses.** Subject to later review by the court and the United States trustee, a chapter 7 trustee is authorized to pay without advance

approval any expense listed in the *Guidelines for Reimbursement of Expenses to Chapter 7 Trustees Without Prior Court Approval*.

(b) Chapter 11.

- (1) *Monthly Compensation Procedures.*** The court may approve procedures for monthly payment of interim compensation to retained professionals in any chapter 11 case. The movant must serve the motion and proposed local form *Order Establishing Procedures to Permit Monthly Payment of Interim Fee Applications of Chapter 11 Professionals* on the United States trustee, all official committees (or if no committee has been appointed, those creditors holding the 20 largest unsecured claims), and all postpetition lenders (or their agents).
- (2) *Deadline for Final Compensation Application.*** Unless the court orders otherwise, a final compensation application in a chapter 11 case will be considered at the confirmation hearing and must be filed no later than 21 days before the confirmation hearing. If a final compensation application includes estimated fees and expenses through confirmation, the applicant must supplement the application at or before the confirmation hearing.
- (3) *Notice of Final Compensation Application.*** The plan proponent must provide notice under Bankruptcy Rule 2002(a)(6) of the hearing on a final compensation application, identifying the applicant and the amounts requested as required by Bankruptcy Rule 2002(c)(2).

(c) Chapter 12.

- (1) *Deadline for Final Compensation Application.*** Unless the court orders otherwise, a final compensation application in a chapter 12 case will be considered at the confirmation hearing and must be filed no later than 21 days before the confirmation hearing. If a final compensation application includes estimated fees and expenses through confirmation, the applicant may supplement the application at or before the confirmation hearing.
- (2) *Notice of Final Compensation Application.*** The debtor must provide notice under Bankruptcy Rule 2002(a)(6) of the hearing on a final compensation application, identifying the applicant and the amounts requested as required by Bankruptcy Rule 2002(c)(2).

(d) Chapter 13.

- (1) *Compliance With Guidelines.*** Unless the court orders otherwise, an application for compensation of a debtor's attorney in a chapter 13 case

must comply with the *Guidelines for Compensation for Professional Services or Reimbursement of Expenses by Attorneys for Chapter 13 Debtors*.

- (2) ***Pre-Confirmation.*** Unless the court orders otherwise, a compensation application in a chapter 13 case – if required – will be considered at the confirmation hearing and must be filed no later than 21 days before the confirmation hearing.
- (3) ***Post-Confirmation.*** A post-confirmation request for additional compensation to a chapter 13 debtor’s attorney must be filed together with any plan modification, no later than 21 days before the hearing on the modified plan.
- (4) ***Post-Dismissal or Conversion.*** If a chapter 13 case is dismissed or converted to a case under chapter 7 or chapter 11 before confirmation of a plan and the debtor’s attorney seeks more compensation than permitted by the *Guidelines for Compensation for Professional Services or Reimbursement of Expenses by Attorneys for Chapter 13 Debtors*, the debtor’s attorney must file a compensation application no later than 14 days after entry of the dismissal or conversion order.
- (5) ***Notice of Compensation Application.*** The debtor’s attorney must provide notice under Bankruptcy Rule 2002(a)(6) of the hearing on any compensation application, identifying the applicant and the amounts requested as required by Bankruptcy Rule 2002(c)(2).

PART III. CLAIMS; PLANS; DISTRIBUTIONS TO CREDITORS AND EQUITY SECURITY HOLDERS

Rule 3001-1. Proof of Claim

- (a) **Evidence of Transfer of a Filed Claim.** Evidence of the transfer of a claim after a proof of claim has been filed must reference the claim number.
- (b) **Evidence of Transfer of a Scheduled Claim.** Evidence of the transfer of a claim where no proof of claim has been filed must reference the scheduled claim, its classification, and its amount.

Rule 3002-1. Filing a Proof of Claim or Interest

- (a) **Presumption of No Assets in an Individual Chapter 7 Case.** In an individual chapter 7 case, it is presumed that there are no assets available to pay a dividend. Unless the notice of the § 341 meeting of creditors states

otherwise, under Bankruptcy Rule 2002(e) no deadline to file proofs of claim will be set. Upon determining that there may be assets available to pay a dividend, the trustee must file a notice of assets.

- (b) **Exceptions to Time to File a Proof of Claim Under Bankruptcy Rule 3002(c).** Notwithstanding Bankruptcy Rule 3002(c), the time to file a proof of claim in a voluntary chapter 7 case and a chapter 12 or 13 case is modified as follows:
 - (1) ***Meeting of Creditors Not Timely Noticed.*** In a case where the debtor, the trustee, creditors, and all indenture trustees have not been given at least 21 days' notice by mail of the § 341 meeting of creditors, a proof of claim is timely if it is filed no later than 70 days after timely service under Bankruptcy Rule 2002(a)(1) of notice of the § 341 meeting of creditors.
 - (2) ***Dismissal Order Vacated.*** In a case that was dismissed before the time to file a proof of claim expired and the dismissal order is later vacated, a proof of claim is timely if it is filed no later than 70 days after entry of the order vacating the dismissal order.
- (c) **Serving Copies on an Unrepresented Chapter 13 Debtor.** If a debtor in a chapter 13 case is not represented by an attorney, a creditor must serve a copy of its filed proof of claim on the debtor by mail.

Rule 3002.1-1. Chapter 13 – Claim Secured by a Security Interest in the Debtor's Principal Residence

- (a) **Prohibited Notices; Sanctions.** A claim holder must not file a notice under Bankruptcy Rule 3002.1 after the requirements of Bankruptcy Rule 3002.1 cease. If a claim holder files a notice under Bankruptcy Rule 3002.1 after the requirements of Bankruptcy Rule 3002.1 cease, a debtor may move to strike the notice and for an award of reasonable expenses incurred in making the motion, including attorneys' fees.
- (b) **Mortgage Modification Mediation Program.** If a debtor and a claim holder are participating in the MMM program, the following rules apply to a notice under Bankruptcy Rule 3002.1(b)(1) or (b)(2) while the MMM is pending:
 - (1) the effective date of a notice of payment change is stayed;
 - (2) the debtor is not required to file a motion under Bankruptcy Rule 3002.1(b)(4) to determine the change's validity;

- (3) if the MMM results in a modification of the mortgage, the modification must resolve any notices of payment change filed during the pendency of the MMM; and
 - (4) if the MMM does not result in a modification of the mortgage, the debtor will have until 14 days after the mediator issues a final report to file a motion under Bankruptcy Rule 3002.1(b)(4) to determine the validity of any payment change notice issued while the MMM was pending.
- (c) **Statement of Intent With Respect to 3002.1 Notice.**
- (1) ***Notice of Payment Change.*** After a claim holder files a notice of payment change under Bankruptcy Rule 3002.1(b)(1) or (b)(2), the debtor must – on or before the deadline to file a motion under Bankruptcy Rule 3002.1(b)(4) to determine the change’s validity – also file local form *Debtor’s Statement of Intent With Respect to Rule 3002.1 Notice of Payment Change*.
 - (2) ***Notice of Fees, Expenses, and Charges.*** After a claim holder files a notice itemizing fees, expenses, and charges incurred after the case was filed under Bankruptcy Rule 3002.1(c), the debtor must – on or before the deadline to file a motion under Bankruptcy Rule 3002.1(e) to determine whether paying any claimed fee, expense, or charge is required by the underlying agreement and applicable nonbankruptcy law – also file local form *Debtor’s Statement of Intent With Respect to Rule 3002.1 Notice of Fees, Expenses, and Charges*.

Rule 3003-1. Chapter 9 or 11 – Filing a Proof of Claim or Equity Interest

- (a) **Time to File.** Unless the court orders otherwise and except as provided by § 502(b)(9), the time under Bankruptcy Rule 3003(c)(3) to file a proof of claim or interest is 70 days after entry of the order for relief.
- (b) **Exceptions.** The time to file a proof of claim in a chapter 9 or chapter 11 case is modified as follows:
 - (1) ***Meeting of Creditors Not Timely Noticed.*** In a case where the debtor, the trustee, creditors, and all indenture trustees have not been given at least 21 days’ notice by mail of the § 341 meeting of creditors, a proof of claim is timely if it is filed no later than 70 days after timely service under Bankruptcy Rule 2002(a)(1) of notice of the § 341 meeting of creditors.
 - (2) ***Dismissal Order Vacated.*** In a case that was dismissed before the time to file a proof of claim expired and the dismissal order is later

vacated, a proof of claim is timely if it is filed no later than 70 days after entry of the order vacating the dismissal order.

Rule 3007-1. Objecting to a Claim

- (a) **In General.** An objection to claim must state:
- (1) the legal and factual basis for the objection;
 - (2) the claim number;
 - (3) the name of the claimant;
 - (4) the date the proof of claim was filed;
 - (5) the classification of the claim as secured, priority unsecured, or general unsecured; and
 - (6) the recommended disposition of the objection.
- (b) **Books and Records Objection.** If an objection to claim is based on lack of support in the debtor's books and records, the objection must also state that the objecting party made reasonable efforts to research the claim in the debtor's financial records.
- (c) **Negative Notice.**
- (1) ***In General.*** An objection to claim may be filed and served on negative notice using local form *Notice of Objection to Claim*.
 - (2) ***Exceptions.*** An objection to claim may not be filed and served on negative notice:
 - (A) in a chapter 13 case; or
 - (B) if the relief requested may affect the rights or property of an unrepresented debtor.
- (d) **Proposed Order.**
- (1) ***Contents.*** A proposed order on an objection to claim must recite in the body of the order:
 - (A) the claim number;
 - (B) the name of the claimant;

- (C) the date the proof of claim was filed;
 - (D) the disposition of the objection;
 - (E) whether the claim is allowed or disallowed;
 - (F) if allowed, the allowed amount of the claim; and
 - (G) the classification of the allowed claim as secured, priority unsecured, or general unsecured.
- (2) ***Submission After Expiration of Negative Notice Period.*** If no timely response has been filed to an objection to claim served on negative notice under this rule, the objecting party must upload a proposed order to CM/ECF no later than seven days after expiration of the negative notice period.

Rule 3009-1. Chapter 7 – Paying Dividends

- (a) **Notice and Service of Trustee Final Report.** Within 14 days after filing a *Trustee's Final Report*, a chapter 7 trustee must file and serve a *Notice of Trustee's Final Report and Applications for Compensation* and local form *Trustee's Summary of Requested Fees and Expenses* as required by Bankruptcy Rule 2002(a)(6) and (f)(1)(I).
- (b) **Objection to Final Report.** An objection to a trustee's final report or final application for compensation in a chapter 7 case must be filed no later than 21 days after service of the *Notice of Trustee's Final Report and Applications for Compensation*.

Rule 3012-1. Determining the Amount of a Secured or Priority Claim

- (a) **Chapter 13 Requirements.** A debtor seeking to determine the amount of a secured claim in a chapter 13 case must file a separate motion.
 - (1) ***Claim Secured by Real Property.*** A motion to determine the amount of a claim secured by real property in a chapter 13 case must use local form *Motion to Value Collateral and Determine the Amount of a Claim Secured by a Lien on Real Property*.
 - (2) ***Claim Secured by Personal Property.*** A motion to determine the amount of a claim secured by personal property in a chapter 13 case must use local form *Motion to Value Collateral and Determine the Amount of a Claim Secured by a Lien on Personal Property*.

- (3) ***Objection to Claim.*** If a debtor also objects to a proof of claim filed by the creditor as to which the debtor seeks to determine the amount of its secured claim, the debtor must file a separate objection to claim before or when the debtor files a motion to determine the amount of the secured claim. If no separate objection to claim is filed and if a motion to determine the amount of a secured claim is granted, the resulting unsecured portion of the claim will be allowed under § 502(a) as a general unsecured claim.

(b) Procedure.

- (1) ***Time to File.*** A motion to determine the amount of a secured claim must be filed and served at least 21 days before the hearing on the motion.
- (2) ***Objection.*** An objection to a motion to determine the amount of a secured claim is timely if filed at least two business days before the hearing on the motion.

Rule 3015-1. Chapter 12 or 13 – Time to File a Plan; Nonstandard Provisions; Objection to Confirmation; Effect of Confirmation; Modifying a Plan

- (a) **Chapter 12 Confirmation Objection.** An objection to confirmation of a chapter 12 plan is timely if filed at least three business days before the confirmation hearing.
- (b) **Chapter 13 Confirmation Objection.** Subject to (c)(2), an objection to confirmation of a chapter 13 plan is timely if filed at least 14 days before the confirmation hearing.
- (c) **Amended Chapter 13 Plan.**
 - (1) ***Time to File an Amended Plan.*** To be considered at a scheduled confirmation hearing, an amended chapter 13 plan must be filed and served at least 14 days before the hearing.
 - (2) ***Objection to a Timely-Filed Amended Plan.*** If a timely-filed amended chapter 13 plan changes the treatment of a creditor's claim, that creditor may raise an objection orally at the confirmation hearing.
 - (3) ***Effect of an Amended Plan on Timely Confirmation Objection.*** Filing an amended chapter 13 plan does not render moot a timely objection to confirmation of a chapter 13 plan under (b).

(d) Debtor's Certificate.

- (1) Chapter 12.** A chapter 12 debtor must file local form *Individual Chapter 12 Debtor's Confirmation Certificate Regarding Payment of Domestic Support Obligations* no later than three business days before the confirmation hearing.
- (2) Chapter 13.** A chapter 13 debtor must file local form *Debtor Certificate of Compliance and Request for Confirmation of Chapter 13 Plan* no later than 14 days before the confirmation hearing.

Rule 3015.1-1. Requirements for a Local Form for a Chapter 13 Plan

All chapter 13 plans must use local form *Chapter 13 Plan*.

Rule 3016-1. Chapter 9 or 11 – Plan and Disclosure Statement

A plan proponent that amends a plan or disclosure statement must file as a separate document a redline comparison showing the changes from the last-filed plan or disclosure statement.

Rule 3017-1. Chapter 9 or 11 – Hearing on a Disclosure Statement and Plan

An objection to a disclosure statement is timely if filed at least seven days before the hearing to consider approval of the disclosure statement.

Rule 3020-1. In a Chapter 11 Case, Depositing Funds Before the Plan is Confirmed; Confirmation in a Chapter 9 or 11 Case

No later than three business days before the confirmation hearing, the proponent of a chapter 11 plan must file:

- (a)** local form *Chapter 11 Ballot Tabulation and Confirmation Certificate* or local form *Subchapter V Ballot Tabulation and Confirmation Certificate*;
- (b)** an affidavit or declaration in support of confirmation; and
- (c)** if the debtor is an individual, local form *Individual Chapter 11 Debtor's Confirmation Certificate Regarding Payment of Domestic Support Obligations and Filing of Requested Tax Documents*.

Rule 3022-1. Chapter 11 – Final Decree

- (a) **Non-individual Standard Chapter 11 Case.** If the debtor is not an individual and has not confirmed a plan under § 1191, unless the plan or confirmation order provide otherwise, the plan proponent must file local form *Final Report and Motion for Entry of Final Decree* no later than 60 days after the effective date of the plan.
- (b) **Individual Standard Chapter 11 Case.** If the debtor is an individual but has not confirmed a plan under § 1191, unless the plan or confirmation order provide otherwise, the plan proponent must file local form *Individual Chapter 11 Debtor’s Final Report and Motion for Entry of Final Decree*, and file and serve on the trustee, all creditors, and all indenture trustees, local form *Individual Chapter 11 Debtor’s Confirmation Certificate Regarding Payment of Domestic Support Obligations and Filing of Requested Tax Documents*, no later than the earlier of:
 - (1) 60 days after completion of all payments under the plan; and
 - (2) the filing of a motion under § 1141(d)(5) for a discharge without having completed payments under the plan.
- (c) **Subchapter V Case – Consensual Plan.** If the debtor has confirmed a plan under § 1191(a), unless the plan or confirmation order provide otherwise, the debtor must file local form *Subchapter V (Consensual Plan) Final Report and Motion for Entry of Final Decree* no later than 60 days after the effective date of the plan.
- (d) **Subchapter V Case – Nonconsensual Plan.** If the debtor has confirmed a plan under § 1191(b), unless the plan or confirmation order provide otherwise, the debtor must file local form *Subchapter V (Nonconsensual Plan) Final Report and Motion for Entry of Final Decree* no later than 60 days after completion of all payments under the plan.

PART IV. THE DEBTOR’S DUTIES AND BENEFITS

Rule 4001-1. Relief from the Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Using Cash Collateral; Obtaining Credit; Various Agreements – Motion for Relief from the Automatic Stay

A party’s request – or its consent on the record – to continue a hearing on its motion for relief from the automatic stay constitutes the party’s consent to waive the 30- and 60-day time periods set forth in § 362(e).

Rule 4001-2. Relief from the Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Using Cash Collateral; Obtaining Credit; Various Agreements – Motion to Extend or Impose the Automatic Stay

A motion to extend the automatic stay under § 362(c)(3) or to impose the automatic stay under § 362(c)(4) must be accompanied by a declaration or affidavit – or be verified by the debtor under 28 U.S.C. § 1746 – setting forth the specific facts upon which the debtor relies to satisfy its burden to prove the case was filed in good faith.

Rule 4001-3. Relief from the Automatic Stay; Prohibiting or Conditioning the Use, Sale, or Lease of Property; Using Cash Collateral; Obtaining Credit; Various Agreements – Termination or Absence of the Automatic Stay

(a) **Motion for Order Confirming Termination of the Automatic Stay Under § 362(c)(3).** After expiration of the 30-day period set forth in § 362(c)(3), a party may move under § 362(j) for entry of an order confirming that the automatic stay has been terminated. The motion may be considered without a hearing under Local Rule 9013-2 if it:

- (1) sets forth the facts establishing that § 362(c)(3) applies to the debtor;
- (2) certifies that no order under § 362(c)(3)(B) has been entered continuing the automatic stay; and
- (3) attaches a proposed order with proposed findings of fact based on (1) and (2).

(b) **Motion for Order Confirming Automatic Stay is Not in Effect Under § 362(c)(4)(A).** A party may move under § 362(c)(4)(A)(ii) for entry of an order confirming that no stay is in effect. The motion may be considered without a hearing under Local Rule 9013-2 if it:

- (1) sets forth the facts establishing that § 362(c)(4) applies to the debtor;
- (2) certifies that no order under § 362(c)(4)(B) imposing the automatic stay has been entered; and
- (3) attaches a proposed order with proposed findings of fact based on (1) and (2).

(c) **Motion for Order Confirming Termination of Automatic Stay in a Confirmed Chapter 13 Case.** If a confirmed chapter 13 plan does not provide for payments to a secured creditor, provides for surrender of the property secured by the secured creditor's claim, or provides for direct payment of the secured creditor's claim outside of the plan, the secured creditor may – any

time after confirmation of the plan – move for entry of an order confirming that the automatic stay has been terminated. The motion may be considered without a hearing under Local Rule 9013-2 if it:

- (1) certifies that the debtor's confirmed chapter 13 plan does not provide for payments to a secured creditor, provides for surrender of the property secured by the secured creditor's claim, or provides for direct payment of the secured creditor's claim outside of the plan; and
 - (2) attaches a proposed order with proposed findings of fact based on (1).
- (d) **Motion for Order Confirming Termination of Automatic Stay Under § 521(a)(6).** If an individual debtor in a chapter 7 case fails to enter into an agreement with a secured creditor under § 524(c) or redeem personal property from a security interest under § 722 within the 45-day period set forth in § 521(a)(6), the secured creditor may – any time after expiration of the 45-day period – move for entry of an order confirming that the automatic stay has been terminated. The motion may be served on negative notice under Local Rule 9013-3 and must:
- (1) set forth the facts establishing that the debtor failed to enter into an agreement with the secured creditor under § 524(c) or redeem personal property from the secured creditor's security interest under § 722 within the 45-day period set forth in § 521(a)(6);
 - (2) certify that the trustee has not filed a motion before the expiration of the 45-day period seeking a determination that the personal property is of consequential value or benefit to the estate; and
 - (3) attach a proposed order with proposed findings of fact based on (1) and (2).

Rule 4002-1. Debtor's Duties – Chapter 11

A chapter 11 debtor – other than an individual not engaged in business – must file local form *Chapter 11 Case Management Summary* by the earlier of:

- (a) three business days after entry of the order for relief; or
- (b) one business day before the first hearing in the case.

Rule 4002-2. Debtor's Duties – Chapter 13

- (a) **Attorney Review of Claims.** No later than 21 days after the non-governmental claims bar date, all chapter 13 debtors represented by an attorney must review all filed claims to determine whether to:
- (1) object to any claim;
 - (2) amend a plan that has not yet been confirmed; or
 - (3) move to modify a confirmed plan.
- (b) **Notice of Compliance.** After the debtor's attorney completes the review required by (a), the attorney must file and serve on the debtor local form *Notice of Compliance by Attorney for Debtor With Local Rule 4002-2 Claims Review Requirement*.
- (c) **Failure to Comply.** If the debtor's attorney does not comply with this rule, the trustee may serve a notice of deficiency on the debtor and the debtor's attorney, giving the debtor's attorney 21 days to comply. Failure to cure the deficiency may result in dismissal of the case without further notice or hearing, upon the trustee filing a report of non-compliance.

Rule 4003-1. Exemptions – Amendments

If a debtor amends the list of property claimed as exempt under § 522, the debtor must serve a notice of the amendment and of the deadline under Bankruptcy Rule 4003(b)(1) to object to the claimed exemption on the trustee, all creditors, and all indenture trustees.

Rule 4003-2. Exemptions – Avoiding a Lien or Other Transfer of Exempt Property

- (a) **In General.** A motion under § 522(f) to avoid a lien on exempt property must:
- (1) provide a full legal description of the property as recorded by the clerk of the circuit court in the county in which the property is located; and
 - (2) include as an exhibit a copy – showing the recording information – of the security agreement, judgment, or other document creating or providing for the lien.
- (b) **Chapter 13 Requirements.** If a chapter 13 plan provides for avoidance of a lien on exempt property under § 522(f), the debtor must file and serve a separate motion to avoid the lien.

Rule 4004-1. Granting or Denying a Discharge – In General

- (a) **Reinstated Case.** If a case is dismissed before expiration of the deadlines in Bankruptcy Rule 4004(a)(1) or (a)(3) to object to discharge – and is then reinstated – the new deadlines are:
- (1) in a case dismissed before the date first set for the § 341 meeting of creditors, 60 days after the rescheduled § 341 meeting of creditors; and
 - (2) in a case dismissed after the date first set for the § 341 meeting of creditors, 60 days after entry of the order reinstating the case.
- (b) **Meeting of Creditors Not Timely Noticed.** In a case where the debtor, the trustee, creditors, and all indenture trustees have not been given at least 21 days' notice by mail of the § 341 meeting of creditors – and as a result the § 341 meeting of creditors is rescheduled – the deadline in Bankruptcy Rule 4004(a)(1) or (a)(3) to object to discharge is 60 days after the rescheduled § 341 meeting of creditors.

Rule 4004-2. Granting or Denying a Discharge – Individual Chapter 12 Debtor

No later than 30 days after the trustee files a final report, an individual chapter 12 debtor must file and serve on the trustee, all creditors, and all indenture trustees – on 21 days' negative notice – local form *Individual Chapter 12 Debtor's Certification Regarding Limitation on Claimed Exemptions and Domestic Support Obligations*.

Rule 4004-3. Granting or Denying a Discharge – Chapter 13

- (a) **Discharge under § 1328(a).** A debtor requesting a discharge under § 1328(a) must – after the chapter 13 trustee files a notice of plan completion – file and serve on the trustee, all creditors, and all indenture trustees on 21 days' negative notice local form *Debtor's Certificate of Compliance, Motion for Issuance of Discharge, and Notice of Deadline to Object*.
- (b) **Discharge under § 1328(b).** A debtor requesting a discharge under § 1328(b) must file and serve on the trustee, all creditors, and all indenture trustees on 21 days' negative notice local form *Debtor's Certificate of Compliance, Motion for Issuance of Discharge Before Completion of Plan Payments, and Notice of Deadline to Object*.
- (c) **Deceased Debtor.**
- (1) A debtor's attorney seeking issuance of a discharge under § 1328(a) for a debtor who dies during the pendency of a chapter 13 case must – after

the chapter 13 trustee files a notice of plan completion – file local form *Motion for Issuance of Discharge to a Deceased Debtor and Notice of Deadline to Object* with a redacted copy of the death certificate attached.

- (2) If a debtor in a chapter 13 case dies before completing the instructional course concerning personal financial management described in § 111, the filing of local form *Motion for Issuance of Discharge to a Deceased Debtor and Notice of Deadline to Object* with a redacted copy of the death certificate attached constitutes conclusive evidence of the debtor's incapacity under § 109(h)(4), such that paragraph (1) of § 1328(g) will not apply to that debtor.

Rule 4007-1. Determining Whether a Debt is Dischargeable

- (a) **Reinstated Case.** If a case is dismissed before expiration of the deadline in Bankruptcy Rule 4007(c) to file a complaint to determine whether a debt is dischargeable under § 523(c) – and is then reinstated – the new deadlines are:
 - (1) in a case dismissed before the date first set for the § 341 meeting of creditors, 60 days after the rescheduled § 341 meeting of creditors; and
 - (2) in a case dismissed after the date first set for the § 341 meeting of creditors, 60 days after entry of the order reinstating the case.
- (b) **Meeting of Creditors Not Timely Noticed.** In a case where the debtor, the trustee, creditors, and all indenture trustees have not been given at least 21 days' notice by mail of the § 341 meeting of creditors – and as a result the § 341 meeting of creditors is rescheduled – the deadline in Bankruptcy Rule 4007(c) to file a complaint to determine whether a debt is dischargeable under § 523(c) will be 60 days after the rescheduled § 341 meeting of creditors.

PART V. COURTS AND CLERKS

Rule 5005-1. Filing Papers and Sending Copies to the United States Trustee – Electronic Filing Generally

- (a) **Required and Prohibited Electronic Filers.**
 - (1) ***Represented Entity.*** Except as permitted by (e), an entity represented by an attorney must file electronically.
 - (2) ***Unrepresented Individual.***
 - (A) ***In General.*** An individual not represented by an attorney is not permitted to file electronically.

- (B) *Exception.* An individual not represented by an attorney may file a proof of claim electronically on the court's website.

(b) Filing Date.

- (1) ***Electronically Filed Document.*** An electronically filed document is filed on the date and time the electronic transmission of the document to CM/ECF is completed and an NEF is generated.
- (2) ***Nonelectronically Filed Document.*** A nonelectronically filed document is filed on the date and time stamped by the clerk on the document.

(c) Virtual Docket Entry. A virtual docket entry consists entirely of the text contained in the docket entry without any associated document. Only the court, trustees, and the United States trustee may enter a virtual docket entry.

(d) Technical Problems With CM/ECF.

- (1) ***Technical Problems – Court.*** The clerk's office will be deemed inaccessible under Bankruptcy Rule 9006(a)(3) whenever the CM/ECF system is unavailable to receive electronic filings due to scheduled maintenance or other technical problems declared by the clerk.
- (2) ***Technical Problems – Registered User.*** A registered user's failure to timely file a document due to the registered user's technical problems does not constitute the clerk's office being inaccessible under Bankruptcy Rule 9006(a)(3).

(e) Inability to File a Document Through CM/ECF.

- (1) ***Emergency Nonelectronic Filing by a Registered User During Business Hours.*** A registered user may file a document nonelectronically in the clerk's office during business hours only if the registered user is unable to file a document timely through CM/ECF:
 - (A) because the CM/ECF system is or will be unavailable to receive electronic filings on the date the document must be filed; or
 - (B) due to the registered user's own technical problems on the date the document must be filed.
- (2) ***Emergency Nonelectronic Filing Outside of Business Hours.*** A party may file a document nonelectronically in the clerk's office outside of business hours only if:

- (A) the party is or will be unable to file a document timely through CM/ECF or nonelectronically in the clerk's office during business hours; and
- (B) the party contacts the clerk or chief deputy clerk in advance to request after-hours, holiday, or weekend accommodations to timely file the document.

Rule 5005-2. Filing Papers and Sending Copies to the United States Trustee – Signature of a Person Other than a Registered User

- (a) **In General.** A document that must be signed by a person other than the registered user filing the document may be signed and electronically filed only under the provisions of this rule, using either an electronic signature under (b) or a digital signature under (c).
- (b) **Electronic Signature.**
 - (1) ***Manner of Signing.*** A document that must be signed by a person other than the registered user filing the document may be signed with the electronic signature of the person required to sign the document only with that person's authorization under (b)(2), by:
 - (A) indicating on the signature line “/s/” and the person's name; or
 - (B) filing a document with a scanned image of a wet ink signature.
 - (2) ***Authorization.*** Authorization for a registered user to file a document with a person's electronic signature consists of:
 - (A) if the person identified on the signature line is also a registered user, the express permission of the person identified on the signature line; and
 - (B) if the person identified on the signature line is not a registered user,
 - (i) the person identified on the signature line actually signed an identical copy of the document with a wet ink signature; and
 - (ii) the registered user has received before filing the document the wet ink signature, a copy of the wet ink signature, or a scanned image of the wet ink signature.

- (c) **Digital Signature.** A document that must be signed by a person other than the registered user filing the document may be signed with the digital signature of the person required to sign the document using any commercial software that provides digital signature authentication.
- (d) **Penalty of Perjury.** The electronic filing of a document containing an electronic signature of a person other than the registered user constitutes a representation under penalty of perjury by the registered user that the person identified on the signature line authorized the registered user to file the document with the person's electronic signature.
- (e) **Retention Requirements.**
 - (1) ***Electronic Signature.*** A registered user filing a document with an electronic signature under (b) must obtain the wet ink signature no later than 14 days after filing the document, and must retain the wet ink signature for at least 5 years after the later of:
 - (A) the date the debtor receives a discharge;
 - (B) the date the case is dismissed; or
 - (C) the date after which all appeals have been adjudicated.
 - (2) ***Exception for Proof of Claim.*** Paragraph (1) does not apply to an electronically filed proof of claim.

Rule 5007-1. Record of Proceedings; Transcripts

Transcripts of court proceedings may only be filed with the court by the official court reporter.

Rule 5010-1. Reopening a Case

- (a) **Reopening Fee Waiver.** In addition to those circumstances listed in the *Bankruptcy Court Miscellaneous Fee Schedule* for which no reopening fee must be charged, no reopening fee is required if a case is:
 - (1) being reopened to seek to shorten the period during which a debtor is prohibited from filing another case;
 - (2) an individual chapter 11 case that was closed after confirmation of a plan but before entry of a discharge; or
 - (3) one in which the filing fee had been waived.

- (b) **Redacting a Previously Filed Document in a Closed Case.** No motion to reopen a closed case is required to file a motion to redact a previously filed document under Bankruptcy Rule 9037(h).

Rule 5011-1. Motion to Withdraw a Case or Proceeding or to Abstain from Hearing a Proceeding; Staying a Proceeding – Withdrawal of the Reference

- (a) **Place of Filing.** A motion under 28 U.S.C. § 157(d) to withdraw the reference must be filed in the bankruptcy court.
- (b) **Designation of Record.** A motion to withdraw the reference must be accompanied by a designation of the items to be included in the record to be transmitted to the District Court for the District Court's consideration of the motion.
- (c) **Transcript.** If the record designated by a party includes the transcript of a hearing that has not yet been transcribed, immediately after filing its designation of record, that party must file local form *Transcript Request Form*, submit the form to the court reporter, and make payment arrangements for the transcript.
- (d) **Response and Reply.** A response to a motion to withdraw the reference must be filed no later than 14 days after the motion to withdraw the reference is filed. The movant may then file a reply no later than seven days after a response is filed.
- (e) **Document Filed After Transmittal of Record.** After the District Court opens a case and docket a motion to withdraw the reference, any document pertaining to the motion to withdraw the reference must then be filed with the District Court. All other documents in the bankruptcy case or adversary proceeding must still be filed in the bankruptcy court.

PART VI. COLLECTING AND LIQUIDATING THE ESTATE

Rule 6004-1. Use, Sale, or Lease of Property

- (a) **Motion to Sell Free and Clear Under § 363(f).** A motion seeking authority to sell property under § 363(f) must:
 - (1) attach a copy of any purchase agreement;
 - (2) attach a proposed order granting the motion;
 - (3) if seeking approval of sale or bidding procedures, attach the proposed procedures and a proposed order approving the procedures;

- (4) begin with a concise statement of the relief requested that lists or summarizes – and sets out the location in the proposed order and purchase agreement of – all material provisions of the proposed transaction, including:
 - (A) the identity of the purchaser, if any, and whether the purchaser is an insider of the debtor;
 - (B) the terms of the sale, including the price, closing date, and any warranties, closing conditions, interim agreements or arrangements with a proposed purchaser, and proposed transfer free and clear of liens, claims, encumbrances, possessory interests, leasehold interests, licenses, or other rights;
 - (C) whether the sale is subject to higher and better offers and, if so,
 - (i) the requirements for any competing bids, including any minimum deposit, documentation requirements, or other qualifying conditions; and
 - (ii) the proposed auction terms, including the auction date, minimum bidding increments, initial overbid amount, and proposed last date for submitting competing bids; and
 - (5) identify any purchaser protections, including any proposed breakup fee, expense reimbursement, or matching rights;
 - (6) identify any agreements concerning compensation or future employment of management or key employees;
 - (7) identify any provisions releasing, waiving, or transferring any potential claims of the estate;
 - (8) disclose whether the sale includes the transfer of personally identifiable information under § 363(b)(1);
 - (9) identify all known potential lienholders or interest holders, including the nature and extent of their liens or interests and whether those liens or interests are disputed; and
 - (10) include a statement setting forth the need for any expedited hearings, together with proposed dates, deadlines, or other milestones.
- (b) **Use, Sale, or Lease of Property on Negative Notice.**
- (1) **By Notice.** Notice under Bankruptcy Rule 6004(a) and § 363(b) of a proposed use, sale, or lease of property not in the ordinary course of

business may be served on 21 days' negative notice by including immediately beneath the title of the notice the following bulletin in bold print:

Under Bankruptcy Rule 6004 and Local Rule 6004-1(b)(1), this proposed use, sale, or lease may be approved without a hearing or order if no objection to the use, sale, or lease is filed within 21 days from the date of service of this notice.

(2) *By Motion.*

- (A) *Required Bulletin.* A motion under Bankruptcy Rule 6004(a) and § 363(b) to approve a proposed use, sale, or lease of property not in the ordinary course of business – other than under §§ 363(f), (g), or (h) – may be served on 21 days' negative notice, by including immediately beneath the title of the motion the following bulletin in bold print:

Under Bankruptcy Rule 6004 and Local Rule 6004-1(b)(2), this proposed use, sale, or lease may be approved without a hearing if no objection to the use, sale, or lease is filed within 21 days from the date of service of this motion.

- (B) *Proposed Order.* Any motion under (b)(2)(A) must attach a proposed form of order approving the use, sale, or lease of property.
- (C) *Procedure After Expiration of Notice Period.* If no objection to a motion under (b)(2)(A) is timely filed, the trustee may submit a proposed order that includes the following language in the order's preamble:

“and the movant by submitting this form of order represents that the motion was served on all required parties, that the 21-day response time provided by Local Rule 6004-1(b)(2) has expired, that no one has filed a response to the motion, and that the form of order was attached as an exhibit to the motion.”

Rule 6006-1. Assuming, Rejecting, or Assigning an Executory Contract or Unexpired Lease

- (a) **Deadline to File a Claim Arising from Rejection of an Executory Contract or Unexpired Lease.** Unless the court orders otherwise, a proof of claim for a claim that arises from the rejection of an executory contract or an unexpired lease must be filed no later than the latest to occur of:
- (1) the time to file a proof of claim under Bankruptcy Rule 3002(c) or Local Rule 3003-1;
 - (2) 28 days after entry of an order:
 - (A) approving the rejection of an executory contract or unexpired lease;
 - (B) confirming a chapter 11 plan that provides for the rejection of an executory contract or unexpired lease;
 - (C) deeming an executory contract or unexpired lease rejected; or
 - (D) determining that an executory contract or unexpired lease has been rejected; and
 - (3) 28 days after the effective date of the rejection of an executory contract or unexpired lease.
- (b) **Required Bulletin in Proposed Order.** A proposed order under (a)(2) must include the following language in bold print:

Any proof of claim for damages arising from the rejection must be filed no later than the latest to occur of: (1) the time to file a proof of claim under Bankruptcy Rule 3002(c) or Local Rule 3003-1; (2) 28 days after entry of this order; or (3) 28 days after the effective date of the rejection.

Rule 6007-1. Abandoning or Disposing of Property

- (a) **Chapter 7 Trustee Abandonment at § 341 Meeting of Creditors.** A chapter 7 trustee may abandon at the § 341 meeting of creditors all property that the trustee has determined is burdensome to the estate or that is of inconsequential value and benefit to the estate. No later than two business days after conclusion of the § 341 meeting of creditors, the trustee must file a

report of the property abandoned. An objection to the abandonment must be filed no later than 14 days after the report is filed.

- (b) **Trustee Report of No Distribution.** A chapter 7 trustee's report of no distribution constitutes notice of the proposed abandonment of all scheduled assets under § 554(c) at the time of the closing of the case.

PART VII. ADVERSARY PROCEEDINGS

Rule 7004-1. Process; Issuing and Serving a Summons and Complaint

- (a) **Alias and Pluries Summons.** The clerk is authorized to issue an alias or pluries summons without court order, upon application of the plaintiff.
- (b) **Continuance of Scheduling Conference.** If after issuance of an alias or pluries summons the deadline to serve a response to a complaint will be less than 30 days before the date of the scheduling conference, the plaintiff must file a motion to continue the scheduling conference to a date after expiration of the defendant's deadline to serve a response.

Rule 7016-1. Pretrial Procedures

Selection of a settlement judge constitutes an assignment of the adversary proceeding or contested matter to the settlement judge for the limited purpose of having the settlement judge conduct that aspect of a pretrial conference under Fed. R. Civ. P. 16(c)(2)(I) to consider and take appropriate action on settling the adversary proceeding or contested matter and using special procedures to assist in resolving the dispute.

Rule 7026-1. Duty to Disclose; General Provisions Governing Discovery

- (a) **Applicability of Federal Rule of Civil Procedure 26.** Unless the court orders otherwise, Fed. R. Civ. P. 26(a), (d) and (f) apply to adversary proceedings only to the extent set forth in the court's *Order Setting Scheduling Conference and Establishing Procedures and Deadlines*, and *Order Setting Filing and Disclosure Requirements for Pretrial and Trial*.
- (b) **Discovery Disputes.**
 - (1) ***Motion to Compel.*** Except for a motion based on complete failure to respond – or assertion of a general or blanket objection – a motion to compel discovery under Fed. R. Civ. P. 37(a) must:

- (A) quote in full each interrogatory, request for admission, or request for production to which the motion to compel is directed;
 - (B) quote in full each response or objection to which the motion to compel is directed; and
 - (C) state why the motion should be granted.
- (2) ***Motion for Protective Order.*** A motion for protective order under Fed. R. Civ. P. 26(c) filed before the time to respond to a written discovery request under Fed. R. Civ. P. 33, 34, or 36 or the date of a deposition noticed under Fed. R. Civ. P. 30, stays the response deadline or the deposition until the court rules on the motion.
- (c) **Claiming a Privilege or Protection as Trial-Preparation Material.** If a party withholds information otherwise discoverable by claiming that the information is privileged or subject to protection as trial-preparation material under Fed. R. Civ. P. 26(b)(5), the party must prepare and serve on the requesting party a privilege log.
- (d) **Exception.** A privilege log is not required if the information withheld as privileged or subject to protection as trial-preparation material constitutes written or oral communications between a party and its attorney made – or trial-preparation material created – after the commencement of the adversary proceeding or contested matter in which the discovery request was made.
- (e) **Privilege Log.** A privilege log required by (c) must:
 - (1) identify the privilege or protection as trial-preparation material being claimed; and
 - (2) unless divulging it would cause disclosure of the allegedly privileged or protected information, provide the following information (which may be asserted by group or category of documents, ESI or communications):
 - (A) for documents or ESI, to the extent the information is readily obtainable:
 - (i) the type of document and, if ESI, the file type;
 - (ii) the general subject matter of the document or ESI;
 - (iii) the date of the document or ESI; and
 - (iv) any other information sufficient to identify the document or ESI, including the author and recipients of the document

or ESI, and the relationship of the author and recipients to each other; and

- (B) for oral communications:
 - (i) the name of the person making the communication and the names of persons present while the communication was made and the relationship of the persons present to the person making the communication;
 - (ii) the date and the place of the communication; and
 - (iii) the general subject matter of the communication.

Rule 7026-2. Duty to Disclose; General Provisions Governing Discovery – E-Discovery

- (a) **ESI Conference.** Parties must meet to discuss the topics set forth in the court's *Guidelines for ESI Conferences* as follows:
 - (1) ***Adversary Proceeding.*** In an adversary proceeding, by the date set forth in the *Order Setting Scheduling Conference and Establishing Procedures And Deadlines*.
 - (2) ***Contested Matter.***
 - (A) If the court has ordered that Fed. R. Civ. P. 26(f) applies in a contested matter, by the date set forth in the scheduling order.
 - (B) If the court has not ordered that Fed. R. Civ. P. 26(f) applies in a contested matter, by or before the date a party serves written discovery.
- (b) **Inadvertent Production of ESI.** Unless a clawback agreement establishes a different procedure, the party receiving ESI must immediately return any ESI:
 - (1) that appears on its face to contain privileged communications or information protected as trial-preparation material; or
 - (2) as to which, within 28 days of production, the producing party gives notice to the receiving party of an inadvertent production of privileged communications or information protected as trial-preparation material.

Rule 7030-1. Depositions by Oral Examination

Unless otherwise agreed or ordered, 14 days constitutes reasonable notice of a deposition under Fed. R. Civ. P. 30(b)(1).

Rule 7054-1. Judgments; Costs

- (a) **Time to File Bill of Costs.** A bill of costs under Bankruptcy Rule 7054(b)(1) must be filed within 14 days after entry of a judgment specifically awarding costs to a prevailing party.
- (b) **Time to Object Before Clerk Tax Costs.** If an objection to the clerk taxing costs is filed within 14 days after a bill of costs is filed, the court will set the objection for hearing and the court will determine the taxable costs.
- (c) **Time to Move for Review of Clerk's Action.** If no timely objection is filed under (b) and the clerk then taxes costs, a party may – within 7 days of the clerk taxing costs – move under Bankruptcy Rule 7054(b)(1) to review the clerk's action.

Rule 7055-1. Default; Default Judgment

Before seeking entry of a default judgment against an individual defendant, the plaintiff must file the affidavit required by 50 U.S.C. § 3931(b)(1) stating whether or not the defendant is in military service.

Rule 7069-1. Execution

- (a) **Writ of Garnishment.**
 - (1) **Procedure.** A motion to issue a writ of garnishment must attach:
 - (A) a proposed form of writ of garnishment, which must include notice in bold that “**Under Florida Statutes § 77.28, upon issuance of any writ of garnishment, the party applying for it shall pay \$100 to the garnishee on the garnishee’s demand at any time after the service of the writ, for the payment or part payment of his or her attorney’s fees which the garnishee expends or agrees to expend in obtaining representation in response to the writ.**”;
 - (B) if the writ of garnishment is sought under Fla. Stat. §§ 77.0305 or 77.031, a proposed order; and

- (C) if the defendant is an individual, local form *Notice to Defendant of Right Against Garnishment of Wages, Money, and Other Property*.
- (2) ***Claim of Exemption.*** A timely claim of exemption filed with the court under Fla. Stat. § 77.041 will be set for hearing. Failure of the plaintiff to timely object to a claim of exemption under Fla. Stat. § 77.041 will result in cancellation of the hearing and dissolution of the writ of garnishment, of which the clerk will notify the parties by mail.
- (b) **Satisfaction of Judgment.** A satisfaction of judgment must be filed with the court promptly upon collection of the judgment.

PART VIII. APPEAL TO A DISTRICT COURT OR A BANKRUPTCY APPELLATE PANEL

[None.]

PART IX. GENERAL PROVISIONS

Rule 9001-1. Definitions

- (a) **Definitions in the Bankruptcy Code and Bankruptcy Rules.** The definitions of words and phrases in Bankruptcy Rule 9001(b) and in §§ 101, 902, 1101, 1182, and 1502 and the rules of construction in § 102 apply in these rules.
- (b) **In These Local Rules.** In these rules, the following words and phrases have these meanings:
 - (1) “Appearance counsel” means an attorney who is not (a) the attorney who filed the debtor’s petition or later filed a notice of appearance on the debtor’s behalf in the case, or (b) a partner, member, or regular associate of the firm of the attorney who filed the debtor’s petition or later filed a notice of appearance on the debtor’s behalf in the case.
 - (2) “BNC” means the Bankruptcy Noticing Center, a centralized noticing service authorized by the Administrative Office of the United States Courts and contracted to an entity that provides service of notices on behalf of the United States bankruptcy courts.
 - (3) “Business day” means any day that is not a Saturday, Sunday, or legal holiday.

- (4) “CM/ECF” means the Case Management/Electronic Case Files system used in this court.
- (5) “Chapter 13 consent calendar” means a hearing in a chapter 13 case at which motions, objections, applications, confirmation of chapter 13 plans, and other matters may be announced on the record as resolved by consent or lack of objection, without the judge present in the courtroom.
- (6) “DeBN” means Debtor Electronic Bankruptcy Noticing, which permits a debtor to receive clerk-served notices and orders electronically via the BNC instead of by mail.
- (7) “Digital signature” means a type of electronic signature that uses cryptographic methods to ensure the authenticity and integrity of a message or document.
- (8) “EBN” means Electronic Bankruptcy Noticing, which permits a creditor to receive clerk-served notices and orders electronically via the BNC instead of by mail.
- (9) “Electronic signature” means an electronic sound, symbol, or process, attached to or logically associated with a contract or other record and executed or adopted by a person with the intent to sign the record. A scanned copy of a wet ink signature can constitute an electronic signature.
- (10) “ESI” means electronically stored information.
- (11) “MMM” means the Mortgage Modification Mediation program established under Administrative Order 14-03, as amended.
- (12) “NCRS” means the National Creditor Registration Service, a non-fee registration service provided by the BNC that allows bankruptcy court notices to be transmitted electronically to parties in a case and which maintains preferred mailing address lists for creditors under § 342(f).
- (13) “NEF” means Notice of Electronic Filing, which is an electronic notice generated automatically by the CM/ECF system upon the electronic filing of a document in a case or the docketing of a virtual docket entry.
- (14) “Negative notice” means notice that – after the specified period stated in the notice – the relief requested may be granted without further motion, notice, or hearing, if no party served with the notice timely objects.

- (15) “Registered user” means an attorney or trustee who has been granted access to electronically file documents through CM/ECF.
- (16) “Settlement judge” means a judge of the court other than the judge to whom a case or adversary proceeding is assigned, whom parties select under Local Rule 9019-2(c) to preside over a judicial settlement conference.
- (17) “Wet ink signature” means a signature that is physically handwritten in ink by an individual on a hard copy of a document.

Rule 9004-1. General Requirements of Form

- (a) **Format of Electronically Filed Documents.** All documents created for filing in CM/ECF must:
 - (1) be in text-searchable PDF format;
 - (2) have margins of at least one inch on the top, the bottom, and both sides;
 - (3) be in a 12-point font – except for footnotes which may be in a 10-point font; and
 - (4) be double-spaced – except for captions, titles, bulletins, headings, quotes longer than 50 words, footnotes, signature blocks, and certificates of service, which must be single-spaced.
- (b) **Exceptions.** The requirements of (a) do not apply to:
 - (1) exhibits to a document created for filing in CM/ECF;
 - (2) a document containing a scanned signature under Local Rule 5005-2; and
 - (3) trial exhibits governed by Local Rule 9017-1.
- (c) **Attachments.** Except for trial exhibits governed by Local Rule 9017-1, a document filed with the court must not attach as an exhibit another document that has already been filed in the same case or adversary proceeding. Instead, the document must refer – in parenthesis or a footnote – to the referenced document’s docket entry number (Dkt. No. 1) or claim number (Claim No. 1-1).
- (d) **No Incorporation by Reference.** Except for a joinder in another party’s motion, objection, or response, a document filed with the court must not incorporate by reference facts alleged – or arguments made – in another filed document.

(e) **Caption.**

- (1) ***Bankruptcy Case.*** The caption required by Bankruptcy Rule 9004(b) for all documents filed in a case must be in substantially the following form:

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
_____ DIVISION

In re:

DEBTOR'S NAME,

Case No. xx-xxxxx-ABC

Debtor.

Chapter __

_____/

TITLE OF DOCUMENT

where xx-xxxxx-ABC is the case number, beginning with the year, followed by the five-digit case number, followed by the assigned judge's initials.

- (2) ***Adversary Proceeding.*** The caption required by Bankruptcy Rule 9004(b) for all documents filed in an adversary proceeding must be in substantially the following form:

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
_____ DIVISION

In re:

DEBTOR'S NAME,

Case No. xx-xxxxx-ABC

Debtor.

Chapter __

_____/

PLAINTIFF'S NAME,

Plaintiff,

v.

Adv. No. yy-yyyyy-ABC

DEFENDANT'S NAME,

Defendant.

_____ /

TITLE OF DOCUMENT

where xx-xxxxx-ABC is the case number, beginning with the year, followed by the five-digit case number, followed by the assigned judge's initials, and yy-yyyyy-ABC is the adversary proceeding number, beginning with the year, followed by the five-digit adversary proceeding number, followed by the assigned judge's initials.

(f) Document Title. The title of a document must:

- (1)** be bolded, be centered immediately below the caption, and have the bottom line underlined;
- (2)** identify the filing party;
- (3)** briefly describe the relief sought or action requested;
- (4)** not include a reference to any docket entry number; and
- (5)** if amending a previously filed document, include a footnote explaining the nature of the amendment.

Rule 9009-1. Using Official Forms; Director's Forms – Local Forms

Unless the court orders otherwise, if the court has promulgated a local form, that local form must be used without material alteration unless alteration is authorized by these rules or the form itself.

Rule 9010-1. Authority to Act Personally or by an Attorney; Power of Attorney – Authority to Practice in This Court

(a) In General. To practice in this court, an attorney must:

- (1)** be a member in good standing of the bar of the United States District Court for the Southern District of Florida; and
- (2)** be a registered user.

(b) Pro Hac Vice. An attorney who is not qualified to practice under (a) – but who is a member in good standing of the bar of any state or other United States

District Court – may be admitted pro hac vice to practice in this court in a particular case or adversary proceeding. To be admitted pro hac vice, an attorney must:

- (1) pay the fee required by the United States District Court for the Southern District of Florida;
 - (2) associate with local counsel who is qualified to practice under (a); and
 - (3) file local form *Motion to Appear Pro Hac Vice* and submit a proposed local form *Order Admitting Attorney Pro Hac Vice*.
- (c) **Government Attorneys.** Any attorney employed by the United States, an agency thereof, or a state, municipality, or agency or political subdivision thereof, may practice in this court on behalf of such entity in the attorney's official capacity without being admitted pro hac vice. Any attorney appearing under this subdivision is subject to all the rules of this court.
- (d) **Exceptions.** An attorney may do any of the following without being admitted under (a) or (b), or authorized under (c), to practice in this court:
- (1) file a request for service of notices under Bankruptcy Rule 2002;
 - (2) attend on behalf of – but not represent in a contested matter – a creditor a hearing that under Bankruptcy Rule 2002 has been noticed to all creditors;
 - (3) attend and ask questions at the § 341 meeting of creditors;
 - (4) file a proof of claim;
 - (5) file a Bankruptcy Rule 3002.1 notice of payment change;
 - (6) file an application under 28 U.S.C. § 2042 for payment of unclaimed funds;
 - (7) file a ballot in a chapter 11 case; and
 - (8) file a notice of appearance under Bankruptcy Rule 9010(b).
- (e) **Attorney Discipline.**
- (1) ***Automatic Suspension.*** An attorney is automatically suspended from practice before this court if the attorney has been:
 - (A) disbarred or suspended from practice for:

- (i) any reason by the Supreme Court of Florida or the United States District Court for the Southern District of Florida; or
 - (ii) moral turpitude or ethical violations by the highest court of any state other than Florida or any federal court other than the United States District Court for the Southern District of Florida; or
- (B) convicted of a felony.
- (2) ***Relief from Suspension.*** An attorney suspended under (e)(1)(A)(ii) or (e)(1)(B) may petition the court for relief from the automatic suspension.
- (f) **Change in Attorney of Record.** An attorney who has appeared for a party in a case or proceeding may not withdraw as counsel for the party without leave of court, except in the following instances:
 - (1) ***No Pending Contested Matter or Adversary Proceeding.*** An attorney representing a creditor that is not a party to a pending contested matter or adversary proceeding may withdraw from representing that creditor by filing a notice of withdrawal of appearance in each case from which the attorney is withdrawing. The notice must provide a service address for the creditor.
 - (2) ***Joint Notice of Substitution.*** If a creditor, chapter 7 debtor, or chapter 13 debtor has retained a new attorney and consents to substitution of the new attorney for the current attorney of record, the new attorney may file a joint notice of substitution of counsel – signed by both attorneys – in each case or adversary proceeding in which the new attorney will be substituting for the current attorney of record.
 - (3) ***Substitution of Attorney in Same Firm.*** A partner, member, or regular associate in the firm of a current attorney of record may substitute as a new attorney of record by filing local form *Notice of Substitution* in each case or adversary proceeding in which the new attorney will be substituting for the current attorney of record.

Rule 9010-2. Authority to Act Personally or by an Attorney; Power of Attorney – Duties of Debtor’s Attorney

- (a) **In General.** Unless granted leave to withdraw under Local Rule 9010-1(f), an attorney filing a petition – or later appearing – on behalf of a debtor in a bankruptcy case must:

- (1) advise the debtor of – and assist the debtor in complying with – the duties of a debtor under § 521;
- (2) meet and confer with the debtor before – and attend with the debtor – the initial debtor interview conducted by the United States trustee;
- (3) meet and confer with the debtor before – and attend with the debtor – the § 341 meeting of creditors;
- (4) meet and confer with the debtor before – and attend on the debtor's behalf – all hearings in the debtor's case in which the debtor has an interest; and
- (5) represent the debtor in negotiating – and appear on behalf of the debtor at any hearing to consider approval of – a reaffirmation agreement under § 524.

(b) Exceptions.

- (1) ***Law Firm Partner, Member, or Associate.*** A partner, member, or regular associate in the firm of an attorney of record who is familiar with a debtor's case – including the schedules and statement of financial affairs – may appear on the debtor's behalf at a hearing, § 341 meeting of creditors, or initial debtor interview.
- (2) ***Appearance Counsel.*** Appearance counsel may represent a debtor at a hearing only if:
 - (A) the debtor consents in advance of the hearing;
 - (B) the debtor does not incur an additional expense for use of appearance counsel;
 - (C) appearance counsel complies with all applicable rules regarding disclosure of any fee sharing arrangements; and
 - (D) appearance counsel is familiar with the debtor's case, including the schedules and statement of financial affairs.

Rule 9010-3. Authority to Act Personally or by an Attorney; Power of Attorney – Notice of Appearance

- (a) **Generally.** The filing of any document – other than a ballot or a proof of claim – constitutes an appearance by the attorney who electronically files it. An appearance filed in a bankruptcy case is not an appearance in an adversary

proceeding. An appearance in an adversary proceeding is not an appearance in a bankruptcy case.

(b) Appearing Without an Attorney.

- (1) *Corporations and Other Artificial Entities.*** Except for the actions listed in Local Rule 9010-1(d)(1) – (7), an entity that is not an individual cannot appear or act on its own behalf without an attorney in a case or proceeding.
- (2) *Entities Already Represented by Attorney.*** Except for the actions listed in Local Rule 9010-1(d)(1) – (7), an entity that has appeared through an attorney cannot act on his, her, or its own behalf in the case or proceeding in which the attorney appeared unless the attorney has been granted leave to withdraw under Local Rule 9010-1(f). But the court in its discretion may hear from an individual in open court even if that individual has appeared through an attorney.

Rule 9011-1. Signing Documents; Representations to the Court; Sanctions; Verifying and Providing Copies

The signature block on all documents signed by an attorney and filed with the court – other than a certificate of service or a declaration – must identify the attorney’s name, law firm, state bar number, mailing address, email address, telephone number, and the name of the party the attorney represents.

Rule 9013-1. Motions; Form and Service – In General

- (a) Conference with Opposing Counsel.** Except for a motion that under Bankruptcy Rule 2002 must be served on the debtor, the trustee, all creditors, and all indenture trustees, a motion seeking relief against an entity that has appeared in a case or proceeding through an attorney must include a certification that the movant’s attorney has in good faith conferred or attempted to confer with the attorney for the entity against which the movant seeks relief, in an effort to seek a consensual resolution.
- (b) Notice of Pending Matter.** If a motion, application, or other matter has been pending for more than 90 days after the last hearing on the matter or the completion of briefing, the movant or applicant may file a notice with the court that the matter has been pending for more than 90 days.

Rule 9013-2. Motions; Form and Service – Relief Without a Hearing

(a) **In General.** In addition to any motion or application that may be considered without a hearing under the Bankruptcy Code, Bankruptcy Rules or other applicable law, the court may consider a motion or application filed in compliance with this rule without a hearing. This rule does not restrict a judge's authority to grant relief without a hearing on other types of motions or applications, or to set a hearing on a motion or application listed in this rule.

(b) **Requirements.**

(1) ***Motion or Application.*** A motion or application requested to be considered without a hearing must:

(A) include immediately beneath the title of the motion or application in bold print:

Relief Requested Without a Hearing

and

(B) attach as an exhibit a proposed order.

(2) ***Service.*** A motion or application filed under this rule must be served as required by the Bankruptcy Rules, these rules, any court order, or any other applicable law.

(3) ***Proposed Order.*** Immediately after filing the motion or application, the movant or applicant must upload the proposed order to CM/ECF. A motion or application filed under this rule will not be considered until a proposed order is uploaded.

(c) **Permitted Motions and Applications.** The following motions and applications may be considered without a hearing:

- an application under Bankruptcy Rule 1006 to waive the filing fee or pay it installments;
- a motion under Bankruptcy Rule 1007(a)(5) or (c)(7) to extend the time for filing schedules, statements, or lists, if the requested extended deadline is no later than seven days before the § 341 meeting of creditors;
- a motion under Bankruptcy Rule 1015(b) and Local Rule 1015-1 for joint administration of related chapter 11 cases;
- a motion filed by a debtor under § 1208(b) to dismiss a case that has not been converted under § 706 or § 1112;

- a motion filed by a debtor under § 1307(b) to dismiss a case that has not been converted under §§ 706, 1112, or 1208;
- an application in a chapter 7 case under Bankruptcy Rule 2014 to approve the employment of an attorney or accountant under § 327(a) on an hourly basis without a postpetition retainer;
- an application under Bankruptcy Rule 2014 to approve the employment of and fix the compensation for a real estate broker under § 327(a), if the application represents that the compensation terms are market terms for the engagement;
- a motion by a trustee to remit to a debtor her or his allocable portion of a tax refund;
- a motion by a debtor to terminate a wage deduction order;
- a motion by an individual debtor in a chapter 11 case to administratively close the case after confirmation of a plan but before entry of a discharge;
- a motion under Local Rule 4001-3 seeking confirmation that the automatic stay has terminated or is not in effect;
- a motion under Bankruptcy Rule 4003(b) to extend the time to file an objection to a claimed exemption, if the debtor consents;
- a motion under Bankruptcy Rule 4004(b)(1) to extend the time to object to a discharge, if the debtor consents;
- a motion by a debtor under Bankruptcy Rule 4004(c)(2) to delay entering a discharge;
- a motion under Bankruptcy Rule 4007(c) or (d) to extend the time to file a complaint to determine whether a debt is dischargeable, if the debtor consents;
- a motion under Bankruptcy Rule 4008(a) to extend the time to file a reaffirmation agreement;
- a motion under Bankruptcy Rule 5010 to reopen a chapter 7 case to administer additional assets;
- a motion under Bankruptcy Rule 5010 to reopen an individual chapter 11 case that was closed after confirmation of a plan but before entry of a discharge;

- a motion under Bankruptcy Rule 5010 to reopen a chapter 7, 11, or 13 case for an individual debtor who has completed an instructional course concerning personal financial management to file the certificate of course completion;
- a post-confirmation motion by a debtor in a chapter 13 case to approve the sale of a homestead property, if the confirmed plan treated the homestead property outside the plan, the proceeds from the sale will be used to pay all claims secured by the homestead property in full, and the motion represents that the trustee does not object;
- a motion under Bankruptcy Rule 6004(d) to approve the sale of property valued at less than \$2,500;
- a motion to shorten or extend the time to respond to a discovery request;
- a motion to appear pro hac vice under Local Rule 9010-1(b);
- a motion under Local Rule 9013-5 to continue a hearing, scheduling conference, pretrial conference, or trial;
- a motion for permission to appear remotely at a hearing;
- a motion under Fed. R. Civ. P. 43(a) to permit testimony in open court by contemporaneous transmission from a different location;
- a motion under Bankruptcy Rule 9037(h) to redact a previously filed document;
- a motion under District Court Administrative Order 2018-79, as amended by District Court Administrative Order 2019-87-A, to allow a specific person access to the courthouse with a specific electronic device for a specific purpose and period of time; and
- any other motion in which the movant certifies that all affected parties have consented to the requested relief.

Rule 9013-3. Motions; Form and Service – Negative Notice

(a) In General.

- (1) The court may consider a motion filed in compliance with this rule without a hearing after expiration of the applicable negative notice period. This rule does not restrict a judge's authority to grant relief

before expiration of the negative notice period, or to set a hearing on a motion listed in this rule.

- (2) A motion filed under this rule must not seek:
 - (A) more than one form of relief; or
 - (B) relief against an unrepresented debtor.
- (3) **Service.** A motion filed under this rule must be served as required by the Bankruptcy Rules, these rules, any court order, or any other applicable law.
- (4) **Proposed Order.** If no timely response has been filed to a motion served on negative notice under this rule, the movant must upload the proposed order to CM/ECF no later than seven days after expiration of the negative notice period.

(b) Motions Considered on 21 Days' Negative Notice.

- (1) **Requirements.** A motion requested to be considered on 21 days' negative notice must:
 - (A) include immediately beneath the title of the motion the following bulletin in bold print:

Under Local Rule 9013-3(b), the relief requested herein may be granted without further motion, notice, or hearing if no written response or objection is filed and served within 21 days after service of this motion.

and

- (B) attach as an exhibit a proposed order which must include in its preamble the following statement:

“The movant by submitting this form of order has represented that the motion was served on all required parties; the 21-day response time provided by Local Rule 9013-3(b) has expired; no one has filed, or served on the movant, a response to the motion; and this form of order was attached as an exhibit to the motion.”

(2) ***Permitted Motions.*** The following motions may be considered on 21 days' negative notice:

- a motion under Bankruptcy Rule 1017(f)(2) to convert a case under § 706(a);
- a motion under Bankruptcy Rule 3018(a)(4) to temporarily allow a claim or interest for purposes of voting to accept or reject a plan;
- a motion under § 362(j) and Local Rule 4001-3(d) to confirm termination of the automatic stay under § 521(a)(6) for failure of an individual chapter 7 debtor to timely reaffirm a debt or redeem personal property from a security interest;
- a motion under § 522(f), Bankruptcy Rule 4003(d), and Local Rule 4003-2, to avoid a lien or other transfer of exempt property;
- a motion under Bankruptcy Rule 5009(d) to declare that a secured claim has been satisfied and the lien has been released;
- a motion under Bankruptcy Rule 5010 to file amended schedules to add one or more creditors;
- a motion under Bankruptcy Rule 6002(b) to determine whether a custodian's administration has been proper;
- a motion under Bankruptcy Rule 6007(b) to require the trustee or debtor in possession to abandon property of the estate; and
- a motion under Bankruptcy Rule 9019(a) to approve a compromise or settlement, except in a chapter 13 case.

(c) **Motions Considered on 14 Days' Negative Notice.**

(1) ***Requirements.*** A motion requested to be considered on 14 days' negative notice must:

- (A) include immediately beneath the title of the motion the following bulletin in bold print:

Under Local Rule 9013-3(c), the relief requested herein may be granted without further motion, notice, or hearing if no written response or objection is filed and served within 14 days after service of this motion.

and

- (B) attach as an exhibit a proposed order which must include in its preamble the following statement:

“The movant by submitting this form of order has represented that the motion was served on all required parties; the 14-day response time provided by Local Rule 9013-3(c) has expired; no one has filed, or served on the movant, a response to the motion; and this form of order was attached as an exhibit to the motion.”

- (2) ***Permitted Motions.*** The following motions may be considered on 14 days’ negative notice:

- a motion under Bankruptcy Rule 4001(a) for relief from the automatic stay in a chapter 11 case;
- a motion under Bankruptcy Rule 4001(a) for relief from the automatic stay in a chapter 7 case filed after commencement of the § 341 meeting of creditors; and
- a motion under Bankruptcy Rule 4001(a) for relief from the automatic stay by a secured creditor in a chapter 13 case, filed after the debtor has confirmed a plan that does not provide for payments to the secured creditor, provides for surrender of the property secured by the secured creditor’s claim, or provides for direct payment of the secured creditor’s claim outside of the plan.

- (3) ***Consent to Extension of § 362(e) Time Periods.*** A motion for relief from the automatic stay filed on negative notice under this rule constitutes a consent to an extension of the 30- and 60-day time periods set forth in § 362(e) to the date that is 60 days after the date a notice of hearing on the motion is issued.

Rule 9013-4. Motions; Form and Service – Emergency Motions

- (a) **Emergency Hearing.** An emergency hearing will only be scheduled where direct, immediate, and substantial harm will occur to the interest of an entity in property, to the bankruptcy estate, or to a debtor’s ability to reorganize, if the parties are not able to obtain immediate relief.
- (b) **Procedure.** To be considered on an emergency basis, a motion must include immediately beneath the title of the motion in bold print the words ***Emergency Hearing Requested***, and below that a bulletin:

- (1) explaining the reason for the emergency;
 - (2) stating the date by which the movant reasonably believes a hearing must be held; and
 - (3) certifying that the movant has made a bona fide effort to resolve the matter without a hearing, unless the motion is one that under Bankruptcy Rule 2002 must be served on the debtor, the trustee, all creditors, and all indenture trustees.
- (c) **Notice of Motion.** Immediately after filing a motion requesting an emergency hearing, the movant must:
- (1) notify the judge's chambers of the motion; and
 - (2) in addition to any service requirements of the Bankruptcy Code, the Bankruptcy Rules, these rules, or a court order, email a copy of the motion to all interested parties for whom an email address is reasonably ascertainable.
- (d) **Notice of Hearing.** Immediately after the court issues a notice of hearing on an emergency motion, the movant must, in addition to any service requirements of the Bankruptcy Code, the Bankruptcy Rules, these rules, or a court order, email a copy of the notice of hearing to all interested parties for whom an email address is reasonably ascertainable.

Rule 9013-5. Motions; Form and Service – Continuances

- (a) **Motion Required.** A request to continue a hearing must be made by motion. The motion must:
- (1) state the basis for the request;
 - (2) state whether a continuance has previously been granted;
 - (3) state whether any adverse party consents; and
 - (4) be filed at the earliest practical opportunity before the hearing.
- (b) **Procedure.** Immediately after filing the motion, the movant must upload a proposed order to CM/ECF. Unless the movant has contacted the judge's chambers before filing the motion and obtained a new hearing date, the uploaded proposed order must include blanks for the new hearing date. After the court reviews the motion, the judge's chambers will provide the movant with a new date and direct the movant to upload a revised proposed order. The provision of a continued hearing date and the submission of a proposed order

are to enable the court to consider the motion without a hearing, but do not indicate that the motion will be granted or that the court will adjudicate the motion without a hearing.

Rule 9014-1. Contested Matters – Applying Part VII Rules

(a) Discovery.

- (1)** Local Rule 7030-1 and subdivisions (b), (c), (d), and (e) of Local Rule 7026-1 apply in a contested matter.
- (2)** The time under Fed. R. Civ. P. 26(b)(2)(A) to respond to a request under Fed. R. Civ. P. 34(a) in a contested matter is shortened to 14 days after service of the request.

(b) Judicial Settlement Conference. Local Rule 7016-1 and Fed. R. Civ. P. 16(c)(2)(I) apply in a contested matter in which the parties select a settlement judge under Local Rule 9019-2(c) to conduct a judicial settlement conference.

Rule 9014-2. Contested Matters – Objections and Responses

(a) Objection or Response Generally. A written objection to a motion or application, or a written response to an objection, must state the legal and factual basis for the objection or response.

(b) Deadline for Objection or Response to be Considered at a Hearing in an Adversary Proceeding or a Chapter 7, 12, and 13 Case. In an adversary proceeding or a chapter 7, 12, or 13 case, except as set forth in (d) – and unless a different deadline is established by the Bankruptcy Code, the Bankruptcy Rules, these rules, or a court order – a written objection to a motion or application, or response to an objection, will not be considered by the court if it is not filed by 4:30 p.m. two business days before the hearing.

(c) Deadline for Objection or Response to Be Considered at a Hearing in a Chapter 11 or Chapter 15 Case. In a chapter 11 or chapter 15 case, except as set forth in (d) – and unless a different deadline is established by the Bankruptcy Code, the Bankruptcy Rules, these rules, or a court order – a written objection to a motion or application, or response to an objection, will not be considered by the court if it is not filed:

- (1)** at least seven days before a hearing set on at least 21 days’ notice; or
- (2)** by 4:30 p.m. two business days before any other hearing.

- (d) **Emergency Submission.** If a party is unable to satisfy the deadlines set forth in (b) or (c) – and there is no different deadline established by the Bankruptcy Code, the Bankruptcy Rules, these rules, or a court order – the court may consider a late-filed objection to a motion or application, or response to an objection, if:
- (1) the objection or response states with particularity – in a bulletin immediately beneath the title of the document – the emergency nature of the filing or other exceptional circumstances causing an untimely filing;
 - (2) the filing party promptly notifies the judge’s chambers of the late-filed document; and
 - (3) in addition to any service requirements of the Bankruptcy Code, the Bankruptcy Rules, these rules, or a court order, the filing party emails a copy of the late-filed document to all interested parties for whom an email address is reasonably ascertainable.

Rule 9015-1. Jury Trial

- (a) **Time to Respond to a Jury Demand.** A statement under Bankruptcy Rule 9015(b) consenting to a jury trial conducted by a bankruptcy judge under 28 U.S.C. §157(e) must be filed – either jointly or separately – no later than the latest of:
- (1) 14 days after service of a jury demand; and
 - (2) if the jury demand is contained in a pleading, the time to serve a responsive pleading.
- (b) **Contents of Response.** A statement of consent or non-consent under subdivision (a) must state whether the party:
- (1) contends there is no right to a jury trial under applicable law; and
 - (2) consents or does not consent to a jury trial conducted by the bankruptcy judge.

Rule 9017-1. Evidence

- (a) **Electronic Submission and Delivery of Exhibits.**

- (1) ***Submitting Exhibits.*** Unless the court orders otherwise, by no later than 4:00 p.m. four business days before a trial or evidentiary hearing:

- (A) a represented party must file its exhibits via CM/ECF; and
- (B) an unrepresented party must submit her or his exhibits by sending them as PDF files by email to: Proseexhibits@flsb.uscourts.gov, after which the clerk will upload them to CM/ECF.

(2) *Delivering Exhibits to an Opposing Party.*

- (A) *A Represented Party.* The NEF generated by the submission of exhibits under (a)(1) constitutes a party's delivery of its exhibits to a represented party.
- (B) *An Unrepresented Party.* A party delivering exhibits to an unrepresented party must – by the deadline set forth in (a)(1) – send copies of its exhibits by email or through a cloud-based file-sharing service (with receipt confirmed by the unrepresented party). If an unrepresented party is unable to receive exhibits by email or through a cloud-based file-sharing service, the party delivering the exhibits must make alternative arrangements to deliver the exhibits to an unrepresented party (including by delivering paper copies or on an external drive).

(3) *Objection to Exhibits.*

- (A) *Time to Object.* An objection under Federal Rule of Evidence 402 or 403 may be raised at the time an exhibit is offered into evidence. Any other objection to the admissibility of a proposed exhibit must be filed by 4:00 p.m. two business days before the trial or evidentiary hearing.
- (B) *Waiver.* Absent good cause, failure to timely object under (A) waives any objection to an exhibit's admissibility.
- (C) *Contents of Objection.* An objection must:
 - (i) identify the exhibit;
 - (ii) state the basis for the objection; and
 - (iii) provide a citation to case law or other authority in support of the objection.

(4) *Compliance with Bankruptcy Rule 9037.*

- (A) *In General.* All exhibits submitted for filing under this rule must comply with Bankruptcy Rule 9037.

- (B) *Sanctions.* A party that files an exhibit in violation of Bankruptcy Rule 9037 may be sanctioned. Sanctions may include striking pleadings, motions, or other documents; limiting or prohibiting use of any or all exhibits (not just the improperly submitted exhibits); and other sanctions in the court's discretion.
 - (C) *Consideration of Protected Information at Trial.* If a party determines that an exhibit containing information protected by Bankruptcy Rule 9037 must be considered at the trial or evidentiary hearing, that party must submit redacted copies of its exhibits under (a)(1) and (a)(2) and then seek authority to file the unredacted exhibits under seal.
- (5) ***Exhibit Register and Numbering of Exhibits.*** Each party must upload with its exhibits a local form *Exhibit Register*. The exhibit register must:
- (A) identify the name and nature of the party submitting the exhibits;
 - (B) identify the matter (with its docket number) set for hearing or trial;
 - (C) identify the date of the hearing or trial;
 - (D) include the name and signature block of the attorney or unrepresented party submitting the exhibits; and
 - (E) sequentially number and list the exhibits.
- (6) ***Format of Exhibits.*** Each exhibit must be electronically stored in an individual PDF file no larger than 50MB. Each PDF file must have a unique identification name and number (e.g., Plaintiff's Exhibit 1).
- (7) ***Oversized Exhibits and Physical Objects.***
- (A) *Image of Exhibit.* An oversized exhibit or physical object that a party intends to offer into evidence must – for purposes of submitting and exchanging exhibits under (a)(1) or (a)(2) – be scanned and converted to a PDF file or photographed and converted to a JPEG file.
 - (B) *Actual Exhibit.* The submitting party must then bring the actual oversized exhibit or physical object to court for the trial or evidentiary hearing.

- (C) *Return of Exhibit.* Unless the court orders otherwise, at the conclusion of the trial or evidentiary hearing, the clerk will return the original oversized exhibit or physical object to the attorney or unrepresented party introducing the exhibit.
- (8) ***Additional Exhibits.*** If additional exhibits that were not uploaded via CM/ECF are offered or introduced into evidence during the trial or evidentiary hearing, the party introducing the evidence must upload the additional exhibits via CM/ECF – together with a supplemental exhibit register – no later than three business days after the conclusion of the trial or evidentiary hearing.
- (b) **Procedure for Use of Electronically Stored Exhibits.**
 - (1) ***Use of Electronically Stored Exhibits in Court.*** The electronically stored exhibits filed via CM/ECF are the official exhibits for purposes of the trial or evidentiary hearing.
 - (2) ***Record on Appeal.*** If an appeal is filed, only the PDF or JPEG file submitted under (7)(A) will be included in the record on appeal.

Rule 9018-1. Secret, Confidential, Scandalous, or Defamatory Matter

- (a) **Authority to File a Sealed Document.** Except for a motion under § 107 or Bankruptcy Rule 9018 to seal that is itself filed under seal, or as otherwise permitted by these rules, no party may file a document under seal without a court order.
- (b) **Procedure.**
 - (1) If a motion under § 107 or Bankruptcy Rule 9018 for authority to file a document under seal cannot itself be filed publicly as written – or with provisions redacted – the movant may file under seal the motion for authority to file a document under seal. A motion for authority to file a document under seal must be filed as follows:
 - (A) if filed by a registered user, a sealed motion for authority to file a document under seal may be filed electronically through CM/ECF.
 - (B) if filed by a party that is not a registered user, a nonelectronically filed motion to seal must be accompanied by local form *Cover Sheet to Accompany Nonelectronic Documents Submitted for Sealing or In Camera Review*.

- (2) A motion for authority to file a document under seal must state whether the sealed document:
 - (A) should remain under seal indefinitely; or
 - (B) may be unsealed at a future date, and, if known, on what future date – or after what future occurrence – can the document be unsealed.
- (3) If the court grants a motion for authority to file a document under seal,
 - (A) any electronically filed document authorized to be filed under seal may be filed electronically through CM/ECF; and
 - (B) any nonelectronically filed document authorized to be filed under seal must be accompanied by a copy of the order granting authority to file the document under seal.
- (c) **Clerk's Instructions for Filing Documents Under Seal.** All sealed documents must be filed in accordance with the *Clerk's Instructions for Filing Documents Under Seal*.
- (d) **Duration of Seal.** Unless the court orders otherwise, a document authorized to be filed under seal will remain sealed indefinitely. Upon request of a party in interest at any time, the court may consider a request to unseal a sealed document.
- (e) **Clerk's Authority to Destroy Nonelectronically Filed Sealed Documents.** Any time after one year from the date a bankruptcy case or adversary proceeding in which a sealed document was filed nonelectronically is closed, the clerk may destroy the nonelectronically filed sealed document without further notice, hearing, or order.

Rule 9019-1. Compromise or Settlement; Arbitration – Notice of 9019 Motion

If a motion to approve a compromise or settlement under Bankruptcy Rule 9019 relates to a pending adversary proceeding, notice of the filing of that motion must be filed in the adversary proceeding.

Rule 9019-2. Compromise or Settlement; Arbitration – Alternative Dispute Resolution Processes

- (a) **Authorized Use of Mediation and Judicial Settlement Conferences as Alternative Dispute Resolution Processes.** In accordance with 28 U.S.C. § 651, the court authorizes the use of mediation and judicial settlement

conferences as alternative dispute resolution processes in cases and proceedings.

- (b) **Requirement to Consider Use of Mediation or Judicial Settlement Conference in Adversary Proceedings.** In accordance with 28 U.S.C. § 652, litigants in all adversary proceedings must consider the use of mediation or a judicial settlement conference before the pretrial conference.

(c) **Procedure.**

- (1) ***Referral to Mediation or Judicial Settlement Conference.*** On the request of a party in interest or on its own, the court may order parties in a case or proceeding to participate in mediation or a judicial settlement conference.

(2) ***Selecting a Mediator or Settlement Judge.***

- (A) ***Agreed Selection.*** Parties ordered to mediation may select any mediator or settlement judge willing to serve in that role to which all parties agree.

- (i) If the parties select a settlement judge, they must prepare and submit to the court for entry local form *Order Appointing Settlement Judge*.
- (ii) If the parties select a mediator, they must file a notice specifying the name and address of the mediator selected.

- (B) ***Inability to Agree.***

- (i) If the parties are unable to agree on a mediator or settlement judge within 14 days of being ordered to participate in mediation or a judicial settlement conference, the parties must file a notice with the clerk, who will then randomly select a mediator from the court's register of mediators, issue a notice of selection, and serve that notice on the parties and the mediator.
- (ii) Within three business days of issuance of the notice of selection under (c)(2)(B)(i), any party objecting to the selected mediator must file an objection and request for an alternate mediator. Upon filing an objection, the clerk will then randomly select another mediator from the court's register of mediators and issue a notice of selection under (c)(2)(B)(i). No party may file more than one objection to the selection of a mediator under (c)(2)(B)(i).

- (iii) Within seven days of issuance of the notice of selection under (c)(2)(B)(i), a mediator unable to serve must file a notice of inability to serve. Upon filing a notice of inability to serve, the clerk will then randomly select another mediator from the court's register of mediators and issue a notice of selection under (c)(2)(B)(i).
- (C) *Mediator Register.* In accordance with 28 U.S.C. § 653, to be included on the court's register of mediators, an individual must:
 - (i) have completed a minimum of 40 hours in a circuit mediation training program certified by the Florida Supreme Court; have completed the American Bankruptcy Institute/St. John's University School of Law Bankruptcy Mediation Training; or be certified by the Florida Supreme Court as a circuit court mediator; and
 - (ii) agree to accept at least 2 mediation assignments per calendar year in cases where at least one party lacks the ability to compensate the mediator.
- (d) **Immunity of Settlement Judge; Waiver by Parties.**
 - (1) ***Immunity.*** A settlement judge conducting a judicial settlement conference acts in an official judicial capacity as a United States Bankruptcy Judge. Each settlement judge and all judiciary employees assisting a settlement judge have full, unqualified judicial immunity, as well as all other privileges, immunities, and protections accorded to a United States Bankruptcy Judge and to judiciary employees, regarding any matters arising from or related to the judge's role as settlement judge.
 - (2) ***Waiver.*** Any party participating in a judicial settlement conference:
 - (A) waives and is unable to assert against the settlement judge or any judiciary employees assisting with the settlement process any claims or causes of action that arise from or relate to the settlement process; and
 - (B) waives and is unable to seek to compel from the settlement judge or from any judiciary employees assisting with the settlement process any oral or written testimony, document production (including, without limitation, any records, reports, summaries, notes, communications, or other documents received or made by the settlement judge or any judiciary employees while serving in

such capacity), or other participation in any judicial, arbitral, or other proceeding of any kind.

- (3) ***Memorialization of Waiver.*** The settlement judge may, in the settlement judge's sole discretion, require that the parties to a judicial settlement conference sign an agreement memorializing the provisions of paragraph (2) before agreeing to serve as a settlement judge.
- (e) **Compensation of a Mediator.**
 - (1) ***No Compensation for Settlement Judge.*** A settlement judge serves in that capacity as part of the performance of her or his judicial duties and therefore must not be compensated by the parties.
 - (2) ***Mediators.***
 - (A) If selected by the parties, a mediator will be compensated at any rate agreed to in writing by the parties and the mediator. Unless otherwise agreed, the parties participating in the mediation must share the cost equally.
 - (B) If randomly selected by the clerk, a mediator will be compensated at the rate set by the District Court for compensation of mediators. Unless otherwise agreed, the parties participating in the mediation must share the cost equally.
- (f) **Disqualification of a Mediator.** In accordance with 28 U.S.C. § 653(b), an individual is disqualified to serve as a mediator in any matter in which the individual:
 - (1) would be disqualified to serve as a judge under 28 U.S.C. § 455; or
 - (2) has a bias or prejudice that would render a judge unable to hear a proceeding under 28 U.S.C. § 144.
- (g) **Result of Mediation.** A mediator must file local form *Report of Mediator* no later than seven days after the conclusion of a mediation.

Rule 9021-1. When a Judgment or Order Becomes Effective – In General

- (a) **Electronic Signature of Judges, Clerk, and Deputy Clerks.** The electronic or facsimile signature of a judge, the clerk, or a deputy clerk appearing on a document entered on the docket through CM/ECF constitutes the signature of the judge, clerk, or deputy clerk.

- (b) **Text-Only Order.** Any judge may issue a text-only order, which is a virtual docket entry consisting entirely of the text contained in the docket entry without any associated document. Upon entry on the docket, a text-only order has the same force and effect as any other order entered on the docket.

Rule 9021-2. When a Judgment or Order Becomes Effective – Proposed Orders and Judgments

(a) Proposed Order – Time to Submit.

- (1) ***In General.*** If, at a hearing, the court directs a party to submit a proposed order, the party must submit the proposed order no later than seven days after the hearing.
- (2) ***Exception.*** If, at a hearing, the court directs a party to submit a proposed order and the proposed order will set a deadline or further hearing on less than 14 days' notice, the party must submit the proposed order no later than three days after the hearing.
- (3) ***Chapter 13 Consent Calendar.*** If a matter is resolved on the chapter 13 consent calendar, the proponent of the requested relief must submit a proposed order no later than seven days after the hearing.
- (4) ***Failure to Timely Submit.*** Failure to timely submit a proposed order under (a)(1), (a)(2), or (a)(3) may result in the relief requested being denied for lack of prosecution.

- (b) **Form of Proposed Order.** A proposed order submitted to the court for entry must comply with the *Guidelines for Preparing, Submitting, and Serving Orders*.

- (c) **Form of Proposed Judgment.** A proposed final judgment submitted to the court for entry must contain:

- (1) the name and mailing address of the judgment creditor;
- (2) the name and last-known mailing address of the judgment debtor; and
- (3) if known, the last four digits of the social security number or other taxpayer identification number of the judgment debtor.

Rule 9024-1. Relief from a Judgment or Order

A motion for relief from an order dismissing a chapter 13 case – unless it also seeks immediate conversion to another chapter – must:

- (a) if filed by an attorney, certify that the debtor has tendered the funds required to bring the debtor's last plan filed before dismissal current as of the date of the motion and that the funds are in the attorney's trust account; or
- (b) if the debtor is unrepresented, be accompanied by a copy of a cashier's check or money order, made payable to the chapter 13 trustee, which will be tendered to the chapter 13 trustee to bring the debtor's last plan filed before dismissal current if the motion is granted.

Rule 9027-1. Removing a Claim or Cause of Action from Another Court

Except when based on lack of subject matter jurisdiction, a motion under 28 U.S.C. § 1452(b) to remand a claim or cause of action removed under 28 U.S.C. § 1452(a) must be made within 30 days after the filing of the notice of removal.

Rule 9029-1. Adopting Local Rules; Limit on Enforcing a Local Rule; Absence of Controlling Law

- (a) **Waiver.** The court may waive the requirements of any of these rules on its own or upon a motion by a party in interest.
- (b) **Sanctions.** The court may impose sanctions for failure to comply with these rules – including striking of documents filed with the court, dismissal of proceedings, dismissal or conversion of cases, or any other appropriate sanction under the circumstances – on its own motion or upon a motion by a party in interest.

Rule 9036-1. Electronic Notice and Service – Registered User Consent

- (a) **Consent to Receive Electronic Notice.** A registered user consents to receive electronic notice – including notice of entry of an order or judgment under Bankruptcy Rule 9022 – and waives the right to receive notice by mail.
- (b) **Consent to Receive Electronic Service.** A registered user consents to receive electronic service – including service required by Bankruptcy Rule 7004(g) – and waives the right to receive personal service or service by mail. But this consent does not constitute acceptance of service of a summons and complaint in lieu of service on the party represented.

Rule 9036-2. Electronic Notice and Service – Certificate of Service

- (a) In General.** Except when Fed. R. Civ. P. 5(d)(1)(B) applies in an adversary proceeding, a certificate of service must be filed for any document that is required to be served. A certificate of service must identify:
- (1)** the document served;
 - (2)** the manner of service, including by:
 - (A)** CM/ECF;
 - (B)** mail;
 - (C)** email or other electronic means if:
 - (i)** the recipient consented thereto in writing under Bankruptcy Rule 9036(b)(2) or Fed. R. Civ. P. 5(b)(2)(E); or
 - (ii)** service by email is required by Local Rule 9013-4(c)(2) or 9014-2(d)(3); and
 - (D)** any other method authorized by applicable law or court order;
 - (3)** the date the document was served;
 - (4)** all recipients of service, including:
 - (A)** the email addresses for all recipients served by CM/ECF;
 - (B)** the names and postal addresses for all recipients served by mail;
 - (C)** the email addresses, usernames, or other identifying information for all recipients served by email or other electronic means if:
 - (i)** the recipient consented thereto in writing under Bankruptcy Rule 9036(b)(2) or Fed. R. Civ. P. 5(b)(2)(E); or
 - (ii)** service by email is required by Local Rule 9013-4(c)(2) or 9014-2(d)(3); and
 - (D)** the names and delivery addresses for all recipients served by any other method authorized by applicable law or court order; and
 - (5)** the name and signature of the party certifying that service has been made.

- (b) **Incorporated in a Filed Document or Filed Separately.** A certificate of service may be incorporated in the document filed with the court or may be filed separately.
- (c) **Prohibitions.** A certificate of service must not:
 - (1) incorporate by reference the NEF;
 - (2) state that service was made on “all parties entitled to CM/ECF notice” without listing the email addresses as required by (a)(4)(A);
 - (3) state that service was made on “all parties on the mailing matrix” without attaching a current mailing matrix;
 - (4) attach a non-current mailing matrix; and
 - (5) state that a notice of hearing has been served before it has been issued.

Rule 9037-1. Protecting Privacy for Filings

If the court grants a motion under Bankruptcy Rule 9037(h) to redact a previously filed document, the movant must file the redacted document within seven days of entry of the order granting the motion. Except for the redacted information protected under Bankruptcy Rule 9037(a), the redacted document must be identical to the original document.

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