



THE BANKRUPTCY ADVISOR



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December 2014

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Rule, Form, and Fee Changes Effective 12/1

Amendments to bankruptcy Rules 1014(b), 7004(e), 7008(b), 70054, 8001-8028, 9023, and 9024 and the official bankruptcy forms for applications to waive or pay filing fees in installments, the Summary of Schedules, appeals forms, and means test forms for chapters 7, 11, and 13 took effect on December 1, 2014. On this same date, two changes to the Bankruptcy Miscellaneous Fee Schedule also took effect regarding redactions and direct appeals.

For debtors' counsel who use petition preparation software, an update to your program may be required. [Click here for more information.](#)

Detailed information regarding these changes is on [page 3](#) of this publication. You may also view an [instructional video](#) created by the U.S. Bankruptcy Courts in Oklahoma which details these changes and is available through our website using the link above.

Competing Orders

If there is a dispute between counsel about all or a portion of a proposed order that cannot be resolved by the time the proposed order is to be submitted, then the submitting attorney must check a box located on the CM/ECF proposed order document upload screen labeled "**Competing order may be submitted.**" In addition, a letter must be included (as the first page of the proposed order) that states:

- The order is not agreed to by opposing counsel;
- Whether a competing order is expected; and
- The issue that is in dispute.

The letter and the proposed order must be copied to opposing counsel.

Note this process only applies if there is a dispute that has been discussed between counsel about all or a portion of a proposed order which cannot be resolved by the time the proposed order is to be submitted.

Please visit our website for more [Proposed Order Guidelines](#).

CHANGE TO NOTICING PRACTICES EFFECTIVE JANUARY 1, 2015

At the Northern District of Florida Bankruptcy Bar Association Annual Meeting in September, Judge Karen Specie advised that effective January 1, 2015, the service of orders and notices of hearing in the U.S. Bankruptcy Court for the Northern District of Florida will be assumed by the attorneys and trustees. This change is being implemented as a cost savings effort by our court as we have experienced severely reduced funding and staff cuts in recent years.

At this time, the Court intends to continue noticing the following, unless otherwise notified:

- Notice of Transfer of Claim
- Notice of Claim Filed by Debtor or Trustee
- Judgments
- Memorandum Opinion
- Order on Motion for Final Judgment
- Notice of Commencement of Case, 341(a) Meeting of Creditors and Deadlines
- Orders Discharging Debtors
- Orders to Show Cause
- Orders Scheduling Pretrial Hearings and Trials
- Pursuant to 11 U.S.C. § 101(42), the Clerk's Office will continue to provide noticing services to the U.S. Trustee's Office

Process for noticing hearings:

The Courtroom Deputy will notify the attorney of the hearing's date and time by docket entry. The attorney will have three (3) days from the date of the docket entry to prepare and serve a notice of hearing (if one is not provided for you) and file a Certificate of Service which must include a list of parties being served, complete with addresses. If the Certificate of Service is not filed within three (3) days, the Clerk's Office will docket a reminder via the Automatic Docketing Interface (ADI) advising that the attorney will have three (3) additional days to comply with the noticing requirements.* If the hearing is not properly noticed and a Certificate of Service filed within the required time, the motion will be denied without prejudice for failure to comply with the Court's noticing requirements. For the hearing to be reset, the moving party must file a renewed motion.

Process for serving orders:

Proposed orders must include one of the following service statements, as applicable, after the signature block with two hard returns preceding it:

- Attorney (name of submitting attorney) is directed to serve a copy of this order on interested parties and file a proof of service within three (3) days of entry of the order.
- Trustee (name of submitting trustee) is directed to serve a copy of this order on interested parties and file a proof of service within three (3) days of entry of the order.

Proposed orders that do not include this statement will be rejected and the submitting party will be required to submit a new proposed order with the appropriate language included.

Please review the "Noticing Project" document located on our website at http://www.flnb.uscourts.gov/sites/default/files/announcements/noticing_project_announcement.pdf.

**Filers must use the correct filing event to docket the Certificate of Service and properly link to the item being served.*

Rule, Form, and Fee Changes Effective December 1, 2014

RULE AMENDMENTS

Rule 1014(b) addresses the instance when petitions are filed in different districts by or against the same debtor. The amendment adds a sentence providing that the court with the first-filed petition can order the parties in the later-filed cases not to proceed.

Rule 7004(e) addresses the time limit for serving a summons. Previously, the Rule provided that service must be accomplished within fourteen days of issuance. The amendment changes this period to seven days.

Rules 7008(b) and 7054 affect the procedure for seeking attorneys' fees in adversary proceedings. The goal of these changes is to align the process more closely with the civil process. To that end, the amendments delete language from Rule 7008 and adds a reference to Rule 54(d), explaining that this section of the Civil Rules applies to adversary proceedings.

Rules 8001-8028 govern appeals to district courts and bankruptcy appellate panels. The purpose of the amendments are to (1) bring the bankruptcy appellate rules into closer alignment with the Federal Rules of Appellate Procedures; (2) incorporate a presumption favoring electronic transmission, filing and service of court documents; and (3) adopt a clearer and simpler style.

Rules 9023 and 9024 will add reference to the procedure in amended Rule 8008 addressing indicative rulings.

OFFICIAL FORMS

Regarding Filing Fees:

Application for Individuals to Pay the Filing Fee in Installments (B 3A): revised to remove amounts of bankruptcy filing fees

Application to Have the Chapter 7 Filing Fee Waived (B 3B): revised to remove amounts of bankruptcy filing fees

Schedules & Statements:

Summary of Schedules (B 6): updated with line references to the amended means test forms

Appeals:

Notice of Appeal and Statement of Election (17A): includes a section for the appellant's optional statement of election to have the appeal heard by the district court rather than by the bankruptcy appellate panel. This would only be applicable in districts that have authorized appeals to a BAP (not the Northern District of Florida).

Optional Appellee Statement of Election to Proceed in District Court (17B): This is a new form that an appellee would file if it wanted the appeal to be heard by the district court rather than by the bankruptcy appellate panel. This would only be applicable in districts that have authorized appeals to a BAP (not the Northern District of Florida).

Certificate of Compliance (17C): New form to certify compliance with the bankruptcy appellate rules that prescribe limitations on brief length based on number of words or lines of text.

This information is not to be interpreted as legal advice nor to serve as a complete guide to what is required to be filed, provided, or completed in a bankruptcy case, adversary proceeding, or appeal. Attorneys are encouraged to thoroughly review all Rule, form, and fee changes.

Rules (continued)**Means Test Forms - Ch 7:**

Chapter 7 Statement of Your Current Monthly Income (22A-1): This form determines the current monthly income and compares whether that income is more than the median income for households of the same size in the debtor's state. If the income is not above the median, there is no presumption of abuse and the Chapter 7 Means Test Calculation (22A-2) is not required.

Chapter 7 Means Test Calculation (22A-2): If the completed Form 22A-1 shows income above the median, debtors must also file the Means Test Calculation.

Statement of Exemption from Presumption of Abuse Under § 707(b)(2) (22A-1Supp): Determines whether the debtor may be exempted from the presumption of abuse because the debtor does not have primarily consumer debts or because they have provided certain military or homeland defense services.

Means Test Forms - Ch 13:

Chapter 13 Statement of Your Current Monthly Income and Calculation of Commitment Period (22C-1): calculates the current monthly income and plan commitment period. All chapter 13 debtors must complete.

Chapter 13 Calculation of Your Disposable Income (22C-2): to be completed only if current monthly income exceeds the applicable median.

MISCELLANEOUS FEE SCHEDULE

Direct Appeal (Item 14): Increases the fee when a direct appeal or direct cross-appeal has been authorized from \$157.00 to \$207.00.

Redaction (Item 21): New \$25 per case fee to file a motion to redact a record

Motions to Reopen: The court will not charge a fee for the filing of a motion to reopen a case solely for the purpose of redacting a previously filed document and has created a new filing event in CM/ECF specifically for this purpose.

For more information please visit the [USCourts.gov](http://uscourts.gov) website.

Rules:

<http://www.uscourts.gov/RulesAndPolicies/rules/current-rules.aspx>

Forms:

<http://www.uscourts.gov/FormsAndFees/Forms/BankruptcyForms/BankruptcyFormsPendingChanges.aspx>

Notice Regarding Form Changes Effective 12/1/14

Please be advised that we are unable to accept outdated Current Monthly Income and Means Test forms. Failure to use the most recent forms will result in the issuance of a Submission Error Notification requiring that you refile the document(s) using the appropriate forms.

These form revisions may require an update to your petition preparation software, if used.

Carolyn Romine - 5 Years Pensacola

Carolyn is a Case Administrator in the Pensacola division of the Clerk's Office. She worked eleven years as a secretary then bankruptcy paralegal in the St. Louis area prior to joining the Clerk's Office in October, 2009. Carolyn says "It is hard to believe that I've been with the Court for five years now! I am blessed to be a part of our Court family, and privileged to work with and for a group of individuals with such dedication to service."



THE CLERK'S CORNER
By: Traci Abrams, Clerk of Court

Local Rules Revision Project:

The Florida Northern Bankruptcy Court Local Rules are currently under review by Chief Judge Specie, court staff, and the Local Rules Committee. Revisions are being made to remove or update outmoded procedures, improve online navigation and references, incorporate certain information currently found in administrative orders, and address any other matter that may impact Local Rule text.

The target release date is April 15, 2015. Two meetings were scheduled during the interim on November 14 and November 17 for staff and the committee, respectively.

I would like to thank the following members of the Local Rules Committee for their ongoing efforts:

William Miller (Chair)
Michael Moody
Brian Rich

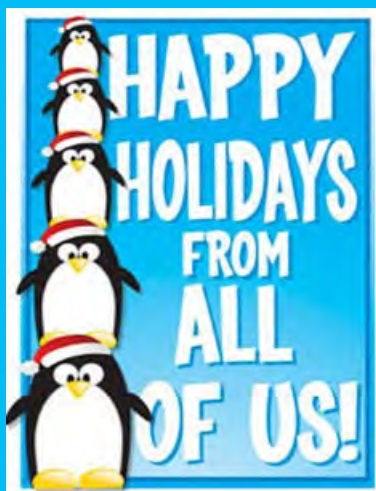
Jeff Childers
Karin Garvin
Roland Kiehn

Rick Savage
Sharon Sperling

I would also like to thank my Director of Court Operations, Melissa McClure, for her excellent assistance and Chief Judge Specie for her time, experience, and insights.

Board of Advisors Meeting Scheduled:

The next meeting of the FLNB Board of Advisors is scheduled for Monday, December 8, 2014. If you would like to submit a topic for discussion please use the [Topic Request Form](#) located on our website.



Holiday Closings

The U.S. Bankruptcy Court for the Northern District of Florida will be closed on the following dates:

Thursday, December 25

Friday, December 26

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Thursday, January 1

Friday, January 2

CM/ECF and PACER will be available these dates.

We wish you a safe and happy holiday season!

FLNB Resources

Rev. 06/14

Cases in the Northern District of Florida are randomly assigned to Case Administrators throughout the district shortly after filing. The name of the Case Administrator to whom a particular case is assigned is located at the top of the docket report in CM/ECF.

Ann Laritz
(850) 470-3060

Latonia Isom
(850) 521-5012

Janet Nah
Courtroom Deputy &
Calendar Clerk
(850) 521-5009

Ne'Shoni Love-Beane
CM/ECF Login & Password
(888) 521-5011
(866) 639-4615

Carolyn Romine
(850) 470-3062

Libby Deroche
(850) 470-3061

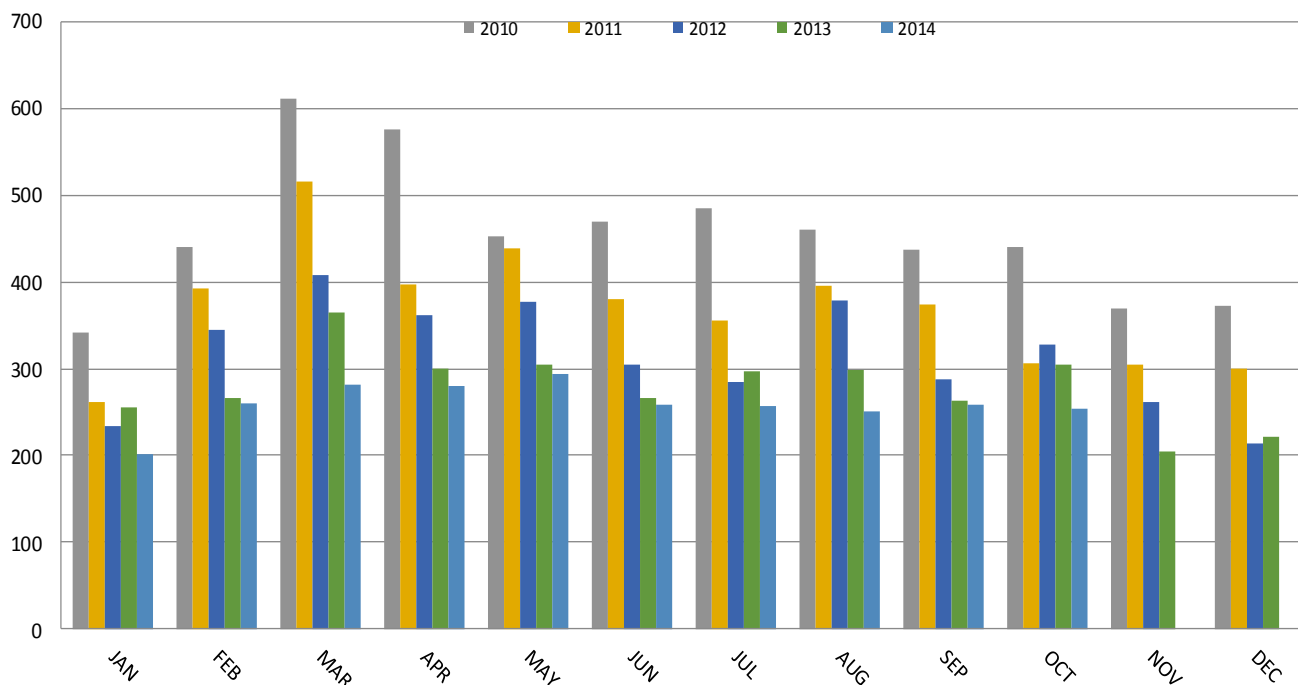
Melanie Lawrence
(407) 237-8021
*For cases assigned to judge
Jennemann (FLMB) only*

Help Desk
(850) 521-5001
(888) 765-1752

The Clerk's Office phones are answered from 9:00 a.m. until 4:00 p.m., Monday through Friday, except federal holidays. Please feel free to call or email the Case Administrators with your procedural questions. The Clerk's Office is not permitted to answer legal questions nor can they provide guidance as to the content or types of documents that may be required.

CMECF_HelpDesk@flnb.uscourts.gov

Please visit us on the web at www.flnb.uscourts.gov

Case Filings by Month 2010 - 2014

The monthly filing and closing [statistics](#) for the U.S. Bankruptcy Court for the Northern District of Florida are posted to the Court Resources page of our website at www.flnb.uscourts.gov. Statistical information will be available by the 15th of each month.