

The Disclosure Statement

A publication of the U.S. Bankruptcy Court, Northern District of Florida

Valuation of Collateral in Chapter 12 and 13 Cases

Tammi Boswell, Director of Court Operations

You may be filing your Notice of Valuation or related document out of compliance with N.D. Fla. LBR 3012-1(B). This Local Rule addresses the procedure for filing a Notice of Valuation (“Notice”) which includes the timeline for filing the Notice and any related motion(s); service requirements; along with, certain language and formatting requirements. Specifically, Local Rule 3012-1(B)(3) requires the notice include “...large, bold-face type appearing just under the title of the notice, that failure to file a timely motion to value collateral or motion to determine secured status will result in such collateral being valued at the amount listed for purposes of confirmation of the plan and treatment of such creditor’s

claim pursuant to the plan.”

Some of the most common errors the Clerk’s office has noticed with the filing of this Notice includes use of our negative notice legend instructing respondents to file a response or objection. This is incorrect and does not comply with N.D. Fla. LBR 3012-1(B)(2). This specific provision of our Local Rule allows for the filing of a motion; not, a response or objection to the Notice. Another common error is creditors who file a response or objection instead of the required motion(s), as applicable.

Until recently, the Clerk’s office would issue a Submission Error Notice on any response or objection and move forward with setting a

hearing on the Notice of Valuation. We have stopped this practice and will not set a hearing on a notice. We will only set hearings on motions.

Upon review of related filings, the Clerk’s office has taken actions to rename the event from “Notice of Valuation (Negative Notice)” to “Notice of Valuation per ND Fla LBR 3012-1.” We also enhanced our docket text to be reflective of our Local Rules requirements. Please take a few minutes to refresh on this local rule. Procedural suggestions for this process or any other procedures we have in place are always welcome and may be directed by email to CMECF_Helpdesk@flnb.uscourts.gov.

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Online Payments

When making online payments through Pay.gov, please wait for the screen with your receipt number to display completely before closing the window or proceeding to another screen.

Leaving this screen before the process is complete may interrupt the transaction and your payment may not be docketed to the case. Thank you.

News & Views from the Bench

Honorable Karen K. Specie

IT IS ALMOST UNBELIEVABLE – the first quarter of 2023 has already flown by. These few months have been busy and productive; we expect that our efforts thus far, in the Court and by the NDFLBBA, to result in positive changes.

LIVE HEARINGS ARE RETURNING

TALLAHASSEE: Since January 2023, the Court has invited attorneys and parties, especially those in and around Tallahassee, back to the courtroom for in-person hearings and trials. We strongly encourage all attorneys who are able, to come to court in person. In the past, in person appearances have facilitated settlements and improved communication between counsel.

PENSACOLA and GAINESVILLE: The Court anticipates traveling to these divisions, most likely quarterly, to conduct live, in-person hearings. You will receive advance notice of live dockets in these Divisions.

ALL DIVISIONS: The Biden Administration plans to end the national emergency and public health declarations related to Covid-19 on May 11, 2023. For that reason, evidentiary hearings and trials scheduled to be held on or after May 15, 2023 (for two (2) hours or longer) will be conducted live in the Tallahassee courtroom, unless otherwise ordered.

For hearings in which the Court permits appearances via Zoom.gov, attorneys are expected to appear via video rather than telephone. Attorneys and parties are reminded to dress appropriately, as though in the courtroom in person, and participate from a quiet, non-moving location.

Carefully review all hearing notices to ensure that you, your clients, and witnesses know well in advance how the Court expects participants to appear. An attorney or party that intends to present evidence or cross examine witnesses must appear in-person.

CHAMBERS STAFF UPDATES

We are pleased to announce: Ms. Cassandra Crosby, who returned to her home state and started her career in Chambers in August of 2022, is now my Career Law Clerk. Ms. Crosby earned her law degree at the University of Mississippi School of Law in May of 2020, clerked for a bankruptcy judge in Ohio, and passed bar exams in Florida and Tennessee. We will be welcoming Ms. Brandi Granderson to Chambers in April as my new Term Law Clerk. Ms. Granderson, also a graduate of the University of Mississippi School of Law, received her degree in May of 2022 and has taken the Tennessee bar exam. My other Law Clerk, who has been serving a one-year “temporary” clerkship since November 2022, is Ms. Nikita Kulkarni. Ms. Kulkarni graduated from Northwestern Pritzker School of Law in May of 2021, and then worked at Baker & McKenzie LLP in New York. While there, she studied for and passed the New York bar exam. Congratulations to Ms. Allison Nelson, my extern for this semester, who was awarded Second Place Oralists out of 56 oralists at the Frank A. Shreck Gaming Law Moot Court Competition that took place on March 3-4, 2023.

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PRO BONO HONOR ROLL

The Court is extremely grateful to the following attorneys, each of whom has handled, or is handling, a case pro bono this year: India Footman, Kevin Forsthofel, Samantha Kelley, and Trey Wright. The Court's new RAP (Reaffirmation Assistance Program), sponsored by the NDFLBBA, is continuing to work extremely well helping unrepresented debtors through the reaffirmation process. Thanks to every lawyer who has volunteered for this program to date: Robert Bruner, Marybeth Colon, Jodi Dubose, Samantha Kelley, Scott Manion, Michael Niles, Brian Rich, Logan Sliva, Trey Wright, and Michael Wynn.

The public service these lawyers perform provides an immeasurable service to the Court and to each and every one who practices in this district. To volunteer for the Pro Bono Initiative, call 866-944-6421; for more information, visit the Court's website: <https://www.flnb.uscourts.gov/ndflbba-pro-bono-initiative>.

MOTIONS, OBJECTIONS AND RESPONSES: LOCAL RULE 9013-1

[N.D. Fla. LBR 9013-1](#), entitled "Motions, Briefs and Memoranda of Law," has requirements that many practitioners appear unaware of. Subsection (B) of this rule requires legal support for a motion, comprised of at least a citation of authority. Subsection (C)(1) requires the same for any objection to relief sought. That subsection also provides that failure to file a response in objection to a motion or application within fourteen (14) days after service indicates "that the party against whom the motion or application is filed does not contest the relief requested, and shall be sufficient cause for granting the motion or application without further notice or a hearing."

TAKE IMMEDIATE NOTICE: The Court will no longer consider objections that contain no substance, such as those stating that the party will address the issues at some future time. Such pleadings are practically useless; scheduling them for hearing is a waste of judicial resources.

REMINDER: Stay relief motions and objections must have evidentiary support. Objections to motions for relief from stay "shall be accompanied by such appraisals, affidavits and documents as may be necessary to demonstrate the movant is not entitled to relief from the stay." [N.D. Fla. LBR 4001-1\(C\)](#).

APRIL IS FINANCIAL LITERACY MONTH

National Financial Literacy month is recognized each year in April to raise public awareness of the importance of financial literacy and maintaining smart money management habits. The Florida House and Senate have introduced resolutions (HR 1 and SR 710), recognizing April 2023 and each April thereafter as "Financial Literacy Month" in Florida.

Financial literacy comprises knowledge and skills that allow individuals to make informed decisions with their money. Being financially literate causes smarter decisions about credit cards, saving, investments, planning for retirement, and helps people and companies avoid poor financial decisions.

In March of 2022, Florida became the largest state in the U.S. to require financial literacy education in public schools, by enacting The Dorothy L. Hukill Financial Literacy Act. Now, all Florida high school students must take a stand-alone personal finance course before graduating. The course is to teach basic money skills like budgeting, saving, investing, how to file tax returns, open bank accounts, understand personal insurance policies, control spending, and much more. The financial literacy course becomes a

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News & Views from the Bench, continued from Page 3

graduation requirement for students who enter high school in the 2023-2024 school year. For more information, visit <https://www.floridabar.org/the-florida-bar-news/governor-signs-business-law-section-supported-financial-literacy-act-into-law/>.

Financial literacy is a perfect opportunity for bankruptcy practitioners to volunteer and help the public. For volunteer opportunities to help educate the youth in Northwest Florida, please visit the Junior Achievement of Northwest Florida's webpage at <https://www.janwfl.org/>.

NORTHERN DISTRICT TO PARTICIPATE IN STATEWIDE VETERANS' FINANCIAL LITERACY PROGRAM, NOVEMBER 2023

In November of this year, in observance of Veterans' Day, our Court and the NDFLBBA will be participating in a Statewide Veterans' Financial Literacy Program. The goal is to present the program in Pensacola, and possibly Tallahassee. Be on the lookout for more information and opportunities to volunteer for this wonderful program. For more information, go to: <https://flabizlaw.org/pro-bono-pledge/veterans-financial-literacy-program/>.

UPCOMING SEMINARS AND CONFERENCES

Miami-Dade Bar Assoc. 2023 Florida Law Con – Virtual event, Friday, March 31, 2023: <https://www.jamsadr.com/events/2023/miami-dade-bar-association-2023-florida-law-con>

Roadways to the Bench: Who Me? A Bankruptcy or Magistrate Judge? — April 3, 2023, at 4 p.m. EST at 38 locations across the United States, including Miami, Orlando and Tampa: <https://www.uscourts.gov/judges-judgeships/about-federal-judges/roadways-bench-who-me-bankruptcy-or-magistrate-judge>

Florida Bar Business Law Section (BLS) meetings in conjunction with the Florida Bar Annual Convention — June 21–24, 2023; Boca Raton, FL.

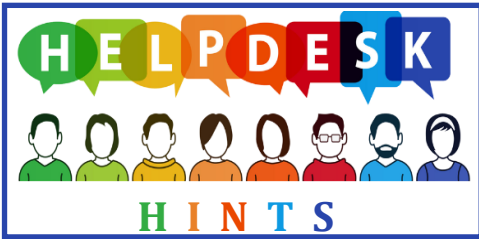
Florida Bar Business Law Section (BLS) Annual Labor Day Retreat — September 1–4, 2023; Naples, FL: <https://flabizlaw.org/calendar/#!event/2023/9/1/bls-annual-labor-day-retreat>

NDFLBBA 2023 Annual Cocktail Reception, Meeting and Seminar — September 28–29, 2023; The Henderson Beach Resort, Destin, FL.

The Michael G. Williamson View From the Bench — Live, November 2, 2023 (Tampa, FL) & November 3, 2023 (Miami, FL).

FOR THE GOOD OF THE ORDER

Please take time to thank each attorney listed above who has provided pro bono services. Also thank every member of the NDFLBBA Board and the Court's Local Rules Committee. These attorneys have put in extra work to benefit all of us, including helping unrepresented parties navigate bankruptcy and understand reaffirmation and redemption through the RAP program, improving our Local Rules, and considering new programs to benefit the general public. Thanks to their efforts, our district is continuing to improve and evolve.



CM/ECF Account Maintenance (it's not all PACER!)

Please periodically review your account information in both PACER *and* our local CM/ECF system (via Utilities > Maintain My ECF Account). We receive dozens of "undeliverable" notifications each day on *Notices of Electronic Filing (NEFs)* to "primary" and "secondary"

email addresses in our system. Be aware that secondary email addresses are only able to be added or updated through the local CM/ECF account and are not maintained through your PACER account.

It is critical that you receive NEF emails from cases in which you are involved since the NEF may be the only notice you receive. Please ensure your contact information is up to date. Thank you.

Annnnd We're (Almost) Back!

It is anticipated that President Biden will discontinue the national COVID-19 emergency in May 2023. At that time, we will resume pre-pandemic "normal" operations, but also continue to use "new normal" processes and procedures that have aided our mission and made court operations more efficient for us all.

Please see Chief Bankruptcy Judge Karen Specie's article "[News & Views From the Bench](#)" on [page 2](#) for information regarding in-person hearings and visit the "[Covid Court Operations](#)" page of our website for Clerk's Office information.

When returning to the courtroom for hearings, please be mindful of the need for appropriate business attire (i.e., no shorts, jeans, or t-shirts) and that anyone entering a federal building must present photo identification at the Court Security checkpoint.

Certificates of Service

Of more than 400 "Submission Error Notifications" sent so far this year, **over a quarter** were for a failure to include a complete list of the name(s) and email address(es) of electronic recipients on a Certificate of Service.

Please review your Certificates of Service prior to filing to insure complete information is provided pursuant to Section III. B. of the [Administrative Procedures](#) and [N.D. Fla. Loc. R. 5.1\(F\)](#). This diligence will prevent possible delays with your pleading.

Jury Scam Alert

Our court recently received notification that a caller claiming to be Traci Abrams, Clerk of the Court for our court, was making calls encouraging people to pay a fine in lieu of arrest for failing to report to jury duty.

Please be aware that staff from the Bankruptcy Court will *never* contact you or your clients to request payment of a jury duty-related fine.

If you receive a jury scam call, please report the call to the local Federal Bureau of Investigation (FBI) office. You may also file a complaint with the Federal Trade Commission (FTC). See the FTC's video "[How to Report Fraud](#)" and article on "[How to Avoid a Government Impersonator Scam](#)" for more information.

**U.S. Bankruptcy Court for the Northern District of Florida
2023 Caseload Activity through March 31, 2023**

Bankruptcy Case Openings	GVL	PNS	TLH	PCY	TOTAL
Ch 7	44	151	80	37	312
Ch 11	3	4	3	2	12
Ch 12	0	0	0	0	0
Ch 13	19	57	33	16	125
Ch 15	0	0	0	0	0
Total	66	212	116	55	449

Bankruptcy Case Activity	GVL	PNS	TLH	PCY	TOTAL
Reopenings	1	2	1	1	5
Split Cases	0	0	0	0	0
Interdistrict Transfer Cases	0	0	2	1	3
Intradistrict Transfer Cases	0	0	0	0	0
Conversions	0	4	5	0	9
Stay Motions	7	27	28	17	79

Bankruptcy Case Closings	GVL	PNS	TLH	PCY	TOTAL
Ch 7	35	127	61	33	256
Ch 11	0	1	4	2	7
Ch 12	0	0	0	0	0
Ch 13	10	45	42	19	116
Ch 15	0	0	0	0	0
Total	45	173	107	54	379

Adversary Case Openings	GVL	PNS	TLH	PCY	TOTAL
	0	3	3	3	9

Adversary Case Closings	GVL	PNS	TLH	PCY	TOTAL
	1	2	2	0	5

Pro se Cases Filed:	GVL	PNS	TLH	PCY	Total
Ch 7	5	7	9	5	26
Ch 11	0	0	0	0	0
Ch 12	0	0	0	0	0
Ch 13	10	10	5	1	26
Ch 15	0	0	0	0	0
Total	15	17	14	6	52

Guide to the Small Business Reorganization Act of 2019

The Honorable Paul W. Bonapfel of the U.S. Bankruptcy Court for the Middle District of Georgia (GAMB) has published and regularly updates to a [Guide to the Small Business Reorganization Act of 2019](#). This resource is available on the [GAMB](#) website as well as the [SBRA](#) page of our website.



U.S. Bankruptcy Court Northern District of Florida

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Please direct questions or comments about this newsletter to [Julie Gibson@flnb.uscourts.gov](mailto:Julie.Gibson@flnb.uscourts.gov).

We all accept too easily that life has to be hard and forget to make sure we have the most fun we can.

~ [Amy Schumer](#)

Comedian, Actress, Writer, and Director

2023 Federal Holidays

The Court and Clerk's Office will be closed on the dates listed below in observance of the following national holidays:*

January 02*	New Year's Day
January 16	Birthday of Dr. Martin Luther King, Jr.
February 20	Washington's Birthday
May 29	Memorial Day
June 19	Juneteenth Nat'l Independence Day
July 4	Independence Day
September 4	Labor Day
October 9	Columbus Day
November 10 *	Veterans Day
November 23	Thanksgiving Day
December 25	Christmas Day

**Observance of a holiday that falls on a Saturday or Sunday pursuant to 5 U.S.C. 6103(b) and/or Exec. Ord. 11582, Feb. 11, 1971.*

Visit our website for the latest [COVID Court Operations Update](#).

Contact Us

Audrey Thurman, Bankruptcy Generalist.....	(850) 470-3061
Carolyn Romine, Case Administrator	(850) 470-3062
Janet Weems-Cainion, Courtroom Deputy & Calendar Clerk	(850) 521-5009
Jestin Hawkins, Case Administrator.....	(850) 521-5016
Latonia Isom, Court Operations Specialist	(850) 521-5012
Sloane Akinsanya, Case Administrator	(850) 521-5010
Tammi Boswell, Director of Operations	(850) 521-5011
Clerk's Office Main Line	(850) 521-5001
Help Desk	(850) 521-5001 or (866) 639-4615
Help Desk Email.....	CMECF_HelpDesk@flnb.uscourts.gov

*Clerk's Office phones are answered 9:00 a.m. to 4:00 p.m., Monday through Friday, except on federal holidays or other days the court is closed. Case Administrators may assist with procedural or CM/ECF questions only. **We are not permitted to answer legal questions or to provide guidance as to the content or types of documents that may be required.***