



# THE BANKRUPTCY ADVISOR



A Periodic Publication of the U.S. Bankruptcy Court for the Northern District of Florida

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## New Negative Notice Legend Required Effective May 15, 2017

Due to the December 1, 2016 amendment to Fed. R. Bankr. P. 9006(f) removing the additional three (3) days of notice time to parties receiving notice by electronic means and maintaining the additional three (3) days for parties receiving notice by other means, the Negative Notice Legend required in accordance with N.D. Fla. LBR 2002-2 B. (3) has been updated pursuant to [Administrative Order 17-001](#), signed on April 19, 2017. The new legend, shown below, must be prominently displayed on the face of the first page of the document effective May 15, 2017.

### NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING

Pursuant to Local Rule 2002-2, the Court will consider the relief requested in this paper without further notice or hearing unless a party in interest files a response within [number] days from the date set forth on the proof of service plus an additional three days for service if any party was served by U.S. Mail, or such other period as may be specified in Fed. R. Bankr. P. 9006(f).

If you object to the relief requested in this paper, you must file an objection or response electronically with the Clerk of the Court or by mail at 110 E. Park Avenue, Suite 100, Tallahassee, FL, 32301 and serve a copy on the movant's attorney, [name and address], and any other appropriate person within the time allowed. If you file and serve a response within the time permitted, the Court will either schedule and notify you of a hearing or consider the response and grant or deny the relief requested without a hearing.

If you do not file a response within the time permitted, the Court will consider that you do not oppose the relief requested in the paper, will proceed to consider the paper without further notice or hearing, and may grant the relief requested.

Additionally, the Local Rules Revision Committee has approved modification of N.D. Fla. LBR 2002-2 to omit the specific language of the legend and refer filers to the Court's website where the most recent language will be posted, allowing modification of the legend without a Local Rules revision and/or Administrative Order. You will be notified of any future changes to the legend via email, an announcement posted on our website, and the *Bankruptcy Advisor* newsletter.



## Views & News from the Bench

By: Karen K. Specie  
 United States Bankruptcy Judge  
 Northern District of Florida

- **The Northern District of Florida was denied a second bankruptcy judgeship:**

We regret that the Judicial Conference of the United States has denied our request for a second bankruptcy judgeship to be posted in Pensacola. The Judicial Conference of the United States primarily based its decision on our District's per judgeship weighted caseload, and the assistance we receive from Judge Callaway and Judge Oldshue from the Southern District of Alabama.

Our next opportunity to request a second judgeship will be in 2018. The Florida Bar Business Law Section has formed a subcommittee to study the need for a second bankruptcy judgeship for our District. Jodi Cooke (Stichter, Riedel, Blain & Postler, PA) and Douglas Bates (Clark Partington) will chair the subcommittee.

We encourage your participation in the process of preparing our request. We will keep the District up to date on how you can participate in this process.

- **Evidentiary Hearings:** If a party wants to present evidence or cross-examine a witness at an evidentiary hearing, the party must be in the courtroom live unless the Court authorizes otherwise in advance of the hearing.
- **Signature Blocks on Pleadings AND Certificates of Service:** Attorneys and self-represented parties must sign BOTH the Motion (or whatever type of document the party is filing) and the Certificate of Service (if necessary). If two separate signature blocks are not provided, then the Court will enter a Submission Error Notification ("SEN"). The filing party will then be required to refile the document and Certificate of Service before the Court will consider it. *See* N.D. Fla. Loc. R. 5.1.
- **Proposed Orders:** In an effort to ensure that your proposed orders are processed as quickly as possible, here is a list of the top five things to pay close attention to before submitting proposed orders.
  1. **Make Sure All Content is Correct.**
    - i. The title of the Order should match the title of the pleading verbatim. For example, if the title of a motion is *Creditor's Motion for Relief from Stay*, the proposed order should be titled *Order [Granting or Denying] Creditor's Motion for Relief from Stay*.
    - ii. If the matter is heard, the date of the hearing should be included in the proposed order. If the matter is not heard, the proposed order should not say that it was.
    - iii. If a pleading is served on negative notice, make sure to include this in the order, as well as whether or not another party responded in the time allowed.
    - iv. Plain language should be used in all proposed orders. Keep it short and simple. Words like *Accordingly*, *Hereby*, *Therefore*, *Adjudged and Decreed*, and *Whereas* are not necessary to the ruling, and do not need to be included in proposed orders.
  2. **Make Sure Formatting is Correct.** All proposed orders should be double spaced and use 14 point font, preferably Times New Roman, or something similar.
  3. **Make Sure the Disposition is Correct.** Make sure the proposed order matches the relief granted. Motions are *Granted* or *Denied*; Objections are *Sustained* or *Overruled*; and Applications are *Approved* or *Disapproved*. Any proposed order that does not contain the correct disposition will not be accepted.

*Continued on next page*

*Views & News from the Bench (continued)*

4. **Make Sure the Name of the Attorney Who Prepared the Order is Included at the End of Every Proposed Order.**
5. **Amended Orders:** All proposed amended orders should contain a footnote explaining why the order is being amended.

**When in Doubt, Check it Out!!** All of these guidelines, and more, can be found on the Court's website at the link provided below. Along with these guidelines, the Court has form and sample orders that can be found online as well.

[http://www.flnb.uscourts.gov/sites/default/files/filing\\_requirements/4-inst.pdf](http://www.flnb.uscourts.gov/sites/default/files/filing_requirements/4-inst.pdf)

## Getting to Know Thomas Woodward

1. If I were not an attorney, I would have continued in the United States Army Combat Arms and retired from active duty.
2. My spare time (which is finally increasing) is consumed by golf, duck/quail/deer hunting, boating, and spending time with my children and grandchildren.
3. Character in others: honesty
4. Change on day 1: I do not really know.
5. I am most proud of: my children
6. Prior job: road inspection and construction/Ohio Department of Transportation
7. Favorite book: *Red Storm Rising* by Tom Clancy. Its analysis of the political and military strategies of the world powers, and the overall senseless nature of war being brought to the forefront.
8. Favorite Spots Team: Cleveland Indians
9. Tips: If you start anything, finish it.

## Travis Green - 25 Years

Chief Deputy Clerk, Tallahassee

Travis joined our court in January from the U.S. District Court, Northern District of Florida, where he was the Resident Deputy-In-Charge (RDIC) in the Pensacola division and the District's Court Reporter Supervisor. Travis has served in many positions with the District Court, including 16 years of substantial management experience. While working as the RDIC, Travis was instrumental in assisting staff supporting the District, Magistrate, and Bankruptcy judges reserve space in one of only two courtrooms available after the District Court was forced to temporarily relocate operations to Winston E. Arnow Federal Building. An expert in emergency management, Travis was also responsible for developing a template emergency management plan upon which this Court's plan is based. In addition to his Court knowledge, Travis holds a Master's Degree in Public Administration and a Bachelor's of Science Degree in Business Administration. Congratulations to Travis for twenty-five years of excellence!



## ECF Essentials

### Next Generation ("NextGen") CM/ECF

Work is being done for a late spring/summer 2017 NextGen release to district and bankruptcy courts. The U.S. Bankruptcy Court for the Northern District of Florida is *not* an "early adopter" court and will not upgrade to NextGen at that time. Currently, only the following bankruptcy courts have upgraded to NextGen:

- Alaska
- California Southern
- New Jersey
- Oregon

We will provide advanced notice and training prior to upgrading CM/ECF in our court. If you wish to learn more about NextGen in the meantime, you may visit the PACER NextGen resource page to view their Frequently Asked Questions at <https://www.pacer.gov/nextgen/>.

## Getting to Know Donald Kirk

- Carlton Fields

**What would you be doing if you weren't an attorney?** A National Geographic photographer.

**How do you recharge/what do you like to do in your spare time?** Hanging out with the family, go to Gator games, and fix stuff around the house!

**What characteristic do you most admire in others?** Loyalty, integrity, and a team player attitude.

**If you ruled the world, what would you change on day 1?** I would figure out a way to stop the planet from getting hotter - its hot enough in Florida already.

**What one thing in your life are you the most proud of?** My children, Jack, Hayden, and Levi.

**What job have you held in the past that would be a surprise to us?** I was a Life Guard on the Sarasota County beaches back in the day.

**What is the last really great book you read, and why?** *To Kill a Mockingbird*. Was great to finally understand what all the hype is about.

**What is your favorite sports team?** Florida Gators. I attended UF undergrad and law school. Go Gators!

**What one tidbit of advice would you give to others?** Work harder than anyone else!

## In Recognition of Your Service

We wish to thank the following attorneys for the donation of their time this year to assist debtors in the Northern District of Florida who cannot afford legal representation:

**Sharon T. Sperling**

**Kathryn Hathaway**

**Thomas B. Woodward**

**India Footman**

**THANK  
YOU!**



## Tips & Tricks

### "Flatten" your documents before uploading

Please "flatten" your PDF documents before uploading to CM/ECF to avoid errors when trying to view the document in CM/ECF. The easiest way to do this is to "print" to PDF:

**File > Print > Select the PDF printer**  
(installed automatically with Adobe Acrobat)

The "print" process removes metadata, fillable fields, and "flattens" the PDF.

## Getting to Know Jennifer Ffrench

Richard H. Powell & Associates, P.A.

**What would you be doing if you weren't an attorney?** I have always been interested in true crime stories. So, I think I would have been an investigator or forensic scientist.

**How do you recharge/what do you like to do in your spare time?** I enjoy spending time with my girlfriends window shopping and trying new places to eat.

**What characteristic do you most admire in others?** I admire tenacity.

**If you ruled the world, what would you change on day 1?** I would make sure every child had food to eat.

**What one thing in your life are you the most proud of?** I am proud of the life my husband and I have built as an active duty military family.

**What job have you held in the past that would be a surprise to us?** I worked at the Disney Store in the mall one summer between years of college. Let me just say the uniforms were pretty interesting.

**What is the last really great book you read, and why?** This summer I read *Me Before You* by JoJo Moyes. It was one of those books that captures you from the beginning but get out your Kleenex.

**What is your favorite sports team?** Texas A&M Football!!! Yes, I graduated from there and I am a proud Texas Aggie !!

**What one tidbit of advice would you give to others?** Let your children see you serve in some capacity whether it is in your community, a school, or a place of worship.

## Panama City District Courthouse Lease Status and Impacts on the Bankruptcy Court

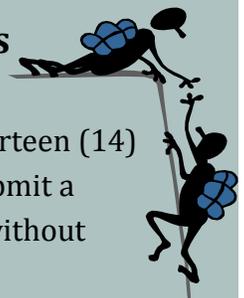
The Panama City Division of the Northern District of Florida includes Bay, Gulf, Calhoun, Jackson, Washington, and Holmes counties. The Panama City courthouse, built in 1977, is leased by the District Court and utilized at least monthly by the Bankruptcy Court.

The Board of Judges of the Northern District of Florida voted not to renew the lease of the Panama City courthouse when it expires in December 2018, due to serious problems with the building. Chief District Judge Casey Rodgers requested that the Eleventh Circuit add a new courthouse to the priority construction list but, but that request was denied.

The prospects of retaining a courthouse in Panama City are limited. Senator Marco Rubio, Congressman Neal Dunn, members of the Panama City business and legal community, the Federal Public Defender, and we, as the Bankruptcy Court, are searching for possible alternate locations for court operations. We will provide updated information as it becomes available.

### **HELP DESK HINTS...** Reminders from the Case Administrators

- **Proposed orders on negative notice filings:** N.D. Fla. LBR 2002-2 C(2) requires that proposed orders on negative notice filings must be submitted not later than fourteen (14) days after the expiration of the objection period. In the event the movant fails to submit a proposed order within this time, the Court may enter an order denying the matter without prejudice for lack of prosecution.
- **Proposed Orders After Hearing:** N.D. Fla. LBR 9072-1 E requires that proposed orders be submitted within three (3) business days after the date of a hearing.
- **Certificates of Service:** The language used in your Certificate of Service should contain the same information provided on [Local Form 4 \(LF-4\), Certificate of Service](#), and should clearly state the names, email addresses, and/or mailing addresses of parties served.
- **Amended Documents:** Before filing your amended document using a “generic” event, please use the Search feature in the blue menu bar at the top of the screen to determine if there is a specific amended event available for your use. Use of the correct filing event is critical for fee collection (or avoidance, if already paid), BAPCPA statistical reporting, and ensuring that your filing is processed in an expedient manner.
- **Correction of Submission Errors:** If you are notified of a “Submission Error - Refile Required,” the Court will take no action on your filing until it is filed correctly. Your immediate action is required to correct the problem(s) noted in the Submission Error Notification (SEN).
- **Notice of Filing:** The “Notice of Filing” event should not be used for anything other than to advise of something previously docketed. Use of this event to file any other document will result in a Submission Error Notification (SEN) and your filing will not be processed until it is filed correctly. If you are unable to locate a filing event that fits your needs, please contact the [Help Desk](#) at 1-888-765-1752.



## Getting to Know Richard Powell

Richard Powell & Associates, P.A.

**What would you be doing if you weren't an attorney?** A pastor in a church.

**How do you recharge/what do you like to do in your spare time?** Reading, golf and oil painting.

**What characteristic do you most admire in others?** Joy and enthusiasm.

**If you ruled the world, what would you change on day 1?** Open the eyes of the blind (physically & spiritually).

**What one thing in your life are you the most proud of?** My children following the Lord.

**What job have you held in the past that would be a surprise to us?** Worked at golf course cutting greens and mowing fairways.

**What is the last really great book you read, and why?** The Boys in the Boat. About 1936 Olympic gold medal rowing crew from University of Washington. Read in preparation for 2016 Olympic rowing competition.

**What is your favorite sports team?** Auburn Tigers in all sports. Graduated in 1968 with a BSBA degree with honors.

**What one tidbit of advice would you give to others?** Seek first the Kingdom of God and His righteousness and all these things will be added unto you. Matthew 6:33

## Getting to Know Winifred L. Acosta NeSmith

U.S. Attorney's Office, Northern District of Florida

**What would you be doing if you weren't an attorney?** As a child growing up in Live Oak, Florida, I was introduced to the legal system when my sister became a victim of a violent crime which weakened her inner spirit and self-esteem. At the ripe age of about thirteen, this experience inspired me to pursue a legal career. Ten years later, I was completing my final year of law school at the University of Florida. I even named my childhood pet, "Prosecutor". Prosecutor was a beautiful Quarter Horse whose mere existence reminded me of my true passion for legal justice. If I weren't an attorney, I would be a motivational speaker and author. I love to inspire others to reach their fullest potential.

**How do you recharge/what do you like to do in your spare time?** I don't have much spare time between my daughters' schedules and my own schedule. My "perfect" day of relaxation would consist of sleeping in late, watching a Lifetime movie, and enjoying the evening by going on a breezy, long horseback stroll.

**What characteristic do you most admire in others?** I most admire a very basic, yet quintessential attribute. It's integrity. I often say to others that I can deal with anything as long as I have the truth as the origin.

**What one thing in your life are you the most proud of?** I am most proud of my daughters, ages 12 and 7. They are remarkable high achievers who love people! They love to dance, sing, and most importantly, they love to give to others and spread love.

**What job have you held in the past that would be a surprise to us?** I worked at the Registrar's Office at UF as part of their work study program before attending my first class as a freshman. I can remember operating the switchboard and being overwhelmed by the number of calls received in any given hour. I am certain that I misdirected calls frequently. It may also be surprising that I have served as a prosecutor on the local level (Assistant State Attorney - 1996 until 1998), statewide level (Assistant Statewide Prosecutor - 1998 until 2003), federal level (Assistant United States Attorney in the Criminal Division - 2003 until 2013). I currently serve as an Assistant United States Attorney in the Civil Division.

**What is your favorite sports team?** I would have to say the Gators, because I received my Associate of Arts, Bachelor of Arts, and Juris Doctorate degrees from UF. As a student employee at the Registrar's Office, I knew, unlike most, that I could request my AA degree from the university.

See Ms. NeSmith's [Career Spotlight](#) on FlaLawOnline.

**FLNB Resources**

Rev. 11/16

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 case is assigned is located at the top of the docket report in CM/ECF.

Ann Laritz  
(850) 470-3060

Libby Deroche  
(850) 470-3061

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

Tammi Boswell  
Director of Operations  
(850) 521-5011

Carolyn Romine  
(850) 470-3062

Lisa Davis  
(850) 521-5010

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

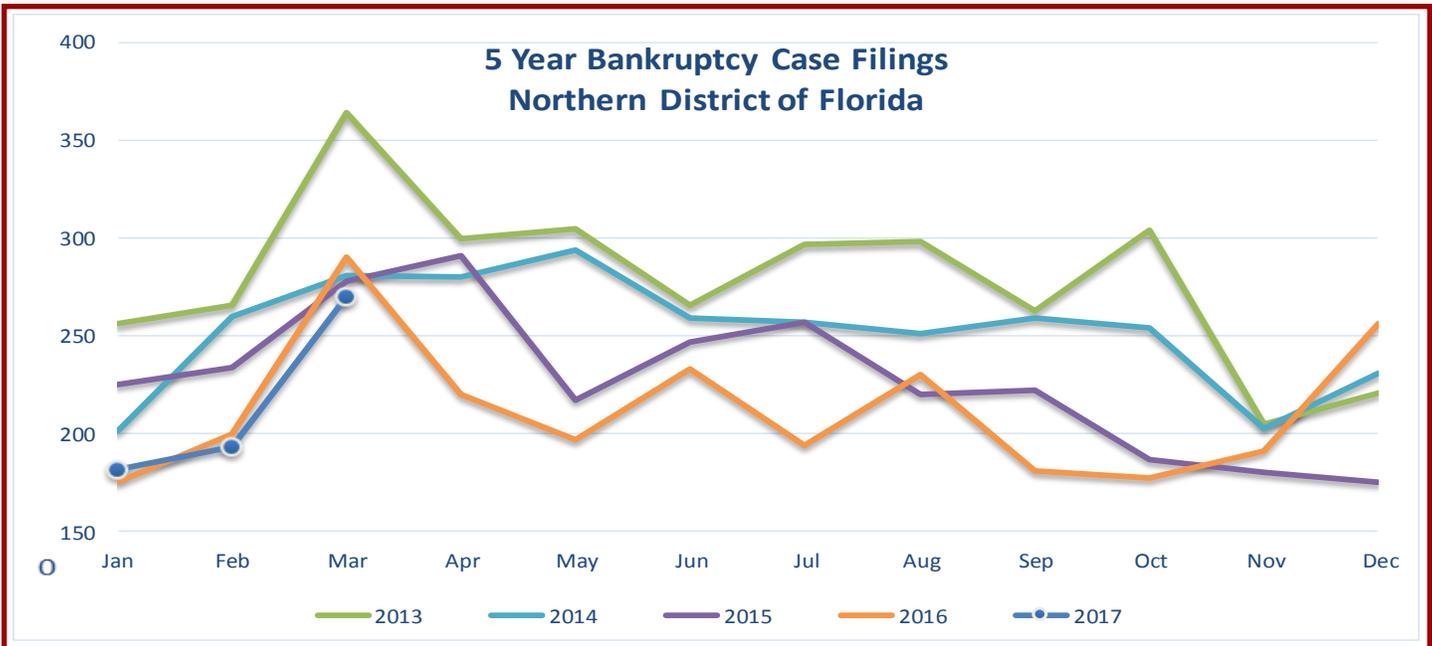
Help Desk &  
CM/ECF Access  
(850) 521-5001  
(866) 765-1752

Latonia Isom  
(850) 521-5012

Samantha Kiser  
(850) 521-5002

*The Clerk's Office phones are answered from 9:00 a.m. until 4:00 p.m., Monday through Friday, except on 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.*

**CM/ECF Help Desk**  
**(850) 521-5001 or (866) 765-1752**  
**[CMECF\\_HelpDesk@flnb.uscourts.gov](mailto:CMECF_HelpDesk@flnb.uscourts.gov)**  
**Please visit us on the web at [www.flnb.uscourts.gov](http://www.flnb.uscourts.gov)**



Filing and closing statistics for the U.S. Bankruptcy Court for the Northern District of Florida are available by the 15th of each month on the Court's website at [www.flnb.uscourts.gov/court-filing-statistics](http://www.flnb.uscourts.gov/court-filing-statistics).

**Questions, Comments, or Corrections**

For questions, comments, or corrections regarding this newsletter, please contact Julie Gibson at (850) 521-5014 or by email at [Julie.Gibson@flnb.uscourts.gov](mailto:Julie.Gibson@flnb.uscourts.gov).