



THE BANKRUPTCY ADVISOR



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

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Amendments to Fed. R. Bankr. P. and Revised Bankruptcy Forms Effective December 1, 2016

The following Rules changes will take effect on December 1, 2016, and "shall govern all proceedings in bankruptcy cases thereafter commenced and, insofar as just and practicable, all proceedings then pending":

- Rule 1010** Service of Involuntary Petition and Summons; Petition for Recognition of a Foreign Nonmain Proceeding
- Rule 1011** Responsive Pleading or Motion in Involuntary Cases
- Rule 2002** 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
- Rule 3002.1** Notice Relating to Claims Secured by Security Interest in the Debtor's Principal Residence
- Rule 7008** General Rules of Pleading
- Rule 7012** Defenses and Objections—When and How Presented—By Pleading or Motion—Motion for Judgment on the Pleadings
- Rule 7016** Pretrial Procedures
- Rule 9006** Computing and Extending Time; Time for Motion Papers
- Rule 9027** Removal
- Rule 9033** Proposed Findings of Fact and Conclusions of Law
- Rule 1012** Responsive Pleading in Cross-Border - *New*
- Form 420A** Notice of [Motion to][Objection to]
- Form 410S2** Notice of Postpetition Mortgage Fees, Expenses, and Charges

Other amendments include Federal Rules of Civil Procedure Rules 4, 6, and 82; Federal Rules of Criminal Procedure 4, 41, and 45; and Federal Rules of Appellate Procedure 4, 5, 21, 25, 26, 27, 28, 28.1, 29, 32, 35, and 40, as well as Appellate Forms 1, 5, 6, and new Form 7.

Please visit <http://www.uscourts.gov/rules-policies/pending-rules-and-forms-amendments> for more information.

Change to Bankruptcy Court Miscellaneous Fee Schedule Effective December 1, 2016

Please be aware of increases to the following fees effective December 1:

- For exemplification of any document, **\$22**
- For reproduction of an audio recording of a court proceeding, **\$31**
- For filing an amendment to the debtor's schedules, lists of creditors, or mailing list, **\$31**
- For conducting a search of the bankruptcy records, **\$31**
- For filing any document that is not related to a pending case or proceeding, **\$47**
- For the filing of any of the following motions, **\$181**
 - To terminate, annual, modify or condition the automatic stay
 - To compel abandonment per Rule 6007(b)
 - To withdraw the reference of a case or proceeding under 28 U.S.C. § 157(d)
 - To sell property of the estate free and clear of liens under 11 U.S.C. § 363(f)
- For management of registry funds invested through the Court Registry Investment System, an annual rate of **10** basis points of assets on deposit shall be assessed from interest earnings.
- For management of funds deposited under 28 U.S.C. § 1335 and invested in a Disputed Ownership fund through the Court Registry Investment System, a fee at an annual rate of 20 basis points of assets on deposit shall be assessed from interest earnings.

Visit our website at www.flnb.uscourts.gov/court-resources/filing-fees for more information.

Deadlines to Submit Proposed Orders

Pursuant to Local Rule 9072-1 E., all orders are to be submitted **within three (3) business days after the date of the hearing or expiration of the response deadline** with the exception of proposed orders on negative notice motions with no objection, as noted below.



Rule 2002-2 C. (2) directs that the movant shall submit a proposed order **not later than fourteen (14) days after the expiration of the objection period** or the Court may enter an order denying the motion without prejudice for lack of prosecution.

Proposed orders may be submitted electronically at the time the motion is filed. The Case Administrator to whom the case is assigned will "hold" the proposed order until after the expiration of a response or objection deadline at which time it will be forwarded to Chambers for review.

Judge Specie Wants to "Get to Know You"



I recently asked the attorneys who practice in the U.S. Bankruptcy Court for the Northern District of Florida to help us "get to know you" in a new recurring series in *The Bankruptcy Advisor*. You were asked to submit answers to a list of questions or just tell me something we probably don't know about you. The first of these randomly selected spotlights is included herein.

If you would like to participate but have not yet responded, or if you have any questions, please email me at Julie.Gibson@flnb.uscourts.gov. I hope you enjoy reading the responses as much as I have!

ECF Essentials

“Submission Error Notification—Refiling Required”

The Clerk’s Office enters an average of 106 “Submission Error Notification” (“SEN”) notifications each month, the majority of which are the “**Submission Error Notification - Refiling Required**” notification. This SEN is to advise you of a problem with the filing which must be corrected before we can process it. The most frequent errors requiring that the document be refiled include:

- **Incorrect Filing Event Used** - Pleadings must be filed using the correct filing event in order to collect statistical information for BAPCPA reporting, to appear on reports to be set for hearing, and to schedule deadlines or perform other “background” activities in CM/ECF.
- **Document Not Signed** - We are unable to process documents that are not signed or that do not contain all required signatures, as applicable.
- **Reaffirmation** - The attorney for the debtor signed Part C of the agreement but failed to check the box certifying the debtor is able to make the required payment. Failure to Amend the document will result in the case being referred to Chambers for review and/or being set for hearing.
- **Creditors Not Uploaded** - If the filer fails to upload the mailing matrix when opening a new bankruptcy case, the Notice of Bankruptcy Case/341(a) Meeting of Creditors will not be issued.
- **Incomplete PDF** - The PDF attached to the docket entry appears to be missing pages or other required information.

If you are unable to determine how to correct an SEN, call the Clerk’s Office and ask to speak to the Case Administrator who entered the notification. Her name will be in parenthesis at the end of the docket entry. We may be reached at 850-521-5002 (Tallahassee local) or 888-765-1752 (toll free).

Getting to Know Taylor J. King - Law Offices of Mickler & Mickler

What would you be doing if you weren’t an attorney? Prior to law school, I had planned on going to culinary school and becoming a chef.

How do you recharge/what do you like to do in your spare time? I like to golf, run, go to Crossfit, generally anything that involves exercise or sports. I also enjoy spending time with my wife and our 1 year old Havanese puppy, Zoey.

What one thing in your life are you the most proud of? My wife. She’s beautiful, smart, funny and a better attorney than me. I’m lucky to have her!

Tips & Tricks

Biannual Time Change Reminders

The biannual time change is a good time to remember to check the batteries in the smoke detectors at home and to verify your account information in CM/ECF!

Pursuant to the Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means I.C.2.a. registered users are required to “[m]aintain all applicable user account information on the System including your current address, telephone numbers, and email address(es).”

Upon receipt of notification of a delivery failure from the primary email address in your account, account access will be “locked” until you contact our office for reactivation and to provide current contact information.

Please regularly review your account information to ensure that all contact information is correct to avoid account deactivation.

THE CLERK'S CORNER

By: Traci E. Abrams, Clerk of Court

Thank You

It's that time of year. The nights are cooler, and the days...well they aren't as hot. Some of the leaves are thinking about turning, and we've enjoyed gentle breezes and good weather. In short, we're edging ever closer to Thanksgiving; a time of year when we reconnect with family and friends and enjoy each other's company.

The Thanksgiving holiday is also an opportunity to express our sincere appreciation for the people in our lives who make our days a little brighter or a little easier. Of course, family members automatically come to mind since family is often the bedrock upon which our lives are built. But we all have extended families, too, consisting of co-workers and other people with whom we regularly interact.

In honor of Thanksgiving, I wish to express my sincere appreciation to the members of my extended court family. To all of you who work for the court or work closely with court staff, thank you for your service and dedication. If not for your efforts, our mission could not be achieved.

Why File a Notice of Pro Bono Representation of Debtor(s)?

The *Notice of Pro Bono Representation of Debtor(s)* is a paperless docket event which advises the court that you are donating your time to represent the debtor(s) and is the only way to make us aware of the circumstance.

In appreciation and recognition of your donated time, Judge Specie's staff will make every effort to schedule any matters before the court at the beginning of the docket. Additionally, the Clerk's Office will serve orders, Notices of Hearing, and other documents which would normally be the responsibility of the debtor's attorney.

Getting to Know Charles Tatelbaum - Tripp Scott

"I am fortunate to have been practicing bankruptcy law for slightly more than 50 years, having also taught creditors' rights and Uniform Commercial Code courses at the University Maryland Law School for seven years. Practicing bankruptcy law in Florida for the last 30 years has been the best part of my career, in part because of the quality of the bankruptcy judges in each of the districts.

However, as bankruptcy attorneys, we never meet happy people. Whether we represent debtors or creditors, each is involved with a stressful financial situation, and we are called upon to not only solve the problem, but also deal with the emotional issues.

In order to help overcome this burden that we all face, as a result of my 20 year representation of Macy's, I was able to enroll in Clown University in New York and then qualified to be a clown in the Macy's Thanksgiving Day Parade. I have participated in the parade for the last seven years. I also volunteer at local hospitals for the pediatric patients and the geriatric patients. Having the training to be a professional clown has certainly helped me in my legal practice in creating appropriate levity and humor when clients are faced with stressful situations."



Macy's Thanksgiving Day Parade, 2015. Photo credit: The Associated Press.

Office Closings

The U.S. Bankruptcy Court for the Northern District of Florida will be closed in observance of the following federal holidays, pursuant to 5 U.S.C. 6103:

Thursday, November 24 - Thanksgiving Day

Monday, December 26 - Christmas*

Monday, January 2 - New Year's Day*

** December 25, 2016, and January 1, 2017, the legal public holidays for Christmas Day and New Year's Day, fall on a Sunday. For most Federal employees, the following Monday will be treated as a holiday.

All office closings are posted to the Court's website at www.flnb.uscourts.gov.

Julie Gibson—25 Years

Data Quality Analyst/Trainer, Tallahassee

Julie joined the Judiciary in 1991 in a brief stint with U.S. Probation in the Northern District of Georgia but relocated and joined the U.S. Bankruptcy Court for the Northern District of Florida in November 1991 as the Secretary to the Clerk. In the past 25 years, Julie has served the bankruptcy court in various capacities including as a Case Administrator, Court Services Specialist, and now as a Data Quality Analyst/Trainer. Julie is the ECF Administrator, Training Coordinator, Contracting and Purchasing Officer, backup Courtroom Deputy, and editor/publisher of *The Bankruptcy Advisor* newsletter. She and her husband, Greg, are the proud parents of two adult children, doting grandparents to two, and are currently owned by cats MoMo and Darwyn, and a wild Boxer puppy named Bingo.



Traci Abrams—20 Years

Clerk of Court, Tallahassee

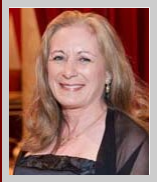
Traci began her career with the U.S. District Court for the Northern District of Florida where she served in various positions ranging from Jury Administration Assistant to Resident Deputy-in-Charge of the Gainesville division from 1996 through early 2011. In February, 2011 Traci and her family moved to Tallahassee where she had accepted the position of Chief Deputy Clerk for the U.S. Bankruptcy Court for the Northern District of Florida. In April, 2013 Traci was appointed Acting Clerk after former Clerk Bill Blevins transferred to the U.S. District Court for the Eastern District of Louisiana, and was promoted to Clerk of Court by Chief Bankruptcy Judge Karen K. Specie on June 18, 2013. Traci and her husband, Jason, are the proud parents of two: their son "Fishstick" and their Great Dane, Tynee.

Bidding Farewell to Claire Bikowitz

Clerk's Office staff member, Claire Bikowitz, will be retiring at the end of the month after nineteen years with the Courts. Claire began her career at the United States Bankruptcy Court for the Northern District of New York in 1997. In 2008, she moved to sunny Florida to begin work here in the Northern District as a Case Administrator.



Claire is one of those special people who attends to her own responsibilities but always makes time to help others. She can always be counted on to assist with an office function, cook *wonderful* dishes for office events and friends, provide a shoulder for others to lean on when life is not cooperating, and take care of the little things that others often overlook. Claire is an avid vocalist with the Tallahassee Community Chorus and has had exciting opportunities to travel to Europe for performances. We will all miss Claire dearly, but wish her well in pursuing her music, travel and anything else that piques her interest.



Views & News from the Bench

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

A Time for Thanks

Thank you to all attorneys who have taken pro bono cases during the past year.

Thank you to all members of the Board and annual seminar committee responsible for the NDBBA Annual Seminar at the WaterColor Inn and Resort in September.

Thank you to all members of our Local Rules Committee. They have done some heavy lifting this year and are very close to publishing Local Rules changes; possibly by the end of 2016.

Thank you to all in our Court, especially the Clerk's Office, who help make our court run smoothly. Our court remains one of the top two or three busiest single judge bankruptcy courts in the nation. Nationally, FLNB ranks 35th in total Chapter 11 filings, 31st in weighted filings per judgeship, 20th in total pro se cases and 15th in pro se Chapter 13 cases. I am pleased to report that the Eleventh Circuit Judicial Council Bankruptcy Committee unanimously recommended one new bankruptcy judgeship for the Northern District of Florida. The recommendation has gone to the Judicial Council of the United States and we are hopeful that the Judicial Council will adopt the recommendation. The more that filings in our district increase, the better the chance that we will eventually receive another bankruptcy judgeship in this district.

Thank you to our practitioners, their staffs and their families. We are blessed to live, work, practice and raise families in the Northern District of Florida. As we head into the busy holiday season, I hope you will join me in pausing to be thankful. The collective efforts by all of us throughout the district make ours one of the most efficient bankruptcy courts in the US, and one of the most pleasant to work in.

On behalf of our entire Court, I wish everyone a happy and healthy holiday season, and look forward to a busy and productive new year.

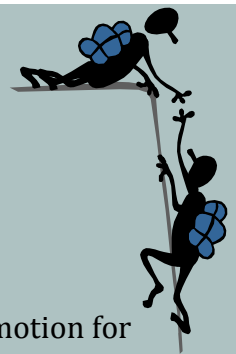
HELP DESK HINTS...

Frequent Misuse of Negative Notice

Be advised that the following may **not** be filed on negative notice:

- ♦ Motion for Relief from Stay **in a Ch 11 case**
- ♦ Motion for **Prospective** Relief from Stay under 11 U.S.C. 362(D)(4)

The Clerk's Office will enter an Order and Notice of Preliminary Hearing or set the motion for hearing, as applicable per procedure, if these motions are filed on negative notice. Please review the [Permissive Use of Negative Notice](#) list (i.e., "the negative notice list") to determine if your pleading may be filed on negative notice. Note that some pleadings are allowed in designated chapters and are not permitted in others (e.g., the Motion for Relief from Stay).



Getting to Know Sharon Sperling

Law Office of Sharon T. Sperling

What would you be doing if you weren't an attorney?

What I really want to do is direct. If things had gone differently, I think I would have been a writer.

How do you recharge/what do you like to do in your spare time?

I play a stupid Facebook game that has required tasks to be accomplished within fixed deadlines, and my success depends on the actions of other players over whom I have no authority or control. So basically, for fun I do work.

What characteristic do you most admire in others?

Guts - the ability to set challenging goals and the self-discipline to achieve them.

If you ruled the world, what would you change on day 1?

You mean after I buy the world a Coke?
Hmmm... set up cross-cultural Secret Santas.

What one thing in your life are you the most proud of?

My relationship with my sisters. We "get" each other.

What job have you held in the past that would be a surprise to us?

Circus roustabout.

What is the last really great book you read, and why?

The Poisonwood Bible. I read it for the first time a long time ago, and it stays with me.

What is your favorite sports team?

The Mets!

What one tidbit of advice would you give to others?

It always helps to read the directions.

Getting to Know Diane M. Downs

Law Office of Diana M. Downs, P.A.

What would you be doing if you weren't an attorney?

Veterinarian

How do you recharge/what do you like to do in your spare time?

Run, read, work out, socialize with friends.

What characteristic do you most admire in others?

The ability to take charge of a room

If you ruled the world, what would you change on day 1?

Make sure everyone is well fed.

What one thing in your life are you the most proud of?

My independence and putting myself through college, graduate school and law school.

What job have you held in the past that would be a surprise to us?

Made crowns and teeth from dental molds.

What is the last really great book you read, and why?

Hard to say. So many great books that have influenced my life.

What is your favorite sports team?

Cowboys

What one tidbit of advice would you give to others?

Be careful what you wish for

Getting to Know Kenia Molina

The Law Firm of Frenkel Lambert Weiss Weisman & Gordon, LLP

What would you be doing if you weren't an attorney?

Teacher or counselor

How do you recharge/what do you like to do in your spare time?

Spend time with my two sons

What characteristics do you most admire in others?

Generosity and selflessness

If you ruled the world, what would you change on day 1?

World hunger

What one thing in your life are you most proud of?

My children

What one tidbit of advice would you give to others?

Don't judge a book by its cover

*When autumn leaves are falling and Thanksgiving time is near,
it warms the heart to think of those who mean so much all year.*

Happy Thanksgiving from our family to yours.



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

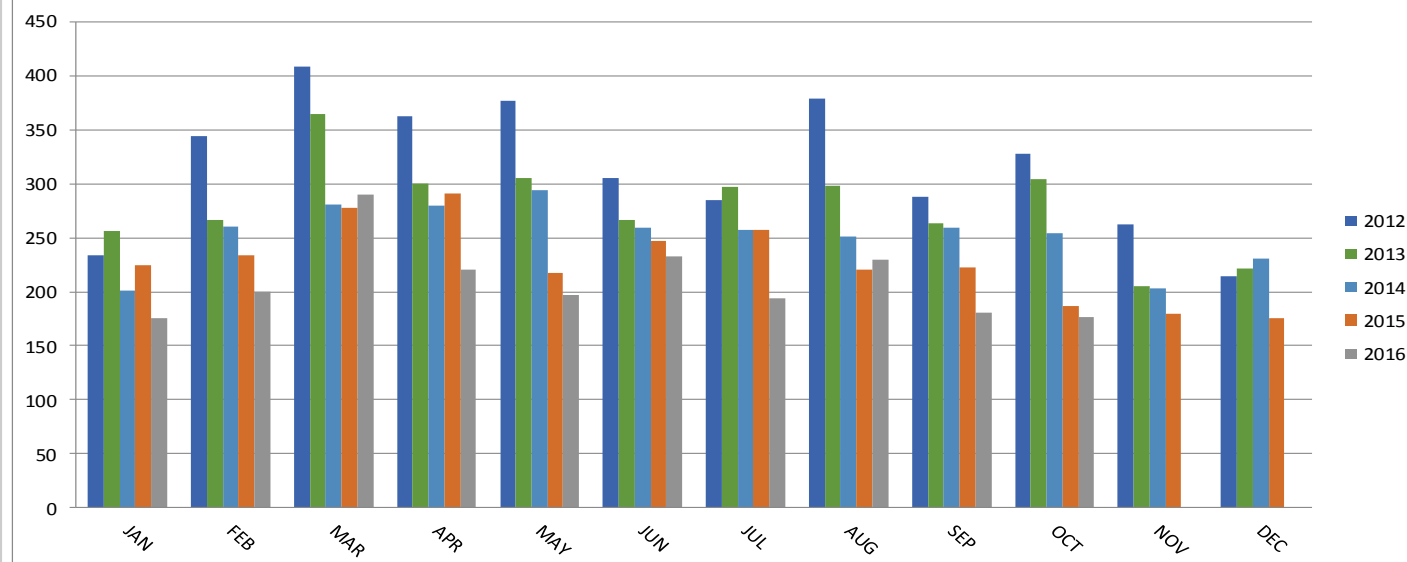
Help Desk &
CM/ECF Access
(850) 521-5001
(866) 765-1752

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

Case Filings by Month 2012-2016

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.

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.