

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF FLORIDA  
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In re:

EMERGENCY MEASURES	)	Administrative Order
DUE TO HURRICANE IDALIA	)	No. 23-003
	)	
_____	/	

**EMERGENCY ORDER REGARDING DEADLINES**  
**EXTENDED DUE TO HURRICANE IDALIA**

Hurricane Idalia made landfall as a dangerous Category 3 hurricane at approximately 7:15 a.m. (ET) on Wednesday, August 30, 2023, on the Gulf Coast of Florida, near Keaton Beach, in Florida’s “Big Bend” area. Rain, wind, and other adverse weather effects from Hurricane Idalia began impacting the Northern District on Tuesday, August 29, 2023. In and around Tallahassee, Gainesville, the Big Bend and other portions of the Northern District, streets, homes, and businesses are flooded or completely destroyed, and trees and power lines are down. Some bridges and roads remain closed. Some communities, like Cedar Key and Steinhatchee, Florida, are virtually inaccessible. Although power has been restored for about 420,000 residents of the Northern District, according to one source approximately 141,000

customers remain without power as of August 31, 2023, and some parts of Taylor County remain 100% without power.<sup>1</sup>

In certain places, the effects of Hurricane Idalia continue to impact, and are expected to continue impacting, Court personnel, Court security officers, attorneys, and parties in the Northern District of Florida, particularly with respect cases assigned to or to be filed in the Tallahassee and Gainesville Divisions of this Court.

Fed. R. Bankr. P. 9006(a)(3) allows the Court to extend time filing requirements under Rule 9006(a)(1) when the Clerk's Office is deemed inaccessible.<sup>2</sup> Bankruptcy Code section 105(a) provides that a "court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title."<sup>3</sup> That section also provides that bankruptcy courts may *sua sponte* take any action or make any determination necessary to prevent an abuse of process or to enforce or implement court orders or rules.<sup>4</sup>

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<sup>1</sup> <https://www.cnn.com/us/live-news/tropical-storm-idalia-path-florida-08-31-23/index.html> (last visited August 31, 2023).

<sup>2</sup> Fed R. Bankr. P. 9006(a)(3): "Unless the court orders otherwise, if the clerk's office is inaccessible: (A) on the last day for filing under Rule 9006(a)(1), then the time for filing is extended to the first accessible day that is not a Saturday, Sunday, or legal holiday; or (B) during the last hour for filing under 9006(a)(2), then the time for filing is extended to the same time on the first accessible day that is not a Saturday, Sunday, or legal holiday."

<sup>3</sup> 11 U.S.C. § 105(a).

<sup>4</sup> *Id.*

The Court deems the Clerk's Office inaccessible to those who have no power or access to the Internet for the purposes of electronic filing or submission of papers and documents via email or in person. Although the Clerk's Office in Tallahassee and the District Clerk's office in Gainesville have reopened to the public for in-person filings, many parties and attorneys do not currently have access even to computers or printers, due to destruction of property and/or lack of power. Extraordinary circumstances exist such that the interests of justice are served, and the interests of the public are served, by the enactment of the measures in this Order. These circumstances should not be the basis for an adverse legal decision.

For these reasons, beginning with deadlines that originally may have expired on August 30, 2023,

**IT IS ORDERED:**

1. All periods set by statute or rule, including deadlines to file proofs of claim, statutes of limitation, and deadlines for motions, applications, objections, and adversary proceedings applicable to causes of action, cases and proceedings filed, or to be filed in this Court are suspended for parties and

attorneys who reside or work in the affected counties, and who are involved in cases assigned to the Tallahassee and Gainesville Divisions, through September 30, 2023, or until further order of the Court.

2. All time filing requirements for pleadings, including motions and responses, in cases in the Tallahassee and Gainesville Divisions are extended through September 30, 2023, or a date set by further order of the Court.
3. For cases in the Tallahassee and Gainesville Divisions, any temporary stay imposed under 11 U.S.C. § 362(c) is further extended through September 30, 2023.
4. *Pro se* (self-represented) parties are authorized to continue filing pleadings and papers electronically, by email, or by such other means as the Court has authorized.
5. Any party or attorney that is not resident in or whose office is not in the Tallahassee or Gainesville Divisions that can demonstrate good cause may request the relief provided by this Order.

6. Effective upon the date of this Order and through September 30, 2023, or further order of the Court, subject to the conditions stated below, the Court suspends the requirement for CM/ECF Registered Participants to retain for four years after the closing of the case documents with original signatures, including Official Form 21, petitions, lists, schedules, statements, pleadings, affidavits, and other documents requiring verification under Fed. R. Bankr. P. 1008 and an unsworn declaration as provided in 28 U.S.C. Section 1746 as set out in the *Administrative Procedures for Filing, Signing, and Verifying Pleadings and Papers by Electronic Means* attached to Standing Order No. 11.

7. This suspension is expressly conditioned on the following: that before filing the document or pleading in question, the Registered Participant has either:

- a. obtained a digital signature via any commercially available digital signature software that provides signature authentication and maintains a copy of the digitally signed document in his or her case file; or

b. obtained express written permission from the signatory to file the document in question.

8. The filing of a document or pleading under this Administrative Order constitutes a certification that the Registered Participant either has obtained the signatory's original, physical signature or has complied with the foregoing conditions.

9. The electronic signature or the written permission shall have the same force and effect as if the Registered Participant possesses the paper original of such document.

10. This Administrative Order does not waive, suspend, limit, or alter any other ECF Procedures requirement or provisions of this Court's Local Rules, the Bankruptcy Code, or Federal Rules of Bankruptcy Procedure.

**DONE and ORDERED** on August 31, 2023.



**KAREN K. SPECIE**  
Chief U.S. Bankruptcy Judge