



***UNITED STATES BANKRUPTCY COURT***  
***FOR THE NORTHERN DISTRICT OF FLORIDA***

Local Rules

**EFFECTIVE DATE: DECEMBER 1, 2011**

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## **RULE 1001-1**

### **INTRODUCTION AND GENERAL STATEMENT OF ADOPTION AND APPLICATION OF LOCAL RULES**

A. The title of these rules is "Local Rules, United States Bankruptcy Court, Northern District of Florida." They may be cited as "N.D. Fla. LBR\_\_\_\_."

B. These rules shall take effect on December 1, 2011, and shall apply in said United States Bankruptcy Court to all cases, and to all matters and proceedings arising in or related to cases under Title 11, United States Code (the Bankruptcy Code) then pending and thereafter filed, except to the extent that in the opinion of the Court their application in a pending case, matter or proceeding would not be feasible or would work an injustice.

C. For cause, on motion of a party in interest or *sua sponte*, the Court may direct that one or more provisions of these rules not apply in a case, matter, or proceeding.

D. The Local Rules of the United States District Court, Northern District of Florida shall apply in all bankruptcy cases, including contested matters and adversary proceedings, to the extent applicable and to the extent not inconsistent with the bankruptcy rules and the local bankruptcy rules for the Northern District of Florida.

E. Definitions: The terms "Court," "Clerk," and "Judge," when those appear in applicable District Court Local Rules, shall mean the Bankruptcy Court, Bankruptcy Clerk, and Bankruptcy Judge, respectively, unless inconsistent with the language or meaning of the particular District Court Local Rule.

## **RULE 1005-1**

### **PETITION - CAPTION**

A petition filed on behalf of an individual or an individual and such individual's spouse shall not include the name of any corporation, partnership, limited partnership, or joint venture.

## **RULE 1006-1**

### **FILING FEE**

The filing fee must be paid by an attorney's office or trust account, check, cash, money order, or preapproved credit card. Documents filed electronically require payment on-line by credit card at the time of filing. If paid by check, there should be a separate check for each petition or item filed. Direct payments from debtors may only be by cash, cashier's check or money order – no personal checks, credit cards or debit cards from debtors will be accepted.

## **RULE 1007-1**

### **LISTS, SCHEDULES, STATEMENTS, AND OTHER DOCUMENTS**

The following shall be filed at the same time as, but separately from, the petition and submitted on the most current version of the prescribed form:

A. Chapter 7, 12, or 13:

(1) List of Creditors (Names and Addresses) unless the petition is accompanied by a schedule of liabilities or a Chapter 13 statement.

(2) Master Mailing Matrix (see Local Rule 1007-2).

(3) Filing Fee.

(4) Unless the U. S. Trustee has determined that the credit counseling requirement of §109(h) does not apply in the district, a Statement of Compliance as prescribed by the appropriate form (see local forms page on Court internet site) by individual debtors, which must include one of the following:

(a) an attached Certificate and Debt Repayment Plan, if any, required by §521(b);

(b) a Statement that the debtor has received the credit counseling briefing required by §109(h)(1) but does not have the certificate required by §521(b);

(c) a Certification under §109(h)(3); or

(d) a Request for a determination by the Court under §109(h)(4).

(5) If the debtor is unable to comply with the requirement under 11 U.S.C. §521(a)(1)(B)(iv) because he/she has no income, a Certificate or Statement noting the lack of income. (Form available on Court's internet site.)

(6) If the debtor is a corporation other than a governmental unit, a Corporate Ownership Statement must be filed with the petition. This Statement should disclose all corporations that directly or indirectly own 10% or more of the class of the corporation's equity interests. The Statement must be provided even if there are no entities to report. (Form available on Court's internet site.)

**Note:**

- **Statement of Social Security Number:** Failure of a pro se debtor to submit the Statement of Social Security Number (official form B-21) may lead to dismissal of the case. In cases filed electronically, the Statement is not required to be filed with the Court and shall be maintained by the registered user/attorney in accordance with Section II.M.1. of the Administrative Procedures. (a link to the Admin. Procedures will be added to the PDF version of the rules)
- **Format for Paper Filings:** Per USDC Local Rule 5.1 B (3) - Except for forms provided by this court, all documents tendered for filing, or filed electronically, shall be double-spaced, if typewritten, no smaller than 12 point font, and on plain white letter-sized (8 1/2 " x 11") paper with approximately one and one-fourth (1 1/4) inch margins. The first page of every pleading or document filed in paper form shall, however, allow approximately a two (2) inch margin at the bottom of the page where the clerk shall date stamp such pleading or document filed.

**B. Chapter 9 or 11:**

(1) List of Creditors (Names and Addresses) unless the petition is accompanied by a schedule of liabilities.



- (2) Exhibit "A" to Official Form No. 1, if debtor is a corporation.
- (3) List of twenty largest unsecured creditors excluding insiders.
- (4) Master mailing matrix (see Local Rule 1007-2)
- (5) Filing fee.
- (6) Unless the U. S. Trustee has determined that the credit counseling requirement of §109(h) does not apply in the district, a Statement of Compliance as prescribed by the appropriate form (see local forms page on Court internet site) by individual debtors, which must include one of the following:
  - (a) an attached Certificate and Debt Repayment Plan, if any, required by §521(b);
  - (b) a Statement that the debtor has received the credit counseling briefing required by §109(h)(1) but does not have the Certificate required by §521(b);
  - (c) a Certification under §109(h)(3); or
  - (d) a Request for a determination by the Court under §109(h)(4).
- (7) If the Chapter 11 individual debtor is unable to comply with the requirements of 11 U.S.C. §521(a)(1)(B)(iv) because he/she has no income, a Certificate or Statement noting the lack of income. (Form available on Court's internet site.)
- (8) If the debtor is a corporation other than a governmental unit, a Corporate Ownership Statement must be filed with the petition. This Statement should disclose all corporations that directly or indirectly own 10% or more of the class of the corporation's equity interests. The Statement must be provided even if there are no

entities to report. (Form available on Court's internet site.)

## **RULE 1007-2**

### **MAILING LIST OR MATRIX**

The debtor shall file separately, but at the same time as the petition, a list containing the name and address of each creditor which shall serve as a mailing matrix. The mailing matrix shall be signature verified and submitted in the format specified by the Clerk's Office (see "MAILING MATRIX FILING INSTRUCTIONS" on local forms page on Court internet site).

## **RULE 1007-3**

### **STATEMENT OF INTENTION**

The debtor's statement of intention (any and amendment thereto), filed pursuant to 11 U.S.C. §521(a)(2), shall include the terms under which the stated intentions will be accomplished by the debtor.

## **RULE 1009-1**

### **AMENDMENTS OF VOLUNTARY PETITIONS, LISTS, SCHEDULES and STATEMENTS**

A. Amendments to Voluntary Petitions, Lists, Schedules and Statements may be made by filing the original with the Clerk. Amendments must contain a caption which includes the case number, case name and the title of the document. The amendment must be executed and acknowledged by the debtor and attorney of record in the same manner that the item being amended was originally executed. Amended schedules should be filed in their entirety for clarity and to simplify the record. Any changes, additions or deletions must be clearly indicated.

B. The debtor shall notice the amendment to any entity affected thereby, the trustee, and to the U.S. Trustee's office. A certificate of service shall be filed with the Clerk.

C. Amendments adding additional creditors to the schedules require the appropriate filing fee and shall be accompanied by an additional mailing matrix which contains the names and addresses of only the creditors being added.

D. Adding Creditors in a Closed No Asset Case: If the case is a closed Chapter 7 case with no distribution to creditors, a "Certificate and Affidavit for Adding Creditors to Schedules in a Closed No Asset Case" must be completed and filed (see local forms page on Court internet site).

E. An amended Statement of Social Security Number (Form 21) should be completed to correct a previously filed social security or individual taxpayer identification number and kept on file for four years after the case or proceeding is closed with a copy of the amended form mailed to the Clerk's Office.

**NOTE:** As with the original Form, the amended Form should NOT be filed on the system or sent via e-mail. In addition, under the Federal Rules of Bankruptcy Procedure, a notice of the correct number needs to be sent to all creditors, the United States Trustee, and the case trustee. A truncated or redacted copy of the notice showing only the last four digits should be filed with the Court. **Only** with an error in the last four digits of the SSN that appear on the petition should the debtor file an amended petition with notice to all parties.

## **RULE 1014-1**

### **CHANGE OF VENUE**

In accordance with Local Rule 3.1(C) of the U.S. District Court for the Northern District of Florida, attorneys desiring to transfer a new Chapter 7 or 13 petition to another division within the District must select the division at case opening where they want the case administered and contemporaneously file a Motion to Transfer.

NOTE: Detailed instructions can be provided by the clerk's office upon request. Nothing in the local rule is intended to apply to new Chapter 11 petitions.

## **RULE 1015-1**

### **JOINT ADMINISTRATION**

A. Time for Filing Objection to Joint Administration. All cases involving two or more related debtors will be jointly administered in accordance with Bankruptcy Rule 1015. However a creditor or party in interest may file an objection to joint administration no later than 30 days after the first date set for the meeting of creditors under 11 U.S. C. §341(a).

B. Extension of Time. On motion of any party in interest, after hearing on notice, the Court may for cause extend the time to file an objection to joint administration. The motion shall be filed before the time has expired.

C. Until the Order Consolidating is entered, all items are to be filed as applicable in each involved case.

#### **RULE 1017-1**

#### **DISMISSAL - CASE OR PROCEEDINGS**

Failure to comply with these Rules may be grounds for dismissal of a case or conversion to a case under Chapter 7 of Title 11.

#### **RULE 1019-1**

#### **CONVERSION**

A. In cases converted to Chapter 7,

(1) the debtor-in-possession or the trustee shall file an original of all lists, schedules, statements, and other documents required by Bankruptcy Rule 1007, on the most current version of the official forms with the debtor's signatures, which accurately reflects the condition of the debtor's estate at the time of conversion.

(2) The lists, schedules, statements, and other documents shall be filed within the time provided in Bankruptcy Rule 1007 and 1019(1)(A). The final report and schedule of post-petition debts shall be filed within the time provided in Bankruptcy Rule 1019(1)(A).

(3) If the debtor has acquired no debt or property since the filing of the case and prior to conversion, the debtor shall obviate the need for filing new and/or amended schedules and statements by filing a statement that he or she has acquired no debts or property since the case was filed.

**Note:** If there are changes or amendments to be made, this process is not applicable and the debtor shall comply with all other requirements of Bankruptcy Rule 1019.

B. The applicable current monthly income form (Form B 22A, 22B, or 22C) shall be filed in all cases within fourteen (14) days of conversion.

### **RULE 1070-1**

### **JURISDICTION**

Motions other than those filed in adversary proceedings shall be deemed to be core proceedings unless a response asserting that the matter should be treated as a non-core proceeding is filed within the time provided in Local Rule 9013-1.

### **RULE 2002-1**

### **NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES**

A party in interest who desires to receive copies of pleadings and notices to which it is entitled under Bankruptcy Rule 2002 shall:

A. File a request with the Clerk;

B. Serve a copy of the request on the debtor, debtor's attorney, the attorney for the debtor-in-possession, the trustee, the attorney for the trustee and the U.S. Trustee; and

C. Attach to the request filed with the Clerk a certificate of service which states to whom a copy of the request has been given.

## **RULE 2002-2**

### **NEGATIVE NOTICE PROCEDURE**

A. The following motions, objections, and other pleadings not already specifically provided for by a similar negative notice procedure in these rules may be considered by the Court without an actual hearing under the negative notice procedure described in this rule if no party in interest requests a hearing:

(1) Motion to approve agreements relating to relief from the automatic stay, prohibiting or conditioning the use, sale, or lease of property, providing adequate protection, use of cash collateral, and obtaining credit pursuant to Bankruptcy Rule 4001(d).

(2) Motion to avoid liens on exempt property pursuant to Bankruptcy Rule 4003(d).

(3) Motion to use, sell, or lease property not in the ordinary course of business pursuant to Bankruptcy Rule 6004(a) but not motions to sell property free and clear of liens or other interests pursuant to Bankruptcy Rule 6004(c).

(4) Notices of abandonment pursuant to Bankruptcy Rule 6007(a) and motion to compel abandonment pursuant to Bankruptcy Rule 6007(b).

(5) Motion to approve compromises or settlements pursuant to Bankruptcy Rule 9019(a).

(6) Motion to extend time under Local Rule 3002-1.

(7) Other motions, objections, and matters if permitted by the presiding judge.

B. Motions, objections, and other matters filed pursuant to this negative notice procedure shall:

(1) Be served in the manner and on the parties as required by the provisions of the Federal Rules of Bankruptcy Procedure, Local Rule, or any order of Court applicable to motions, objections, or matters of the type made and shall be filed with the proof of such service in accordance with the provisions of Local Rule 7004-1.

(2) To the extent permitted under the Federal Rules of Bankruptcy Procedures, Local Rules, or any order of the Court, a Filing User may make use of these Negative Notice Procedures by serving motions, objections, and other matters by electronic means to any other Filing User or other party who consents to receive service by electronic means.

(3) Contain a negative notice legend prominently displayed on the face of the first page of the paper. The negative notice legend shall be in a form substantially as follows:

**NOTICE OF OPPORTUNITY TO  
OBJECT AND FOR HEARING**

**Pursuant to Local Rule 2002-2, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files an objection within twenty-one (21) days from the date of service of this paper. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at 110 E. Park Avenue, Tallahassee, FL 32301, and serve a copy on the movant's attorney, (name and address, and any other appropriate persons).**

**If you file and serve an objection within the time permitted, the Court may schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the granting of the relief requested in the paper, and will proceed to consider the paper without further notice or hearing, and may grant the relief requested.**

C. For the purpose of completing the above negative notice legend, the number of days during which parties may object that is placed in the negative notice legend shall be twenty-one (21) days.

(1) In the event a party in interest files an objection within the time permitted in the negative notice legend, the Court may schedule a hearing on the motion, objection, or other matter upon notice to the movant's attorney, the objecting party or parties, and others as may be appropriate.

(2) In the event no party in interest files an objection within the time permitted in the negative notice legend as computed under Bankruptcy Rule 9006(a) and (f), the Court will consider the matter in chambers without further notice or hearing upon the submission by the movant of a proposed form of order granting relief. The movant shall submit the proposed order not later than fourteen (14) days after the expiration of the objection period. In the event the movant fails to submit a proposed form of order within this time, the Court may enter an order denying the matter without prejudice for lack of prosecution. In addition to any other requirements, the proposed form of order shall recite that:

(a) The motion, objection, or other matter was served upon all interested parties with the Local Rule 2002-2 negative notice legend informing the parties of their opportunity to object within the proper days of the date of service;

(b) No party filed an objection within the time permitted;  
and

(c) The Court therefore considers the matter to be unopposed.

D. Nothing in this rule is intended to preclude the Court from conducting a hearing on the motion, objection, or other matter even if no objection is filed within the time permitted in the negative notice legend.



## **RULE 2002-3**

### **PREFERRED ADDRESS NOTIFICATION**

A. An entity and a notice provider may agree that when the notice provider is directed by the Court to give notice to that entity, the notice provider shall give the notice to the entity in the manner agreed to and at the address or addresses the entity supplies to the notice provider. That address is conclusively presumed to be a proper address for the notice. The notice provider's failure to use the supplied address does not invalidate any notice that is otherwise effective under applicable law.

B. The filing of a notice of preferred address pursuant to 11 U.S.C. §342(f) by the creditor directly with the agency or agencies that provide noticing services for the Bankruptcy Court will constitute the filing of such notice with the Court.

C. Registration with the National Creditor Registration Service must be accomplished through the Bankruptcy Noticing Center, the agency that provides noticing services for the Bankruptcy Court for the Northern District of Florida. Forms and registration information are available at <https://www.ncrsuscourts.com>.

D. A local form for use by creditors for filing the notice of preferred address under 11 U.S.C. §342(e) is available on the Court's website.

## **RULE 2003-1**

### **MEETING OF CREDITORS AND EQUITY SECURITY HOLDERS**

Section 341 Meetings will not be continued except for good cause shown. All requests for continuances must be made through the U.S. Trustee's Office in Chapter 11 cases and through the trustee in Chapter 7, 12, or 13 cases.

## **RULE 2015-1**

### **DEBTOR IN POSSESSION DUTIES**

A. A debtor-in-possession or a trustee who operates a business shall file signed monthly financial reports in the form and containing the information as set forth by the Office of the U.S. Trustee (see local forms page on Court internet site).

B. A debtor-in-possession in a Chapter 11 case who is an individual not engaged in business shall file signed monthly financial reports in the form and containing the information as set forth by the Office of the U.S. Trustee (see local forms page on Court internet site).

C. The monthly reports shall be filed no later than the 20th day of each month commencing with the month following the filing of the petition and shall reflect all transactions during the immediately preceding month.

D. The attorney for the debtor-in-possession shall not be required to sign the monthly financial reports or file any notice of their filing.

E. The debtor-in-possession or trustee in a Chapter 11 case shall file the original monthly financial report with the Clerk and serve a copy of the reports and financial statements upon the U.S. Trustee, the members of the creditors' committee, if one has been appointed, the attorney for the creditors' committee, if one has been employed, and such other person or persons as the Court may from time to time direct. The debtor-in-possession in Chapter 12 and Chapter 13 business cases shall serve a copy of the reports and financial statements upon the trustee, the U.S. Trustee and upon such other person or persons as the Court may from time to time direct.

F. In Chapter 12 cases the debtor shall file signed Monthly Cash Receipts and Disbursements Statements as set forth by the Office of the U.S. Trustee (see local forms page on Court internet site). The debtor shall file the original with the Clerk and provide a copy to the Chapter 12 Trustee and the U.S. Trustee beginning with the filing of the bankruptcy petition and ending when the payments under the Plan are complete. The reports shall be filed by the debtor no later than the 15th day following the end of the month and shall

include all of the debtor's receipts or income, in cash or by check, received during the month. The receipts should be itemized by kind, quantity, and dollar amount. All expenses paid in cash or by check should be itemized.

G. Failure to comply with this rule may be grounds for conversion to Chapter 7, if permitted by law, or for dismissal of the case.

## **RULE 2016-1**

### **COMPENSATION OF PROFESSIONALS**

A. Applications for Compensation in Chapter 7 Cases:

(1) (a) Final applications for fees and expenses of all professionals incurred during the administration of the Chapter 7 cases and allowable under 11 U.S.C. § 503(b) must be filed not later than twenty-one (21) days after service of notification by the trustee that the case is ready to close.

(b) In cases that have been converted to Chapter 7, all final applications of professionals for fees, costs, and expenses incurred in the superseded case must be filed within ninety (90) days after the date of the order converting the case.

(2) All applications for fees and expenses, whether interim or final, shall contain the amounts requested and a detailed itemization of the work performed including:

(a) the name of the individual performing the work;

(b) the amount of time expended for each item of work;

(c) the hourly rate requested; and

(d) a discussion of the criterion that are relevant in determining the compensation to be awarded.

(3) (a) Applications for fees and expenses totaling \$1,000 or

less will be determined after notice and an opportunity for a hearing. Notice shall go to all creditors, the U.S. Trustee, and all other parties in interest. A hearing will not be held unless a timely objection is filed with the Court.

(b) Applications for fees and expenses under 11 U.S.C. § 326 will be determined after notice and an opportunity for a hearing. Notice shall go to all creditors, the U.S. Trustee, and all other parties in interest. A hearing will not be held unless a timely objection is filed with the Court.

B. Applications for Compensation in Chapter 11 Cases:

(1) Applications of attorneys, accountants, auctioneers, appraisers, and other professionals for compensation from the estate of the debtor allowable under 11 U.S.C. §503(b), should be filed no later than twenty-one (21) days after the entry of an order scheduling the confirmation hearing, except for applications for fees and expenses totaling \$1,000 or less, which may be heard and determined pursuant to Local Rule 2016-1. A copy of the application shall be served upon the trustee, the attorney for the trustee, the debtor-in-possession, the attorney for the creditors' committee, and the U.S. Trustee. Nothing herein shall preclude an application not filed pursuant to this rule; provided, however, that debtor shall not be required to pay for such services at the time of confirmation.

(2) All applications for compensation of professionals, including interim applications, shall contain a detailed itemization of the work performed. Applications by attorneys and accountants shall include the individual performing the item of work, a description of the work performed for each item, the amount of time expended for each item, the hourly rate requested, and a discussion of the criteria that are relevant in determining the compensation to be awarded.

(3) All disclosures required to be transmitted to the United States Trustee under Bankruptcy Rule 1026(b) shall be served on the case trustee within the time required for service on the United States Trustee.

## **RULE 2071-1**

### **COMMITTEES**

A. Upon appointment of a committee of creditors pursuant to 11 U.S.C. §1102, those creditors willing to serve shall have an organizational meeting and elect a chairman who shall preside at meetings of the creditors' committee.

B. The meetings of the creditors' committee may be held by telephone.

C. The U.S. Trustee shall notice the Clerk of the Bankruptcy Court of the names, addresses, and telephone numbers of the members of the committee. If no committee is appointed, the U.S. Trustee's Office shall notice the Clerk of the Bankruptcy Court that no committee has been appointed. A copy of the appropriate notice shall be served upon the attorney for the debtor and the members of the committee.

## **RULE 2081-1**

### **CHAPTER 11 – GENERAL**

**Note:** Please see Administrative Order 05-001 – *Administrative Order Establishing Initial Procedures in Chapter 11 Cases* on the Court's website in conjunction with this Local Rule.

A. Authority to Operate Business/Manage Financial Affairs:

(1) The operation of a business by a debtor-in-possession in cases filed under Chapter 11 shall be subject to the terms and conditions of an order continuing the debtor-in-possession to be entered upon the filing of the petition or entry of the Order for Relief. The debtor-in-possession shall also deposit taxes and file tax returns in compliance with the terms of the Order to File Federal and State Employment Tax Returns and To Deposit State and Federal Taxes (see local forms page on Court internet site).

(2) Individual Chapter 11 debtors not engaged in business shall be subject to the terms and conditions of the order authorizing individual debtors to manage financial affairs to be entered upon the filing of the petition or entry of the order for relief.

(3) All Chapter 11 voluntary debtors must comply with the Administrative Order Establishing Initial Procedures in Chapter 11 Cases (see Administrative Order No. 05-001 on the Court internet site).

B. Post-Confirmation Matters:

(1) Within twenty-one (21) days after the hearing confirming the plan, the attorney for the proponent of the plan shall prepare the Order of Confirmation and submit it to the Court. Copies of the proposed order shall be served upon the U.S. Trustee, any party in interest who filed an objection to the confirmation and to any other person designated by the Court. The Order Confirming the Plan will be distributed by the Court to all parties in interest. The proponent of the plan shall then be responsible for the distribution of copies of the confirmed plan to all creditors, the U.S. Trustee, and other parties as may be designated by the Court.

(2) (a) In addition to the report required by Bankruptcy Rule 2015(a) and (b), in those instances where the plan requires longer than one hundred twenty (120) days for consummation, the plan proponent shall file a Confirmed Plan Status Report beginning the third month after the effective date of the plan and every three (3) months thereafter. This report shall disclose any distributions made, including the amount of each distribution to creditors as identified in the plan, as well as a description of all other matters which must be consummated in order to close the estate.

(b) If the plan provides for payments to any class of creditors over a period of time which is longer than one hundred eighty (180) days from the date of confirmation, the plan proponent shall execute an instrument evidencing the indebtedness and deliver such instrument to each creditor or other party interest. Such instrument shall provide for payment of the amount due under the plan upon the terms set forth in the plan. Delivery of instruments shall be deemed commencement of distribution under the plan for purposes of

closing the estate pursuant to 11 U.S.C. §1101(c). Such instruments shall be delivered to creditors in each class within thirty (30) days after all objections to claims in that class have been resolved or, if there are no objections to claims in any class, then within sixty (60) days after the entry of an Order of Confirmation.

(c) Upon substantial consummation of the plan for cases other than those for an individual, the plan proponent shall file an application for final decree which shall certify compliance with 11 U.S.C. §1101.

(d) After the last plan payment has been made in an individual case, the debtor shall file:

(1) a certification that the final payment has been made (see local forms page on Court internet site);

(2) an application for final decree which shall certify compliance with 11 U.S.C. §1101.

## **RULE 2082-1**

### **CHAPTER 12 - GENERAL**

#### **A. Duties of the Chapter 12 Debtor**

(1) At least seven (7) days before the first meeting of creditors, the debtor must file and provide the Chapter 12 Trustee with the Summary of Operations for Chapter 12 Case (see local forms page on Court internet site) and the Income Tax Returns for the two (2) years immediately preceding the filing of the bankruptcy petition.

(2) At least seven (7) days before the confirmation hearing, the debtor must file and provide a copy to the Chapter 12 Trustee of the Farm/Fisherman Plan for a three (3) year period indicating

projected disposable income, and a liquidation analysis reflecting the distributions to unsecured creditors if the case proceeds as a Chapter 7.

(3) The debtor shall file and provide a copy to the Chapter 12 Trustee the Monthly Cash Receipts and Disbursements Statement (see local forms page on Court internet site) beginning with the filing of the bankruptcy petition and ending when the payments under the plan are complete. The Statements shall be filed by the debtor no later than the fifteenth (15th) day following the end of the month and shall include all of the debtor's receipts and/or income, in cash or by check, received during the month. The receipts should be itemized by kind, quantity, and dollar amount. All expenses paid in cash or by check should be itemized.

(4) Within sixty (60) days after the end of a calendar year (or fiscal year), the debtor must complete and file with the Clerk and the Chapter 12 Trustee, Internal Revenue Service Form Schedule 1040 F together with all supporting schedules of Schedule F, and Form 4835, for any part of the calendar or taxable period ending after the date on which the Chapter 12 petition was filed. The Schedule F and Form 4835 must report all income and all expenses to the end of the calendar (or fiscal) year.

(5) All payments to the Chapter 12 Trustee shall be in the form of a cashier's check or money order.

**B. Pre-Confirmation Matters in Chapter 12**

(1) In all cases filed under Chapter 12, the debtor shall file a statement which contains "adequate information" about: (a) the debtor's ability to make all of the payments under the plan and to comply with the plan, (b) the financial condition of the debtor, including assets and liabilities of the debtor as well as the income and expenses of the debtor for the preceding calendar year, (c) the value of any property of the estate, whether being retained by the debtor or surrendered, which is subject to a lien or security interest as well as a description of the basis for such value, (d) an analysis of



the amount which would be received by unsecured creditors if the estate of the debtor were to be liquidated under Chapter 7 of Title 11, and (e) a projection of the net disposable income of the debtor for the term of the plan.

(2) For purposes of this section, "adequate information" shall mean information of a kind, and in sufficient detail, as far as reasonably practicable in light of the nature and history of the debtor and the condition of the debtor's books and records, that will enable creditors and the trustee to make an informed judgment about confirmation of the plan.

(3) In a Chapter 12 case, the pre-confirmation statement shall be filed upon the filing of a plan. Copies of the pre-confirmation statement shall be served upon all creditors, the trustee, the U.S. Trustee, and other persons who have requested notice pursuant to Bankruptcy Rule 2002.

(4) All Chapter 12 individual debtors shall file with the Court and serve on the Chapter 12 Trustee a certification that the debtor has paid all amounts to be paid under a domestic support obligation that first became payable after the date of the filing of the Chapter 12 petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation. If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a certification stating that the debtor is not required to pay said amounts. (Form available on Court internet site.)

C. Local Rule 2081-1(B) shall apply in Chapter 12 cases.

## **RULE 2083-1**

### **CHAPTER 13 - GENERAL**

**Note:**

- Please see Standing Order #13 – *Chapter 13 Cases Governed by the Bankruptcy Abuse Prevention and Consumer Protection Act (Adequate Protection)* on the Court's website in conjunction with this Local Rule)

- Please see Standing Order #15 - *Adopting Form Chapter 13 Plan and Related Provisions (Annual Statement)* on the Court's website in conjunction with this Local Rule.

#### A. Pre-Confirmation Matters in Chapter 13

In all cases filed under Chapter 13 where the debtor is required to file monthly operating reports, the debtor shall file a statement which contains "adequate information" about:

(1) the debtor's ability to make all of the payments under the plan and to comply with the plan,

(2) the financial condition of the debtor, including assets and liabilities of the debtor as well as the income and expenses of the debtor for the preceding calendar year,

(3) the value of any property of the estate, whether being retained by the debtor or surrendered, which is subject to a lien or security interest as well as a description of the basis for such value,

(4) an analysis of the amount which would be received by unsecured creditors if the estate of the debtor were to be liquidated under Chapter 7 of Title 11, and

(5) a projection of the net disposable income of the debtor for the term of the plan.

B. For purposes of this section, "adequate information" shall mean information of a kind, and in sufficient detail, as far as reasonably practicable in light of the nature and history of the debtor and the condition of the debtor's books and records, that will enable creditors and the trustee to make an informed judgment about confirmation of the plan.

C. In business Chapter 13 cases, the pre-confirmation statement shall be filed twenty-one (21) days prior to the confirmation hearing. Copies of the pre-confirmation statement shall be served upon all creditors, the trustee, the U.S. Trustee, and other persons who have requested notice pursuant to Bankruptcy Rule 2002.

## RULE 2090-1

### ATTORNEYS - ADMISSION TO PRACTICE

#### A. General Admission:

Except as provided herein, Local Rule 11.1 of the United States District Court for the Northern District of Florida governs the admission and appearance of attorneys before the Bankruptcy Court. All attorneys admitted to practice or approved to appear Pro Hac Vice in the United States District Court for the Northern District of Florida are by virtue thereof admitted to practice in the Bankruptcy Court.

**Note:** With the advent of electronic case filing, the United States District Court no longer draws any substantive distinction between membership in the bar of this district and pro hac vice admission. An attorney admitted pro hac vice will be treated as a member of the bar of this district and will remain a member, even after termination of the case, until such time as the attorney affirmatively withdraws from the bar of this district or no longer meets the admission qualifications.

#### B. Admission Not Required:

(1) An attorney representing the United States, or any agency thereof, having the authority of the Government to appear as its counsel, may appear and be heard in any case or proceeding in which the Government or such agency thereof is a party-in-interest.

(2) An attorney who is not admitted to the United States District Court, Northern District of Florida, but is an active member in good standing of the bar of a Court of general jurisdiction in any state or territory of the United States, may appear on behalf of a creditor in the following instances:

(a) Preparation and filing of a notice of appearance and request for service of notices pursuant to Bankruptcy Rule 2002; and

(b) The preparation and filing of a proof of claim.

C. Conduct:

All attorneys appearing in the Bankruptcy Court and all persons at counsel table are expected to observe the same customary and traditional Rules of Conduct and Decorum applicable in the United States District Court, as set forth in Addendum A for convenient reference.

D. Attorneys - Appearance and Withdrawal; Representation by an Attorney - When Required:

(1) No attorney, having made an appearance for a creditor in a contested matter or adversary proceeding or having filed a petition on behalf of a debtor, shall thereafter abandon the case or proceeding in which the appearance was made or withdraw as counsel for any party therein, except by leave of Court obtained after giving fourteen (14) days notice to the party or client affected thereby and to opposing counsel.

(2) (a) The disclosure statement required by Bankruptcy Rule 2016(b) shall include a statement as to whether the attorney has been retained to represent the debtor in discharge and dischargeability proceedings including those initiated via motion under Bankruptcy Rule 4004.

(b) If the disclosure statement recites that the attorney has not been retained to represent the debtor in proceedings as described in D.(2)(a), the attorney shall not be required to represent the debtor in such proceedings.

(c) If the disclosure statement fails to recite whether the attorney has been retained to represent the debtor in proceedings as described in D.(2)(a), the attorney shall be deemed to represent the debtor in such proceedings and shall not be allowed to withdraw from such proceedings except as provided in paragraph (1).

(3) Unless allowed to withdraw from a case, matter, or proceeding by order of the Court, counsel filing a petition on behalf of a debtor shall attend all hearings and meetings scheduled in the case or proceeding at which the debtor is required to attend under any provision of the Bankruptcy Code, the Bankruptcy Rules, or order of the Court; provided, however, counsel need not attend a hearing in regard to a matter in which the debtor is not a party and whose attendance has only been required as a witness.

(4) Any party for whom a general appearance of counsel has been made shall not thereafter take any step or be heard in the case in proper person absent prior leave of Court, nor shall any natural person, having previously elected to proceed in proper person, be permitted to obtain special or intermittent appearances of counsel except upon such conditions as the Court may specify.

(5) An entity other than a natural person may not file any petition or pleading, except a proof of claim or a ballot, or otherwise appear except through an attorney; provided, however, that any creditor or party in interest may participate in a Section 341 Meeting of Creditors without an attorney.

## **RULE 3001-2**

### **TRANSFER/ASSIGNMENT OF CLAIM**

#### **A. Scope of Rule.**

This Local Rule applies to the transfer or assignment of any claim or interest filed pursuant to Bankruptcy Rule 3001, 3002, 3003 or Local Rule 3002-1. Nothing in this Local Rule shall be construed as an extension of any time limit for filing a Proof of Claim or Interest.

#### **B. Required Form and Content.**

Transfers or assignments of claim pursuant to Bankruptcy Rule 3001(e)(2) shall be filed using Procedural Bankruptcy Form B 210A or a form that substantially conforms to it. The transfer of claim form shall be accompanied

by evidence of the transfer and shall include:

- (1) The name and address of the transferee (entity that purchased or otherwise acquired the claim);
- (2) The name and address of the transferor (entity that sold or otherwise relinquished the claim);
- (3) The amount of claim;
- (4) The date claim filed;
- (5) An actual or electronic signature(s) of the transferee;  
and,
- (6) A reference to the claim number for the claim to be transferred.

**NOTE:** When the transfer or assignment of claim is filed in CM/ECF on the main case docket, the filing event should also reference the claim number of the claim to be transferred so that information will appear on the claim register.

#### C. Service and Notice Requirement.

(1) Any entity filing a Transfer of Claim or Assignment of Claim pursuant to Bankruptcy Rule 3001(e)(2) shall immediately serve upon the transferor, the trustee and the debtor or debtor's attorney a copy of the Transfer of Claim or Assignment of Claim and supporting evidence of the transfer.

(2) At the same time of service as required in section C.(1), the entity shall also immediately serve upon the transferor, the trustee and the debtor or debtor's attorney a Notice of Transfer of Claim. The Notice of Transfer of Claim shall include:

- (a) The claim number of the transferor;
- (b) The name and address of the transferor;

(c) The name and address of the transferee;

(d) The date of the filing of the Transfer of Claim (typically form B 210A); and

(e) A statement prominently displayed on the face of the first page of the notice which states that any objections to the transfer must be filed within twenty-one (21) days of the mailing of the notice. The notice shall substantially conform with the following:

**United States Bankruptcy Court**  
Northern District Of Florida

In re \_\_\_\_\_

Case No. \_\_\_\_\_

**NOTICE OF TRANSFER OF CLAIM OTHER THAN FOR SECURITY**

Claim No. \_\_\_\_ (if known) was filed or deemed filed under 11 U.S.C. § 1111(a) in this case by the alleged transferor. As evidence of the transfer of that claim, the transferee filed a Transfer of Claim Other than for Security in the clerk's office of this court on \_\_\_\_\_ (date).

Name of Alleged Transferor  
Name of Transferee

Address of Alleged Transferor:  
Address of Transferee:

**DEADLINE TO OBJECT TO TRANSFER**

The alleged transferor of the claim is hereby notified that objections must be filed with the court within twenty-one (21) days of the mailing of this notice. If no objection is timely received by the court, the transferee will be substituted as the original claimant without further Order of the court.

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Transferee

**D. Objection and Hearing**

(1) Any party objecting to the Transfer of Claim or Assignment of Claim shall file an objection no more than twenty-one (21) days from the filing of the Notice of Transfer of Claim. Any timely objection will be set for hearing.

(2) Failure to timely object will result in the transferee being substituted for the transferor as the holder of the claim without further notice or hearing.

E. Alternative to Notice Requirement.

(1) As an alternative to the notice requirement in section C.(2) above, the Transfer of Claim or Assignment of Claim may include a Waiver of Notice wherein the transferor waives the right to receive notice of and object to the filing of the Transfer of Claim or Assignment of Claim.

(2) Any signed statement by the transferor waiving notice of the transfer shall be deemed a declination of the opportunity to object to the transfer or assignment of claim and shall be deemed as a request by the transferor to substitute the transferee as the holder of the claim identified in the Notice of Transfer.

**RULE 3002-1**

**FILING PROOF OF CLAIM OR INTEREST**

A. Upon confirmation of the Chapter 13 Plan that provides for surrender of secured collateral back to a creditor:

(1) The secured creditor shall have sixty (60) days from confirmation of the Chapter 13 Plan to file an unsecured proof of claim regarding any deficiency balance that may occur upon the sale of the subject collateral if the collateral consists of personal property that was not liquidated within the claims bar date period;

(2) The secured creditor shall have ninety (90) days from



confirmation of the Chapter 13 Plan to file an unsecured proof of claim regarding any deficiency balance that may occur upon the sale of the subject collateral if the collateral consists of real property that was not liquidated within the claims bar date period;

(3) The time periods provided above may be extended by Court Order upon the creditor filing an appropriate Motion using negative notice stating the circumstances necessitating a need for a longer period of time and an estimated deficiency;

(4) If no unsecured proof of claim is filed within the given time period and no Motion to Extend the Time is filed, the creditor will then be barred from filing an unsecured proof of claim. If a proof of claim is subsequently filed in violation of this Rule, then that claim is automatically disallowed and the Chapter 13 Trustee shall make no disbursement on such claim unless a Motion and Order allowing the filing of the claim has been entered.

(5) If the plan filed by the debtor(s) provides for the surrender of collateral, that plan shall constitute the debtor(s) consent to the immediate termination of the automatic stay.

B. If a Chapter 13 Plan does not provide for the surrender of property:

(1) The secured creditor shall have sixty (60) days from the date of an Order terminating the automatic stay to file an unsecured proof of claim regarding any deficiency balance that may occur upon the sale of the subject collateral if the collateral consists of personal property that was not liquidated within the claims bar date period;

(2) The secured creditor shall have ninety (90) days from the date of an Order terminating the automatic stay to file an unsecured proof of claim regarding any deficiency balance that may occur upon the sale of the subject collateral if the

collateral consists of real property that was not liquidated within the claims bar date period;

(3) The time periods provided above may be extended by Court Order upon the creditor filing an appropriate Motion using negative notice stating the circumstances necessitating a need for a longer period of time and an estimated deficiency;

(4) If no unsecured proof of claim is filed within the given time period and no Motion to Extend the Time is filed, the creditor will then be barred from filing an unsecured proof of claim. If a proof of claim is subsequently filed in violation of this Rule, then that claim is automatically disallowed and the Chapter 13 Trustee shall make no disbursement on such claim unless a Motion and Order allowing the filing of the claim has been entered.

#### **RULE 3002.1-1**

### **NOTICE RELATING TO CLAIMS SECURED BY SECURITY INTEREST IN THE DEBTOR'S PRINCIPAL RESIDENCE**

A. In addition to the relief provided in Bankruptcy Rule 3002.1(i)(1) and (2), the holder of the claim may not seek to collect any fees, expenses and/or changes included in the omitted information required by Bankruptcy Rule 3002.1(b), (c) or (g).

B. All notices required pursuant to Bankruptcy Rule 3002.1 shall be provided to debtor, debtor's counsel and trustee in accordance with Bankruptcy Rule 2002 and shall include a certificate of service. If filing the required notices as a supplement to the holder's proof of claim does not result in notice to the debtor, debtor's counsel and trustee via the Electronic Case Filing (CM/ECF) system, the holder of the claim shall serve the unnoticed party by alternative means and so indicate on the certificate of service filed with the notice.

## RULE 3007-1

### CLAIMS OBJECTIONS

A. Objections to timely-filed claims shall be subject to Bankruptcy Rule 9014 and Local Rule 9013-1, except that the initial pleading need not contain or be accompanied by citations of authority.

B. Objections to claim shall contain the legend set forth in Local Rule 2002-2.B(3) and shall be filed individually for each claim objected to and may name only one creditor.

**Note:** Objections which include multiple claims, except with respect to duplicate claims, cannot be accurately processed and tracked in the Court's electronic filing system.

C. All responsive pleadings to an objection to claim shall contain or be accompanied by citations of authority.

D. If no response to an objection to a claim is filed pursuant to Local Rule 9013-1 and the objection contained the legend set forth in Local Rule 2002-2.B(3), the Court may grant relief to the objecting party without the necessity of an evidentiary hearing if relief is otherwise proper.

E. All proposed orders on objections to claims shall recite in the ordering paragraph that the objection is either sustained or denied, that the claim is either allowed or disallowed, and if allowed, the amount and class of each such allowed claim.

F. In all cases filed under Chapter 13, unless extended by the Court, objections to timely-filed claims shall be filed no later than the hearing on Confirmation of the plan.

G. In all cases filed under Chapter 11, unless extended by the Court, objections to claims shall be filed not less than forty-five (45) days prior to the entry of an Order of Confirmation.

**Note:** As guidance to practitioners utilizing this Local Rule, this procedure should be used only for routine objections to claims and in no instance shall this rule be used in filing objections to claims of federal governmental units.

## **RULE 3012-1**

### **VALUATION OF COLLATERAL**

#### **A. In cases filed under Chapter 11:**

(1) All secured creditors shall be served a copy of any plan and disclosure statement or any amendment thereto filed in the case. The value of property set forth in the disclosure statement filed pursuant to 11 U.S.C. §1125 shall be deemed at confirmation to be the value of the property for purposes of the plan and confirmation of the plan, including the treatment of creditors under the plan, unless seven (7) days prior to the hearing on confirmation a party in interest has filed a motion pursuant to Bankruptcy Rule 3012, in which event such values shall be as determined by the Court.

(2) The disclosure statement shall include the plan proponent's basis or justification for all values shown.

**B. In cases filed under Chapter 12 or 13:** Upon the filing of the plan or within seven (7) days thereafter, the debtor shall file a notice to secured creditors whose claims are being impaired under the plan of the value of the collateral which secures their claim. The notice shall contain the legend set forth in Local Rule 2002-2.B.(3) and the following information:

(1) The value of the collateral and the basis or justification for the value shown;

(2) In a case under Chapter 13, whether the collateral is or is not of a kind described in §1325(a)(9);

(3) The proposed use or disposition of the collateral, i.e., retain or surrender; and

(4) If the debtor proposes to surrender the collateral in satisfaction of all or a portion of the claim based on the valuation, the notice shall so state.

The attorney for the debtor shall file a certificate of service to evidence service of the notice pursuant to this rule. Notice shall be given as provided by Bankruptcy Rule 9014 and Rule 7004. The value of property subject to liens or security interests as noticed shall be deemed to be the value of the property for purposes of confirmation and treatment of such creditor pursuant to a plan unless no later than thirty (30) days after such notice any party in interest files a motion to value collateral or motion to determine secured status pursuant to Bankruptcy Rule 3012. The notice sent to a secured creditor pursuant to this rule shall notify such creditor 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.

C. A motion to value property or motion to determine secured status of property of the estate shall state the value of the property as alleged by the moving party and all facts or circumstances supporting such value and shall be accompanied by an appraisal or other evidence of value. A motion to value or motion to determine secured status of property shall include a certification as required by Local Rule 7007-1. The appraisal or other evidence shall be filed and a copy served upon all adverse parties who are required to be served with a copy of the motion. Any adverse party who contests the motion and desires to appear and be heard on the issue of value shall file a response to such motion within thirty (30) days prior to the hearing on the motion and shall file and serve not later than seven (7) days prior to the hearing an appraisal or other evidence of value.

D. In any proceeding in which the value of real property is an issue and where a party intends to present appraisal testimony, the appraisal report and a statement of the qualifications of the appraisal witness shall be filed with the Court and served on all opposing parties as soon as the report first becomes available but in no case less than seven (7) days before the trial or hearing wherein the testimony is to be presented.

E. All objections to the admissibility of the appraisal report or the qualifications of the appraiser as an expert shall be filed and served upon the appraisal's proponent no less than two (2) days prior to the trial or hearing wherein the testimony is to be presented. Absent any objections, the report shall be admitted into evidence without further testimony.

F. Admission into evidence of an appraisal report shall constitute the complete direct examination of an appraiser witness. Cross examination of the witness will begin immediately upon admission of the report followed by redirect and re-cross.

**[NOTE:** Local Rule 3012-1.B does not apply to cases when the sole impairment of the claim is the debtor's proposed change in the interest rate.

## **RULE 3012-2**

### **VALUATION OF COLLATERAL – LIEN STRIPPING IN CHAPTER 13's**

In chapter 13 cases, motions to value claims cases secured by junior liens on the debtor's principal residence and to strip off those liens may be filed as an exception to Local Rule 3012-1.B and on negative notice pursuant to Local Rule 2002-2.

A. The following guidelines and procedures are to be used with regard to the Motion:

(1) Motions to value claims secured by junior liens on the debtor's principal residence at \$0.00 and to "strip off" such liens shall not be filed before the earlier of the time when:

(a) the affected creditor has filed a proof of claim or

(b) the expiration of the time to file claims (claims bar date). A premature motion to value will be denied without prejudice.

(2) The motion shall:

(a) clearly state

(i) all known parties who may have an interest in the mortgage,

(ii) the loan number (formatted as xxxx1234) and recording information of all mortgage lien(s) affected by the Motion,

- (iii) the legal description and street address of the subject property, and
- (iv) the basis of the valuation – private appraisal, county valuation, or other,
- (v) the balance of the first mortgage;

(b) be verified, or supported by an affidavit or declaration (pursuant to 28 U.S.C. §1746) of the debtor;

(c) include on the first page the required negative notice legend giving interested parties thirty (30) days to file an objection;

(d) certify service on:

- (i) the appropriate persons required by Bankruptcy Rule 7004 (b) (note in particular the requirement to serve insured depository institutions by certified mail),
- (ii) on the person who filed the mortgagee's proof of claim,
- (iii) the attorney, if any, for such creditor, and
- (iv) the Chapter 13 trustee; and

(e) be docketed in the Electronic Case Filing System (CM/ECF) using the Motion to “Determine Secured Status and Strip Junior Lien on Debtor’s Principal Residence” docket event.

(3) The negative notice legend should be substantially compliant with the one found under Local Rule 2002-2.B.(3) except that the objection period is to be set to thirty (30) days.

B. The movant shall submit a proposed order to the Clerk’s Office no later than fourteen (14) days after the expiration of the thirty (30) day objection period.

C. The debtor’s Chapter 13 plan shall provide for the stripping off of the lien, conditioned on the debtor’s obtaining a discharge or upon further Order of the Court.

## **RULE 3015-1**

### **CERTIFICATION REQUIRED BY CHAPTER 13 DEBTOR FOR CONFIRMATION**

A. All Chapter 13 debtors shall file with the Court and serve on the Chapter 13 Trustee a certification that the debtor has paid all amounts to be paid under a domestic support obligation that first became payable after the date of the filing of the Chapter 13 petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation. If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a certification stating that the debtor is not required to pay said amounts.

B. All Chapter 13 debtors shall file with the Court and serve on the Chapter 13 Trustee a certification that all applicable Federal, State and local tax returns as required by section 1308 and 1325(a)(9) have been filed.

## **RULE 3017-1**

### **DISCLOSURE STATEMENT - APPROVAL**

A. Upon the filing of the disclosure statement in cases under Chapter 11, the proponent of the plan shall serve copies of the disclosure statement and plan upon the debtor (if not the proponent), the debtor's attorney (if the debtor is not the proponent), the trustee (if any), the attorney for the creditors committee (if any), each member of the creditors committee, the Internal Revenue, Special Procedures Staff, the Securities and Exchange Commission, Chapter 11 Bankruptcy Filings, Washington, D.C. 20549, the U.S. Trustee, all parties required under Local Rule 3012-1A(1) and all parties in interest who have filed with the Clerk a request that notice be sent to them pursuant to Bankruptcy Rule 2002. A certificate of such service shall be filed with the Clerk.

B. The attorney for the debtor shall send copies of the disclosure statement and plan to any other party in interest who requests a copy and may charge such party in interest a reasonable charge for copying and mailing not to exceed the amount charged by the Clerk's Office.



C. Objections to the proposed disclosure statement shall be filed and served on the debtor, the debtor's attorney, the attorney for the proponent of the plan (if other than the debtor), the U.S. Trustee, and all parties entitled to be served copies of the disclosure statement and plan as listed above at least seven (7) days prior to the hearing on the disclosure statement. Any objections not timely filed shall be deemed waived.

## **RULE 3017.1-1**

### **DISCLOSURE STATEMENT - SMALL BUSINESS**

A. Conditional Approval. In a small business case, the Court may, on application of the plan proponent, conditionally approve a disclosure statement filed in accordance with Bankruptcy Rule 3016. On or before conditional approval of the disclosure statement, the Court shall

- (1) fix a time within which the holders of claims and interests may accept or reject the plan;
- (2) fix a time for filing objections to the disclosure statement;
- (3) fix a date for the hearing on final approval of the disclosure statement to be held if a timely objection is filed; and
- (4) fix a date for the hearing on confirmation.

B. If the plan proponent files a plan with the Court that is intended to provide adequate information, as defined by 11 U.S.C. §1125(a)(1), instead of filing a separate disclosure statement, the plan proponent shall simultaneously file a separate Request to Consider Plan with Adequate Information along with the plan filed.

C. Application of Bankruptcy Rule 3017. If the disclosure statement is conditionally approved, Bankruptcy Rule 3017(a), (b), (c), and (e) do not apply. Conditional approval of the disclosure statement is considered approval of the disclosure statement for the purpose of applying Bankruptcy Rule 3017(d).

D. Objections and Hearing on Final Approval. Notice of the time fixed for filing objections and the hearing to consider final approval of the disclosure statement shall be given in accordance with Bankruptcy Rule 2002 and may be combined with notice of the hearing on confirmation of the plan. Objections to the disclosure statement shall be filed, transmitted to the U.S. Trustee, and served on the debtor, the trustee, any committee appointed under the Bankruptcy Code and any other entity designated by the Court at any time before final approval of the disclosure statement or by an earlier date as the Court may fix. If a timely objection to the disclosure statement is filed, the Court shall hold a hearing to consider final approval before or combined with the hearing on confirmation of the plan.

**NOTE:** If the debtor is a small business, §1125(f) permits the Court to conditionally approve a disclosure statement subject to final approval after notice and a hearing. If a disclosure statement is conditionally approved, and no timely objection to the disclosure statement is filed, it is not necessary for the Court to hold a hearing on final approval.

## **RULE 3020-1**

### **CHAPTER 11 - CONFIRMATION**

A. Objections to confirmation shall be governed by Bankruptcy Rule 9014 and shall be filed and served not less than seven (7) days before the hearing on confirmation or within such time as may otherwise be ordered by the Court. A copy of any objection shall be served upon each of the persons set forth in Bankruptcy Rule 3020(b), the U.S. Trustee, and the proponent of the plan (if other than the debtor).

B. All acceptances and rejections shall be sent to the proponent of the plan at least seven (7) days prior to the confirmation hearing, and, if the plan proponent is not the debtor, a copy of all ballots shall be served upon the debtor. Prior to the hearing on confirmation in Chapter 11 cases, the attorney for the plan proponent shall tabulate the acceptances and rejections of the plan on a Chapter 11 Ballot Tabulation form (see local forms page on Court internet site). The ballot tabulation shall then be filed with the Court prior to the confirmation hearing. The attorney for the plan proponent shall certify that the tabulation is accurate and that all ballots received have been accounted for in the tabulation. The original ballots shall be retained for the time period required under Section II.M.1.a of the Administrative Procedures for ECF and will be

made available in a format as directed by the Court for the confirmation hearing or other required proceeding if so requested.

C. In tabulating the acceptances and rejections, the following rules shall govern:

(1) Ballots which are not signed or which do not identify the creditor will not count as either an acceptance or rejection;

(2) Ballots which do not show a choice of either acceptance or rejection will not be counted either as an acceptance or a rejection;

(3) Ballots which are filed after the last date set for filing of ballots will not be counted as either an acceptance or rejection except upon leave of the Court; and

(4) Where duplicate ballots are filed and one elects acceptance and one elects rejection, then, absent leave of the Court, neither ballot will be counted unless the latter one is designated as amending the prior one.

D. A summary of the tabulations shall be filed with the Court which shall list for each class: the total number of claims voting, total dollar amount of claims accepting, percentages of claims voting which accept the plan, and percentage of dollar amount of claims voting which accept the plan. Such summary shall also indicate for each class whether they are impaired or unimpaired and whether or not the requisite vote has been attained for each class.

E. All Chapter 11 individual debtors shall file with the Court and serve on the U.S. Trustee a certification that the debtor has paid all amounts that are required to be paid under a domestic support obligation that first became payable after the date of the filing of the Chapter 11 petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation. If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a certification stating that the debtor is not required to pay said amounts. (Form available on

Court internet site.)

## **RULE 4001-1**

### **AUTOMATIC STAY - RELIEF FROM**

A. Unless otherwise stated in the notice of hearing, a preliminary, non-evidentiary hearing under 11 U.S.C. §362(e) will be restricted to the pleadings, affidavits and documents of record, and argument of counsel.

B. The movant shall file with the Motion, or within seven (7) days after service of the notice of hearing, the following as appropriate in the circumstances:

- (1) An affidavit of indebtedness;
- (2) Copies of documents, including filing and recording information necessary to establish a perfected secured interest;
- (3) An appraisal or other evidence of value together with the qualifications of the appraiser;
- (4) An affidavit showing such facts as may be necessary to demonstrate the movant's right to relief from stay;
- (5) A statement showing the debtor's payment history.

C. If the motion is opposed, the debtor or the trustee shall file a response within fifteen (15) days after entry of the Court's order and notice of preliminary hearing; said response 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. If no response is filed within the time provided by this rule, the Court may grant the motion without a hearing.

D. In final hearings under 11 U.S.C. §362(e), respective counsel shall present competent evidence admissible under the Federal Rules of Evidence either in support of, or in opposition to, the motion.

E. Not less than fourteen (14) days prior to the final hearing, each party shall furnish a list of the names and addresses of all witnesses (designating expert witnesses as such) and copies of all exhibits that such party intends to introduce at trial.

F. A party who intends to introduce the testimony of an expert witness shall make such witness available for deposition upon reasonable notice.

G. The moving party may, without leave of Court, take a deposition of the trustee, debtor, and debtor-in-possession fourteen (14) days after the date of service of the motion. Leave of Court must be obtained only if the moving party seeks to take the deposition of the trustee, debtor, or the debtor-in-possession prior to the expiration of fourteen (14) days after the date of service of the motion. Leave of Court is not required if a trustee, debtor, or debtor-in-possession has served a notice of taking deposition or otherwise sought discovery after service of the motion.

H. Any party in interest shall be entitled to inspect the property which is the subject of a motion under this rule upon reasonable notice. The notice shall provide for inspection not less than seven (7) days from the date of service of such notice unless the time is shortened or extended by the Court.

I. For the purpose of this rule, the time for responding under Bankruptcy Rule 7033, 7034 and 7036, is reduced to twenty-one (21) days unless otherwise directed by the Court.

## **RULE 4001-2**

### **AUTOMATIC STAY - CONFIRMATION OF NO STAY**

If the party in interest contends the debtor is a repeat filer under §362(c)(3) or §362(c)(4), the party shall provide the following as appropriate in the circumstances for each prior case:

A. If prior filing was in this Court, the complete case caption, date of filing and date of dismissal;

B. If prior filing was in any other Court, then, in addition to the

requirements of subsection A, the movant shall also file relevant copies of all Court records reflecting the information provided in subsection A.

### **RULE 4001-3**

#### **IMPOSING OR EXTENDING AUTOMATIC STAY**

A motion to impose or extend the automatic stay under 11 U.S.C. §362(c)(3) shall be filed within five (5) days of the filing of the petition. The debtor shall serve all interested parties simultaneously with the filing of the motion. Interested parties shall include, but not be limited to, the U.S. Trustee, the case trustee, any co-owner of all affected property, and all lien holders of all affected property.

### **RULE 4001-4**

#### **AUTOMATIC STAY – CO-DEBTOR RELIEF FROM**

A. The movant shall file with the Motion the following as appropriate in the circumstances:

(1) An affidavit of indebtedness;

(2) Copies of documents, including filing and recording information necessary to establish:

(a) as between the debtor and the individual protected under 11 U.S.C. §1301(a), such individual received the consideration for the claim held by the movant;

(b) the plan filed by the debtor proposes not to pay such claim; or

(c) the movant's interest would be irreparably harmed by continuation of such stay.

(3) An affidavit showing such facts as may be necessary to demonstrate the movant's right to relief from stay.

B. For the purpose of this rule, the time for responding under Bankruptcy Rule 7033, 7034 and 7036, is reduced to twenty-one (21) days unless otherwise directed by the Court.

## **RULE 4002-1**

### **TAX RETURNS**

A. Except as otherwise provided, debtors shall provide copies of documents to the trustee. The trustee is authorized to dispose of such copies at such time and in such manner as the trustee deems appropriate. Nothing in this rule shall prohibit or limit the trustee from requesting original documents. It is the intent of this rule to relieve trustees of the burden of storage of documents such as tax returns and to further relieve the trustee from any need to return documents to the debtor.

B. Copies of tax information provided by the debtor are confidential and dissemination of the tax information should be done only as appropriate under the circumstances of the particular case. At the discretion of the Court, sanctions may be imposed for improper use, disclosure, or dissemination of the tax information.

C. For parties to obtain access to tax information filed with the Bankruptcy Court, a motion is to be filed with the Court which shall include:

(1) A description of the movant's status in the case, to allow the Court to ascertain whether the movant may properly be given access to the required tax information;

(2) A description of the specific tax information sought;

(3) A statement indicating that the information cannot be obtained by the movant from any other sources;

4) A statement showing a demonstrated need for tax information; and

(5) The name and address for mailing of confidential information.

**Note:** The order granting a motion for access to tax information will include language that the tax information obtained is confidential and will condition dissemination of the tax information as appropriate under the circumstances of the particular case. At the discretion of the Court, the order will state that sanctions may be imposed for improper use, disclosure, or dissemination of the tax information.

## **RULE 4003-1**

### **LIEN AVOIDANCE**

A. A motion to avoid a lien under 11 U.S.C. §522(f) and Bankruptcy Rule 4003(d) may name only one creditor as respondent. A separate motion is required for each creditor whose lien or transfer is sought to be avoided.

B. The debtor shall serve a copy of the motion on the respondent in accordance with Bankruptcy Rule 7004.

C. The respondent shall have twenty-one (21) days within which to file and serve on the debtor a response to the motion.

D. If a timely response is filed, the matter will be noticed for an evidentiary hearing. If the respondent fails to file a timely response and the legend set forth in Local Rule 2002-2.B(3) was included in the motion, the motion may be granted without further notice or hearing.

## **RULE 4004-1**

### **GRANT OR DENIAL OF DISCHARGE**

A. When the debtor's Certification of Completion of Instructional Course Concerning Personal Financial Management is filed stating that no personal financial management course is required due to incapacitation or disability as defined in 11 U.S.C. §109(h) or being on active duty in a military combat zone, an affidavit shall be filed at the same time providing all necessary information denoting personal knowledge to substantiate this certification.



B. All Chapter 13 debtors shall file with the Court and serve on the Chapter 13 Trustee a certification that the debtor has paid all amounts that are required to be paid under a domestic support obligation as required by a judicial or administrative order, or by statute, that were due on or before the date of the certification, including amounts due before the petition was filed, but only to the extent provided for by the Chapter 13 Plan. If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a certification stating that the debtor is not required to pay said amounts.

The debtor shall also certify compliance with 11 U.S.C. §1328(h) using the following language:

(1) The debtor has not claimed an exemption under §522(b)(3) in an amount which exceeds the specified §522(q) dollar amount in value in property of the kind described in §522(q)(1) [generally the Debtor's homestead];

**or**

(2) The debtor has claimed an exemption under §522(b)(3) in an amount which exceeds the specified §522(q) dollar amount in value in property of the kind described in §522(q)(1) but there is no pending proceeding in which the debtor may be found guilty of a felony of a kind described in §522(q)(1)(A) or found liable for a debt of the kind described in §522(q)(1)(B).

C. In an individual Chapter 11 the debtor shall certify compliance with 11 U.S.C. §1141(d)(5)(C):

(1) The debtor has not claimed an exemption under §522(b)(3) in an amount which exceeds the specified § 522(q) dollar amount in value in property of the kind described in §522(q)(1) [generally the Debtor's homestead];

or

(2) The debtor has claimed an exemption under §522(b)(3) in an amount which exceeds the specified §522(q) dollar amount in value in property of the kind described in §522(q)(1) but there is no pending proceeding in which the debtor may be found guilty of a felony of a kind

described in §522(q)(1)(A) or found liable for a debt of the kind described in §522(q)(1)(B).

D. All Chapter 12 debtors shall file with the Court and serve on the Chapter 12 Trustee a certification that the debtor has paid all amounts that are required to be paid under a domestic support obligation as required by a judicial or administrative order, or by statute, that were due on or before the date of the certification, including amounts due before the petition was filed, but only to the extent provided for by the Chapter 12 Plan. If the debtor is not required to pay any amounts under a domestic support obligation, then the debtor shall file a certification stating that the debtor is not required to pay said amounts.

The debtor shall also certify compliance with 11 U.S.C. §1228(f) (Chapter 12):

(1) The debtor has not claimed an exemption under §522(b)(3) in an amount which exceeds the specified §522(q) dollar amount in value in property of the kind described in §522(q)(1) [generally the Debtor's homestead];

or

(2) The debtor has claimed an exemption under §522(b)(3) in an amount which exceeds the specified §522(q) dollar amount in value in property of the kind described in §522(q)(1) but there is no pending proceeding in which the Debtor may be found guilty of a felony of a kind described in §522(q)(1)(A) or found liable for a debt of the kind described in §522(q)(1)(B).

**Note:** the dollar amounts listed in this Rule shall be adjusted as set out in 11 U.S.C. §104.

## **RULE 5005-1**

### **ELECTRONIC FILING**

**Note:** Please see Standing Order #11 – *Relating to Electronic Case Filing AND Administrative Procedures for Filing, Signing, Verifying Pleadings and Papers by Electronic Means* on the Court's website in conjunction with this Local Rule.

The Clerk of the Bankruptcy Court may accept for filing documents submitted, signed, verified or served by electronic means that are consistent with technical standards, if any, that the Judicial Conference of the United States establishes and that comply with the administrative procedures established by the Bankruptcy Court.

## **RULE 5007-1**

### **TRANSCRIPTS**

A. Hard copy access to all transcripts provided to the Court by a court reporter or transcriber will initially be restricted to Court users and case participants for a period of 90 days from the date of filing to allow interested parties the opportunity to review the transcript and file a request for redaction, requesting that personal data identifiers be redacted prior to the transcript being made available to the public. Such personal identifiers are:

- (1) Social security numbers
- (2) Financial account numbers
- (3) Names of minor children
- (4) Dates of birth
- (5) Home addresses of individuals

B. The clerk's office will be prohibited from providing electronic access as well as paper and/or electronic copies of such transcripts until 90 days from the date the transcripts were filed.

(1) Individuals wishing to purchase a copy of the transcript within the 90-day period must contact the transcriber directly.

(2) An attorney who purchases the transcript during the 90-day period will be given remote electronic access to the on-line transcript available at that time.

(3) Members of the general public, including pro se parties who purchase the transcript, will not be given remote electronic access to the transcript during the 90-day period.

After the 90-day period expires, transcripts will be available for public access through the PACER system.

C. Within seven (7) calendar days of the filing of the official transcript on the docket, each party shall inform the Court, by filing a notice of intent to request redaction with the clerk and serving a copy on the transcriber, of the party's intent to redact personal data identifiers from the electronic transcript of the court proceeding. The party then has twenty-one (21) calendar days from the date of the filing of the official transcript to file a request for redaction with a listing indicating where the personal identifiers to be redacted appear in the transcript and serve a copy on the transcriber. The transcriber will then have 31 calendar days from the date of the filing of the official transcript to file a redacted version of the transcript. Parties are reminded not to include in their public filing the information they want redacted. The transcriber must redact the identifiers as directed by the party as follows:

- (1) Social security numbers will be limited to the last four digits
- (2) Financial account numbers
- (3) Names of minor children
- (4) Dates of birth and
- (5) Home addresses of individuals

D. If no request for redaction is filed within the allotted time, the Court will conclude that the parties to the action have no objection to the inclusion of personal data identifiers in the transcript and the transcript will be made electronically available on the 91st calendar day unless the Court for good cause, related to the application of the Judicial Conference policy on privacy and public access to electronic case files, finds that a transcript should not be made available.

E. If a timely request for redaction is filed with the clerk's office by any party to the proceeding following the filing of the official transcript, the official un-redacted transcript will not be made available. However, the redacted transcript will be made electronically available to the general public on the 91st day following the filing of the official transcript.

F. During the 90 day period, or longer if the Court so orders, any attorney who wishes to redact information not covered in Bankruptcy Rule 9037(a), must file a motion for protective order pursuant to part (d) of the Rule. A transcript will not be electronically available until the Court has ruled on the intervening

motions for extension of time or for protective orders related to the transcript.

G. The cost of any redactions and the responsibility for monitoring the docket to know when the electronic transcript of their hearing has been filed shall be the sole responsibility of the parties to the hearing who have requested the redaction.

H. It is the responsibility of the parties to avoid introducing personal identifier information into the record, and attorneys are instructed to avoid eliciting information from or formulating questions to witnesses during court hearings that include personal identifier data and are further directed to be sensitive to the importance of protecting such personal data during the conduct of hearings that are being transcribed.

## **RULE 5011-1**

### **WITHDRAWAL AND ABSTENTION FROM HEARING A PROCEEDING**

#### **A. CASES:**

(1) A case referred to the Bankruptcy Court may be withdrawn by the District Court for cause shown on a timely motion filed by any party in interest. The motion to withdraw the reference of a case, in whole or in part, shall be filed with the Clerk of the Bankruptcy Court no later than thirty (30) days after the 11 U.S.C. §341(a) Meeting of Creditors is concluded. Parties in interest without notice or actual knowledge of the pendency of the case may move to withdraw the reference not later than twenty-one (21) days after having acquired actual knowledge of the pendency of the case.

(2) Upon filing of a Motion to Withdraw Reference, the Clerk of the Bankruptcy Court shall forthwith transmit the motion to the Clerk of the District Court together with the pertinent record and any subsequent responses.

(3) The motion shall be served on counsel of record for the debtor or, if the debtor has no attorney, on the debtor and U.S. Trustee. The debtor shall have fourteen (14) days after service of

the motion to file a response. The District Court may dispose of the motion with or without a hearing.

(4) Upon final disposition of a case transmitted to the District Court pursuant to an Order Withdrawing Reference of the case, the Clerk of the District Court shall transmit to the Bankruptcy Court a copy of the entire case file originally transmitted to the District Court together with the order, judgment, or decree entered by the District Court.

(5) In the event the Motion to Withdraw Reference is denied, the Clerk of the District Court shall forthwith retransmit the motion to the Clerk of the Bankruptcy Court together with the matters originally transmitted.

#### B. PROCEEDINGS:

(1) A proceeding arising in, under or related to a case referred to the Bankruptcy Court pursuant to the Order of General Reference may be withdrawn by the District Court for cause shown on a timely motion filed by a party in interest. The Motion to Withdraw Proceeding must be filed with the Clerk of the Bankruptcy Court not later than the date set for filing an answer under Bankruptcy Rule 7012 or within twenty-one (21) days after the Bankruptcy Court has made a determination that a proceeding is a non-core matter.

(2) A Motion to Withdraw Proceeding must specifically identify the proceeding sought to be withdrawn, setting forth the exact style, title, and adversary number where applicable.

(3) Immediately upon docketing the Motion to Withdraw Proceeding, the Clerk of the Bankruptcy Court shall forthwith forward the motion to the District Court together with all papers pertaining to the proceeding sought to be withdrawn.

(4) A Motion to Withdraw Proceeding shall be served on counsel of record for the debtor or, if the debtor has no attorney, on the debtor. The debtor shall have fourteen (14) days after service of

the motion to file a response. The District Court may dispose of the motion with or without a hearing.

(5) Upon final disposition of a proceeding transmitted to the District Court pursuant to an Order Withdrawing Reference, the Clerk of the District Court shall transmit to the Bankruptcy Court a copy of the entire record originally transmitted to the District Court together with any order, judgment, or decree entered by the District Court.

(6) In the event that the reference of a proceeding is withdrawn by the District Court and the bankruptcy case is subsequently dismissed by order of the Bankruptcy Court, the Clerk of the Bankruptcy Court shall immediately certify to the District Court that an order of dismissal has been entered.

C. ABSTENTION:

(1) Unless otherwise ordered by the Bankruptcy Court, a Motion for Abstention under 11 U.S.C. §305 of the Code shall not toll, suspend, or otherwise change the time period for filing responsive pleadings or motions in pending matters.

(2) An Order of Abstention shall have the effect of closing the file of the case.

(3) All requests for the Court to abstain in a case under Title 11 shall be filed no later than thirty (30) days after the 11 U.S.C. §341(a) Meeting of Creditors is concluded.

**RULE 6004-1**

**SALE OF ESTATE PROPERTY**

A. In sales of property of the estate, other than

(1) in the ordinary course of business or

(2) of personal identifiable information under §363(b)(1)(B),

the trustee shall prepare and file a Report and Notice of Intention to Sell Property of the Estate (see local forms page on Court internet site). Where the value of the estate's interest in the property is less than \$1,000.00, notice need be given only to the debtor, debtor's attorney, any committee or its authorized agent, the U.S. Trustee's Office, and to any creditor and equity security holders who file a request that all notices be sent to them.

B. Sales or leases of personally identifiable information under §363(b)(1)(B) shall be governed by Bankruptcy Rule 6004(g).

C. Sales of property of the estate free and clear of liens pursuant to 11 U.S.C. §363(f) and Bankruptcy Rule 6004(c) shall be accomplished in the following manner:

(1) File a motion pursuant to Rule 6004(c) for authority to sell property free and clear of liens or other interest, and serve the motion on the parties thereto who have liens or other interest in the property to be sold; and

(2) File a notice of sale containing the legend found in Local Rule 2002-2.B(3) (see local forms page on Court internet site) as provided in Rule 6004(a), and serve the notice on all creditors and parties in interest.

D. All objections to the sale, whether by a party with an interest in the property or otherwise, shall be set for hearing at the same time. If no objections to the sale are filed, the motion shall be granted without a hearing and the sale may proceed without further notice or hearing.

## **RULE 6007-1**

### **ABANDONMENT**

A. Any party in interest, other than a trustee, who seeks to have property abandoned from the estate may do so by complying with the following:

(1) Prepare a Report and Notice of Trustee's Intention to



Abandon Property of Estate (see local forms page on Court internet site). Present the original prepared Report and Notice to the trustee and enclose the following documentation or information:

(a) Evidence of indebtedness owed including promissory notes, statements of account or the like;

(b) Affidavit of amount due with calculations set forth in detail;

(c) Evidence of perfection of the lien or encumbrance including mortgages, security agreements, UCC filings and copies of titles showing liens; and

(d) Evidence as to value.

(2) The party in interest seeking abandonment of the property shall serve the Report and Notice of Trustee's Intention to Abandon Property of Estate on all creditors and parties in interest, except:

(a) If the property to be abandoned is encumbered by liens greater than the value of the property, notice shall be given only to the debtor, debtor's attorney, any known lien holders, the creditors' committee, if any, and the U.S. Trustee's Office.

(b) If the property to be abandoned is not encumbered by any liens but has a value totaling less than \$500.00, notice shall be given to the debtor, debtor's attorney, the creditors' committee, if any, and the U.S. Trustee's Office.

(3) The party in interest who has requested the abandonment shall file the Report and Notice and a Certificate of Service with the Clerk.

B. A trustee who seeks to abandon property from the estate may do so by complying with the following:

(1) Prepare a Report and Notice of Trustee's Intention to Abandon Property of Estate;

(2) The trustee shall serve the Report and Notice of Trustee's Intention to Abandon Property of Estate on all creditors and parties in interest, except:

(a) If the property to be abandoned is encumbered by liens greater than the value of the property, notice shall be given only to the debtor, debtor's attorney, any known lien holders, the creditors' committee, if any, and the U.S. Trustee's Office.

(b) If the property to be abandoned is not encumbered by any liens but has a value totaling less than \$500.00, notice shall be given to the debtor, debtor's attorney, the creditors' committee, if any, and the U.S. Trustee's Office.

(3) The trustee shall file the Report and Notice and a Certificate of Service with the Clerk.

C. Unless an objection is filed within twenty-one (21) days of the filing of the notice which contained the legend set forth in Local Rule 2002-2.B.(3) or within such other time fixed by the Court, the abandonment will be deemed final and no order will be issued.

## **RULE 7001-1**

### **ADVERSARY PROCEEDINGS**

An adversary proceeding governed by Part VII of the Bankruptcy Rules shall be commenced by the filing of a complaint. The filing shall include the Adversary Proceeding Cover Sheet (Form B 104) and the appropriate filing fee. The caption of the complaint shall conform substantially with Official Form No. B 16D. Upon the filing of the adversary complaint and cover sheet, the Clerk's office shall issue the summons. The plaintiff's attorney shall receive the summons electronically and shall be responsible for printing and serving the summons along with a copy of the complaint upon the defendant(s) in accordance with Bankruptcy Rule 7004(b)(9). If the plaintiff is not represented

by an attorney, the summons will be mailed to plaintiff for service upon the defendant(s).

#### **RULE 7004-1**

#### **SERVICE OF PROCESS**

Service is the responsibility of the plaintiff's attorney and must be affected in accordance with Bankruptcy Rule 7004. Upon completion of service, a certificate of service showing compliance with Bankruptcy Rule 7004 must be executed and filed and a copy of the certificate provided to the defendant. The back of the original Summons may be used for this purpose.

#### **RULE 7007-1**

#### **MOTION PRACTICE**

A. In adversary proceedings, counsel for the moving party shall confer with counsel for the opposing party and shall file with the Court at the time of filing a motion, or within three (3) days thereafter, a statement certifying that he has conferred with counsel for the opposing party in a good faith effort to resolve by agreement the issues raised and the result thereof. If certain of the issues have been resolved by agreement, the certificate shall specify the issue so resolved and those remaining for resolution. Counsel shall clearly identify those motions which are consented to in their entirety. The statement shall specify the amount of time requested for hearing on the motion.

B. Each motion shall contain no more than one claim or request for relief unless the prayer is seeking alternative relief provided for in a single section of the Bankruptcy Code or Rules.

#### **RULE 7008-1**

#### **CORE - NON-CORE PROCEEDINGS**

If an issue is raised under Bankruptcy Rule 7008(a) as to whether a proceeding is core or non-core, the party instituting the proceeding shall, within twenty-one (21) days after the service of the pleading creating the issue, file a

motion seeking a determination as to whether the proceeding is core or non-core.

## **RULE 7016-1**

### **PRE-TRIAL/MEDIATION PROCEDURES**

Local Rule 16.3 of the United States District Court for the Northern District of Florida, concerning Mediation, shall be applicable in all adversary proceedings and contested matters as directed by the Bankruptcy Court (see Addendum B).

## **RULE 7026-1**

### **DISCOVERY - GENERAL**

A. Before filing a motion to compel pursuant to Bankruptcy Rule 7037, or a motion for protective order pursuant to Bankruptcy Rule 7026, counsel for the moving party shall confer with counsel for the opposing party in a good faith effort to resolve by agreement the issues raised, and shall file with the Court at the time of filing the motion a statement certifying that counsel has so conferred with opposing counsel and that counsel have been unable to resolve this dispute.

B. Motions to compel discovery pursuant to Bankruptcy Rule 7037 shall:

(1) quote in full each interrogatory, question on deposition, request for admission, or request for production to which the motion is addressed;

(2) the objection and grounds therefore as stated by the opposing party; and

(3) the reasons such objection should be overruled and the motion granted.

C. For the guidance of counsel in preparing or opposing contemplated motions for a protective order pursuant to Bankruptcy Rule 7026, related to the

place of taking a party litigant's deposition, or the deposition of the managing agent of a party, it is the general policy of the Court that a nonresident plaintiff may reasonably be deposed at least once in this District during the discovery stages of the case; and that a nonresident defendant who intends to be present in person at trial may reasonably be deposed at least once in this District either during the discovery stages of the case or within a week prior to trial as the circumstances seem to suggest. A nonresident, within the meaning of this rule, is a person residing outside the Northern District of the State of Florida.

#### **RULE 7041-1**

#### **DISMISSAL - FAILURE TO PROSECUTE**

Whenever, in any civil action, it appears that no activity by filing of pleadings, orders of the Court or otherwise has occurred for a period of more than ninety (90) days, the Court may, on motion of any party in interest or on its own motion, enter an order to show cause why the action should not be dismissed, and if no satisfactory cause is shown, the action may be dismissed by the Court for want of prosecution.

#### **RULE 7042-1**

#### **CONSOLIDATION OF ADVERSARY PROCEEDINGS**

A. Rule 42 Fed.R.Civ.P. applies in adversary proceedings.

B. Until the Order Consolidating is entered, all items are to be filed as applicable in each involved adversary proceeding.

#### **RULE 7054-1**

#### **COST - TAXATION/PAYMENT**

When appropriate, motions to tax costs and attorney fees in actions or proceedings shall be filed not later than thirty (30) days after termination of such actions or proceedings.

## **RULE 7055-1**

### **DEFAULT**

A. A party seeking entry of a default by the Clerk shall file a motion which shall state:

- (1) Upon whom, how, and when service was made, with reference to the applicable Bankruptcy Rule;
- (2) The date on which a responsive pleading was due;
- (3) That no extension of time was sought or obtained by the adverse party; and
- (4) That the movant seeks an entry of default.

B. The party seeking a judgment by default shall file the following:

- (1) An affidavit in support of the allegations set forth in the complaint;
- (2) An affidavit of non-military service (where applicable);
- (3) A motion for entry of default final judgment;
- (4) A proposed order granting the motion for entry of default final judgment setting forth the relief to be provided in the final judgment; and
- (5) A separate judgment in accordance with Fed.R.Civ.P. 58(a).

## **RULE 7067-1**

### **REGISTRY FUND**

A. Whenever a party seeks a Court order for money to be deposited by the Clerk in an interest-bearing account or investment, the party shall file with the Clerk's Office its motion along with a proposed order.

B. The Clerk is directed to deduct from the income earned on the deposit a fee not exceeding that authorized by the Judicial Conference of the United States and set by the Director of the Administrative Office of the U.S. Courts in accordance with the schedule which shall be published periodically by the Director in the Federal Register. This assessment shall apply to all registry fund investments regardless of the nature of the case underlying the investment at the conclusion of the case.

#### **RULE 9004-1**

#### **DISMISSAL - CAPTION – DOCUMENTS**

A. If a pleading contains a prayer for injunctive relief pursuant to Bankruptcy Rule 7065, the title of the pleading shall include the words: "*AND PRAYER FOR INJUNCTIVE RELIEF.*"

B. The caption of a motion shall identify the filing party and designate the matter at issue. If the motion contains a memorandum, the caption shall so state. For example, "*TRUSTEE'S MOTION TO COMPROMISE AND SETTLE CONTROVERSY AND MEMORANDUM.*"

C. Unless otherwise directed by the Court, any party permitted to amend a pleading, motion, or other document filed with the Court shall file the amended pleading in its entirety, and relate it back in the system to the originally filed pleading. It shall be styled: "Amended & Restated (Name of Pleading)."

#### **RULE 9006-1**

#### **TIME PERIODS**

A. All time periods established in these rules may be extended or shortened by the Court upon a showing of cause.

B. In computing any period of time prescribed or allowed by an order of this Court, the date such period shall commence is the date the order is docketed by the Clerk pursuant to Rule 5003 of the Bankruptcy Rules.

## **RULE 9013-1**

### **BRIEFS AND MEMORANDA OF LAW**

A. A moving party shall serve and file with every motion or application in a contested matter or adversary proceeding a memorandum of law or other citation of authority in support of the motion.

B. (1) Each party objecting to the relief being sought shall file and serve, within fifteen (15) days after service of the motion or application, a response and memorandum with citation of the authorities. Failure to file a response and such memorandum may be sufficient cause for the granting of the motion by default.

(2) Certificate of No Objection. After the objection deadline has passed with no objection having been filed or served, counsel for the movant may file a Certificate of No Objection stating that no objection has been filed or served on the movant. By filing such certification, counsel for the movant is representing to the Court that the movant is unaware of any objection to the motion or application and that counsel has reviewed the Court's docket and no objection appears thereon. Upon receipt of the Certificate of No Objection, the Court may enter the Order accompanying the motion or application without further pleading or hearing and, once the Order is entered, the hearing scheduled on the motion or application shall be canceled without further notice.

C. Absent prior permission of the Court, no party shall file any brief or legal memorandum in excess of twenty (20) pages (exclusive of exhibits).

## **RULE 9014-1**

### **WITNESSES AND EVIDENTIARY HEARINGS**



If a party has determined an evidentiary hearing is required at the time of filing a motion, counsel shall immediately notify the appropriate chambers by telephone in conjunction with the requirements stated on the ECF system when filing the motion. This includes information as to the estimated amount of time required for scheduling purposes. Failure to notify the Court may result in unnecessary delays and continuances due to improper noticing.

## **RULE 9015-1**

### **JURY TRIAL**

A. Applicability of Certain Federal Rules of Civil Procedure. Rules 38, 39, 47-49 and 51 Fed.R.Civ.P. and Rule 81(c) Fed.R.Civ.P. insofar as it applies to jury trials, apply in all cases and proceedings, except that a demand made under Rule 38(b) Fed.R.Civ.P. shall be filed in accordance with Bankruptcy Rule 5005.

B. A demand for a jury trial shall include a statement indicating the demanding party's consent or non-consent to have the jury trial conducted by a bankruptcy judge. The adverse party shall file a statement of consent or non-consent within twenty-one (21) days after the case or matter is at issue or within fourteen (14) days after the final determination of a right to a jury trial by the Bankruptcy Court, whichever date is later.

C. Pursuant to the "Order Designating Bankruptcy Judges to Conduct Jury Trials" entered by the United States District Court for the Northern District of Florida on January 3, 1995, the Federal Rules of Civil Procedure, Federal Rules of Evidence, and the Northern District of Florida Local Rules shall apply to the conduct of all proceedings involving a jury trial in the Bankruptcy Court. A copy of the Order of the District Court can be found on the Court internet site.

**NOTE:** This rule provides procedures relating to jury trials. This rule is not intended to expand or create any right to trial by jury where such right does not otherwise exist.

## **RULE 9020-1**

### **CONTEMPT PROCEEDINGS**

A. A party moving for an order of contempt shall file:

(1) A verified motion for contempt stating with specificity the grounds, act or violation alleged to have been committed by the opposing party.

(2) An affidavit in support of the facts stated in the motion.

(3) Any other documents or evidence attached as exhibits which support the motion for contempt.

(4) A certificate of service reflecting compliance with Bankruptcy Rule 7004.

B. In addition, parties shall submit a proposed Order to Show Cause directing the opposing party to appear at an evidentiary hearing (to be noticed by the Court) and show cause as to why the Court should not grant the motion and find the opposing party in contempt for the alleged conduct that is the grounds for the motion.

#### **RULE 9037-1**

#### **PRIVACY PROTECTION FOR FILINGS MADE WITH THE COURT**

Procedures to protect personal identifiers and information are governed in accordance with Bankruptcy Rule 9037 and this Court's *Administrative Procedures for Electronic Filing, Signing and Verifying Pleadings and Papers by Electronic Means*. If a document containing information in violation of those provisions is filed, a Motion for Protective Order to Restrict Remote Electronic Access and Provide for Redaction of Information should be filed along with a proposed Order. Upon entry of the Order, access to the original document will be restricted on the system. The filer must then file an amended document in which the private information has been properly redacted.

#### **RULE 9070-1**

#### **EXHIBITS**

A. No later than three (3) business days prior to trial or an evidentiary hearing, counsel for the parties shall mark, list, file, and exchange all exhibits which they plan to introduce into evidence. If for some reason the exhibit or a facsimile of the exhibit cannot be filed, clarifying information for the non-filing is to be provided with the items that are filed.

B. Each exhibit shall be tagged separately with a tag containing the following information:

RECEIVED AS PLAINTIFF // DEFENDANT // JOINT //  
EXHIBIT NO. \_\_\_\_\_  
CASE NO. \_\_\_\_\_  
ADVERSARY NO. \_\_\_\_\_  
FOR ID. \_\_\_\_\_ IN EVIDENCE \_\_\_\_\_  
DATE REC'D \_\_\_\_\_

C. Exhibits shall be identified numerically commencing with number 1.

D. All exhibits must be listed in order on a separate sheet of paper using the exhibit form (see local forms page on Court internet site) and filed with the Court no later than three (3) business days prior to the commencement of the hearing.

E. The original, hard copy and/or printable version of the documentary exhibits and listing of exhibits shall be furnished to the Clerk at the commencement of the hearing or trial. Additional copies shall be made available for use by the presiding Judge, law clerk, and witnesses. In lieu of separate copies for the witnesses, counsel are encouraged to utilize the Court's electronic exhibit display equipment. In addition, copies of documentary exhibits and the listing of exhibits shall be exchanged between counsel prior to the hearing.

F. All exhibits produced at hearing or trial which are not pre-marked shall be tendered to and marked by the Court Clerk as they are presented in evidence. Sufficient copies pursuant to Section E shall be provided by counsel.

G. Upon the expiration of thirty (30) days after an order or judgment concluding a contested matter an adversary proceeding is entered, including

the entry of an order disposing of any post-judgment motions, provided that no appeal is pending, or if an appeal is taken, upon filing of the mandate, the Clerk shall give notice to all parties to reclaim their exhibits. The parties shall have thirty (30) days from the date of said notice to either reclaim their exhibits or to make arrangements with the Clerk to do so. Exhibits which are not reclaimed shall be discarded or destroyed.

#### **RULE 9071-1**

#### **STIPULATIONS**

No stipulation or agreement between any parties or their attorneys, the existence of which is not conceded, in relation to any aspect of any pending case, will be considered by the Court unless the same is made before the Court or is reduced to writing and subscribed by the party or attorney against whom it is asserted.

#### **RULE 9072-1**

#### **ORDERS – PROPOSED**

A. All proposed orders shall carry a full, descriptive title detailing the nature of the matter ruled upon. The name of the preparer shall appear in the lower left hand corner of the signature page. All parties on whom service of the order is to be made shall be listed under the signature block.

B. No order or judgment will be entered where the date or signature of the Court is the only text on a page.

C. Proposed orders and judgments shall be submitted electronically via the Orders link on the ECF system or similar link as part of the ECF Central program. Hard copies may be submitted only by non-ECF participants. Specifications regarding formatting, consent language and naming conventions are described in the Administrative Procedures for ECF and must be strictly adhered to in all cases. (See Addendum C.)

D. The proposed order shall be furnished electronically to the parties in interest with respect to the proposed order (i.e., those parties in interest

affected by the order).

E. All orders should be submitted within three (3) business days after the date of the hearing or expiration of the response deadline, unless directed otherwise by the Court or under a separate order-related provision contained within these rules.

## **RULE 9073-1**

### **HEARINGS**

A. If a movant seeks a hearing on a motion, or if the motion does not request a hearing, and an entity filing a response desires a hearing, the title of the motion or response shall include the following language: "...And Request For Hearing."

B. (1) When filing a motion, response to a motion, or pleading which seeks an emergency hearing, the docket text should be modified to include the words "Emergency Motion." Pursuant to instructions included on the electronic filing screen, the Judge's chambers should be contacted by telephone if an emergency hearing is required.

(2) Emergency hearings shall ordinarily be held only where direct, immediate, and substantial harm will occur to:

(a) the interest of an entity in property;

(b) the estate; or

(c) the debtor's ability to reorganize if the parties are not able to obtain an immediate resolution of the dispute.

(3) A motion seeking an emergency hearing shall be accompanied by a "Statement of Need For Emergency Hearing" stating:

(a) why the relief requested requires an emergency hearing;

(b) that the need for an emergency hearing is not caused by

lack of due diligence by the party, or its counsel, seeking the relief;  
and

(c) that efforts have been made to resolve the issue without  
an emergency hearing.

C. All hearings may be adjourned or continued from time to time by  
announcement made in open Court without further written notice.

**ADDENDUM A:  
N.D. Fla. Loc. R. Addendum**

**CUSTOMARY AND TRADITIONAL CONDUCT AND DECORUM IN THE  
UNITED STATES DISTRICT COURT**

A. The purpose of this addendum is to state for the guidance of those heretofore unfamiliar with the traditions of this United States District Court certain basic principles concerning courtroom conduct and decorum. These standards are minimal and not all-inclusive. They are intended to emphasize and supplement, not supplant or limit, the ethical obligations of counsel under the Code of Professional Responsibility or the time honored customs of experienced trial counsel.

B. When appearing in the United States District Court, all counsel and all persons at counsel table should conduct themselves in the following customary and traditional manner:

- (1) Stand as court is opened, recessed or adjourned.
- (2) Stand when the jury enters or retires from the courtroom.
- (3) Stand when addressing, or being addressed by, the Court.
- (4) Address all remarks to the Court, not to opposing counsel.
- (5) Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between the litigants or witnesses.
- (6) Refer to all persons, including witnesses, other counsel and the parties, by their surnames and not by their first or given names.
- (7) Counsel should request permission before approaching the bench; and any document counsel wishes to have the Court examine should be handed to the clerk.

(8) Unless opposing counsel has previously been shown exhibits, any exhibit offered in evidence should, at the time of such offer, be handed to opposing counsel.

(9) In making objections, counsel should state only the legal grounds for the objection and should withhold all further comment or argument unless elaboration is requested by the Court.

(10) In examining a witness, counsel shall not repeat or echo the answer given by the witness.

(11) Offers of, or requests for, a stipulation should be made privately, not within the hearing of the jury.

(12) In opening statements and in arguments to the jury, counsel shall not express personal knowledge or opinion concerning any matter in issue, shall not read or purport to read from deposition or trial manuscripts, and shall not suggest to the jury directly or indirectly that it may or should request transcripts or the reading of any testimony by the reporter.

(13) Counsel shall admonish and discourage all persons at counsel table from making gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval during the testimony of witnesses, or at any other time.

(14) Smoking, eating, food and drink are prohibited in the courtroom at any time.



**ADDENDUM B:**  
**N.D. Fla. Loc. R. 16.3**

**MEDIATION**

(A) **Definition.** Mediation is an opportunity for the parties to negotiate their own settlement. Mediation is a supervised settlement conference presided over by a neutral mediator to promote conciliation, compromise and the ultimate settlement of a civil action. The mediator may be a mediator certified in accordance with these rules or any person mutually agreed upon by all parties. The mediator's role in the settlement is to suggest alternatives, analyze issues, question perceptions, conduct private caucuses, stimulate negotiations between opposing sides, and keep order. The mediation process does not allow for testimony of witnesses. The mediator does not review or rule upon questions of fact or law, or render any final decision in the case. Absent a settlement or consent of the parties, the mediator will only report to the presiding judge whether the case settled, was adjourned or continued for further mediation, or was terminated because settlement was not possible and the mediator declared an impasse.

(B) **Purpose.** Mediation is intended as an alternative method to resolve civil cases, thereby saving time and cost without sacrificing the quality of justice to be rendered or the right of the litigants to a full trial in the event of an impasse following mediation.

(C) **Qualifications of Mediators.** Any person who is certified and remains in good standing as a circuit court mediator under the rules adopted by the Supreme Court of Florida is qualified to serve as a mediator in this district. By mutual agreement and with Court approval, any other person may be a mediator in a specific case.

(D) **Standards of Professional Conduct for Mediators.** All mediators, whether certified or not, who mediate in cases pending in this district shall be governed by standards of professional conduct and ethical rules adopted by the Supreme Court of Florida for circuit court mediators.

(E) **Disqualification of a Mediator.** After reasonable notice and

hearing, and for good cause, the presiding judge shall have discretion and authority to disqualify any mediator from serving as mediator in a particular case. Good cause may include violation of the standards of professional conduct for mediators. Additionally, any person selected as a mediator may be disqualified for bias or prejudice as provided in 28 U.S.C. §144, and shall be disqualified in any case in which such action would be required by a justice, district judge, or magistrate judge governed by 28 U.S.C. §455.

(F) **Compensation of Mediators.** Absent agreement by all parties to the contrary, mediators shall be compensated and reimbursed for expenses at the rate set by the Court. Further, absent agreement of the parties to the contrary or order of the Court for good cause shown, the cost of the mediator's services shall be paid equally by the parties to the mediation conference.

(G) **Limitations on Acceptance of Compensation or Other Reimbursement.** Except as provided by these rules, no mediator shall charge or accept in connection with the mediation of any particular case, any compensation, fee, or any other thing of value from any other source without prior written approval of the Court.

(H) **Mediators as Counsel in Other Cases.** Any member of the bar who is certified or selected as a mediator pursuant to these rules shall not, for that reason alone, be disqualified from appearing and acting as counsel in any other case pending in this district.

(I) **Referral to Mediation.** Any pending civil case may be referred to mediation by the presiding judicial officer at such time as the judicial officer may determine to be in the interests of justice. The parties may request the Court to submit any pending civil case to mediation at any time.

**ADDENDUM C:**

**Standing Order and Administrative Procedure #11  
Relating to Electronic Case Filing**

[\(Click here to access Standing Order #11 located on the Court's Internet website.\)](#)

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