

NOTICING REQUIREMENTS
U.S. BANKRUPTCY COURT, NORTHERN DISTRICT OF FLORIDA

To be served by the Court:*

- "Duties of the Debtor" orders, all chapters
- Judgment
- Memorandum Opinion
- Notice of Case Number Change
- Notice of Claim Filed by Debtor or Trustee
- Notice of commencement of case, 341(a) Meeting of Creditors, and deadlines
- Notice of Need to File Proof of Claim
- Notice of Transfer of Claim
- Order Denying Motion for Relief from Stay as Moot
- Order on Motion for Final Judgment
- Orders Discharging Debtor(s)
- Orders entered on the Court's Motion/*Sua Sponte*
- Orders regarding Filing Fees (IFP or Installments)
- Orders scheduling Pretrial hearings and Trials
- Orders to Show Cause
- Preliminary hearing order on Motions for Relief from Stay

**Note that this list is subject to change. We will notify you of any changes through the amendment of this document, an announcement on our website, The Bankruptcy Advisor newsletter, and/or by email.*

Pursuant to 11 U.S.C. § 101(42), the Clerk's Office will continue to provide noticing services to the U.S. Trustee's Office. The Clerk's Office will also continue to serve court documents (notices and orders) in which a *Notice of Pro Bono Representation of Debtor(s)* has been filed.

Notices of Hearing:

The date, time, and location of the hearing will be provided via docket entry. Unless the docket entry contains language specifically noting that the Court will serve the notice or that a continuance was announced in open court and there is no service required, **the moving attorney, or other party as directed in the notice or order and notice of hearing, will have three business days from the date of the docket entry to prepare and serve a notice of hearing and file a certificate of service in the case.** If a certificate of service is not filed within three business days, the Clerk's Office will docket a reminder. The moving attorney then has an additional three business days to notice the hearing and file a certificate of service. Failure to timely file a certificate of service within the specified time frame will

result in the motion being denied without prejudice for failure to comply with the noticing requirements. The moving party must file a renewed motion for the hearing to be reset.

Orders:

Proposed orders must include service language as noted in Judge Specie's [Proposed Order Guidelines](#). Failure to include this language will result in the proposed order being rejected. Orders prepared by the Court will either note that it is being served by the Court or will direct the movant or other party to serve a copy of the order within three days. Failure to timely file a certificate of service within the specified time frame may result in the order being vacated.

The **Order and Notice of Continued Hearing on Confirmation and Fixing Time to File Objections** in a Chapter 13 case is an exception to the three-day-service requirement. This order is to be served in accordance with applicable Rules.

Certificates of Service:

The Certificate of Service must include a list of all parties and/or creditors who were served and the method of service. Information concerning the preparation of Certificate of Service statements and stand-alone Certificate of Service documents is available on the [Forms](#) page of the Court's website.

[Certificate of Service - Instructions & Sample Certificate of Service](#) (fillable)

Frequently Asked Questions Regarding Noticing

Will CM/ECF continue to provide a copy of orders and notices to people who receive electronic service?

Yes, the Notice of Electronic Filing (NEF) will be sent to **attorneys** who are registered users of our CM/ECF system and who are parties to or have filed a Notice of Appearance in the case. Please be aware that **creditors** do not receive an NEF. You may refer to service by the court via NEF in your Certificate of Service using the language in II.B. of the *Administrative Procedures* for electronic filing, a copy of which may be found on our website attached to [Standing Order #11](#) Relating to Electronic Case Filing.

For the purpose of preparing an accurate and properly formatted Certificate of Service, is there a mechanism in CM/ECF that allows me to determine which parties received electronic notification?

The Notice of Electronic Filing (NEF) is produced by CM/ECF for each filing in a case and contains information about the filing as well as a list of individuals who received notice either electronically or by mail. The NEF can be viewed two ways:

- Set your CM/ECF user account to send you *individual* NEF emails for each filing in your case(s) (see the [CM/ECF FAQs](#) for assistance); or
- Login to CM/ECF with your court-provided login and password, run the Docket Report with the "Links to Notices of Electronic Filing" option checked. This will produce a docket report with "silver balls" next to the docket number. Click the silver ball to view the NEF. Note that PACER fees will apply.

NOTE: The NEF does not take the place of a Certificate of Service. A proper Certificate of Service must be filed in accordance with the Rules and this court's administrative procedures. The NEF *can* provide you with information to help you complete your Certificate of Service.

Why can I not see the Notice of Electronic Filing (NEF) "silver ball" icons on my docket report?

You must be logged in to CM/ECF using your court-provided login and password (as opposed to your PACER login and password) to have the option to view the links to Notices of Electronic Filing. If you are logged in to CM/ECF and do not see the silver ball icons, use your browser's back button to return to the screen where you entered the case number and check the box labeled "Links to Notices of Electronic Filing" before resubmitting your request.

Why must I change my user account settings to receive individual Notices of Electronic Filing (NEFs) instead of receiving a daily summary?

The silver ball icon only appears on a Docket Report if the user has logged into CM/ECF using their court-provided login and password. Accessing a case through the Daily Summary prompts for or automatically accesses the system using your PACER login and password. Links to NEFs (the silver ball icons) are not available through PACER.

How can I determine who will receive electronic notification of something that has yet to be filed (e.g., you are creating and docketing a notice of hearing or creating a Certificate of Service on a motion to be filed)?

This information can be found in CM/ECF under *Electronic & Manual Service Lists*, available in the Bankruptcy menu under the "Mailing Information" header.

NOTE: You cannot use this list to create a certificate of service for something that has already been docketed and served electronically because the people on this list change as electronic case participants are added, removed, or modified. As a result, your Certificate of Service may not be accurate. To determine who received electronic notification of a previously filed document, view the Notice of Electronic Filing (NEF) via the silver ball next to the docket number of the item filed. You must be logged into the court's CM/ECF system; this option is not available in PACER.

Can we serve order and notices by email rather than first class mail if we know the person's email address?

Section II.B.3. of the [Administrative Procedures](#) states that electronic service is only permissible "if and only if the recipient of the notice or service is either a registered participant in the System and/or has agreed in writing with the filer to accept such service in lieu of service by first class mail." If the recipient is a registered user of our CM/ECF system, and is a party to/represents a party in the case they would have already received notification from the court at the time of docketing.

Is there a preferred format I should use for my Certificate of Service?

Certificates of Service must indicate that the proper parties were served per the Rules, who each of those parties were, and what method you used to serve each party (including the party's email address or mailing address). Please see the [Certificate of Service - Instructions and Sample](#) on our website for more information.

Can anyone contract with the Bankruptcy Noticing Center (BNC) to assist with service requirements?

No. The BNC provides the judiciary with a centralized service for preparing, producing, and serving documents by mail or electronic notification. Use of the BNC for service of documents by the public is not authorized. There are other services available to you for a fee. The Clerk's Office does not recommend or endorse any mail/noticing services and suggests that you contact your colleagues who may be using this type of service for a recommendation.

Is service of a Notice of Hearing required if a matter is *continued* to a date and time announced in open court?

If all parties are present when the continuation is announced, no, the announcement constitutes notice of the hearing. If all parties are not present with the continuation is announced, the court may require that the movant notice the hearing. The proceeding memo from the hearing will note if notice is to be served and by whom.

Why do the names and email addresses of Notice of Electronic (NEF) recipients need to be reiterated on the Certificate of Service when this information is already a part of the court record?

The N.D. Fla. LBR as well as the court's [Administrative Procedures](#) require complete Certificates of Service to be a part of the court record. Only registered users of the court's CM/ECF system have access to the silver ball presenting the NEF for each filing. Similarly, court-issued user accounts are required to receive individual NEFs sent via email. Users who only qualify for PACER accounts cannot access this information. Therefore, the Certificate of Service that has been made part of the public record is their only course of information concerning service.

How can I file an accurate and truthful Certificate of Service indicating that I have served a document when the Notice of Electronic Filing (NEF) is not generated until after the document has been electronically filed?

In CM/ECF, document submission and service transmission happen at exactly the same time. Therefore, it remains proper to electronically file a document that indicates within the Certificate of Service that certain parties have been served electronically.

How do Filing Agents access the silver ball representing the Notice of Electronic Filing (NEF) information on the docket sheet?

When using their court-provided CM/ECF (not PACER) login and password, Filing Agents have access to NEFs through the silver ball icons located on the docket sheet.

What happens if a filer does not serve an order or notice within the required three-day period?

The court will docket a reminder in CM/ECF which provides you with an additional three days for service.

If a Notice of Hearing has not been served after the second three-day period has expired, the matter will be denied without prejudice for failure to comply with the noticing instructions. For the hearing to be reset, the moving party must file a renewed motion, and pay the required filing fee, if applicable. If an order has not been served upon the expiration of the extended deadline, then the order may be vacated.

How should I modify my Certificate of Service if I am instructed to serve a notice or order but learn that it was already served on certain parties by the court through the Bankruptcy Noticing Center (BNC)?

If the calendar clerk directs a notice or order to the BNC, the BNC will continue to serve the document. Should this occur, you may file your Certificate of Service and attach the BNC certificate of service when available.

How do I inform the court that service was not completed upon receipt of returned mail?

Docket a "Notice of Receipt of Returned Mail" (paperless event) in CM/ECF.

Who is responsible for serving...?

<p>A Notice of Hearing if a motion is filed on negative notice and an objection is filed?</p>	<p>The movant is responsible for service of any Notice of Hearing.</p>
<p>An order resulting from a motion heard in court where the opposing party prevailed?</p>	<p>The judge will note in the courtroom who is to submit the proposed order. The party responsible for submitting the proposed order is also responsible for service of the signed order.</p>

An Order Directing Strict Compliance?	If the order is on a motion (e.g., Trustee's Motion to Dismiss), the movant is responsible for service. The court will serve the order if entered on its own motion.
An Order Confirming Plan?	The debtor or debtor's attorney is responsible for service. In the case of chapter 11 confirmation orders, the order would be served by the debtor, debtor's attorney, or plan proponent.
An Order Denying Motion for Relief from Stay?	The court will serve the order if the motion is deemed to be moot. Orders denying for any other reason must be served by the movant.
Order Approving Plan Modification?	These orders are to be served by the debtor, debtor's attorney, or the proponent of the plan modification.
Orders on the Application to Have the Chapter 7 Filing Fee Waived <i>or</i> Application for Individuals to Pay the Filing Fees in Installments?	The court will serve the orders on these applications.
A Notice of Hearing if two or more matters are to be heard during the same hearing date/time but were noticed in CM/ECF via separate Notices of Hearing?	Each filer is responsible for serving his/her respective Notice of Hearing document.
A <i>single</i> Notice of Hearing that addresses multiple matters filed by different parties?	The filer responsible for the matter <i>with the lowest docket entry number</i> is responsible for serving the Notice of Hearing. The lowest docket number can be determined by looking at the docket text for the Notice of Hearing or by looking at the PDF of the Notice of Hearing.
An Amended Notice of Hearing issued due to a change in the court's schedule?	The court will serve these documents.
A Notice of Hearing if a matter is set for hearing in open court?	The Courtroom Deputy will docket a Proceeding Memorandum which will specify the party responsible for service, if applicable.