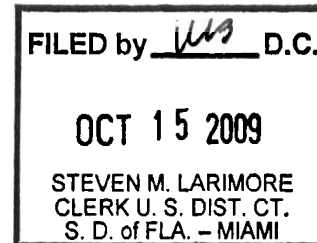


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

SUPPLEMENTAL ADMINISTRATIVE ORDER 2009-34

**IN RE: INTERIM AMENDMENTS TO TIME  
CALCULATIONS IN THE LOCAL RULES**

---




On September 16, 2009, the Court entered Administrative Order 2009-34, titled In Re: Interim Amendments to Time Calculations in the Local Rules. The Table attached to the Order listed the interim changes to time calculations to the Local Rules to be effective December 1, 2009. Upon review of the Order, the Court has determined that the Table only contained the interim changes to time calculations to the Local Rules and did not contain the interim changes to time calculations to the Discovery Handbook, the Special Rules Governing the Admission and Practice of Attorneys, the Rules Governing Attorney Discipline, the Magistrate Judge Rules, and the Admiralty Rules as stated in the Order. Therefore, it is

**ORDERED AND ADJUDGED** that the attached Table of Interim Rules Changes replaces the Table attached to Administrative Order 2009-34. It is hereby

**ORDERED** that the modifications to the Local Rules, the Discovery Handbook, the Special Rules Governing the Admission and Practice of Attorneys, the Rules Governing Attorney Discipline, the Magistrate Judge Rules, and the Admiralty Rules shown on the attached table shall be effective as of December 1, 2009. This Order shall expire on April 15, 2010.

**IT IS FURTHER ORDERED** that the Clerk of the Court is directed to post this Order, with the attached table, on the Court's website, and to take such other measures as he deems necessary

to advise members of the Bar of the United States District Court for the Southern District of Florida of the forthcoming changes in time calculations in the Local Rules.

**DONE AND ORDERED** in Chambers at Miami, Miami-Dade County, Florida this  day of October, 2009.



---

FEDERICO A. MORENO  
CHIEF UNITED STATES DISTRICT JUDGE

c: Honorable Joel F. Dubina, Chief Judge, United States Eleventh Circuit Court of Appeals  
All Southern District Judges  
All Southern District Magistrate Judges  
James Gerstenlauer, Circuit Executive  
Thomas Meeks, Chair, Ad Hoc Committee on Rules and Procedures  
All members of the Ad Hoc committee on Rules and Procedures  
Steven M. Larimore, Court Administrator • Clerk of Court  
Library

**TABLE OF INTERIM RULES CHANGES**  
**United States District Court for the Southern District of Florida**  
**Effective December 1, 2009 — April 15, 2010**

<b>Local Rule</b>	<b>Existing Language</b>	<b>Interim Language</b>
7.1.B.3.b(4)	<p>With respect to:... any motion or other matter as to which the Court has conducted a hearing but has not entered an order or otherwise determined the motion or matter within ninety (90) days of the hearing, the movant or applicant, whether party or non-party, shall file and serve on all parties and any affected non-parties a "Notification of Ninety Days Expiring" which shall contain the following information: ...the date of any hearing held on the motion or other matter.</p> <p>The "Notification of Ninety Days Expiring" shall be filed within ten days of the expiration of the applicable ninety (90) day period.</p>	<p>With respect to:... any motion or other matter as to which the Court has conducted a hearing but has not entered an order or otherwise determined the motion or matter within ninety (90) days of the hearing, the movant or applicant, whether party or non-party, shall file and serve on all parties and any affected non-parties a "Notification of Ninety Days Expiring" which shall contain the following information: ...the date of any hearing held on the motion or other matter.</p> <p>The "Notification of Ninety Days Expiring" shall be filed within fourteen (14) days of the expiration of the applicable ninety (90) day period.</p>
7.1.C	<p><b>Memorandum of Law.</b> Each party opposing a motion shall serve an opposing memorandum of law no later than ten days after service of the motion as computed in the Federal Rules of Civil Procedure. Failure to do so may be deemed sufficient cause for granting the motion by default. The movant may, within five days after service of an opposing memorandum of law, serve a reply memorandum in support of the motion, which reply memorandum shall be strictly limited to rebuttal of matters raised in the memorandum in opposition without reargument of matters covered in the movant's initial memorandum of law. No further or additional memoranda of law shall be filed without prior leave of Court.</p> <p>1. Time. Time shall be computed under this Local Rule as follows:  (a) If the motion or memorandum was served by mail or filed via CM/ECF, count ten days (five days for a reply) from the date the motion, response, or memorandum to which one is responding was certified as having been mailed or filed via CM/ECF. Do not include Saturdays, Sundays, or legal holidays. Beginning on</p>	<p><b>Memorandum of Law.</b> Except with respect to a response or reply to a summary judgment motion, the timing for which is governed by Federal Rule of Civil Procedure 56, each party opposing a motion shall serve an opposing memorandum of law no later than fourteen (14) days after service of the motion. Failure to do so may be deemed sufficient cause for granting the motion by default. The movant may, within seven (7) days after service of an opposing memorandum of law, serve a reply memorandum in support of the motion, which reply memorandum shall be strictly limited to rebuttal of matters raised in the memorandum in opposition without reargument of matters covered in the movant's initial memorandum of law. No further or additional memoranda of law shall be filed without prior leave of Court.</p> <p>1. Time. Time shall be computed under this Local Rule as follows:  (a) If the motion, response, or memorandum was served by mail or filed via CM/ECF, count fourteen (14) calendar days (seven (7) calendar days for a reply) from the date the motion, response, or memorandum was certified as having been mailed or filed via</p>

	<p>the next calendar day, including Saturday, Sunday, or a legal holiday, count three days. The third day is the due date for the opposing memorandum or reply. If the third day falls on a Saturday, Sunday, or legal holiday, the due date is the next business day.</p> <p>(b) If the motion or memorandum was served by hand delivery, start counting ten or five days on the business day after receipt of the motion or memorandum, excluding Saturdays, Sundays and legal holidays. The tenth or fifth day is the due date for the opposing memorandum or reply, respectively.</p>	<p>CM/ECF. Beginning on the next calendar day, including Saturday, Sunday, or a legal holiday, count three days. The third day is the due date for the opposing memorandum or reply. If the third day falls on a Saturday, Sunday, or legal holiday, the due date is the next business day.</p> <p>(b) If, in addition to being filed via CM/ECF, the motion, response, or memorandum was served by hand delivery, count fourteen (14) calendar days (seven (7) calendar days for a reply) from the date the motion, response, or memorandum was received. The fourteenth or seventh day is the due date for the opposing memorandum or reply, respectively. If the due date falls on a Saturday, Sunday, or legal holiday, the due date is the next business day.</p>
7.2	<p><b>Motions Pending on Removal or Transfer to This Court.</b> When a court transfers or a party removes an action or proceeding to this Court and there is a pending motion for which the moving party has not submitted a memorandum, the moving party shall file a memorandum in support of its motion within ten days after the filing of the notice of removal or the entry of the order of transfer. Each party shall then comply with the briefing schedule provided in Local Rule 7.1.C above.</p>	<p><b>Motions Pending on Removal or Transfer to This Court.</b> When a court transfers or a party removes an action or proceeding to this Court and there is a pending motion for which the moving party has not submitted a memorandum, the moving party shall file a memorandum in support of its motion within fourteen (14) days after the filing of the notice of removal or the entry of the order of transfer. If the moving party has filed a memorandum in support of the motion prior to removal, the party opposing the motion shall file a memorandum in opposition within fourteen (14) days after the filing of the notice of removal or the entry of the order of transfer. Each party shall then comply with the briefing schedule provided in Local Rule 7.1.C above.</p>
16.1.D	<p><b>Pretrial Disclosures and Meeting of Counsel.</b> Unless otherwise directed by the Court, at least thirty (30) days before trial each party must provide to the other party and promptly file with the Court the information prescribed by Federal Rule of Civil Procedure 26(a)(3). No later than ten days prior to the date of the pretrial conference, or, if no pretrial conference is held, ten days prior to the call of the calendar, counsel shall meet at a mutually convenient time and place and:</p>	<p><b>Pretrial Disclosures and Meeting of Counsel.</b> Unless otherwise directed by the Court, at least thirty (30) days before trial each party must provide to the other party and promptly file with the Court the information prescribed by Federal Rule of Civil Procedure 26(a)(3). No later than fourteen (14) days prior to the date of the pretrial conference, or, if no pretrial conference is held, fourteen (14) days prior to the call of the calendar, counsel shall meet at a mutually convenient time and place and:</p>

16.1.E	<b>Pretrial Stipulation Must Be Filed.</b> It shall be the duty of counsel to see that the pretrial stipulation is drawn, executed by counsel for all parties, and filed with the Court, no later than five days prior to the pretrial conference, or, if no pretrial conference is held, five days prior to the call of the calendar. The pretrial stipulation shall contain the following statements in separate numbered paragraphs as indicated:	<b>Pretrial Stipulation Must Be Filed.</b> It shall be the duty of counsel to see that the pretrial stipulation is drawn, executed by counsel for all parties, and filed with the Court, no later than seven (7) days prior to the pretrial conference, or, if no pretrial conference is held, seven (7) days prior to the call of the calendar. The pretrial stipulation shall contain the following statements in separate numbered paragraphs as indicated:
16.1.F	<b>Unilateral Filing of Pretrial Stipulation Where Counsel Do Not Agree.</b> If for any reason the pretrial stipulation is not executed by all counsel, each counsel shall file and serve separate proposed pretrial stipulations not later than five days prior to the pretrial conference, or, if no pretrial conference is held, five days prior to the call of the calendar, with a statement of reasons no agreement was reached thereon.	<b>Unilateral Filing of Pretrial Stipulation Where Counsel Do Not Agree.</b> If for any reason the pretrial stipulation is not executed by all counsel, each counsel shall file and serve separate proposed pretrial stipulations not later than seven (7) days prior to the pretrial conference, or, if no pretrial conference is held, seven (7) days prior to the call of the calendar, with a statement of reasons no agreement was reached thereon.
16.1.H	<b>Discovery Proceedings.</b> All discovery proceedings must be completed no later than ten days prior to the date of the pretrial conference, or, if no pretrial conference is held, ten days prior to the call of the calendar, unless further time is allowed by order of the Court for good cause shown.	<b>Discovery Proceedings.</b> All discovery proceedings must be completed no later than fourteen (14) days prior to the date of the pretrial conference, or, if no pretrial conference is held, fourteen (14) days prior to the call of the calendar, unless further time is allowed by order of the Court for good cause shown.
16.1.J	<b>Memoranda of Law.</b> Counsel shall serve and file memoranda treating any unusual questions of law, including motions in limine, no later than five days prior to the pretrial conference, or, if no pretrial conference is held, five days prior to the call of the calendar.	<b>Memoranda of Law.</b> Counsel shall serve and file memoranda treating any unusual questions of law, including motions in limine, no later than seven (7) days prior to the pretrial conference, or, if no pretrial conference is held, seven (7) days prior to the call of the calendar.
16.2.D.1(b)	Direct the parties, within fifteen days of the date of the order of referral, to agree upon a mediator. The parties are encouraged to utilize the list of certified mediators established in connection with Local Rule 16.2.B., but may by mutual agreement select any individual as mediator. The parties shall file a "Notice of Selection of Mediator" within that period of time. If the parties are unable to agree upon a mediator, plaintiff's counsel, or plaintiff if self-	Direct the parties, within fourteen (14) days of the date of the order of referral, to agree upon a mediator. The parties are encouraged to utilize the list of certified mediators established in connection with Local Rule 16.2.B, but may by mutual agreement select any individual as mediator. The parties shall file a "Notice of Selection of Mediator" within that period of time. If the parties are unable to agree upon a mediator, plaintiff's counsel, or plaintiff if self-represented, shall

	represented, shall file a "Request For Clerk To Appoint Mediator," and the Clerk will designate a mediator from the list of certified mediators on a blind, random basis.	file a "Request For Clerk To Appoint Mediator," and the Clerk will designate a mediator from the list of certified mediators on a blind, random basis.
16.2.D.1(c)	Direct that, at least ten days prior to the mediation date, each party give the mediator a confidential written summary of the case identifying issues to be resolved.	Direct that, at least fourteen (14) days prior to the mediation date, each party give the mediator a confidential written summary of the case identifying issues to be resolved.
16.2.F.1	<i>Mediation Report.</i> Within five days following the mediation conference, the mediator, if an authorized user of the Court's electronic filing system (CM/ECF), shall electronically file a Mediation Report. If the mediator is not an authorized CM/ECF user, the mediator shall file the Mediation Report in the conventional manner. The report shall indicate whether all required parties were present and whether the case settled (in full or in part), whether the mediation was adjourned, or whether the mediator declared an impasse	<i>Mediation Report.</i> Within seven (7) days following the mediation conference, the mediator, if an authorized user of the Court's electronic filing system (CM/ECF), shall electronically file a Mediation Report. If the mediator is not an authorized CM/ECF user, the mediator shall file the Mediation Report in the conventional manner. The report shall indicate whether all required parties were present and whether the case settled (in full or in part), whether the mediation was adjourned, or whether the mediator declared an impasse.
16.2.H (ORDER OF REFERRAL) ¶ 9	If a full or partial settlement is reached in this case, counsel shall promptly notify the Court of the settlement in accordance with Local Rule 16.2.F, by the filing of a notice of settlement signed by counsel of record within ten days of the mediation conference. Thereafter the parties shall forthwith submit an appropriate pleading concluding the case.	If a full or partial settlement is reached in this case, counsel shall promptly notify the Court of the settlement in accordance with Local Rule 16.2.F, by the filing of a notice of settlement signed by counsel of record within fourteen (14) days of the mediation conference. Thereafter the parties shall forthwith submit an appropriate pleading concluding the case.
26.1.G.4(d)	The business records and materials shall be made available for inspection and copying within ten days after service of the answers to interrogatories or at a date agreed upon by the parties.	The business records and materials shall be made available for inspection and copying within fourteen (14) days after service of the answers to interrogatories or at a date agreed upon by the parties.
26.1.J	<b>Reasonable Notice of Taking Depositions.</b> Unless otherwise stipulated by all interested parties, pursuant to Federal Rule of Civil Procedure 29, and excepting the circumstances governed by Federal Rule of Civil Procedure 30(a), a party desiring to take the deposition within this State of any person upon oral examination shall give at least five working days' notice in writing to	<b>Reasonable Notice of Taking Depositions.</b> Unless otherwise stipulated by all interested parties, pursuant to Federal Rule of Civil Procedure 29, and excepting the circumstances governed by Federal Rule of Civil Procedure 30(a), a party desiring to take the deposition within this State of any person upon oral examination shall give at least seven (7) days' notice in writing to every

	<p>every other party to the action and to the deponent (if the deposition is not of a party), and a party desiring to take the deposition in another State of any person upon oral examination shall give at least ten working days' notice in writing to every other party to the action and the deponent (if the deposition is not of a party).</p> <p>Failure by the party taking the oral deposition to comply with this rule obviates the need for protective order.</p> <p>Notwithstanding the foregoing, in accordance with Federal Rule of Civil Procedure 32(a)(3), no deposition shall be used against a party who, having received less than eleven calendar days' notice of a deposition as computed under Federal Rule of Civil Procedure 6(a), has promptly upon receiving such notice filed a motion for protective order under Federal Rule of Civil Procedure 26(c)(2) requesting that the deposition not be held or be held at a different time or place and such motion is pending at the time the deposition is held.</p>	<p>other party to the action and to the deponent (if the deposition is not of a party), and a party desiring to take the deposition in another State of any person upon oral examination shall give at least fourteen (14) days' notice in writing to every other party to the action and the deponent (if the deposition is not of a party).</p> <p>Failure by the party taking the oral deposition to comply with this rule obviates the need for protective order.</p> <p>Notwithstanding the foregoing, in accordance with Federal Rule of Civil Procedure 32(a)(5)(A), no deposition shall be used against a party who, having received less than fourteen (14) days' notice of a deposition as computed under Federal Rule of Civil Procedure 6(a), has promptly upon receiving such notice filed a motion for protective order under Federal Rule of Civil Procedure 26(c)(1)(B) requesting that the deposition not be held or be held at a different time or place and such motion is pending at the time the deposition is held.</p>
62.1.B	<p><b>Extension of Automatic Stay When Notice of Appeal Filed.</b> If within the ten day period established by Federal Rule of Civil Procedure 62(a), a party files any of the motions contemplated in Federal Rule of Civil Procedure 62(b), or a notice of appeal, then unless otherwise ordered by the Court, a further stay shall exist for a period not to exceed thirty days from the entry of the judgment or order. The purpose of this additional stay is to permit the filing of a supersedeas bond, which shall be filed by the end of the thirty day period provided herein.</p>	<p><b>Extension of Automatic Stay When Notice of Appeal Filed.</b> If within the fourteen (14) day period established by Federal Rule of Civil Procedure 62(a), a party files any of the motions contemplated in Federal Rule of Civil Procedure 62(b), or a notice of appeal, then unless otherwise ordered by the Court, a further stay shall exist for a period not to exceed thirty (30) days from the entry of the judgment or order. The purpose of this additional stay is to permit the filing of a supersedeas bond, which shall be filed by the end of the thirty (30) day period provided herein.</p>
87.4.B	<p><b>B. Limited Authority of Bankruptcy Court to Dismiss Appeals Prior to Transmittal of Record to District Court.</b> The Bankruptcy Court is authorized and directed to dismiss an appeal for (1) appellant's failure to pay the prescribed filing fees; (2) failure to comply with the time limitations specified in Federal Rule of Bankruptcy Procedure 8002; and (3) appellant's failure to file a designation of the</p>	<p><b>B. Limited Authority of Bankruptcy Court to Dismiss Appeals Prior to Transmittal of Record to District Court.</b> The Bankruptcy Court is authorized and directed to dismiss an appeal for (1) appellant's failure to pay the prescribed filing fees; (2) failure to comply with the time limitations specified in Federal Rule of Bankruptcy Procedure 8002; and (3) appellant's failure to file a designation of the items for the record or copies thereof or a</p>

	<p>items for the record or copies thereof or a statement of the issues as required by Federal Rule of Bankruptcy Procedure 8006, and Local Bankruptcy Rule 8006-1. The Bankruptcy Court is further authorized and directed to hear, under Federal Rule of Bankruptcy Procedure 9006(b), motions to extend the foregoing deadlines and to consolidate appeals which present similar issues from a common record. Bankruptcy Court orders entered under this subsection may be reviewed by the District Court on motion filed in the District Court within ten (10) days after entry of the order sought to be reviewed pursuant to subsection C(c) of this Local Rule.</p>	<p>statement of the issues as required by Federal Rule of Bankruptcy Procedure 8006, and Local Bankruptcy Rule 8006-1. The Bankruptcy Court is further authorized and directed to hear, under Federal Rule of Bankruptcy Procedure 9006(b), motions to extend the foregoing deadlines and to consolidate appeals which present similar issues from a common record. Bankruptcy Court orders entered under this subsection may be reviewed by the District Court on motion filed in the District Court within fourteen (14) days after entry of the order sought to be reviewed pursuant to subsection C(c) of this Local Rule.</p>
88.5.B	<p><b>Speedy Trial Reports.</b> Counsel for the Government and counsel for each defendant shall, within twenty days after arraignment and every twenty days thereafter until trial or plea of guilty or nolo contendere, file with the Court a status report as to each defendant which shall include a concise statement of: 1. All excludable time as recorded on the docket on which there is agreement, including the applicable statutes. Such agreement shall be conclusive as between the parties, unless it has no basis in fact or law. 2. All excludable time as recorded on the docket on which there is conflict, including the applicable statutes or law. 3. Computation of the gross time, excludable time, net time remaining, and the final date upon which the defendant can be tried in compliance with the Speedy Trial Plan of this Court. 4. Any agreement by the parties as to excludable time which exceeds the amount recorded on the docket shall have no effect unless approved by the Court.</p>	<p><b>Speedy Trial Reports.</b> Counsel for the Government and counsel for each defendant shall, within twenty-one (21) days after arraignment and every twenty-one (21) days thereafter until trial or plea of guilty or nolo contendere, file with the Court a status report as to each defendant which shall include a concise statement of: 1. All excludable time as recorded on the docket on which there is agreement, including the applicable statutes. Such agreement shall be conclusive as between the parties, unless it has no basis in fact or law. 2. All excludable time as recorded on the docket on which there is conflict, including the applicable statutes or law. 3. Computation of the gross time, excludable time, net time remaining, and the final date upon which the defendant can be tried in compliance with the Speedy Trial Plan of this Court. 4. Any agreement by the parties as to excludable time which exceeds the amount recorded on the docket shall have no effect unless approved by the Court.</p>
88.8	<p><b>PRESENTENCE INVESTIGATIONS</b></p> <p>1. The sentencing proceedings shall be scheduled by each District Judge no earlier than seventy (70) days following entry of a guilty plea or a verdict of guilty.</p> <p>2. The PSI, including guideline computations, shall be completed and made</p>	<p><b>PRESENTENCE INVESTIGATIONS</b></p> <p>1. The sentencing proceedings shall be scheduled by each District Judge no earlier than seventy (70) days following entry of a guilty plea or a verdict of guilty.</p> <p>2. The PSI, including guideline computations, shall be completed and made available for</p>



<p>available for disclosure to the attorneys for the parties at least thirty-five (35) days prior to the scheduled sentencing proceedings, unless the defendant waives this minimum period.</p> <p>3. Within five days following entry of a guilty plea or a verdict of guilty, counsel for the defendant and the probation officer will have made arrangements for the initial interview of the defendant for the PSI.</p> <p>4. Within fourteen days of receipt of the report, counsel for the defendant and the government must communicate any objections, in writing, to each other and to the probation officer. The probation officer may meet with counsel and the defendant to discuss the objections and may conduct a further investigation and revise the report as appropriate.</p> <p>5. Seven days prior to the sentencing proceeding, the probation officer must submit to the court the final report and an addendum containing unresolved issues. The PSI, if revised, and the addendum will also be made available to all counsel.</p> <p>6. Counsel for the parties shall confer no later than seven days prior to the scheduled sentencing hearing proceeding with respect to the anticipated length of the sentencing and the number of witnesses to be called. If either party reasonably anticipates that the sentencing proceeding will exceed one hour, the party shall file a notice with the Clerk of Court and shall hand deliver a courtesy copy to the United States Probation Office no later than five days prior to the sentencing proceeding. The notice shall advise the Court of the number of witnesses to be called and the estimated time required for the sentencing proceeding. Additionally, counsel for the parties shall file within the same time period any notice for enhancement of sentence or requests for departure.</p> <p>7. The recommendation as to sentencing</p>	<p>disclosure to the attorneys for the parties at least thirty-five (35) days prior to the scheduled sentencing proceedings, unless the defendant waives this minimum period.</p> <p>3. Within seven (7) days following entry of a guilty plea or a verdict of guilty, counsel for the defendant and the probation officer will have made arrangements for the initial interview of the defendant for the PSI.</p> <p>4. Within fourteen (14) days of receipt of the report, counsel for the defendant and the government must communicate any objections, in writing, to each other and to the probation officer. The probation officer may meet with counsel and the defendant to discuss the objections and may conduct a further investigation and revise the report as appropriate.</p> <p>5. Seven (7) days prior to the sentencing proceeding, the probation officer must submit to the court the final report and an addendum containing unresolved issues. The PSI, if revised, and the addendum will also be made available to all counsel.</p> <p>6. Counsel for the parties shall confer no later than seven (7) days prior to the scheduled sentencing hearing proceeding with respect to the anticipated length of the sentencing and the number of witnesses to be called. If either party reasonably anticipates that the sentencing proceeding will exceed one hour, the party shall file a notice with the Clerk of Court and shall hand deliver a courtesy copy to the United States Probation Office no later than five (5) days prior to the sentencing proceeding. The notice shall advise the Court of the number of witnesses to be called and the estimated time required for the sentencing proceeding. Additionally, counsel for the parties shall file within the same time period any notice for enhancement of sentence or requests for departure.</p> <p>7. The recommendation as to sentencing made to the Court by the United States Probation Office shall remain confidential.</p>
--	---

	made to the Court by the United States Probation Office shall remain confidential.  8. Counsel for the parties may retain the PSI in their custody, and counsel for the defendant shall provide a copy to the defendant. However, the PSI is a confidential document and neither the parties nor their counsel are authorized to duplicate or disseminate it to third parties without prior permission of the Court.	8. Counsel for the parties may retain the PSI in their custody, and counsel for the defendant shall provide a copy to the defendant. However, the PSI is a confidential document and neither the parties nor their counsel are authorized to duplicate or disseminate it to third parties without prior permission of the Court.
88.10.P	The parties shall collaborate in preparation of a written statement to be signed by counsel for each side, generally describing all discovery material exchanged, and setting forth all stipulations entered into at the conference. No stipulations made by defense counsel at the conference shall be used against the defendant unless the stipulations are reduced to writing and signed by the defendant and his counsel. This statement, including any stipulations signed by the defendant and his counsel, shall be filed with the Court within five days following the conference.	The parties shall collaborate in preparation of a written statement to be signed by counsel for each side, generally describing all discovery material exchanged, and setting forth all stipulations entered into at the conference. No stipulations made by defense counsel at the conference shall be used against the defendant unless the stipulations are reduced to writing and signed by the defendant and his counsel. This statement, including any stipulations signed by the defendant and his counsel, shall be filed with the Court within seven (7) days following the conference.

**Table of Interim Rule Changes - Local Admiralty Rules  
United States District Court for the Southern District of Florida  
Effective December 1, 2009-April 15, 2010**

<b>Local Admiralty Rule</b>	<b>Existing Language</b>	<b>Interim Language</b>
A(8) Form and Return of Process in In Personam Actions.	Unless otherwise ordered by the Court, Federal Rule of Civil Procedure 9(h) process shall be by civil summons, and shall be returnable <b>twenty days</b> after service of process; except that process issued in accordance with Supplemental Rule B shall conform to the requirements of that rule.	Unless otherwise ordered by the Court, Federal Rule of Civil Procedure 9(h) process shall be by civil summons, and shall be returnable <b>twenty-one days</b> after service of process; except that process issued in accordance with Supplemental Rule B shall conform to the requirements of that rule.

B(5)(b) Post-attachment Review Proceedings	<i>Hearing on the Answer and Claim.</i> The claimant may be heard before a judicial officer not less than <b>three days</b> after the answer and claim has been filed and service has been perfected upon the plaintiff.	<i>Hearing on the Answer and Claim.</i> The claimant may be heard before a judicial officer not less than <b>seven days</b> after the answer and claim has been filed and service has been perfected upon the plaintiff.
B(7) Procedural Requirements for the Entry of Default Judgment.	A party opposing the entry of default judgment shall have <b>five days</b> from the receipt of the motion to file written opposition with the Court. Thereafter, unless otherwise ordered by the Court, the motion for the entry of default judgment will be heard without oral argument.	A party opposing the entry of default judgment shall have <b>seven days</b> from the receipt of the motion to file written opposition with the Court. Thereafter, unless otherwise ordered by the Court, the motion for the entry of default judgment will be heard without oral argument.
C(3)(a)(1) Special Requirements for Actions Involving Freight, Proceeds, and/or Intangible Property	File a claim within <b>ten days</b> after service of the summons in accordance with Local Admiralty Rule C(6)(a);	File a claim within <b>fourteen days</b> after service of the summons in accordance with Local Admiralty Rule C(6)(a);
C(3)(c) Special Requirements for Actions Involving Freight, Proceeds, and/or Intangible Property	<i>Delivery or Payment of the Freight, Proceeds, and/or Intangible Property to the United States Marshal.</i> Unless a claim is filed in accordance with Supplemental Rule E(4)(f), and Local Admiralty Rule C(6)(a), any person served with a summons issued pursuant to Local Admiralty Rule C(2)(a) or (b)(2), shall within <b>ten days</b> after execution of service, deliver or pay over to the Marshal all, or part of, the freight, proceeds, and/or intangible property sufficient to satisfy plaintiff's claim.	<i>Delivery or Payment of the Freight, Proceeds, and/or Intangible Property to the United States Marshal.</i> Unless a claim is filed in accordance with Supplemental Rule E(4)(f), and Local Admiralty Rule C(6)(a), any person served with a summons issued pursuant to Local Admiralty Rule C(2)(a) or (b)(2), shall within <b>fourteen days</b> after execution of service, deliver or pay over to the Marshal all, or part of, the freight, proceeds, and/or intangible property sufficient to satisfy plaintiff's claim.
C(4)(a) Publishing Notice of the Arrest as Required by Supplemental Rule C(4)	<i>Time for Publication.</i> If the property is not released within <b>ten days</b> after the execution of process, the notice required by Supplemental Rule C(4) shall be published by the plaintiff in accordance with Local Admiralty	<i>Time for Publication.</i> If the property is not released within <b>fourteen days</b> after the execution of process, the notice required by Supplemental Rule C(4) shall be published by the plaintiff in accordance with Local Admiralty

	Rule A(7). Such notice shall be published within <b>seventeen days</b> after execution of process. The notice shall substantially conform to the form identified as SDF 7 in the Appendix to these Local Admiralty Rules.	Rule A(7). Such notice shall be published within <b>twenty-one days</b> after execution of process. The notice shall substantially conform to the form identified as SDF 7 in the Appendix to these Local Admiralty Rules.
C(4)(b) Publishing Notice of the Arrest as Required by Supplemental Rule C(4)	<i>Proof of Publication.</i> Plaintiff shall file with the Clerk of the Court proof of publication not later than <b>ten days</b> following the last day of publication. It shall be sufficient proof for the plaintiff to file the sworn statement by, or on behalf of, the publisher or editor, indicating the dates of publication, along with a copy or reproduction of the actual publication.	<i>Proof of Publication.</i> Plaintiff shall file with the Clerk of the Court proof of publication not later than <b>fourteen days</b> following the last day of publication. It shall be sufficient proof for the plaintiff to file the sworn statement by, or on behalf of, the publisher or editor, indicating the dates of publication, along with a copy or reproduction of the actual publication.
C(6)Time for Filing Claim or Answer	<b>Time for Filing Claim or Answer.</b> Unless otherwise ordered by the Court, any claimant of property subject to an action in rem shall:  (a) File the claim within <b>ten days</b> after process has been executed; and (b) Serve an answer within <b>twenty days</b> after the filing of the claim.	<b>Time for Filing Claim or Answer.</b> Unless otherwise ordered by the Court, any claimant of property subject to an action in rem shall:  (a) File the claim within <b>fourteen days</b> after process has been executed; and (b) Serve an answer within <b>twenty-one days</b> after the filing of the claim.
C(9)(b) Procedural Requirements for the Entry of Default Judgment	<i>When Any Person Has Filed an Appearance, But Does Not Join in the Motion for Entry of Default Judgment.</i> If any person has filed an appearance in accordance with Local Admiralty Rule C(6), but does not join in the motion for entry of default judgment, the party seeking the entry of default judgment shall serve notice of the motion upon the party not joining in the motion, and thereafter the opposing party shall have <b>five days</b> from receipt of the notice to	<i>When Any Person Has Filed an Appearance, But Does Not Join in the Motion for Entry of Default Judgment.</i> If any person has filed an appearance in accordance with Local Admiralty Rule C(6), but does not join in the motion for entry of default judgment, the party seeking the entry of default judgment shall serve notice of the motion upon the party not joining in the motion, and thereafter the opposing party shall have <b>seven days</b> from receipt of the notice to

	file written opposition with the Court.	file written opposition with the Court.
E(2)(b) Permissive Intervention When the Vessel or Property Has Been Scheduled for Sale by the Court.	Except as indicated below, and subject to any other rule or order of this Court, no person shall have an automatic right to intervene in an action where the Court has ordered the sale of the vessel or property, and the date of the sale is set within <b>fifteen days</b> from the date the party moves for permission to intervene in accordance with this subsection. In such cases, the person seeking permission to intervene must:	Except as indicated below, and subject to any other rule or order of this Court, no person shall have an automatic right to intervene in an action where the Court has ordered the sale of the vessel or property, and the date of the sale is set within <b>twenty-one days</b> from the date the party moves for permission to intervene in accordance with this subsection. In such cases, the person seeking permission to intervene must:
E(11)(c) Expenses for Care and Maintenance of a Crew.	Such applications must be filed within thirty days from the date of the vessel's initial seizure. Otherwise, except in the case of an emergency, such applications shall be filed and served upon all parties, who in turn shall have <b>ten days</b> from receipt of the application to file a written response	Such applications must be filed within thirty days from the date of the vessel's initial seizure. Otherwise, except in the case of an emergency, such applications shall be filed and served upon all parties, who in turn shall have <b>fourteen days</b> from receipt of the application to file a written response
E(15) (a) Stay of Final Order	<i>Automatic Stay for Ten Days.</i> In accordance with Federal Rule of Civil Procedure 62(a), no execution shall issue upon a judgment, nor shall seized property be released pursuant to a judgment or dismissal, until <b>ten days</b> after the entry of the judgment or order of dismissal.	<i>Automatic Stay for Fourteen Days.</i> In accordance with Federal Rule of Civil Procedure 62(a), no execution shall issue upon a judgment, nor shall seized property be released pursuant to a judgment or dismissal, until <b>fourteen days</b> after the entry of the judgment or order of dismissal.

E(15) (b) Stay of Final Order	<i>Stays Beyond the <b>Ten Day</b> Period.</i> If within the <b>ten day</b> period established by Federal Rule of Civil Procedure 62(a), a party files any of the motions contemplated in Federal Rule of Civil Procedure 62(b), or a notice of appeal, then unless otherwise ordered by the Court, a further stay shall exist for a period not to exceed thirty days from the entry of the judgment or order. The purpose of this additional stay is to permit the Court to consider an application for the establishment of a supersedeas bond and to order the date upon which the bond shall be filed with the Court.	<i>Stays Beyond the <b>Fourteen Day</b> Period.</i> If within the <b>fourteen day</b> period established by Federal Rule of Civil Procedure 62(a), a party files any of the motions contemplated in Federal Rule of Civil Procedure 62(b), or a notice of appeal, then unless otherwise ordered by the Court, a further stay shall exist for a period not to exceed thirty days from the entry of the judgment or order. The purpose of this additional stay is to permit the Court to consider an application for the establishment of a supersedeas bond and to order the date upon which the bond shall be filed with the Court.
E(16)(2) Notice of Sale	(2) Duration of Publication. Unless otherwise ordered by the Court, applicable Supplemental Rule, or Local Admiralty Rule, publication of the notice of sale shall be made at least twice; the first publication shall be at least <b>one calendar week</b> prior to the date of the sale, and the second at least <b>three calendar days</b> prior to the date of the sale.	(2) Duration of Publication. Unless otherwise ordered by the Court, applicable Supplemental Rule, or Local Admiralty Rule, publication of the notice of sale shall be made at least twice; the first publication shall be at least <b>fourteen days</b> prior to the date of the sale, and the second at least <b>seven days</b> prior to the date of the sale.
E(17)(a)(2) Sale of a Vessel or Property.	If the Bid Is More Than \$500.00. The bidder shall immediately deposit with the Marshal \$500.00, or ten percent of the bid, whichever sum is greater. Thereafter the bidder shall pay the remaining purchase price within <b>three working days</b> .	If the Bid Is More Than \$500.00. The bidder shall immediately deposit with the Marshal \$500.00, or ten percent of the bid, whichever sum is greater. Thereafter the bidder shall pay the remaining purchase price within <b>seven days</b> .
E(17)(g)(1) Sale of a Vessel or Property	<i>Time for Filing Objections.</i> Unless otherwise permitted by the Court, an objection must be filed within <b>three working days</b> following the sale. The party or	<i>Time for Filing Objections.</i> Unless otherwise permitted by the Court, an objection must be filed within <b>seven days</b> following the sale. The party or

	<p>person filing an objection shall serve a copy of the objection upon the Marshal and all other parties to the action, and shall also file a Certificate of Service indicating the date and manner of service. Opposition to the objection must be filed within <b>seven days</b> after receipt of the objection of the sale.</p>	<p>person filing an objection shall serve a copy of the objection upon the Marshal and all other parties to the action, and shall also file a Certificate of Service indicating the date and manner of service. Opposition to the objection must be filed within <b>seven days</b> after receipt of the objection of the sale.</p>
F(4) Objections to the Appraisal.	<p>Any party may move to set aside the appraisal within <b>ten days</b> following the filing of the appraisal with the Clerk of the Court.</p>	<p>Any party may move to set aside the appraisal within <b>fourteen days</b> following the filing of the appraisal with the Clerk of the Court.</p>
FORM 4. WARRANT FOR ARREST IN REM	<p><b>SPECIAL NOTICE</b> In accordance with Local Admiralty Rule C(6), any person claiming an interest in the vessel and/or property shall be required to file a claim within <b>ten days</b> after process has been executed, and shall also be required to file an answer within <b>twenty days</b> after the filing of this claim.</p>	<p><b>SPECIAL NOTICE</b> In accordance with Local Admiralty Rule C(6), any person claiming an interest in the vessel and/or property shall be required to file a claim within <b>fourteen days</b> after process has been executed, and shall also be required to file an answer within <b>twenty-one days</b> after the filing of this claim.</p>
FORM 7. NOTICE OF ACTION IN REM AND ARREST OF VESSEL	<p>Pursuant to Supplemental Rule C(6), and Local Admiralty Rule C(6), any person having a claim against the vessel and/or property shall file a claim with the Court not later than <b>ten days</b> after process has been effected, and shall file an answer within <b>twenty days</b> from the date of filing their claim.</p>	<p>Pursuant to Supplemental Rule C(6), and Local Admiralty Rule C(6), any person having a claim against the vessel and/or property shall file a claim with the Court not later than <b>fourteen days</b> after process has been effected, and shall file an answer within <b>twenty-one days</b> from the date of filing their claim.</p>
FORM 12. SUMMONS AND PROCESS OF MARITIME ATTACHMENT AND GARNISHMENT	<p>WHEREAS, this process is issued pursuant to such prayer and requires that a garnishee shall serve his answer within <b>twenty days</b> after service of process upon him and requires that a defendant shall serve his answer within thirty days after process has been executed, whether by attachment of property or service on the</p>	<p>WHEREAS, this process is issued pursuant to such prayer and requires that a garnishee shall serve his answer within <b>twenty-one days</b> after service of process upon him and requires that a defendant shall serve his answer within thirty days after process has been executed, whether by attachment of property or service on the</p>

	garnishee,	garnishee,
<p>FORM 13. MARITIME SUMMONS TO SHOW CAUSE RESPECTING INTANGIBLE PROPERTY</p>	<p>You are hereby summoned to interpose in writing a claim, by attorney or in proper person, at the Clerk's of the Court's Office in said District within <b>ten days</b> after the service, and therewith or thereafter within <b>twenty days</b> following such claim or thirty days after the service, whichever is less, a responsive pleading to the complaint herewith served upon you and to show cause why said property under your control should not be paid into Court to abide the judgment; and you are required so also to serve copy thereof upon _____, plaintiff's attorney(s) whose address is _____; or if you do not claim said property then to so serve and show cause why said property under your control should not be paid into Court to abide the judgment.</p>	<p>You are hereby summoned to interpose in writing a claim, by attorney or in proper person, at the Clerk's of the Court's Office in said District within <b>fourteen days</b> after the service, and therewith or thereafter within <b>twenty-one days</b> following such claim or thirty days after the service, whichever is less, a responsive pleading to the complaint herewith served upon you and to show cause why said property under your control should not be paid into Court to abide the judgment; and you are required so also to serve copy thereof upon _____, plaintiff's attorney(s) whose address is _____; or if you do not claim said property then to so serve and show cause why said property under your control should not be paid into Court to abide the judgment.</p>