UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ADMINISTRATIVE ORDER 2019-74

IN RE:
AMENDMENTS TO THE LOCAL RULES
_____/

THIS COURT has given notice and an opportunity to be heard in accordance with Fed. R. Civ. P. 83 and Fed. R. Crim. P. 57, has conducted an *en banc* hearing, and has considered the comments of the public and the report of the Court's Ad Hoc Committee on Rules and Procedures with regard to proposed amendments, in the form attached, that amend the Local General Rules. Upon consideration of the public comments received and the report of the Ad Hoc Committee, it is hereby

ORDERED that the rules identified are amended in the form attached (with the language to be deleted ~~stricken~~ and the language to be added double underlined).

IT IS FURTHER ORDERED that the foregoing rule amendments shall take effect on December 2, 2019, and shall govern all proceedings thereafter commenced and, insofar as just and practicable, all proceedings then pending.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to: (a) publish an abbreviated notice once in the Daily Business Review (in each edition published in Miami-Dade, Broward, and Palm Beach Counties, Florida) alerting the public of the newly amended local rules; (b) post this Order (with attachments) prominently on the Court's website for the next 60 days; and (c) provide notice of the local rule amendments to this Court's bar through the CM/ECF electronic noticing system.

DONE AND ORDERED in Chambers at Miami, Miami-Dade County, Florida this 9th day of October, 2019.

K. M. Moore
_____
K. MICHAEL MOORE
UNITED STATES CHIEF DISTRICT JUDGE

Copies furnished to:

Honorable Ed Carnes, Chief Judge, United States Court of Appeals for the Eleventh Circuit
All Southern District, Bankruptcy and Magistrate Judges
James Gerstenlauer, Circuit Executive, Eleventh Circuit
Angela E. Noble, Court Administrator · Clerk of Court
Scott M. Dimond, Chair, Ad Hoc Committee on Rules and Procedures
All Members of the Ad Hoc Committee on Rules and Procedures
Library
Daily Business Review

RULE 5.1 FILING AND COPIES

(b) Service and Filing of Documents Via CM/ECF. All documents required to be served shall be filed in compliance with the CM/ECF Administrative Procedures; except for: (A) documents exempted under Section 5 of the CM/ECF Administrative Procedures; and (B) documents that are not permitted to be filed at the time of service by rule, statute, or other proscription. Pro se parties are exempted from this requirement pursuant to Section 2C of the CM/ECF Administrative Procedures. The requirements of paragraphs (a)(2~~)(5)~~ (6) above shall apply to documents filed via CM/ECF. See Section 3A of the CM/ECF Administrative Procedures.

~~**RULE 5.1 FILING AND COPIES**~~

5.1(f)

(f). Inaccessibility of Clerk's Office: During the time that the Court (or the Courthouse located in a particular division of the Court) is closed pursuant to Administrative Order 2007-44 (In Re: Emergency Closure of Courthouse) or pursuant to separate order, the Clerk's Office for the Court (or the particular division of the Court where the Courthouse is closed) shall be deemed inaccessible for purposes of Fed. R. Civ. 6(a)(3) and Fed. R. Crim. P. 45(a)(3).

Effective December 1, 1994. Amended effective April 15, 1996; April 15, 1998; April 15, 1999; April 15, 2000; April 15, 2001; paragraph E added effective April 15, 2003; April 15, 2007; April 15, 2009; April 15, 2010; April 15, 2011; December 1, 2011; December 1, 2015; December 1, 2016; December 3, 2018~~.~~; December 2, 2019.

7.1(c)

(c) Memorandum of Law.

(1) Requirements and Timing. For all motions, except motions served with the summons and complaint, 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. All materials in support of any motion, response, or reply, including affidavits and declarations, shall be served with the filing. For a motion served with the summons and complaint, the opposing memorandum of law shall be due on the day the response to the complaint is due. Time shall be computed under this Local Rule in accordance with applicable federal rules of procedure (*e.g.*, Fed. R. Civ. P. 6(a) and Fed. R. Crim P. 45(a)).

~~(1) *Time*. Time shall be computed under this Local Rule as follows:~~

~~(A) If the motion or memorandum was filed via CM/ECF or served by hand-delivery, count fourteen (14) days (seven (7) days for a reply) beginning the day after the motion, response, or memorandum was filed via CM/ECF or certified as having been served by hand-delivery. The last day is the due date. If the last day falls on a Saturday, Sunday, or legal holiday, the period continues to run until the next business day, which is the due date for the opposing memorandum or reply.~~

~~(B) If the motion or memorandum was served only by mail, count fourteen (14) days (seven (7) days for a reply) beginning the day after the motion, response, or memorandum was certified as having been mailed. Count three (3) more 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.~~

(2) Length. Absent prior permission of the Court, neither a motion and its incorporated memorandum of law nor the opposing memorandum of law shall exceed twenty (20) pages; 23 a reply memorandum shall not exceed ten (10) pages. Title pages preceding the first page of text, tables of contents, tables of citations, "request for hearing" sections, signature pages, certificates of good faith conferences, and certificates of service shall not be counted as pages for purposes of this rule. Filing multiple motions for partial summary judgment is prohibited, absent prior permission of the Court. This prohibition does not preclude a party from filing both a motion for summary judgment asserting an immunity from suit and a later motion for summary judgment addressing any issues that may remain in the case. This prohibition also is not triggered when, as permitted by Fed. R. Civ. P. 12(d), the Court elects to treat a motion filed pursuant to Fed. R. Civ. P. 12(b) or 12(c) as a summary judgment motion.

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Effective December 1, 1994. Amended effective April 15, 1996; April 15, 1997; April 15, 2000; April 1, 2004; April 15, 2005; April 15, 2006; April 15, 2007; April 15, 2009; April 15, 2010; April 15, 2011; December 1, 2011; December 1, 2014; December 1, 2015; December 1, 2016; December 1, 2017; December 3, 2018; December 2, 2019.

RULE 11.1 ATTORNEYS

(a) Roll of Attorneys. The Bar of this Court shall consist of those persons heretofore admitted and those who may hereafter be admitted in accordance with the Special Rules Governing the Admission and Practice of Attorneys in this District.

(b) Contempt of Court. Any person who before his or her admission to the Bar of this Court or during his or her disbarment or suspension exercises in this District in any action or proceeding pending in this Court any of the privileges of a member of the Bar, or who pretends to be entitled to do so, may be found guilty of contempt of Court.

(c) Professional Conduct**.** The standards of professional conduct of members of the Bar of this Court shall include the current Rules Regulating The Florida Bar. For a violation of any of these canons in connection with any matter pending before this Court, an attorney may be subjected to appropriate disciplinary action.

(d) Appearance by Attorney.

(1) The filing of any pleading, written motion, or other paper shall~~, unless otherwise specified,~~ constitute an appearance by the person who signs such paper unless the paper specifies otherwise.

(2) Unless they have noticed their appearance by filing a pleading~~.~~

~~(2) An~~ , written motion, or other paper, any attorney ~~representing a~~ appearing on behalf of a non-party witness ~~in any civil action or criminal proceeding, including a grand jury proceeding, or representing~~ at a ~~defendant in a grand jury proceeding,~~ hearing shall file and serve a notice of appearance~~, with consent of the client endorsed thereon, with the Clerk of the Court on a form to be prescribed and furnished by the Court, except that the notice need not be filed when such appearance has previously been evidenced by the filing of pleadings in the action or proceeding. The notice shall be filed by the attorney promptly upon undertaking the representation and~~ prior to the attorney's appearance on behalf of the attorney's client at ~~any~~the hearing~~ or grand jury session~~. When the appearance ~~is in connection with~~relates to a grand jury ~~session~~matter, the notice of appearance shall be filed with the Clerk of the Court in such manner as to maintain the secrecy requirements of grand jury proceedings, if applicable.

~~(3) No~~(3) Withdrawal of appearance. (A) Except as provided by subpart (B) herein, no attorney shall withdraw the attorney's appearance in any action or proceeding except by leave of Court after notice served on the attorney's client and opposing counsel. A motion to withdraw shall include a current mailing address for the attorney's client or the client's ~~counsel.~~ new or remaining counsel. (B) The appearance of an Assistant Federal Public Defender, Assistant United States Attorney, or other federal, state, or local government attorney is withdrawn when a notice of reassignment or notice of substitution is filed in which an attorney from the withdrawing attorney's office provides notice of that substitute attorney's appearance in the action or proceeding.

(4) Whenever a party has appeared by attorney, the party cannot thereafter appear or act on the party's own behalf in the action or proceeding, or take any step therein, unless an order of substitution shall first have been made by the Court, after notice to the attorney of such party, and to the opposite party; provided, that the Court may in its discretion hear a party in open court, notwithstanding the fact that the party has appeared or is represented by an attorney.

(5) When an attorney dies, or is removed or suspended, or ceases to act as such, a party to an action or proceeding for whom the attorney was acting as counsel must, before any further proceedings are had in the action on the party's behalf, appoint another attorney or appear in person, unless such party is already represented by another attorney.

(6) No agreement between parties or their attorneys, the existence of which is not conceded, in relation to the proceedings or evidence in an action, will be considered by the Court unless the same is made before the Court and noted in the record or is reduced to writing and subscribed by the party or attorney against whom it is asserted.

(7) Only one (1) attorney on each side shall examine or cross-examine a witness, and not more than two (2) attorneys on each side shall argue the merits of the action or proceeding unless the Court shall otherwise permit.

Effective December 1, 1994. Amended effective April 15, 2002; April 15, 2007; April 15, 2010; April 15, 2011; December 1, 2011; December 1, 2015; December 1, 2016; December 2, 2019.

11.1(g) Responsibility to Maintain Current Contact Information. Each member of the Bar of the Southern District, any attorney appearingance *pro hac vice*, and any party appearing *pro se* shall maintain current contact information with the Clerk of Court. Each attorney shall update contact information including e-mail address within seven (7) days of a change. ACounsel appearing *pro hac vice* and a party appearing *pro se* shall conventionally file a Notice of Current Address with updated contact information within seven (7) days of a change. The failure to comply shall not constitute grounds for relief from deadlines imposed by Rule or by the Court. All Court Orders and Notices will be deemed to be appropriately served if directed either electronically or by conventional mail consistent with information on file with the Clerk of Court.

Effective December 1, 1994. Amended effective April 15, 2002; April 15, 2007; April 15, 2010; April 15, 2011; December 1, 2011; December 1, 2015; December 1, 2016; December 2, 2019..

Authority

(1993) Former Local Rule 16. Renumbered per Model Rules.

26.1(i) Subpoenas; Cooperation. Whenever a party, before trial, receives objections, documents, electronically stored information, or other things from a non-party in response to a subpoena, the party receiving same shall promptly notify all other parties of such receipt, and shall, upon request, make the materials available for inspection to all other parties in the same form or format as received from the non-party. The other parties may request copies of objections, documents, electronically stored information, or other things, but the expense associated with providing such copies shall be borne by the party requesting the copies, except by order of the Court for good cause shown. Nothing in this subdivision is intended to create, eliminate, enlarge, or reduce any post-judgment notice, disclosure, production, or inspection obligations.

Effective December 1, 1994. Amended effective April 15, 1996; April 15, 1998; April 15, 2001; paragraph G.3 amended effective April 15, 2003; April 15, 2004; April 15, 2005; April 15, 2007; April 15, 2009; April 15, 2010; April 15, 2011; December 1, 2011; December 1, 2014; December 1, 2015; December 1, 2016; December 3, 2018; December 2, 2019.

Authority

(1993) Former Local Rule 10I. New portions of Section E [1994, now Subsections G.2-8] are based on S.D.N.Y. local rule.

RULE 56.1 MOTIONS FOR SUMMARY JUDGMENT

(a) ~~Statement~~Statements of Material Facts~~.~~

(1) A motion for summary judgment and the opposition ~~thereto~~to it shall each be accompanied by a ~~statement~~separate and contemporaneously filed and served Statement of Material Facts. The movant's Statement of Material Facts shall list the material facts ~~as to which it is contended~~ that ~~there~~the movant contends are not genuinely disputed.

(2) An opponent's Statement of Material Facts shall clearly challenge any purportedly material fact asserted by the movant that the opponent contends is genuinely in dispute. An opponent's Statement of Material Facts also may thereafter assert additional material facts that the opponent contends serve to defeat the motion for summary judgment.

(3) The movant shall respond to any additional facts asserted in the opponent's Statement of Material Facts even if the movant does not ~~exist~~serve a ~~genuine issue to be tried~~reply memorandum. The due date for the Reply Statement of Material Facts is the due date for the reply memorandum.

(b) Form Required for Statements of Material Facts

(1) All Statements of Material Facts

All Statements of Material Facts (whether filed by the movant or ~~there does exist a genuine issue to be tried, respectively. The statement shall:~~the opponent) shall be filed and served as separate documents and not as exhibits or attachments. In addition, the Statements of Material Facts shall:

~~(1)~~(A) Not exceed ten (10) pages ~~in length~~;

~~Be~~

(B) Consist of separately numbered paragraphs, limited as far as practicable to a single material fact, with each fact supported by specific, pinpoint references to ~~pleadings,~~particular parts of record material, including depositions, ~~answers to interrogatories,~~documents, electronically stored information, affidavits, stipulations (including those made for purposes of the motion only), admissions, and ~~affidavits on file with the Court;~~ interrogatory answers (*e.g.*, Exhibit D, Smith Affidavit, ¶2; Exhibit 3, Jones deposition, p. 12/lines 4-9).

~~(2)~~ The pinpoint citations shall reference pages (and line numbers, if appropriate) of exhibits, designate the number and title of each exhibit, and provide the ECF number of all previously filed materials used to support the Statement of Material Facts. When a material fact requires specific evidentiary support, a general citation to an exhibit without a page number or pincite (*e.g.*,

"Smith Affidavit" or "Jones Deposition" or "Exhibit A") is non-compliant. If not already in the record on CM/ECF, the materials shall be attached to the statement as exhibits specifically titled within the CM/ECF system (*e.g.*, Smith Affidavit dated April 12, 2017, Jones Deposition dated May 19, 2018). Reference to a previously filed exhibit shall use the "ECF No. _" format.

~~(3) Consist of separately numbered paragraphs.~~

~~Statements of material facts submitted in opposition to a motion for summary judgment shall~~

(2) Opponent's Statement of Material Facts

(A) In addition to complying with the requirements of sub-section (b)(1), an opponent's Statement of Material Facts shall correspond with the order and ~~with the~~ paragraph numbering ~~scheme~~format used by the movant, but ~~need~~it shall not repeat the text of the movant's paragraphs. ~~Additional facts which the party opposing~~

(B) An opponent's Statement of Material Facts shall use, as the very first word in each paragraph-by-paragraph response, the word "disputed" or "undisputed."

(C) If an opponent's Statement of Material Facts disputes a fact in the movant's Statement of Material Facts, then the evidentiary citations supporting the opponent's position must be limited to evidence specific to that particular dispute.

(D) Any additional facts that an opponent contends are material to the motion for summary judgment ~~contends are material~~ shall be numbered and placed ~~at the end of the opposing party's statement of material facts; the movant shall use that~~ immediately after the opponent's response to the movant's Statement of Material Facts. The additional facts shall use separately numbered paragraphs beginning with the next number following the movant's last numbered paragraph. The additional facts shall be separately titled as "Additional Facts" and may not exceed five (5) pages (beyond the ten- (10-) page limit for the opponent's Statement of Material Facts).

(3) Reply Statement of Material Facts

(A) If an opponent's Statement of Material Facts includes additional facts, then the movant shall respond to each additional fact in a separately served Reply Statement of Material Facts.

(B) The Reply Statement of Material Facts shall correspond with the order and paragraph numbering ~~scheme if those additional facts are addressed in the reply.~~format used in the opponent's additional facts, identifying with the very first word each fact as "disputed" or "undisputed" at the beginning of each

paragraph in the statement, and, if disputed, citing to particular parts of materials in the record in the same manner as required by subsections (b)(1) and (b)(2).

(C) ~~(b~~The movant may file and serve a reply memorandum of law, which is separate and distinct from the required Reply Statement of Facts addressing the opponent's additional facts.

(c) Effect of Failure to Controvert ~~Statement of~~ Undisputed Facts.

All material facts ~~set forth~~ in ~~the movant's statement filed and supported as required above will~~any party's Statement of Material Facts may be deemed admitted unless controverted by the ~~opposing~~other party's ~~statement~~Statement of Material Facts, provided that: (i) the Court finds that the ~~movant's statement~~material fact at issue is supported by properly cited record evidence ~~in the record~~; and (ii) any exception under Fed. R. Civ. P. 56 does not apply.

(d) Consequences of Non-Compliance

If a party files and serves any Statement of Material Facts that does not comply with this rule, then the Court may strike the Statement, require immediate compliance, grant relief to any opposing party for any prejudice arising from a non-compliant statement or response, or enter other sanctions that the Court deems appropriate.

Effective December 1, 1994. Amended effective April 15, 1999; April 15, 2002; April 15, 2005; April 15, 2007; April 15, 2008; April 15, 2010; April 15, 2011; December 1, 2011; December 1, 2015; December 2, 2019.

RULE 87.1 AUTHORITY OF BANKRUPTCY JUDGES TO MAKE LOCAL RULES

The Bankruptcy Judges of the United States Bankruptcy Court in this District may, by action of a majority of the Bankruptcy Judges, make local rules of practice and procedure to govern all cases, proceedings and other matters in the Bankruptcy Court.

Effective December 1, 1994. Amended effective April 15, 2007; December 1, 2015.

RULE 87.2 REFERENCE OF BANKRUPTCY MATTERS

(a) General Order of Reference. Pursuant to 28 U.S.C. § 157(a) and the Order of Reference entered March 27, 2012 (*see* Order of Reference available on Court's website, www.flsd.uscourts.gov), all cases under Title 11, United States Code, and all proceedings under Title 11, United States Code or arising in or related to cases under Title 11, United States Code, are referred to the Bankruptcy Judges for this District and shall be commenced in the Bankruptcy Court pursuant to the Local Bankruptcy Rules. The Order of Reference also applies to notices of removal pursuant to 28 U.S.C. § 1452(a), which shall be filed with the Clerk of the Bankruptcy Court for the Division of the District where such civil action is pending. The removed claim or cause of action shall be assigned as an adversary proceeding in the Bankruptcy Court.

(b) Authority of Bankruptcy Judges. If a Bankruptcy Judge or District Judge determines that entry of a final order or judgment by a Bankruptcy Judge would not be consistent with Article III of the United States Constitution in a particular case or proceeding referred under the Order of Reference and determined to be a core matter, the Bankruptcy Judge shall, unless otherwise ordered by the District Court, hear the case or proceeding and submit proposed findings of fact and conclusions of law stated on the record or in an opinion or memorandum of decision.

(c) Authority of District Court to Treat Final Orders as Proposed Findings and Conclusions. ~~The District Court may treat any order~~As provided in Federal Rule of ~~the~~ Bankruptcy ~~Court as proposed findings of fact and conclusions of law~~Procedure 8018.1, if, on appeal, the District Court ~~concludes~~determines that the Bankruptcy ~~Judge could~~Court did not have ~~entered a final order or judgment consistent with~~the power under Article III of the United States Constitution to enter the judgment, order, or decree appealed from, the District Court may treat such judgment, order, or decree as proposed findings of fact and conclusions of law.

Former Local Rule 87.2 amended and renumbered as Local Rule 87.4, and new Local Rule 87.2 adopted effective April 15, 1996. Amended effective April 15, 2007; April 15, 2010; December 1, ~~2015.~~ 2015; December 2, 2019.

RULE 87.3 MOTIONS FOR WITHDRAWAL OF REFERENCE OF CASE OR PROCEEDING FROM THE BANKRUPTCY COURT

A motion to withdraw the reference pursuant to 28 U.S.C. § 157(d) shall be filed with the Clerk of the Bankruptcy Court in accordance with the requirements of Local Bankruptcy Rule 5011-1.

Subsequently filed motions for withdrawal of reference in the same case or proceeding shall be regarded as similar actions and proceedings under Local Rule 3.8 and the attorneys of record shall notify the District Court of all such pending actions and proceedings in compliance with Local Rule 3.8. and, if applicable, provide the notice required by Local Rule 7.1(f).

Effective April 15, 1996. Amended effective April 15, 1999; April 15, 2007; April 15, 2010; December 1, 2015.

RULE 87.4 BANKRUPTCY APPEALS

Bankruptcy appeals to the District Court are governed by the Federal Rules of Bankruptcy Procedure, particularly Rules 8001 through 8028, and the Local Rules of the Bankruptcy Court. As is authorized by Federal Rule of Bankruptcy Procedure 8026, those rules are supplemented as follows:

(a) Assignment. Appeals from orders or judgments entered by the Bankruptcy Court shall generally be assigned in accordance with the Court's Internal Operating Procedures. Appeals from orders in a bankruptcy case or proceeding in which appeals have been taken from prior orders in the same case or proceeding shall be regarded as similar actions and proceedings under Local Rule 3.8 and it will be the continuing obligation of the Clerk of the District Court and the attorneys of record to comply with Local Rule 3.8.

(b) Docketing of Notice of Appeal in District Court. All notices of appeal filed in the Bankruptcy Court under Federal Rule of Bankruptcy Procedure 8003 and 8004 shall be electronically transmitted promptly to the Clerk of the District Court ~~for docketing and~~by the Bankruptcy Clerk resulting in the opening of a new civil case in District Court's automated case management system CM/ECF.

(c) **Limited Authority of Bankruptcy Court to Enter Orders Prior to Transmittal of Record to District Court.** After the notice of appeal is electronically transmitted to the District Court and a civil case is opened but before the record is transmitted to the District Court, the Bankruptcy Court is authorized and directed to dismiss an appeal for appellant's: (1) failure to pay the prescribed filing fees; (2) failure to comply with the time limitations specified in Federal Rule of Bankruptcy Procedure 8002; or (3) failure to file a designation of the items for the record or copies thereof or a statement of the issues as required by Federal Rule of Bankruptcy Procedure 8009, and Local Bankruptcy Rule 8009-

~~(c)~~ 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 that present similar issues from a common record. The Bankruptcy Court is also authorized to consider motions for stay pending appeal filed under Federal Rule of Bankruptcy Procedure 8007(a). Bankruptcy Court orders entered under this subsection shall be docketed in the Bankruptcy Court docket and transmitted to the District Court for docketing in the District Court case. 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 on the District Court docket. A motion seeking review shall be filed pursuant to section (d) of this Local Rule.

(d) Motions for Stay and Other Intermediate Requests for Relief. Motions for stay pending appeal filed in the District Court pursuant to Federal Rule of Bankruptcy Procedure 8007(b), motions to review Bankruptcy Court orders entered under Federal Rule of Bankruptcy Procedure 9006(b), and other motions requesting intermediate relief as set forth in Federal Rule of Bankruptcy Procedure 8010(c), shall be filed in the District Court case opened upon transmittal to the District Court of the notice of appeal. The movant shall ~~provide copies of~~designate any relevant portions of the Bankruptcy Court record necessary for the District Court to rule on the motion. It shall be the duty of the Clerk of the District Court immediately to transmit a copy of the order ruling on said motion

to the Clerk of the Bankruptcy Court. Local Rules 5.1 and 7.1 shall apply to motions for stay and other motions seeking intermediate appellate relief from the District Court.

(e) **Motions for Leave to Appeal.** A motion for leave to appeal and notice of appeal shall be filed in the Bankruptcy Court pursuant to Local Bankruptcy Rule 8004-1. Upon transmittal of the notice, motion, and related documents to the District Court, a civil case shall be opened as provided in subsection (b) of this Local Rule.

~~(e)~~ Upon disposition of the motion, the Clerk of the District Court immediately shall transmit a copy of the District Court order to the Clerk of the Bankruptcy Court. If the motion for leave to appeal is granted, the appeal will proceed under the original case number and the Clerk of the Bankruptcy Court will prepare and transmit the record on appeal.

(f) Briefs.

(1) *Briefing Schedule*. The briefing schedule specified by Federal Rule of Bankruptcy Procedure 8018 may be altered only by order of the District Court. If the Clerk of the District Court does not receive appellant's brief within the time specified by Federal Rule of Bankruptcy Procedure 8018, and there is no motion for extension of time pending, the Clerk of the District Court shall furnish to the judge to whom the appeal is assigned a proposed order for dismissal of the appeal.

(2) *Form and Length of Briefs.* The form and length of briefs specified by Federal Rule of Bankruptcy Procedure 8015, and summarized in the Federal Rules of Bankruptcy Procedure Part VIII *Appendix: Length Limits Stated in Part VIII of the Federal Rules of Bankruptcy Procedures,* may be altered only by the order of the District Court. Failure to comply with Federal Rule of Bankruptcy Procedure 8015 may result in the striking of a brief. District Court Local Rules 5.1 and 7.1 do not apply to briefs governed by Federal Rule of Bankruptcy Procedure 8015.

(g) Oral Argument. Any party requesting oral argument shall make the request within the body of the principal or reply brief, not by separate motion. The setting of oral argument is within the discretion of the District Court.

(h) Judgment. Upon receipt of the District Court's opinion, the Clerk of the District Court shall enter judgment in accordance with Federal Rule of Bankruptcy Procedure 8024(a) and, in accordance with Federal Rule of Bankruptcy Procedure 8024(b), immediately shall transmit to each party and to the Clerk of the Bankruptcy Court a notice of entry together with a copy of the District Court's opinion.

(i) Appeal. If an appeal remains pending three (3) months after its entry on the District Court docket, the appealing party shall file and serve on all parties a "Notice of 90 Days Expiring" in the manner prescribed by Local Rule 7.1(b)(4).

(j) **Notice.** The Clerk of the Bankruptcy Court ~~is directed~~shall provide reference to ~~enclose a copy of~~ this Local Rule with the notice of appeal provided to each party in accordance with Federal Rule of Bankruptcy Procedure 8003(c)(1). Failure to receive such a copy will not excuse compliance with all provisions of this Local Rule.

~~(j)~~

(k) Court Discretion. This Local Rule is not intended to exhaust or restrict the District Court's discretion as to any aspect of any appeal.

~~(l)~~ **Sealed Documents**. Pursuant to Federal Rule of Bankruptcy Procedure 8009(f), if a document (l) sealed by the Bankruptcy Court is to be included in the record on appeal, a motion must be filed in the District Court to accept the sealed document. If the motion is granted, the Bankruptcy Clerk promptly will transmit the sealed document to the District Court Clerk.

Effective April 15, 1996. Amended effective April 15, 1999; April 15, 2007; April 15, 2009; April ~~15, 2010; December 1, 2011; December 1, 2015.~~
15, 2010; December 1, 2011; December 1, 2015; December 2, 2019.

Authority

Former Local Rule 27; (1996) renumbered from Local Rule 87.2 (1993).

RULE 87.5 DESIGNATION OF BANKRUPTCY JUDGES TO CONDUCT JURY TRIALS

The Bankruptcy Judges of this District are specially designated to conduct jury trials, with the express consent of all parties, in all proceedings under 28 U.S.C. § 157 in which the right to a jury trial applies. Pleading and responding to a jury trial demand in bankruptcy cases is governed by Local Bankruptcy Rule 9015-1. Local Rule 47.1 shall apply to jury trials conducted by Bankruptcy Judges under this rule.

Effective April 15, 1999. Amended effective April 15, 2007; April 15, 2010; December 1, 2015.

Comment

(1999) Incorporates the provisions of Administrative Order 96-03 "In re: Designation of Bankruptcy Judges to Conduct Jury Trials" available on the Court's website (www.flsd.uscourts.gov).

RULE 88.10 CRIMINAL DISCOVERY

(o) Schedule of Discovery.

(1) Discovery which is to be made in connection with a pre-trial hearing other than a bail or pre- trial detention hearing shall be made not later than forty-eight (48) hours prior to the hearing. Discovery which is to be made in connection with a bail or pre-trial detention hearing shall be made not later than the commencement of the hearing.

(2) Discovery which is to be made in connection with trial shall be made not later than fourteen (14) days after the arraignment, or such other time as ordered by the court.

(3) Discovery which is to be made in connection with post-trial hearings (including, by way of example only, sentencing hearings) shall be made not later than seven (7) days prior to the hearing. This discovery rule shall not affect the provisions of Local Rule 88.8 regarding presentence investigation reports.

(4) It shall be the continuing duty of counsel for both sides to immediately reveal to opposing counsel all newly discovered information or other material within the scope of this Local Rule.

(5) In accordance with Fed. R. Crim. P. 16.1(a), no later than fourteen (14) days after a defendant's arraignment, the attorney for the government and the defendant's attorney must confer and try to agree on:

(A) any anticipated request for modification of the timetables and procedures for pretrial disclosure prescribed by this rule and Fed. R. Crim. P. 16; or

(B) a timetable and procedures for pretrial disclosure under Rule 16 if the Standing Discovery has not been requested and entered.

In accordance with Fed. R. Crim. P. 16.1(b), to facilitate preparation for trial, one or both parties may ask the court to modify the time, place, manner, or other aspects of disclosure prescribed by this rule or Fed. R. Crim. P. 16, or to determine the time, place, manner or other aspects of disclosure that have not already been determined by this rule or Fed. R. Crim. P. 16.

Effective December 1, 1994. Amended effective April 15, 1996; April 15, 1998; April 15, 2000; April 15, 2003; April 15, 2005; April 15, 2007; April 15, 2010; December 2, 2013; December 1, 2015; December 1, 2016.; December 2, 2019.