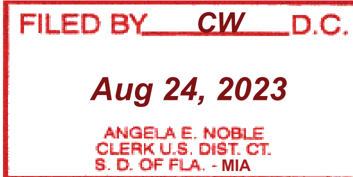
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

IN RE: **Administrative Order 2023-61**

AMENDMENTS TO THE LOCAL RULES NOTICE OF PROPOSED AMENDMENTS, OF OPPORTUNITY FOR PUBLIC COMMENTS, AND OF HEARING TO RECEIVE COMMENTS.
_______________________________________/



The Court's Ad Hoc Committee on Rules and Procedures has recommended that the Court amend the Local General Rules. In accordance with Fed. R. Civ. P. 83(a)(1) and Fed. R. Crim. P. 57(a)(l), it is

ORDERED that the Clerk of the Court shall: (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 opportunity to comment on the proposed rules; (b) post prominently on the Court's website this Order and the attached proposed rule amendments; (c) provide notice to the Court's bar through the *CM/ECF* electronic noticing system; and (d) offer every person who files any papers in any action in this Court, and to give to anyone who so desires, a copy of this Order with the attached proposed rule amendments.

IT IS FURTHER ORDERED that the Court will conduct an *en banc* public hearing on the proposed rule amendments on Thursday, October 5, 2023, at 3:00 p.m. at the Paul G. Rogers Federal Building and United States Courthouse, 701 Clematis Street, West Palm Beach, Florida 33401. Those who desire to appear and offer oral comments on the proposed rule amendments at this hearing shall file written notice to that effect with the Clerk of the Court no later than five days prior to the hearing. Those who desire to offer only written comments on the proposed rule amendments should do so in accordance with the mechanism provided on the Court's website in connection with the publication of the proposed rule amendments.

DONE AND ORDERED in Miami, Florida, this 24th day of August, 2023.

Cecilia M. Altonaga
CECILIA M. ALTONAGA
CHIEF UNITED STATES DISTRICT JUDGE

Copies furnished to:

Hon. William H. Pryor, Jr., Chief Judge, United States Court of Appeals for the Eleventh Circuit
All Southern District of Florida District Judges, Bankruptcy Judges and Magistrate Judges
Ashlyn Beck, Circuit Executive, Eleventh Circuit
Angela 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

(a) Form of Conventionally Filed Documents. All civil and criminal pleadings, motions, and other papers exempted from the requirement that they be filed via CM/ECF and that are instead tendered for conventional (non-CM/ECF) filing shall:

(1) Be bound only by easily-removable paper or spring-type binder clips, and not stapled or mechanically bound or fastened in any way. Voluminous pleadings, motions, or documents may be bound with a rubber band. Attachments may not be tabbed; reference characters should be printed or typed on a blank sheet of paper separating each attached document.

(2) When filing a civil complaint for which issuance of initial process is requested, one (1) copy of the complaint must be submitted for each summons.

(3) Be on standard size 8-1/2”x 11” white, opaque paper.

(4) Be plainly typed or written on one (1) side with 1” margins on top, bottom, and each side. All typewritten documents, except for quoted material of fifty words or more and footnotes, both of which may be single-spaced, shall have not less than one and one-half (1 1/2) spaces between lines. Fonts for typewritten documents, including footnotes and quotations, must be no smaller than twelve (12) point. All typewritten documents must be paginated properly and consecutively at the bottom center of each page. Only one
(1) side of the paper may be used.

(5) Include a caption with:

(A) The name of the Court centered across the page;

(B) The docket number, category (civil or criminal), and the last names of the assigned District Judge and Magistrate Judge, centered across the page;

(C) The style of the action, which fills no more than the left side of the page, leaving sufficient space on the right side for the Clerk of the Court to affix a filing stamp; and

(D) The title of the document, including the name and designation of the party (as plaintiff or defendant or the like) on whose behalf the document is submitted, centered across the page.

Exception:

The requirements of (a)(3)-(5) do not apply to: (i) exhibits submitted for filing; (ii) papers filed in removed actions prior to removal from the state courts; and (iii) forms provided by the Court.

(6) For each counsel for any party, include: a signature block with the counsel's name, street address, telephone number, e-mail address, and Florida Bar or other applicable bar identification number.

(7) Not be transmitted to the Clerk of the Court or any Judge by facsimile.

(8) Be submitted with sufficient copies to be filed and docketed in each matter if styled in consolidated cases.

(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. Nonetheless, and notwithstanding any certificate of service to the contrary, the date that a submission from a party who is exempt from electronic filing is docketed by the Clerk of Court shall be deemed the date that such submission is served. The requirements of paragraphs (a)(2)-(6) above shall apply to documents filed via CM/ECF. See Section 3A of the CM/ECF Administrative Procedures.

(c) Restriction on Courtesy Copies. Counsel shall not deliver extra courtesy copies to a Judge's Chambers except when requested by a Judge's office.

(d) Notices of Filing; Form and Content. The title of a notice of filing shall include (1) the name and designation of the party (as plaintiff or defendant or the like) on whose behalf the filing is submitted, and (2) a description of the document being filed. A notice of filing shall identify by title the pleading, motion or other paper to which the document filed pertains and the purpose of the filing, such as in support of or in opposition to a pending motion or the like.

(e) Consent to Service. Registration as an electronic filing user pursuant to Southern District of Florida CM/ECF Administrative Procedures §3B constitutes consent to receive service electronically pursuant to Fed. R. Civ. P. 5(b)(2)(E) and Fed. R. Crim. P. 49 and waiver of any right to receive service by any other means. Service of papers required to be served pursuant to Fed. R. Civ. P. 5(a) and Fed. R. Crim. P. 39 but not filed, such as discovery requests, may be made via email to the address designated by an attorney for receipt of notices of electronic filings.

(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~~2022-86 (In Re: Policy for Emergency Closures of Federal Courthouse Facilities in the Southern District of Florida~~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; December 1, 2020; December 1, 2023.

RULE 5.2 PROOF OF SERVICE AND SERVICE BY PUBLICATION

(a) Certification of Service. If a pleading or paper required by Federal Rule of Civil Procedure 5 to be served on the other parties is served on any party by a method other than CM/ECF, that pleading or paper shall include a certificate of service that identifies the persons or firms served, their relationship to the action or proceeding, their street address, telephone number, and email address, and the date and method of service. *See* form available on the Court's website (www.flsd.uscourts.gov). Signature by the party or its attorney on the certificate of service constitutes a representation that service has been made.

(b) Multiple Copies Unnecessary. Any document permitted to be filed via CM/ECF, including the corporate disclosure statement required by Federal Rule of Civil Procedure 7.1, shall be deemed to have been delivered in multiple if multiple copies are required to be filed.

(c) Publication. Publication required by law or rule of court shall be made in a newspaper of general circulation~~. *The Daily Business Review* and such other newspapers as the Court from time to time may indicate are designated as official newspapers for the publication of notices pertaining to proceedings in this Court; provided, however, that publication shall not be restricted to the aforesaid periodicals unless an order for publication specifically so provides~~ in the county in which the action is pending, *e.g., The Daily Business Review*.

Effective December 1, 1994. Amended effective December 1, 2001; April 15, 2007; April 15, 2010; April 15, 2011; December 1, 2015; December 1, 2020; December 1, 2023.

RULE 7.3 ~~ATTORNEYS~~ ATTORNEYS' FEES AND COSTS

~~**(a) Motions for Attorneys' Fees and/or Non-Taxable Expenses and Costs**. This rule provides a mechanism to assist parties in resolving attorneys fee and costs disputes by agreement. A motion for an award of attorneys' fees and/or non-taxable expenses and costs arising from the entry of a final judgment or order shall not be filed until a good faith effort to resolve the motion, as described in paragraph (b) below, has been completed. The motion shall:~~

~~be filed and served within sixty (60) days of the entry of the final judgment or order giving rise to the claim~~Unless otherwise ordered by the Court, the procedures set forth in this rule shall apply to motions seeking the award of: (i) attorneys' and paraprofessionals' fees; (ii) taxable costs under 28 U.S.C. § 1920; and/or (iii) costs that are non-taxable under 28 U.S.C. § 1920 (collectively, "Fees and/or Costs"), following entry of a "judgment" as defined in Fed. R. Civ. P. 54. For purposes of this rule, the term "Moving Party" shall refer to the party seeking Fees and/or Costs and the term "Opposing Party" shall refer to the party opposing any aspect of an award of Fees and/or Costs.

(a) **Bifurcated Procedure**.

(1) A party must first obtain an order determining entitlement to an award of Fees and/or Costs before filing a motion to determine the amount of such Fees and/or Costs.

~~(1)~~(2) If all interested parties stipulate to a party's entitlement to an award of Fees and/or Costs, then the Moving Party shall file such stipulation within twenty-one (21) days after entry of a "judgment" as defined in Fed. R. Civ. P. 54, regardless of the prospect or pendency of supplemental ~~review~~ or appellate ~~proceedings;~~review, and then comply with subsections (c) and (d) of this rule.

(3) ~~identify the judgment or other order which gives rise to the motion, as well as~~ Notwithstanding subsection (a)(1) of this rule, if the total amount of Fees and Costs sought by the Moving Party does not exceed $75,000, then the Moving Party may elect, at its option, to file a consolidated motion to determine the entitlement to and the amount of such Fees and/or Costs in accordance with subsection (e) of this rule.

(b) **Motion to Determine Entitlement to Fees and/or Costs**. A motion to determine entitlement to an award of Fees and/or Costs shall be filed within twenty-one (21) days after entry of a "judgment" as defined in Fed. R. Civ. P. 54, regardless of the prospect or pendency of supplemental or appellate review, as follows:

~~(2)~~ (1) the motion shall specify the judgment and the statute, rule, or other ~~grounds~~ground entitling the ~~moving party~~Moving Party to ~~the~~an award of Fees and/or Costs;

~~(3) state the amount sought;~~

(2) the motion shall include a memorandum of law not exceeding ten (10) pages;

(3) the Opposing Party shall file a memorandum of law not exceeding ten (10) pages; and

(4) the Moving Party's reply memorandum, if any, shall not exceed five (5) pages.

(c) **Mandatory Exchange of Information and Documents Prior to Filing a Motion to Determine Amount of Fees and/or Costs, Duty to Confer**.

(1) Within fourteen (14) days of the entry of an order or the date of a stipulation determining that a party is entitled to an award of Fees and/or Costs pursuant to subsection (b) of this rule, the Moving Party shall serve on the Opposing Party: (A) copies of any engagement or fee agreement between the Moving Party and its counsel, including any contingency or other arrangements that could affect the hourly rates charged to it: (B) all invoices, time records, and other supporting documentation for any legal services and/or costs for which the Moving Party seeks an award; and (C) a Spreadsheet in Excel, .xlsx, or similar format (the "Spreadsheet") separately listing all time entries and/or costs for which an award is sought. An exemplar form of the Spreadsheet is available on the Court's website (www.flsd.uscourts.gov).

(2) Within fourteen (14) days of receipt of the items in subsection (c)(1) of this rule, the Opposing Party shall: (A) annotate on the Spreadsheet its objections, if any, to the time entries and/or costs for which an award is sought; (B) state the basis for and cite supporting legal authority for each objection; and (C) serve a copy of the Annotated Spreadsheet (the "Annotated Spreadsheet") on the Moving Party. Any time entry or cost listed on the Moving Party's Spreadsheet to which no objection is timely interposed shall be deemed uncontested. The failure to timely serve the Annotated Spreadsheet on the Moving Party may be deemed a waiver of all objections absent a showing of good cause.

(3) If the Opposing Party objects to any time entries and/or costs contained on the Moving Party's Spreadsheet, then it must serve the Moving Party with copies of all of its invoices, time records, and other supporting documentation for any legal services rendered in the action at the same time as the Annotated Spreadsheet.

(4) If the Opposing Party objects to the hourly rate of the Moving Party's attorneys, then together with the Annotated Spreadsheet the Opposing Party must serve the Moving Party with copies of any engagement agreements with Opposing Party's counsel and a written summary of the hourly rates charged by its counsel who rendered legal services in the action, including any contingency or other arrangements that could affect the hourly rates charged to it.

(5) Within seven (7) days of service of the Annotated Spreadsheet and other materials required by subsections (c)(3)-(4) of this rule, the parties shall confer and attempt to resolve any objections to the Moving Party's time entries and/or costs or other disputed issues (the "Conferral"). Upon completion of the Conferral, the party entitled to an award of Fees and/or Costs shall prepare and serve on the opposing party a final revised Spreadsheet ("Final Spreadsheet") reflecting all time entries and/or costs or other issues as to which there is an agreement or objection or other dispute.

(6) The Opposing Party may make agreements, concessions, or compromises with regard to any time entries and/or costs of the Moving Party without prejudice to, and without waving, its right to object to or appeal from an order determining the Moving Party's entitlement to Fees and/or Costs pursuant to subsection (b) of this rule.

(d) **Motion to Determine Amount of Fees and/or Costs**. Within fourteen (14) days of completion of the Conferral in subsection (c)(5) of this rule, the Moving Party shall file a motion to determine the amount of fees and/or costs. The motion shall:

(1) state the amount of Fees and/or Costs sought;

~~(4)~~ (2) disclose the terms of any ~~applicable~~engagement or fee agreement between the Moving Party and its counsel, including any contingency or other arrangements that could affect the hourly rates charged;

~~(5) provide:~~

~~(A)~~ (3) disclose the identity, experience, and qualifications for each timekeeper for ~~`~~whom an award of fees ~~are~~is sought;

~~(B)~~ (4) disclose the number of hours reasonably expended by each such timekeeper~~;~~

~~(C)~~ and a description of the ~~tasks done during those~~legal services performed for such hours; ~~and~~

~~(D)~~ (5) disclose the hourly rate(s)~~claimed for~~ charged by each timekeeper;

~~(6) describe and document with invoices all incurred and claimed fees and expenses not taxable under 28 U.S.C. § 1920;~~

~~(7) be verified; and~~

(6) disclose, if the hourly rate of a timekeeper is objected to by the opposing party, information showing the reasonableness of the hourly rates based on the prevailing

market rates in the Division in which the action is filed for similar services by lawyers and paraprofessionals of comparable skill, experience, and reputation;

(7) attach the Final Spreadsheet reflecting all time entries and costs to which there is an agreement or objection;

(8) attach all invoices, time records, and other supporting documentation for any legal services and/or costs for which the party seeks an award;

(9) if costs taxable under 28 U.S.C. § 1920 are also sought, attach a bill of costs submitted on Form AO 133 of the Administrative Office of the United States Courts (or in a form substantially similar to Form AO 133); and

(10) include a memorandum of law not exceeding ten (10) pages that addresses, *inter alia*, any disputed issues.

(11) The Opposing Party shall file a memorandum of law not exceeding ten (10) pages, and the Moving Party's reply memorandum, if any, shall not exceed five (5) pages.

(e) **Procedure Governing Consolidated Motions for Fees and Costs that Do Not Exceed $75,000.**

(1) If the total amount of Fees and/or Costs does not exceed $75,000, then the Moving party may file a consolidated motion to determine both the entitlement to and the amount of Fees and/or Costs (a "Consolidated Motion"), which shall be filed within fifty-six (56) days after entry of a "judgment" as defined in Fed. R. Civ. P. 54, regardless of the prospect or pendency of supplemental review or appellate review.

(2) A Consolidated Motion under this subsection shall:

(A) specify the judgment and the statute, rule, or other ground entitling the Moving Party to the award;

(B) state the amount of Fees and/or Costs sought;

(C) disclose the terms of any engagement or fee agreement between the Moving Party and its counsel, including any contingency or other arrangements that could affect the hourly rates charged to it;

(D) disclose the identity, experience, and qualifications for each timekeeper for whom fees are sought;

(E) disclose the number of hours reasonably expended by each such timekeeper and a description of the legal services performed for such hours;

(F) disclose the hourly rate(s) charged by each timekeeper;

(G) attach all invoices, time records, and other supporting documentation for any legal services and/or costs for which the party seeks an award;

(H) if costs taxable under 28 U.S.C. § 1920 are also sought, attach a bill of costs submitted on Form AO 133 of the Administrative Office of the United States Courts (or in a form substantially similar to Form AO 133);

~~(8)~~ (I) certify that a good faith effort to resolve issues by agreement ~~occurred pursuant to Local Rule 7.3(b),~~was made, describing what was and was not resolved by agreement and addressing separately the issues of entitlement to ~~fees~~Fees and/or Costs and the amount~~.~~ of Fees and/or Costs sought; and

~~Within fourteen (14) days after service~~ (J) include a memorandum of law not exceeding ten (10) pages that addresses, *inter alia*, the ~~motion~~Moving Party's entitlement to an award of fees and/or costs, the ~~respondent~~ reasonableness of the amount of fees and/or costs sought, and any disputed issues.

(K) The opposing party shall ~~describe with reasonable particularity each~~ file a memorandum of law not exceeding ten (10) pages, and the Moving Party's reply memorandum, if any, shall not exceed five (5) pages.

(3) A Consolidated Motion under this subsection shall not be filed until the information and documents enumerated in subsections (e)(2)(A)-(H) of this rule are served on the opposing party and a good faith effort is made to resolve any objections or disputes that the Opposing Party has to the Moving Party's request for the award of Fees and/or Costs.

(4) If the Opposing Party objects to any time ~~entry or nontaxable expense to which~~ entries and/or costs contained in the Moving Party's invoices or time records, then it ~~objects, both as~~must attach to ~~issues~~its opposing memorandum copies of ~~entitlement~~all of its invoices, time records, and ~~as to amount, and shall provide~~other supporting documentation for any legal ~~authority.~~ services incurred in the action.

(5) If ~~a~~the party opposing a Consolidated Motion objects to ~~an~~the hourly rate~~,~~ of the Moving Party's attorneys, then the Opposing Party must attach to its opposing memorandum copies of any engagement agreements with its counsel ~~must submit an affidavit giving its firm's~~ and a written summary of the hourly rates ~~for the matter and include~~ charged by its counsel who rendered legal services in the action, including any contingency~~, partial contingency,~~ or other arrangements that could ~~change~~affect the ~~effective~~ hourly ~~rate. Pursuant~~rates charged to ~~Federal Rule~~it.

(f) **Appeal or Review of ~~Civil~~ Magistrate Judge's Rulings Regarding Attorneys' Fees and Costs.** If a motion to determine entitlement to an award of Fees and/or Costs or a motion to determine the amount of Fees and/or Costs filed pursuant to this rule is referred to a Magistrate Judge but the parties have not consented to final disposition of that motion by a Magistrate Judge, then any interested party may appeal from or object to a Magistrate Judge's ruling within fourteen (14) days after being served with: (1) the Magistrate Judge's ruling determining that the Moving Party is not entitled to an award of any fees and/or costs; or (2) the Magistrate Judge's ruling determining the amount of fees and/or costs to which the Moving Party is entitled.

(g) **Procedure to Seek Only Taxable Costs under 28 U.S.C. § 1920.** The following procedure shall apply if a party seeks the award of taxable costs under 28 U.S.C. § 1920, irrespective of amount, but does not seek the award of costs that are not taxable under 28 U.S.C. § 1920 or attorneys' fees:

(1) Within twenty-one (21) days after entry of a "judgment" as defined in Fed. R. Civ. P. 54~~(d)(2)(C), either~~, a party ~~may move~~shall file a motion for taxable costs under 28 U.S.C. § 1920;

(2) The motion shall attach a bill of costs submitted on Form AO 133 of the ~~Court~~Administrative Office of the United States Courts (or in a form substantially similar to ~~determine entitlement prior to submission on the issue of~~ Form AO 133);

(3) The motion shall attach copies of any documentation reflecting the amount of the costs incurred by the Moving Party;

(4) The motion shall include a memorandum of law not exceeding ten (10) pages, the Opposing Party shall file a memorandum of law not exceeding ten (10) pages, and the Moving Party's reply memorandum, if any, shall not exceed five (5) pages; and

(5) The motion shall not be filed until the information and documents enumerated in subsection (g)(2)-(3) of this rule are served on the Opposing Party and a good faith effort is made to resolve any objections or disputes that the Opposing Party has to the party's award of taxable costs under 28 U.S.C. § 1920.

(h) **Non-Waiver of Privilege**. This ~~Local Rule's requirements of disclosure are~~rule is not intended to require the disclosure of privileged, immune, or protected material or information. Disclosing the general nature of specific legal services does not waive the attorney-client privilege, the work product doctrine, or other privileges. If a party redacts information that hinders the Court's ability to evaluate a request for fees or costs, however, then the Court may deny the fees or costs at issue in the redaction.

~~A party shall seek costs that are taxable under 28 U.S.C. § 1920 by filing and serving a bill of costs and supporting memorandum in accordance with paragraph 7.3(c) below. The costs and expenses sought in a motion under this paragraph shall not include any cost sought in a bill of costs.~~

~~**(b) Good Faith Effort to Resolve Issues by Agreement**. Except as to any aspect of a fee claim upon which the parties agree, a draft motion compliant with Local Rule 7.3(a)(1)-(8) must be served but not filed at least thirty (30) days prior to the deadline for filing any motion for attorneys' fees and/or costs that is governed by this Local Rule. Within twenty-one (21) days of service of the draft motion, the parties shall confer and attempt in good faith to agree on entitlement to and the amount of fees and expenses not taxable under 28 U.S.C. § 1920. The respondent shall describe in writing and with reasonable particularity each time entry or nontaxable expense to which it objects, both as to issues of entitlement and as to amount, and shall provide supporting legal authority. If a federal statute provides a deadline of fewer than sixty (60) days for a motion governed by Local Rule 7.3(a), the parties need not comply with this paragraph's requirements.~~

~~**(c) Bill of Costs**. A bill of costs pursuant to 28 U.S.C. § 1920 shall be filed and served within thirty (30) days of entry of final judgment or other appealable order that gives rise to a right to tax costs under the circumstances listed in 28 U.S.C. § 1920. Prior to filing the bill of costs, the moving party shall confer with affected parties under the procedure outlined in S.D.Fla.L.R.7.1(a)(3) in a good faith effort to resolve the items of costs being sought.~~

~~An application for a bill of costs must be submitted on form (or in form substantially similar to) AO 133 of the Administrative Office of the United States Courts and shall be limited to the costs permitted by 28 U.S.C. § 1920. Expenses and costs that the party believes are recoverable although not identified in § 1920 shall be moved for as provided in paragraph 7.3(a) above. The bill of costs shall attach copies of any documentation showing the amount of costs and shall be supported by a memorandum not exceeding ten (10) pages. The prospects or pendency of supplemental review or appellate proceedings shall not toll or otherwise extend the time for filing a bill of costs with the Court.~~

(i) **Matters Excluded**. Unless otherwise ordered by the Court, this rule shall not apply to a non-final order awarding Fees and/or Costs to a party or a request or motion of a party for the award of Fees and/or Costs in connection with:

(1) a certified class action governed by Fed. R. Civ. P. 23(h);

(2) a motion for sanctions (including prevailing-party fees) under Fed. Civ. P. 37, Fed. R. Civ. P. 11, 28 U.S.C. § 1927, Fla. Stat. § 57.105, the Court's inherent authority, or other sanctionable conduct; and,

(4) a motion to remand under 28 U.S.C. § 1447(c).

Effective December 1, 1994. Amended effective April 15, 1999; April 15, 2001; April 15, 2005; April 15, 2006; April 15, 2007; April 15, 2010; April 15, 2011; December 1, 2011; December 3, 2012; December 1, 2015; December 2, 2019; December 1, 2020; December 1, 2023.

Local Rule 7.3 Spreadsheet

Date of Time Entry	Timekeeper	Description of Legal Services	Number of Hours	Hourly Rate	Monetary Value of Hours	Hours Agreed to by Oppossing Party	Monetary Value of Hours Agreed to by Oppossing Party	Opposing Party's Objections, Including Basis for and Citation to Supporting Legal Authority for The Objection

RULE 7.7 CORRESPONDENCE TO THE COURT

Unless invited or directed by the presiding Judge, attorneys and parties~~any party~~ ~~represented by an attorney~~ shall not: (a) address or present to the Court in the form of a letter or the like any application requesting relief in any form, citing authorities, or presenting arguments; or (b) furnish the Court with copies of correspondence between or among counsel or any party, ~~represented by an attorney,~~ except when necessary as an exhibit when seeking relief from the Court. Local Rule 5.1(c) above governs the provision of "courtesy copies" to a Judge.

Effective December 1, 1994. Amended effective April 15, 2003; April 15, 2007; December 1, 2015; December 1, 2023.

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 Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys.

(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 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, written motion, or other paper, any attorney appearing on behalf of a non-party witness at a hearing shall file and serve a notice of appearance prior to the attorney's appearance on behalf of the attorney's client at the hearing. When the appearance relates to a grand jury 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) 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 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~~If an attorney dies, ~~or~~ is ~~removed or~~ suspended, or ceases to act as ~~such,~~an attorney, then 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~~the 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.

(e) Relations with Jury. Before and during the trial, a lawyer shall avoid communicating with a juror in a case with which a lawyer is connected about any subject, whether pertaining to the case or not. After the jury has been discharged, a lawyer shall not communicate with a member of the jury about a case with which the lawyer and the juror have been connected without leave of Court granted for good cause shown. In such case, the Court may allow counsel to interview jurors to determine whether their verdict is subject to legal challenge, and may limit the time, place, and circumstances under which the interviews may be conducted. The Court also may authorize certain other post-trial lawyer/jury communications in specific cases as the Court may determine to be appropriate under the circumstances. During any Court- conducted or authorized inquiry, a lawyer shall not ask questions of or make comments to a juror that are calculated to harass or embarrass the juror or to influence the juror's actions in future jury service. Nothing in this rule shall prohibit a lawyer from communicating with a juror after the jury has been discharged where the communication is not related to the case and either the juror initiates the communication or the lawyer encounters the juror in a social or business setting unrelated to the case.

(f) Relation to Other Rules. This Local Rule governing attorneys is supplemented by the Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys.

(g) Responsibility to Maintain Current Contact Information. Each member of the Bar of

the Southern District, any attorney appearing 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. 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.

(h) Any party learning of the death of an attorney who has appeared in an action or proceeding (including an attorney who has appeared pro hac vice) shall promptly file and serve a notice titled "Notice of Deceased Attorney" stating only that the attorney has died. Once a Notice of Deceased Attorney has been filed in a case, no further notice of the death of that attorney need be filed by any other party.

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; December 1, 2020; December 1, 2023.

RULE 16.1 PRETRIAL PROCEDURE IN CIVIL ACTIONS

(a) Differentiated Case Management in Civil Actions.

(1) *Definition*. "Differentiated Case Management" is a system for managing cases based on the complexity of each case and the requirement for judicial involvement. Civil cases having similar characteristics are identified, grouped and assigned to designated tracks. Each track employs a case management plan tailored to the general requirements of similarly situated cases.

(2) *Case Management Tracks*. There shall be three (3) case management tracks, as follows:

(A) Expedited-a relatively non-complex case requiring only one (1) to three (3) days of trial may be assigned to an expedited track in which discovery shall be completed within the period of ninety (90) to 179 days from the date of the Scheduling Order.

(B) Standard Track-a case requiring three (3) to ten (10) days of trial may be assigned to a standard track in which discovery shall be completed within 180 to 269 days from the date of the Scheduling Order.

(C) Complex Track-an unusually complex case requiring over ten (10) days of trial may be assigned to the complex track in which discovery shall be completed within 270 to 365 days from the date of the Scheduling Order.

(3) *Evaluation and Assignment of Cases*. The following factors shall be considered in evaluating and assigning cases to a particular track: the complexity of the case, number of parties, number of expert witnesses, volume of evidence, problems locating or preserving evidence, time estimated by the parties for discovery and time reasonably required for trial, among other factors. The majority of civil cases will be assigned to a standard track.

(4) The parties shall recommend to the Court in their proposed Scheduling Order filed pursuant to Local Rule 16.1(b), to which particular track the case should be assigned.

(b) Scheduling Conference and Order.

(1) *Party Conference*. Except in categories of proceedings exempted from initial disclosures under Federal Rule of Civil Procedure 26(a)(1)(B), or when otherwise ordered, counsel for the parties (or the party, if proceeding pro se), as soon as practicable and in any event at least twenty-one (21) days before a scheduling conference is held or a scheduling order is due under Federal Rule of Civil Procedure 16(b), must meet in person, by telephone, or by other comparable means, for the purposes prescribed by Federal Rule of Civil Procedure 26(f).

(2) *Conference Report*. The attorneys of record and all unrepresented parties that have appeared in the case are jointly responsible for submitting to the Court, within fourteen (14) days of the conference, a written report outlining the discovery plan and discussing:

(A) the likelihood of settlement;

(B) the likelihood of appearance in the action of additional parties;

(C) proposed limits on the time:

(i) to join other parties and to amend the pleadings;

(ii) to file and hear motions; and

(iii) to complete discovery.

(D) proposals for the formulation and simplification of issues, including the elimination of frivolous claims or defenses, and the number and timing of motions for summary judgment or partial summary judgment;

(E) the necessity or desirability of amendments to the pleadings;

(F) the possibility of obtaining admissions of fact and of documents, electronically stored information or things which will avoid unnecessary proof, stipulations regarding authenticity of documents, electronically stored information or things, and the need for advance rulings from the Court on admissibility of evidence;

(G) suggestions for the avoidance of unnecessary proof and of cumulative evidence;

(H) suggestions on the advisability of referring matters to a Magistrate Judge or master;

(I) a preliminary estimate of the time required for trial;

(J) requested date or dates for conferences before trial, a final pretrial conference, and trial;

(K) any issues about:

(i) disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced;

(ii) claims of privilege or of protection as trial-preparation materials, including -- if the parties agree on a procedure to assert those claims after production -- whether to ask the court to include their agreement in an order under Federal Rule of Evidence 502; and

(iii) when the parties have agreed to use the ESI Checklist available on the Court's website (www.flsd.uscourts.gov), matters enumerated on the ESI Checklist; and

(L) any other information that might be helpful to the Court in setting the case for status or pretrial conference.

(3) *Joint Proposed Scheduling Order*. The Report shall be accompanied by a Joint Proposed Scheduling Order which shall contain the following information:

(A) Assignment of the case to a particular track pursuant to Local Rule 16.1(a) above;

(B) The detailed discovery schedule agreed to by the parties;

(C) Any agreements or issues to be decided by the Court regarding the preservation, disclosure, and discovery of documents, electronically stored information, or things;

(D) Any agreements the parties reach for asserting claims of privilege or protection of trial preparation material after production;

(E) A limitation of the time to join additional parties and to amend the pleadings;

(F) A space for insertion of a date certain for filing all pretrial motions;

(G) A space for insertion of a date certain for resolution of all pretrial motions by the Court;

(H) Any proposed use of the Manual on Complex Litigation and any other need for rule variations, such as on deposition length or number of depositions;

(I) A space for insertion of a date certain for the date of pretrial conference (if one is to be held); and

(J) A space for insertion of the date certain for trial.

In all civil cases (except those expressly exempted below) the Court shall enter a Scheduling Order as soon as practicable but in any event within sixty (60) days after the appearance of a defendant and within ninety (90) days after the complaint has been served on a defendant. It is within the discretion of each Judge to decide whether to hold a scheduling conference with the parties prior to entering the Scheduling Order.

(4) *Notice of Requirement*. Counsel for plaintiff, or plaintiff if proceeding pro se, shall be responsible for giving notice of the requirements of this subsection to each defendant or counsel for each defendant as soon as possible after such defendant's first appearance.

(5) *Exempt Actions*. The categories of proceedings exempted from initial disclosures under Federal Rule of Civil Procedure 26(a)(1)(B) are exempt from the requirements of this subsection. The Court shall have the discretion to enter a Scheduling Order or hold a Scheduling Conference in any case even if such case is within an exempt category.

(6) *Compliance with Pretrial Orders*. Regardless of whether the action is exempt pursuant to Federal Rule of Civil Procedure 26(a)(1)(B), the parties are required to comply with any pretrial orders by the Court and the requirements of this Local Rule including, but not limited to, orders setting pretrial conferences and establishing deadlines by which the parties' counsel must meet, prepare and submit pretrial stipulations, complete discovery, exchange reports of expert witnesses, and submit memoranda of law and proposed jury instructions.

(c) Pretrial Conference Mandatory. A pretrial conference pursuant to Federal Rule of Civil Procedure 16(a), shall be held in every civil action unless the Court specifically orders otherwise. Each party shall be represented at the pretrial conference and at meetings held pursuant to paragraph (d) hereof by the attorney who will conduct the trial, except for good cause shown a party may be represented by another attorney who has complete information about the action and is authorized to bind the party.

(d) Pretrial Disclosures and Meeting of Counsel. Unless otherwise directed by the Court, at least thirty (30) days before trial each party must provide to the other party and promptly file and serve 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:

(1) Discuss settlement.

(2) Prepare a pretrial stipulation in accordance with paragraph (e) of this Local Rule.

(3) Simplify the issues and stipulate to as many facts and issues as possible.

(4) Examine all trial exhibits, except that impeachment exhibits need not be revealed.

(5) Exchange any additional information as may expedite the trial.

(e) Pretrial Stipulation Must Be Filed. It shall be the duty of counsel to see that the pretrial stipulation is drawn, executed by counsel for all parties, and filed and served on 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:

(1) A short concise statement of the case by each party in the action.

(2) The basis of federal jurisdiction.

(3) The pleadings raising the issues.

(4) A list of all undisposed of motions or other matters requiring action by the Court.

(5) A concise statement of uncontested facts which will require no proof at trial, with reservations, if any.

(6) A statement in reasonable detail of issues of fact which remain to be litigated at trial. By way of example, reasonable details of issues of fact would include: (A) As to negligence or contributory negligence, the specific acts or omissions relied upon;
(B) As to damages, the precise nature and extent of damages claimed; (C) As to unseaworthiness or unsafe condition of a vessel or its equipment, the material facts and circumstances relied upon; (D) As to breach of contract, the specific acts or omissions relied upon.

(7) A concise statement of issues of law on which there is agreement.

(8) A concise statement of issues of law which remain for determination by the Court.

(9) Each party's numbered list of trial exhibits, other than impeachment exhibits, with objections, if any, to each exhibit, including the basis of all objections to each document, electronically stored information and thing. The list of exhibits shall be on separate schedules attached to the stipulation, should identify those which the party expects to offer and those which the party may offer if the need arises, and should identify concisely the basis for objection. In noting the basis for objections, the following codes should be used:

A–Authenticity

I–Contains inadmissible matter (mentions insurance, prior conviction, etc.) R–

Relevancy

H–Hearsay

UP–Unduly prejudicial-probative value outweighed by undue prejudice

P–Privileged

Counsel may agree on any other abbreviations for objections, and shall identify such codes in the exhibit listing them.

(10) Each party's numbered list of trial witnesses, with their addresses, separately identifying those whom the party expects to present and those whom the party may call if the need arises.

Witnesses whose testimony is expected to be presented by means of a deposition shall be so designated. Impeachment witnesses need not be listed. Expert witnesses shall be so designated.

(11) Estimated trial time.

(12) Where attorney's fees may be awarded to the prevailing party, an estimate of each party as to the maximum amount properly allowable.

(f) Unilateral Filing of Pretrial Stipulation Where Counsel Do Not Agree. 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.

(g) Record of Pretrial Conference Is Part of Trial Record. Upon the conclusion of the final pretrial conference, the Court will enter further orders as may be appropriate. Thereafter the pretrial stipulation as so modified will control the course of the trial, and may be thereafter amended by the Court only to prevent manifest injustice. The record made upon the pretrial conference shall be deemed a part of the trial record; provided, however, any statement made concerning possible compromise settlement of any claim shall not be a part of the trial record, unless consented to by all parties appearing.

(h) Discovery Proceedings. 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.

(i) Newly Discovered Evidence or Witnesses. If new evidence or witnesses are discovered after the pretrial conference, the party desiring their use shall immediately furnish complete details thereof and the reason for late discovery to the Court and to opposing counsel. Use may be allowed by the Court in furtherance of the ends of justice.

(j) Memoranda of Law. 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.

(k) Proposed Jury Instructions or Proposed Findings of Facts and Conclusions of Law. At the close of the evidence or at an earlier reasonable time that the Court directs, counsel may submit proposed jury instructions or, where appropriate, proposed findings of fact and conclusions of law to the Court, with copies to all other counsel. Parties shall use pattern jury instructions whenever applicable. Unless a Court order provides otherwise, any proposed jury instruction shall identify its source and cite any supporting authorities. If the source of the jury instruction is identified as a pattern jury instruction, the party shall also state whether the proposed jury instruction is a modified version of that pattern jury instruction and, if so, how it has been modified. At the close of the evidence, a party may file and serve additional instructions covering matters occurring at the trial that could not reasonably be anticipated; and with the Court's permission, file and serve untimely requests for instructions on any issue.

(l) Penalty for Failure to Comply. Failure to comply with the requirements of this Local Rule will subject the party or counsel to appropriate penalties, including but not limited to dismissal of the cause, or the striking of defenses and entry of judgment.

Effective December 1, 1994. Amended effective April 15, 1996; April 15, 1997; April 15, 1998; April 15, 2001; April 15, 2004; April 15, 2007; April 15, 2010; April 15, 2011; December 1, 2011; December 3, 2012; December 1, 2015; December 1, 2017; December 2, 2019; December 1, 2023.

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 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 8009-1. 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 and served on all parties. The movant

shall 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 and served on all parties. 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.

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~~.~~ or by the Bankruptcy Court in accordance with Rule 9038. 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 shall provide reference to 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.

(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 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 and served on all parties. 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; December 2, 2019; December 1, 2023.

RULE 88.9 MOTIONS IN CRIMINAL CASES AND JURY INSTRUCTIONS

(a) Motions in criminal cases are subject to the requirements of, and shall comply with, Local Rule 7.1. with the following exceptions:

Section 7.1(a)(3), which is superseded by this Local Rule.
Section 7.1(b), which pertains to hearings. Hearings on criminal motions may be set by the Court upon appropriate request or as required by the Federal Rules of Criminal Procedure and/or Constitutional Law.

In addition, at the time of filing motions in criminal cases, counsel for the moving party shall file with the Clerk of the Court a statement certifying either: (1) that counsel have conferred in a good faith effort to resolve the issues raised in the motion and have been unable to do so; or (2) that counsel for the moving party has made reasonable effort (which shall be identified with specificity in the statement) to confer with the opposing party but has been unable to do so. This requirement to confer shall not apply to ex parte filings.

(b) Motions in criminal cases which require evidentiary support shall be accompanied by a concise statement of the material facts upon which the motion is based.

(c) Motions in criminal cases shall be filed and served within twenty-eight (28) days from the arraignment of the defendant to whom the motion applies, except that motions arising from a post- arraignment event shall be filed and served within a reasonable time after the event.

(d) Parties shall use pattern jury instructions whenever applicable. Unless a Court order provides otherwise, any proposed jury instruction shall identify its source and cite any supporting authorities. If the source of the jury instruction is identified as a pattern jury instruction, the party shall also state whether the proposed jury instruction is a modified version of that pattern jury instruction and, if so, how it has been modified.

Effective December 1, 1994. Amended effective April 15, 1996; April 15, 1997; April 15, 1998; April 15, 2003; April 15, 2007; April 15, 2010; December 1, 2014; December 1, 2015; December 2, 2019; December 1, 2023.

ADMIRALTY AND MARITIME RULES

RULE A. GENERAL PROVISIONS

(1) Scope of the Local Admiralty and Maritime Rules. The Local Admiralty and Maritime Rules apply to the procedures in admiralty and maritime claims within the meaning of Federal Rule of Civil Procedure 9(h), which in turn are governed by the Supplemental Rules for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure.

(2) Citation Format.

(a) *The Supplemental Rules* for Certain Admiralty and Maritime Claims of the Federal Rules of Civil Procedure shall be cited as "Supplemental Rule ( )".

(b) The Local Admiralty and Maritime Rules shall be cited as "Local Admiralty Rule ( )".

(3) Application of Local Admiralty and Maritime Rules. The Local Admiralty Rules shall apply to all actions governed by Local Admiralty Rule A(1), and to the extent possible should be construed to be consistent with the other Local Rules of this Court. To the extent that a Local Admiralty Rule conflicts with another Local Rule of this Court, the Local Admiralty Rule shall control.

(4) Designation of "In Admiralty" Proceedings. Every complaint filed as a Federal Rule of Civil Procedure 9(h) action shall boldly set forth the words "IN ADMIRALTY" following the designation of the Court. This requirement is in addition to any statements which may be contained in the body of the complaint.

(5) Verification of Pleadings, Claims and Answers to Interrogatories. Every complaint and claim filed pursuant to Supplemental Rules B, C and/or D shall be verified on oath or solemn affirmation by a party, or an officer of a corporate party.

If a party or corporate officer is not within the District, verification of a complaint, claim and/or answers to interrogatories may be made by an agent, an attorney-in-fact, or the attorney of record. Such person shall state briefly the source of his or her knowledge, or information and belief, and shall declare that the document affirmed is true to the best of his or her knowledge, and/or information and belief. Additionally, such person shall state that he or she is authorized to make this representation on behalf of the party or corporate officer, and shall indicate why verification is not made by a party or a corporate officer. Such verification will be deemed to have been made by the party to whom the document might apply as if verified personally.

Any interested party may move the Court, with or without a request for stay, for the personal oath or affirmation of a party or all parties, or that of a corporate officer. If required by the Court, such verification may be obtained by commission, or as otherwise provided by Court order.

(6) Issuance of Process. Except as limited by the provisions of Supplemental Rule B(1) and Local Admiralty Rule B(3) or Supplemental Rule C(3) and Local Admiralty Rule C(2); or in suits prosecuted in forma pauperis and sought to be filed without prepayment of fees or costs, or without security; all process shall be issued by the Court without further notice of Court.

(7) Publication of Notices. Unless otherwise required by the Court, or applicable Local Admiralty or Supplemental Rule, whenever a notice is required to be published by any statute of the United States, or by any Supplemental Rule or Local Admiralty Rule, such notice shall be published at least once, without further order of Court, in ~~an approved~~a newspaper of general circulation in the county or counties where the vessel or property was located at the time of arrest, attachment, or seizure, and if different, in the county within the Southern District of Florida where the lawsuit is pending, e.g., the Daily Business Review.

For purposes of this subsection, an approved newspaper shall be a newspaper of general circulation, designated from time to time by the Court. A listing of these approved newspapers will be made available in the Clerk's Office during normal business hours.

(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 twenty-one (21) days after service of process; except that process issued in accordance with Supplemental Rule B shall conform to the requirements of that rule.

(9) Judicial Officer Defined. As used in these Local Admiralty Rules, the term "judicial officer" or "Court" shall mean either a United States District Judge or a United States Magistrate Judge.

(10) Forms. The forms presented on the Court's website (www.flsd.uscourts.gov) provide an illustration of the format and content of papers filed in admiralty and maritime actions within the Southern District of Florida. While the forms are sufficient, they are neither mandatory nor exhaustive.

Effective December 1, 1994. Amended effective April 15, 2007; April 15, 2010; April 15, 2011; December 1, 2015~~.~~; December 1, 2023.

RULE 9. DISCIPLINE ON CONSENT, RESIGNATION, OR INACTIVE STATUS IN OTHER COURTS

(a) Any attorney admitted to practice before this Court shall, upon being suspended or disbarred on consent, resigning, or being placed on inactive status with any other bar while an investigation into allegations of misconduct is pending, promptly inform the Clerk of the Court of such suspension or disbarment on consent, resignation, or inactive status, within thirty (30) days of its occurrence.

(b) An attorney admitted to practice before this Court who shall be suspended or disbarred on consent, resign, or placed on inactive status with the bar of any other court of the United States or the District of Columbia, or from the bar of any state, territory, commonwealth, or possession of the United States while an investigation into allegations of misconduct is pending shall, upon the filing with this Court of a certified copy of the judgment or order accepting such suspension or disbarment on consent, resignation, or inactive status, cease to be permitted to practice before this Court and be stricken from the roll of attorneys admitted to practice before this Court until further order of the Court.

(c) Any attorney who has resigned from or been placed on inactive status with The Florida Bar while an investigation into allegations of misconduct is pending shall inform the Clerk of the Court within thirty (30) days. Upon receipt of notice of such action, the attorney's ability to practice before this Court shall be administratively suspended and the attorney may not resume practice before this Court until they certify that they are an active attorney in good standing with The Florida Bar. There is no inactive status other than for government attorneys in this Court. An attorney may resign from the bar of this Court by notifying the Clerk of Court in writing and only if the attorney is in good standing, is not counsel of record in an active case, and is not subject to any disciplinary proceedings. Upon receipt of the notice of resignation, the attorney will be ineligible to practice in this Court and must reapply for admission pursuant to Rule 2 of these rules. Upon the death of an attorney representing any party in an action or proceeding, the attorney's ability to practice before this Court shall be administratively suspended and the attorney's member status in CM/ECF shall be changed to "deceased."

Effective December 1, 1994. Amended effective April 15, 2007; April 15, 2010; April 15, 2011; December 1, 2015; December 1, 2017.; December 1, 2023