

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
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In re:

Administrative Order 2020-06

**I) Suspension of Local Rule 5005-4(C) And
II) Establishment of Procedures For Admission
of Direct Evidence Through Declarations or Affidavits**

This Administrative Order is issued in response to the recent outbreak of Coronavirus Disease 2019 (“COVID-19”) in the State of Florida. On March 9, 2020, the Governor of the State of Florida declared a state of emergency throughout the state in response to the spread of the Coronavirus and COVID-19. On March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic. On March 13, 2020, the President of the United States declared a national emergency as a result of the COVID-19 outbreak. The Centers for Disease Control advises that individuals should engage in “social distancing” to prevent the spread of COVID-19. In addition, there are individuals who may be in isolation because they are sick or have been exposed to someone who has or is suspected of having COVID-19. Accordingly, to reduce the need for personal contact, there is good cause for entry of this Order. Therefore, it is

ORDERED as follows:

1. For all documents that require an original signature under Local Rule 5005-4(C) or otherwise, the Court hereby suspends any requirement that a registered user secure the signer’s original signature prior to filing or electronically filing such documents **on the condition that**, prior to filing, the registered user has verified with the signer that the signer has received the entire document(s) to be signed, communicated with the signer regarding the substance and purpose of the signed document(s), and
 - a. obtained the signer’s digital signature via any commercially available digital signature software that provides signature authentication, and will maintain a copy of the digitally signed document(s) in the case file; or
 - b. obtained express written permission (including electronic mail) from the signer to affix the signer’s signature to the document(s), and will maintain a hard copy thereof in the file; or
 - c. obtained in his or her possession at the time of filing an image format or other facsimile of the entire signed document(s), including the signature page(s) received electronically (including by electronic mail or facsimile) from the signer, and will maintain a hard copy thereof in the file.

2. The filing of the document(s) with an electronic signature constitutes a certification by the registered user under Bankruptcy Rule 9011, the applicable Florida Rules of Professional Conduct, and this Order that the registered user either has obtained the signer's original signature or has complied with paragraph 1 of this Order. On written request (including electronic transmission) by any party in interest, the registered user shall promptly provide evidence to the requesting party of compliance with the terms of this Order.
3. For all contested matters and pursuant to the authority granted to the Court under Fed. R. Evid. 611, direct evidence may be offered by declaration(s) complying with 28 U.S.C. § 1746 to the extent that the declaration(s) contain admissible evidence from a competent witness with personal knowledge. Objections to the admissibility of the evidence in the declaration and the competency of the witness shall be preserved. Such declarations shall be signed in compliance with this Order. Any such declaration must be filed with the Court at least three (3) business days prior to the scheduled hearing, and the time under Fed. R. Bankr. P. 9006(d) is hereby reduced pursuant to Fed. R. Bankr. P. 9006(c)(1) to be consistent herewith. To the extent that any party in interest wishes to cross-examine the declarant, the Court will determine appropriate procedures on a case-by-case basis.

ORDERED in the Southern District of Florida, this 19th day of March 2020.



Laurel Myerson Isicoff
Chief United States Bankruptcy Judge

c: All SD Bankruptcy Judges
Clerk of Court