

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
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In re)
)
AMENDED ADMINISTRATIVE ORDER) Administrative Order
ON THE USE OF ELECTRONICALLY) FLMB-2015-6
STORED EXHIBITS IN EVIDENTIARY)
HEARINGS AND TRIALS)
_____)

**AMENDED ADMINISTRATIVE ORDER
SUPPLEMENTING LOCAL RULE 9070-1 TO PROVIDE FOR THE
SUBMISSION OF EXHIBITS IN ELECTRONICALLY STORED FORMAT**

Many of the evidentiary hearings and trials conducted in this Court involve the use of voluminous and burdensome paper exhibits. The parties, the Court, and court staff spend considerable time handling paper exhibits during the hearing or trial and in post-trial proceedings. To alleviate this burden, this Administrative Order provides procedures for the use of electronically stored exhibits in evidentiary hearings and trials. This Administrative Order incorporates the existing requirements of Local Rule 9070-1 with respect to paper exhibits and supplements those requirements for the use of electronically stored exhibits.

Accordingly, it is **ORDERED**:

Effective **August 3, 2015**, parties in evidentiary hearings and trials shall follow these procedures in the use of exhibits:

(a) ***General Provisions.***

(1) ***Submission of Exhibits in Electronic or Paper Format.*** If all parties in an adversary proceeding or contested matter are represented by counsel, unless the Court orders otherwise, exhibits shall be exchanged and submitted to the Court in electronic format. Electronically stored exhibits shall not be used in adversary proceedings or contested matters in which any of the parties are *pro se*.

(2) ***Redaction of Personal Data Identifiers.*** In compliance with Local Rule 1001-3, the following personal data identifiers shall be redacted from all exhibits submitted to the Court whether in paper or electronic format: Social Security numbers, names of minor children, dates of birth, and financial account numbers other than the last four digits of the account number.

(3) **Numbering Exhibits and Exhibit Cover Sheet.** Exhibits, whether submitted in paper or electronic format, shall be numbered commencing with Arabic numeral 1. Each exhibit shall be preceded by an 8 1/2 x 11-inch Exhibit Cover Sheet (Appendix B to Local Rule 9070-1).

(4) **Exhibit List.** Each party shall prepare a separate Exhibit List in the form attached as Appendix A to Local Rule 9070-1. The Exhibit List shall list each exhibit in numerical order and include the following: case caption, identity of the party submitting the exhibits (*e.g.*, plaintiff, defendant, debtor, creditor, etc.), and columns with the following headings: “Exhibit Number,” “Document Description,” “Date Identified,” “Date Admitted,” and “With or Without Objection.” No markings should be made in the “Date Identified” and “Date Admitted” columns, which shall be used by the courtroom deputy to record the exhibits that are identified and offered into evidence and those that are received into evidence. Each party shall provide two copies of the Exhibit List to the courtroom deputy before the start of the evidentiary hearing or trial. After the conclusion of the evidentiary hearing or trial, the courtroom deputy will file a completed Exhibit List on the case or adversary proceeding docket.

(b) ***Procedure for Use of Electronically Stored Exhibits.***

(1) **Format of Exhibits.** Each exhibit, together with the Exhibit Cover sheet, shall be electronically stored in an individual Portable Document Format (PDF) file. Each PDF file shall have a unique identification name and number (*e.g.*, “Debtor’s Exhibit 1”). To facilitate the filing of exhibits via CM/ECF, the individual PDF files should be contained in a single folder.

(2) **CM/ECF Electronic Exhibit Upload.** Parties shall file their Exhibit List and all electronic exhibits using the CM/ECF Electronically Stored Exhibit Upload by the time set forth in the Administrative Order Prescribing Procedures for Adversary Proceedings, FLMB-2014-10, for the exchange of exhibits. The filing of the Exhibit List and exhibits via CM/ECF Electronically Stored Exhibit Upload shall effectuate a party’s delivery of exhibits to opposing part[ies]. Instructions on CM/ECF Electronically Stored Exhibit Upload are located on the Court’s website at <http://www.flmb.uscourts.gov/procedures/electronicexhibitupload.pdf>.

(3) **Use of Electronically Stored Exhibits in Court.** The Electronically Stored Exhibits filed via CM/ECF Electronic Exhibit Upload are the official exhibits for purposes of the evidentiary hearing or trial. However, a party using exhibits during the examination of a witness shall, at the commencement of the examination, provide paper copies of the exhibits to be used during the examination to the Court, the witness, and other parties. Paper exhibits that are not removed from the courtroom following their use will be disposed of by the courtroom deputy.

(4) **Additional Exhibits.** In the event that additional exhibits that were not uploaded via CM/ECF Electronic Exhibit Upload are offered or introduced into evidence during the course of the evidentiary hearing or trial, a complete set of such additional exhibits shall be filed via CM/ECF Electronic Exhibit Upload with the title “[Party’s Name]’s Additional Exhibits” within seven days following the conclusion of the evidentiary hearing or trial.

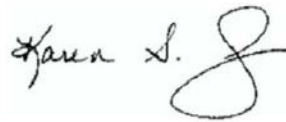
(c) ***Procedure for Use of Exhibits Submitted In Paper Format.***

(1) ***Submitting Exhibits to the Court.*** At the commencement of an evidentiary hearing or trial, each party shall deliver to the courtroom deputy two copies of the Exhibit List and the exhibits to be introduced into evidence in paper format. Original exhibits shall not be stapled or permanently bound. Additional copies of the exhibits, which may be stapled or placed in binders or folders, shall be provided for use by witnesses, to opposing counsel, and the judge. Parties should confirm the preferred procedure for preparing exhibit binders with the assigned judge's chambers. Any exhibits introduced at an evidentiary hearing or trial that have not been pre-marked shall be tendered to and marked by the courtroom deputy as they are presented in evidence.

(2) ***Large Items or Exhibits Other than Paper Documents.*** Objects other than paper documents to be introduced into evidence shall be photographed, accompanied by an Exhibit Cover Sheet, and listed on the Exhibit List. Paper documents larger than 8 1/2 x 11 inches shall be listed on the Exhibit List and accompanied by a reduced 8 1/2 x 11-inch copy. Counsel shall attach Exhibit Cover Sheets to both the original physical exhibit and the photograph or reduced copy of the exhibit ("substitutes"), using the same exhibit number for both the original exhibits and the corresponding substitute. Unless the Court orders otherwise, at the conclusion of the trial or hearing at which the exhibits are offered, if the Clerk has custody of substitutes, the Clerk will return the corresponding original exhibits to counsel. If an appeal is taken, only the substitutes will be included in the record on appeal.

(3) ***Disposal of Paper Exhibits.*** The Clerk, with or without notice, may dispose of any unclaimed paper exhibits unless the Clerk is notified by a party that it intends to reclaim that party's exhibits within 30 days after the later of the entry of an order or judgment concluding the matter or proceeding, the entry of an order determining any post-judgment motions if no appeal is pending, or if a notice of appeal has been filed, the filing of the mandate. Parties shall bear any costs associated with reclaiming exhibits.

DONE AND ORDERED in Orlando, Florida, on July 23, 2015.



KAREN S. JENNEMANN
Chief United States Bankruptcy Judge