



United States Bankruptcy Court
Middle District of Florida
Sam M. Gibbons United States Courthouse
801 North Florida Avenue
Tampa, Florida 33602

MEMORANDUM

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To: Lawyers submitting proposed orders after hearing

From: Catherine Peek McEwen, United States Bankruptcy Judge

Subject: Rule 7052 language to abbreviate orders

Date: May 19, 2006

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A way to cut down on drafting time when submitting proposed orders is to use language from Rule 7052, Federal Rules of Bankruptcy Procedure, instead of trying to state all of the reasons for a ruling. Therefore, at the end of your introductory preamble, you may simply state:

For the reasons stated orally and recorded in open court that shall constitute the decision of the Court, it is

[ORDERED that [state whether a motion is granted or denied, an objection is sustained or overruled, or an application is approved or disapproved, as well as any obligations imposed on the parties or any specific relief provided].]

If you would like a copy of this memo to take to your legal assistant or paralegal, please ask Denise Garcia, Courtroom Administrator.

CPM/lis



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MEMORANDUM

To: Attorneys practicing in the Middle District of Florida, Tampa Division

From: Catherine Peek McEwen, United States Bankruptcy Judge

Subject: Obtaining Nonmilitary Certificates Online

Date: October 1, 2006

The Servicemembers Civil Relief Act precludes the entry of a default judgment against an individual unless proof of nonmilitary service is shown, such as a statement from the Department of Defense or from each branch of the armed services. The old-fashioned way of obtaining nonmilitary certificates is to write each branch by snail mail and pay \$5.20 per defendant. For those in the web age, now a statement covering all branches is available from the Defense Manpower Data Center at no charge, online, 24 hours a day – but you have to become an approved user to have that privilege.

The Defense Manpower Data Center allows verification of nonmilitary status for defense branches of armed services by providing access to a secure website for approved users. Potential users must call Genny Brooks at 703-696-6762 for information on how to obtain the necessary personal identification numbers and match codes from the Center. Ms. Brooks will fax you an online approved user application, which is returned to her by fax. There is an old-fashioned twist to obtaining approval, however. To fill out the form, one must use a typewriter. Once approved, users have 24-hour access to the site to search for information regarding military status. Documentation is provided electronically in a form with the seal of the Department of Defense and the signature of the Center's Director.

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MEMORANDUM

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To: Attorneys practicing in the Middle District of Florida, Tampa Division

From: Hon. Catherine Peek McEwen

Subject: Tips for Getting Amended and Agreed Orders Entered Promptly

Date: June 22, 2009

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The Court requests that attorneys follow these tips in order to simplify the process of obtaining amended and agreed orders.

Amended Orders

The order should specify the reason for the amendment and what is being amended. Either file a motion to amend or include the information in a preamble or decretal paragraph in the order (e.g., to correct scrivener's error).

Agreed Orders

There are five acceptable procedures for obtaining an agreed order, each of which sufficiently documents the record that agreement has been reached (any other method makes it appear that it is possible that an *ex parte* communication has been made to the Court, which communication is forbidden):

- 1) File an agreed or joint motion signed by both parties;
- 2) File a motion in which one party represents that the party's counsel has obtained consent of the other party;
- 3) File a consent by the opposing party;
- 4) Submit an agreed order signed by both parties (endorsement under a legend stating "Approved as to form and content" or "Agreed for entry"); or
- 5) Submit an order that recites in the preamble that by submitting the order you are representing that the other parties have agreed to the form and content of the order: "By submission of this order for entry, the submitting counsel represents that the opposing party consents to its entry."



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Tampa, Florida 33602

MEMORANDUM

To: Attorneys practicing in the Middle District of Florida, Tampa Division

From: Hon. Catherine Peek McEwen

Subject: Observance of holidays not included in Federal Rule of Civil Procedure 6(a)

Date: October 1, 2008

The Court regularly schedules hearings on certain religious holidays not included in the legal holidays defined in Rule 6(a), Federal Rules of Civil Procedure. The Court considers it a better use of courtroom time to do so because not all practitioners and clients observe the same holidays; therefore, most are not affected on a given holiday. However, continuances will be liberally granted upon motion without a hearing if counsel or a party wishes to observe a religious holiday. (Of course, if, in the interest of the client, the hearing should proceed as scheduled, counsel may wish to have a colleague substitute for him or her at the hearing.)

An alternative method of “protecting” the date(s) of a particular religious holiday is to send a notice of unavailability to the Court’s courtroom administrator before a hearing is set on such date(s).

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MEMORANDUM

To: All parties appearing before the United States Bankruptcy Court for
the Middle District of Florida, Tampa Division

From: Hon. Catherine Peek McEwen

Subject: Availability of men's jackets for court appearances

Date: December 13, 2006

The Tampa Bay Bankruptcy Bar Association has provided men's jackets for use by all parties and counsel appearing before the Court. The jackets are available on loan for court appearances and are located in the Attorney Resource Room on the 10th floor of the Courthouse. If you use a jacket, please return the jacket to the Attorney Resource Room when the hearing is concluded so that others may borrow them for subsequent hearings.

CPM/lis



United States Bankruptcy Court
Middle District Of Florida – Tampa Division
Sam M. Gibbons United States Courthouse
801 North Florida Avenue, Suite 518
Tampa, Florida 33602-3899

Memorandum from
Chas. G. Kilcoyne
Deputy-in-Charge

Telephone
(813) 301-5037

Date: October 26, 2006

To: ALL INTERESTED PARTIES

Subject: HEARING IMPAIRED

THIS COURTROOM IS EQUIPPED WITH DEVICES TO ASSIST THOSE WITH HEARING IMPAIRMENTS. IF YOU REQUIRE ASSISTANCE, PLEASE NOTIFY THE COURTROOM DEPUTY ON DUTY IN THE COURTROOM IN ADVANCE OF THE HEARING.