

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.flstd.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. As provided in Federal Rule of Bankruptcy Procedure 8018.1, if, on appeal, the District Court determines that the Bankruptcy Court did not have 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; December 2, 2019.

