

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re

[insert name of debtor],

Debtor(s).

Case No. _____ SLJ/MEH

Chapter 11

**ORDER AFTER STATUS CONFERENCE ESTABLISHING
CONFIRMATION PROCEDURES**

On April 2, 2020, the Court held a status conference in this Subchapter V case (the “Case”). The appearances of counsel and parties are reflected on the record.

The recently enacted Subchapter V Small Business Debtor Reorganization (“SBRA”), P.L. 116-54, contemplates a shortened and simplified plan confirmation process for qualified debtors. It is the experience of the Court that many chapter 11 plans filed in this division require corrections and revisions before they can be submitted to parties in interest for voting. The purpose of this order is to recite the deadlines and requirements imposed by law and by the Court on this Subchapter V Small Business Case for the filing and review of the Debtor(s)’ plan of reorganization (“Plan”), and to create a framework for the timely review of the Plan by the judges in the San Jose Division.

1 Following a review of the record, the status conference statements filed, and having heard
2 argument, the following procedures and deadlines apply to this Case:

3 (1) Statutory Plan Filing Deadline

4 Pursuant to Bankruptcy Code § 1189(b), the Debtor(s)'s deadline to file and serve on all
5 secured creditors, the 20 largest unsecured creditors, the United States Trustee and the
6 Subchapter V Trustee appointed in the Case (individually, a "Party" and, collectively, the
7 "Parties"), a Plan that complies in all respects with the requirements of Subchapter V of the
8 Bankruptcy Code, and a copy of this Order, no later than April 16, 2020 (the "Plan Filing
9 Deadline").

10 (2) Extension of Statutory Plan Filing Deadline

11 Pursuant to Bankruptcy Code § 1189(b), the Debtor(s) may seek an extension of the Plan
12 Filing Deadline only "if the need for an extension is attributable to circumstances for which the
13 debtor should not justly be held accountable." Any request for an extension of the Plan Filing
14 Deadline must be sought by motion filed with the Court and served on the Parties not later than
15 the Plan Filing Deadline and must be supported by a declaration under penalty of perjury setting
16 forth the circumstances that the Debtor(s) contends establish the need for an extension. Such
17 motion must comply with the notice requirements of BLR 9014-1.

18 (3) Contents of Plan

19 Pursuant to Bankruptcy Code § 1181(b) and unless the Court orders otherwise for cause,
20 the Debtor(s) is not required to file a separate disclosure statement describing the Plan; however,
21 pursuant to Bankruptcy Code § 1190(1), in lieu of a disclosure statement, the Plan must contain
22 (A) a brief history of the business operations of the Debtor(s); (B) a liquidation analysis; and (C)
23 projections with respect to the ability of the Debtor(s) to make payments under the proposed plan
24 of reorganization. In addition, the Debtor(s) must include in the Plan such additional information
25 as may be necessary under the circumstances of the Case to permit the Parties to ascertain
26 whether the Plan satisfies all applicable plan confirmation requirements.

(4) Mandatory Use of District's Form Plan

A. Northern District of California form plan ("Form Plan")

The use of Northern District of California's Plan of Reorganization for Small Business Debtor Under Chapter 11, Subchapter V, is mandatory, unless ordered otherwise by the Court.

(5) San Jose Division Plan Review Conference

A. The Court will conduct a Plan Review Conference on May 15, 2020.

B. The purpose of the Plan Review Conference is to consider whether the form of the Plan complies with the Bankruptcy Code, to review and correct any typographical and/or mathematical errors, and to indicate revisions to increase the clarity of the Plan. The Court will also establish at the Plan Review Conference deadlines and dates for the Debtor(s) to mail the Plan and ballot forms, for parties in interest to vote and/or object to the Plan, for the Debtor(s) to file and serve a confirmation memorandum and ballot tally declaration; and for the Court to conduct a hearing to consider confirmation of the Plan.

C. The Subchapter V Trustee must attend the Plan Review Conference.

D. Any Party who contends that the proposed Plan lacks any of the required information set forth in paragraphs 3 or 4 above or is otherwise deficient as to content shall file and serve on the Debtor(s) and the Subchapter V Trustee a written statement of position not later than 7 days prior to the Plan Review Conference.

(6) Monthly Operating Reports

The Debtor(s) shall remain current on monthly operating reports as required by Bankruptcy Code §§ 308(b) & 1116(4) and Bankruptcy Rule 2015(a)(6).

(7) Failure to Comply

If the Debtor(s) fails to timely file a plan or remain current on monthly operating reports, the Court may dismiss or convert the case, whichever is in the best interests of creditors and the estate, without further notice or hearing. *See* 11 U.S.C. § 1112(b)(4)(E), (F) & (J).

IT IS SO ORDERED.

*** END OF ORDER ***

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