

UNITED STATES BANKRUPTCY COURT
for the
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES COURTHOUSE AND FEDERAL BUILDING
280 SOUTH FIRST STREET, ROOM 3035
SAN JOSE, CALIFORNIA 95113-3099

STEPHEN L. JOHNSON
UNITED STATES BANKRUPTCY JUDGE

CHAPTER 11 STATUS CONFERENCE CHECKLIST

The Purpose Of The Status Conference:

- To review the reasons for the chapter 11 filing;
- To understand the debtor's assets and liabilities; and
- To understand the debtors strategy for exiting chapter 11.

Counsel should expect that the Court will generally set deadlines in each case, including deadlines for filing and confirming a plan of reorganization.

Chapter 11 debtors must file a Status Conference Statement at least **7 calendar days** in advance of the hearing. The failure to file a timely Status Conference Statement may be cause for conversion or dismissal of a case and for sanctions against counsel.

- The Status Conference Statement should discuss the following issues:
 - Nature of operations and factors leading to bankruptcy filing;
 - Debtor's attendance at § 341(a) Meeting of Creditors;
 - Estate's need for professionals (e.g., lawyers, accountants, brokers)
 - Unique issues regarding secured debt, employees, executory contracts, cash collateral, existing management and/or equity owners;
 - Financial results from post-petition operations;
 - Litigation status;
 - Compliance with U.S. Trustee's requests (e.g., debtor-in-possession (DIP), Initial Debtor Interview);
 - An outline of the proposed Chapter 11 plan; and
 - A proposed deadline for the filing of a plan and disclosure statement and for confirmation.

Complying With The Requirements Of The Bankruptcy Code And Rules:

The Court expects strict compliance with the Code and Rules. Failure to comply with the following requirements often leads to an early conversion of the case:

- Attendance at § 341(a) Meeting of Creditors.
- Cash Collateral. 11 U.S.C. § 363(c)(2) prohibits the use of cash collateral unless the debtor has either the prior consent of each creditor having an interest in the collateral or an order from the Court.
- Transactions Outside the Ordinary Course of Business. 11 U.S.C. § 363(b)(1) requires prior notice and hearing.
- Post Petition Taxes. The Court expects all post petition taxes to be paid timely and all required tax returns to be timely filed.
- Monthly Operating Reports. Bankruptcy Local Rule 2015-2 requires monthly operating reports and tax reports to be filed on the 21th day of each month.
- Quarterly United States Trustee Fees. 28 U.S.C. § 1930(a)(6) requires a quarterly fee to be paid to the United States Trustee. The amount of the fee will depend upon the amount of disbursements made by the debtor during each quarter.
- Funds of the Estate. Bankruptcy Local Rule 2015-1 requires all estate funds to be deposited and maintained in a debtor-in-possession (DIP) bank account.