**UNITED STATES BANKRUPTCY COURT**

**SOUTHERN DISTRICT OF FLORIDA**

**FORT LAUDERDALE DIVISION**

**In re: Case No. XX-XXXXX-PDR**

**DEBTOR’S NAME, Chapter 11**

**Debtor.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_/**

**ORDER (I) SETTING HEARING ON CONFIRMATION OF**

**DEBTOR’S SUBCHAPTER V PLAN;**

**(II) SETTING HEARING ON FEE APPLICATIONS;**

**(III) DESCRIBING VARIOUS DEADLINES; AND**

**(IV) DESCRIBING DEBTOR’S OBLIGATIONS**

CONFIRMATION HEARING AND HEARING ON FEE APPLICATIONS

[DATE] at 10:30 a.m.

LOCATION:

United States Bankruptcy Court

Courtroom 301

299 East Broward Blvd.

Fort Lauderdale, Florida 33301

Although the Court will conduct the hearing in person, the Court has specific guidelines on the Court’s webpage (<https://www.flsb.uscourts.gov/judges/judge-peter-d-russin>) regarding who may attend remotely.

DEBTOR’S DEADLINE FOR SERVING THIS ORDER, PLAN, AND BALLOT(S):

DATE [30 days before]

DEADLINE FOR FILING OBJECTIONS TO CLAIMS:

DATE [14 days before]

DEADLINE FOR FILING FEE APPLICATIONS:

DATE [14 days before]

DEADLINE FOR FILING BALLOTS ACCEPTING OR REJECTING PLAN:

DATE [7 days before]

DEADLINE FOR FILING OBJECTIONS TO CONFIRMATION:

DATE [3 days before]

DEADLINE FOR DEBTOR TO FILE

REPORT OF PLAN PROPONENT(S) AND CONFIRMATION AFFIDAVIT:

DATE [3 days before]

On [Petition DATE], [Debtor’s name] (the “Debtor”) filed the *Plan* (Doc. xx) (the “Plan”) pursuant to 11 U.S.C. § 1189. The Court having considered the Plan and the record in this case, **ORDERS**, that:

**A.**   **DEADLINE FOR FILING BALLOTS ACCEPTING OR REJECTING PLAN**

The last day for filing written acceptances or rejections of the Plan is indicated above as “DEADLINE FOR FILING BALLOTS ACCEPTING OR REJECTING PLAN.”

**B. OBLIGATIONS** **OF DEBTOR**

(1) On or before the date indicated above as “DEBTOR’S DEADLINE FOR SERVING THIS ORDER, PLAN, AND BALLOT(S)” the Debtor must serve a copy of this Order and the Plan on all creditors, all equity security holders, the Subchapter V Trustee, the United States Trustee and all other parties in interest, as required by Interim Bankruptcy Rule of Procedure 3017.2 and Federal Rule of Bankruptcy Procedure 2002(b) (including without limitation those listed on the “Master Service List” if required to be filed pursuant to Local Rule 2002-1(H)). At the time of serving this Order, the Local Form “Ballot and Deadline for Filing Ballot Accepting or Rejecting Plan,” must be served via U.S. Mail on all creditors and equity security holders entitled to vote on the Plan.

(2) On or before 5:00 p.m. on the date indicated above as “DEADLINE FOR DEBTOR TO FILE REPORT OF PLAN PROPONENT AND CONFIRMATION AFFIDAVIT,” the Debtor must file with the Court the Local Form “Certificate of Proponent of Plan on Acceptance of Plan, Report on Amount to be Deposited, Certificate of Amount Deposited and Payment of Fees,” and the Local Form “Confirmation Affidavit.” The “Confirmation Affidavit” must set forth the facts upon which the Debtor will rely to satisfy each of the requirements of 11 U.S.C. § 1191. The “Confirmation Affidavit” should be prepared so that by reading it the Court can easily understand the significant terms of the Plan and other material facts relating to confirmation of the Plan. The individual executing the “Confirmation Affidavit” must be present at the Confirmation Hearing.

(3) If the Debtor does not timely comply with any of the requirements of this Order, the Court may impose sanctions at the Confirmation Hearing, without further notice, including dismissal, conversion of the case to chapter 7, or the striking of the Plan. At the Confirmation Hearing, the Court may also consider dismissal or conversion for other cause shown at the request of any party in interest or on the Court's own motion.

**C.**  **HEARING ON CONFIRMATION OF PLAN**

The hearing on confirmation of the Plan has been set for the date and time indicated above as “CONFIRMATION HEARING AND HEARING ON FEE APPLICATIONS.” The Confirmation Hearing may be continued to a future date or dates by notice given in open court at the initial Confirmation Hearing or at any continuance thereof.

**D.** **SUBMISSION AND EXCHANGE OF EXHIBITS**

No later than 4:00 p.m. two business days before the evidentiary hearing, exhibits must be submitted and exchanged in accordance with Local Rule 9070-1, which requires all parties to upload exhibits through CM/ECF, with some exceptions where any party is not represented by counsel.

**E. REMOTE WITNESS TESTIMONY**

1. The Court will continue to allow testimony by remote witness. However, notice that the witness will appear remotely must be filed no later than 4:00 p.m. two business days before the evidentiary hearing. The notice should state:
2. The name and title of the witness;
3. The city, state, and country where the remote witness will be located while testifying;
4. The type of place (such as a home or office) from which the remote witness will testify;
5. The matter(s) on which the witness will provide testimony;
6. Whether another person will be in the room with the remote witness and, if so, for each person who will be in the room with the remote witness, their name, title, and relationship to the remote witness;
7. Whether the remote witness will have access to any documents other than exhibits that have been provided to the Court and the parties and, if so, the identity of those documents.

The notice must be served on all interested parties.

1. The Court will administer the oath to each remote witness during the video conference and witness testimony will have the same effect and be binding upon each remote witness in the same manner as if such remote witness was sworn in by the Court in person in open court.
2. The party sponsoring each remote witness shall be responsible for ensuring that the remote witness has registered for the video conference, has obtained all exhibits prior to the hearing, has registered with Zoom, and has equipment and internet service sufficient to permit participation in the evidentiary hearing.

**F. DEADLINE FOR FILING OF OBJECTIONS TO CONFIRMATION OF PLAN**

The last day for filing and serving objections to confirmation of the Plan is indicated above as “DEADLINE FOR FILING OBJECTIONS TO CONFIRMATION.”

**G.**  **DEADLINE FOR FILING OBJECTIONS TO CLAIMS**

The last day for filing and serving objections to claims is indicated above as “DEADLINE FOR FILING OBJECTIONS TO CLAIMS.” All objections to claims must be filed before this date unless the deadline is extended by other or further order of this Court.

**H.**  **DEADLINE FOR FILING AND HEARING ON FEE APPLICATIONS**

The last day for filing and serving fee applications is indicated above as “DEADLINE FOR FILING FEE APPLICATIONS.” All prospective applicants for compensation, including attorneys, accountants, and other professionals, must file applications which include actual time and costs, plus an estimate of additional time and costs to be incurred through the date of the Confirmation Hearing. At or prior to the Confirmation Hearing, each applicant must file a supplement with documentation supporting the estimated time and costs. Fee applications must be timely filed with the Court and served (with all exhibits including documentation of estimated time) on (i) the Debtor; (ii) the Subchapter V Trustee; and (iii) the United States Trustee.

Fee applications will be heard at the Confirmation Hearing.

# # #

Copies furnished to:

, Esq.

*, Esq. is directed to serve a copy of this order on all appropriate parties and to file a certificate of service with the Court.*