

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
_____ DIVISION

In re:

DEBTOR'S NAME,

Case No. xx-xxxxx-xxx

Debtor.

Chapter 11 (subchapter V)

**ORDER (I) SETTING HEARING ON CONFIRMATION OF SUBCHAPTER V
PLAN; (II) SETTING HEARING ON FEE APPLICATIONS; (III) SETTING
VARIOUS DEADLINES; AND (IV) DESCRIBING DEBTOR'S OBLIGATIONS**

On [date], [debtor] (the “debtor”) filed a plan¹ as required by 11 U.S.C. § 1189. The debtor has requested that the Court set a hearing to consider confirmation of the plan (the “confirmation hearing”) and any timely filed fee applications, and to establish deadlines and requirements relating to confirmation consistent with the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, and Local Rules of this Court. Therefore, it is

ORDERED, and NOTICE IS GIVEN, that:

1. **Confirmation Hearing.** The Court will conduct the confirmation hearing and consider approval of timely-filed fee applications, subject to the following deadlines and requirements, as follows:

¹ Dkt No. ____.

Date: [DATE]
Time: [TIME]
Location: [LOCATION]

The following checked provision(s) apply to the confirmation hearing:

- [] **All individual debtors or a representative of any non-individual debtor(s), counsel for the debtor(s), and any attorneys or unrepresented individuals participating in the presentation of evidence must appear in person at the confirmation hearing. Subject to paragraph 6.B. below, all witnesses must also appear in person at the confirmation hearing.**
- [] **If confirmation is contested by any party in interest, all individual debtors or a representative of any non-individual debtor(s), counsel for the debtor(s), and any attorneys or unrepresented individuals participating in the presentation of evidence must appear in person at the confirmation hearing. Subject to paragraph 6.B. below, all witnesses must also appear in person at the confirmation hearing.**

Counsel must also review the presiding judge's page on the Court's website to verify any other requirements for confirmation hearings before that judge.

All other interested parties may choose to attend the hearing remotely using the services of Zoom Video Communications, Inc. ("Zoom"), which permits remote participation by video or by telephone. To participate in the hearing remotely via Zoom (whether by video or by telephone), you must register in advance no later than 3:00 p.m., one business day before the date of the hearing. To register, click on or manually enter the following registration link in a browser:

[INSERT ZOOM LINK]

The confirmation hearing may be continued to a future date by notice given in open court at the confirmation hearing.

2. **Deadlines.** The following deadlines apply with respect to the confirmation hearing and hearing on fee applications:

<u>Deadline for:</u>	<u>Date</u>
Serving This Order, Plan, and Ballots	[45 days ² before confirmation hearing]
Filing and Serving Fee Applications	[24 days before confirmation hearing]
Filing and Serving Notice Summarizing All Fee Applications	[21 days before confirmation hearing]
Filing Ballots Accepting or Rejecting Plan	[14 days before confirmation hearing]
Filing Objections to Confirmation	[14 days before confirmation hearing]
Filing Motions Under Fed. R. Civ. P. 43(a)	[7 days before confirmation hearing]
Filing Local Form <i>Subchapter V Ballot Tabulation and Confirmation Certificate</i>	[3 business days before confirmation hearing]
Filing Confirmation Affidavit or Declaration	[3 business days before confirmation hearing]
Filing Exhibit Register and Uploading Exhibits	[3 business days before confirmation hearing]
Filing Local Form <i>Individual Chapter 11 Debtor's Confirmation Certificate Regarding Payment of Domestic Support Obligations and Filing of Requested Tax Documents</i> (individual cases only)	[3 business days before confirmation hearing]

3. Debtor's Obligations.

A. Sending the Plan and Related Documents. By the deadline listed above for *Serving This Order, Plan, and Ballots*, the debtor must:

(1) serve on the subchapter V trustee, the United States trustee, all creditors, all indenture trustees, and all equity security holders, as required by Fed. R. Bankr. P. 2002 and 3017:

(a) a copy of this order; and

(b) the plan; and

² [Submitting attorney must populate this table with the actual date for each deadline. If any date falls on a Saturday, Sunday, or legal holiday, the deadline should be the last business day before the Saturday, Sunday, or legal holiday.]

- (2) serve on all creditors and equity security holders entitled to vote on the plan a ballot for accepting or rejecting the plan (Official Form 314).

B. Plan Injunction. If, under the plan, an entity that is not a creditor or equity security holder is subject to an injunction against conduct not otherwise enjoined by the Bankruptcy Code, the debtor must also, by the deadline listed above for *Serving This Order, Plan, and Ballots*, serve on those entities against whom the debtor seeks an injunction, as required by Fed. R. Bankr. P. 3017(f):

- (1) a copy of this order; and
- (2) the plan.

C. Notice of Fee Applications. By the deadline listed above for *Filing and Serving Notice Summarizing All Fee Applications*, the debtor must prepare, file, and serve on the subchapter V trustee, the United States trustee, all creditors, and all indenture trustees, a notice summarizing all timely filed fee applications, as required by Fed. R. Bankr. P. 2002(a)(6). As required by Fed. R. Bankr. P. 2002(c)(2), the notice must identify the name of and the amount sought by each applicant.

D. Ballot Tabulation and Confirmation Certificate. By the deadline listed above for *Filing Local Form Subchapter V Ballot Tabulation and Confirmation Certificate*, the debtor must file local form *Subchapter V Ballot Tabulation and Confirmation Certificate*.

E. Confirmation Affidavit or Declaration. By the deadline listed above for *Filing Confirmation Affidavit or Declaration*, the debtor must file an affidavit or declaration setting forth the facts on which the debtor relies to establish each applicable requirement of 11 U.S.C. §§ 1129 and 1191. The affidavit or declaration 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. The individual executing the affidavit or declaration must be present at the confirmation hearing, either in person if the Court requires the debtor and its counsel to attend the confirmation hearing in person, or via Zoom if the Court permits remote attendance at the confirmation hearing.

- F. Individual Cases.** In individual cases the debtor must file local form *Individual Chapter 11 Debtor's Confirmation Certificate Regarding Payment of Domestic Support Obligations and Filing of Requested Tax Documents* by the deadline listed above for *Filing Local Form Individual Chapter 11 Debtor's Confirmation Certificate Regarding Payment of Domestic Support Obligations and Filing of Requested Tax Documents*.
- G. Certificate of Service.** The debtor must file a certificate of service, as required by Local Rule 9036-2, of this order and any other document required to be served by this order.
- 4. Notice to Creditors Whose Claim Has Been Objected To.** If you receive a ballot but your entire claim has been objected to, you will not have the right to vote until the objection is resolved, unless you request an order under Fed. R. Bankr. P. 3018(a)(4) temporarily allowing your claim for voting purposes.
- 5. Fee Applications.**
- A. Filing and Service.** To be considered at the confirmation hearing, an application for compensation under Fed. R. Bankr. P. 2016 must, by the deadline listed above for *Filing and Serving Fee Applications*, be filed and served on:
- (1) the debtor;
 - (2) all committees that have been appointed;
 - (3) the subchapter V trustee; and
 - (4) the United States trustee.
- B. Estimated Time and Supplements.** If an applicant for final compensation seeks compensation for additional time and expenses to be incurred from the end of the application period through confirmation, the application must include a good faith estimate of additional time and expenses expected to be incurred. An application that includes an estimate of additional time and expenses must file a supplement before the confirmation hearing with documentation supporting the estimated time and expenses.

6. Evidence.

- A. Exhibits and Exhibit Registers.** The confirmation hearing is an evidentiary hearing even when confirmation is uncontested.³ Therefore, the debtor and any objecting party, if applicable, must file with the Court an *Exhibit Register* and upload any exhibits the debtor or objecting party intends to introduce into evidence at the confirmation hearing pursuant to Local Rule 9017-1, by the deadline listed above for *Filing Exhibit Register and Uploading Exhibits*.⁴ Notwithstanding Local Rule 9017-1(a)(3), however, any objection to the admissibility of any exhibit for the confirmation hearing need not be filed in advance and instead may be raised for the first time at the confirmation hearing.
- B. Remote Witness Testimony.** Any party wishing to present remote witness testimony must file by the deadline listed above for *Filing Motions Under Fed. R. Civ. P. 43(a)*, a motion under Federal Rule of Civil Procedure 43(a), made applicable here by Fed. R. Bankr. P. 9017, setting forth the good cause, compelling circumstances, and appropriate safeguards in place for the Court to permit remote witness testimony.

- 7. Sanctions, Dismissal, or Conversion.** 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. The Court will also consider dismissal or conversion at the confirmation hearing at the request of any party in interest or on the Court's own motion.

###

Submitted by:

[Submitting attorney name]
[Law firm name]
[Mailing address]
[Phone number]
[Email address]

³ Under Fed. R. Bankr. P. 3020(b)(3), if no objection is timely filed, the court may, without receiving evidence, determine that the plan was proposed in good faith and not by any means forbidden by law.

⁴ Exhibit registers should include the final pPlan as it was served, the final disclosure statement as it was served, the confirmation affidavit or declaration, the ballot tabulation and confirmation certificate, the certificate of service of the solicitation package, LF-71 (individual cases only), and, if applicable, projections, and the liquidation analysis.