

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
_____ DIVISION

In re:

DEBTOR'S NAME, Case No. xx-xxxxx-xxx
Debtor. Chapter 11

**ORDER (I) SETTING HEARING TO CONSIDER APPROVAL OF
DISCLOSURE STATEMENT; (II) DIRECTING PLAN PROPONENT
TO PROVIDE NOTICE; (III) SETTING OBJECTION DEADLINE;
AND (IV) SETTING DEADLINE TO FILE 11 U.S.C. § 1121(e)(3) MOTION**

On [date], [plan proponent] (the “plan proponent”) filed a disclosure statement¹ pursuant to 11 U.S.C. § 1125 in connection with its chapter 11 plan² filed on [date] in a small business case. The disclosure statement is on file with the Court and may be accessed electronically, or you may obtain a copy at your expense from the Clerk or view a copy at the public terminals in the Clerk’s office. Copies also may be obtained from the plan proponent by written request.

Although Federal Rule of Bankruptcy Procedure 3017.1 permits conditional approval of a disclosure statement in a small business case, the plan proponent in this case has not filed any motion seeking conditional approval, and the Court is not required to grant conditional approval. The Court has reviewed the disclosure

¹ Dkt. No. ____.

² Dkt. No. ____.

statement and plan filed by the plan proponent and has determined that the disclosure statement cannot be conditionally approved. Therefore, it is

ORDERED, and NOTICE IS GIVEN, that:

1. **Disclosure Statement Hearing**. The Court will conduct a hearing to consider approval of the disclosure statement on:

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

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

2. **Deadlines**. The following deadlines apply with respect to the disclosure statement hearing:

<u>Deadline for:</u>	<u>Date</u>
Serving This Order, Disclosure Statement, and Plan	[35 days ³ before disclosure statement hearing]
Filing a Motion Under 11 U.S.C. § 1121(e)(3)	[7 days before disclosure statement hearing]
Filing Objections to the Disclosure Statement	[7 days before disclosure statement hearing]

3. **Plan Proponent's Obligations**.

- A. **Sending the Plan and Disclosure Statement**. By the deadline listed above for *Serving This Order, Disclosure Statement, and Plan*, the plan proponent must serve a copy of this order, the disclosure statement, and the plan, on:

- (1) the debtor;
- (2) all committees that have been appointed;
- (3) any chapter 11 trustee or examiner that has been appointed;

³ [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.]

- (4) the Securities and Exchange Commission;
- (5) the Internal Revenue Service;
- (6) the United States trustee; and
- (7) any party in interest who requests in writing a copy of the disclosure statement and plan.

B. Sending Notice of the Disclosure Statement Hearing. By the deadline listed above for *Serving This Order, Disclosure Statement, and Plan*, the plan proponent must serve a copy of this order on:

- (1) all creditors;
- (2) all equity security holders;
- (3) all persons who have requested notice; and
- (4) all other parties in interest (including, if the plan provides for an injunction against conduct not otherwise enjoined by the Bankruptcy Code against an entity that is not a creditor or equity security holder, those entities against whom the plan proponent seeks an injunction).

C. Extending the Time to Confirm the Plan. The Court will consider at the disclosure statement hearing a motion filed by the deadline listed above for *Filing a Motion Under 11 U.S.C. § 1121(e)(3)*, seeking an extension of the deadline imposed under 11 U.S.C. § 1129(e). The plan proponent must be prepared, at the disclosure statement hearing, to meet its burden under 11 U.S.C. § 1121(e)(3) to demonstrate by a preponderance of the evidence that it is more likely than not that the Court will confirm a plan within a reasonable period of time.

D. Certificate of Service. The plan proponent 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. **Objections.** An objection to the disclosure statement must be filed by the deadline listed above for *Filing Objections to the Disclosure Statement*.
5. **Sanctions, Dismissal, or Conversion.** If the plan proponent does not timely comply with any of the requirements of this order, the Court may

impose sanctions at the disclosure statement 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 disclosure statement hearing at the request of any party in interest or on the Court's own motion.

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Submitted by:

[Submitting attorney name]

[Law firm name]

[Mailing address]

[Phone number]

[Email address]