

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
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In re:

[DEBTOR],

Debtor(s).

Case No. [#]

Chapter 12

**ORDER (I) SETTING HEARING ON
CONFIRMATION OF CHAPTER 12 PLAN; (II) SETTING DEADLINE FOR
FILING OBJECTIONS TO CONFIRMATION; (III) SETTING HEARING ON
FEE APPLICATIONS; AND (IV) DIRECTING DEBTOR TO SERVE NOTICE**

On [DATE], [DEBTOR] (the “**Debtor**”) filed a plan¹ (the “**Plan**”) as required by Bankruptcy Code § 1221. The Debtor has requested that the Court set a hearing to consider confirmation of the Plan (“**Confirmation Hearing**”) and any timely-filed final fee applications, and to establish deadlines and requirements relating to confirmation consistent with the requirements of the Bankruptcy Code, Federal Rules of Bankruptcy Procedure, and Local Rules of this Court. Therefore, it is

¹ ECF No. [#].

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:

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 pro se parties participating in the presentation of evidence must appear in person at the Confirmation Hearing. Subject to paragraph 7(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 debtor(s), and any attorneys or pro se parties participating in the presentation of evidence must appear in person at the Confirmation Hearing. Subject to paragraph 7(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:

Deadline for Serving this Order and the Plan (28 days before the Confirmation Hearing)	[DATE]
Deadline to File Motions under Fed. R. Civ. P. 43(a) (7 days before the Confirmation Hearing)	[DATE]
Deadline for Filing Objections to Confirmation ² (3 business days before the Confirmation Hearing)	[DATE]
Deadline for Filing and Serving Fee Applications ³ (24 days before the Confirmation Hearing)	[DATE]
Deadline for Filing and Serving Notice Summarizing All Fee Applications ⁴ (21 days before the confirmation hearing)	[DATE]
Deadline for Filing Exhibit Register and Uploading any Exhibits a Party Intends to Introduce into Evidence at the Confirmation Hearing (2 business days before the Confirmation Hearing)	[DATE]

3. **Service of Order and Plan.** The Debtor must serve a copy of this Order and the Plan by the deadline listed, on all creditors, all equity security holders, the chapter 12 trustee, the U.S. Trustee, and all other parties in interest, as required by the Bankruptcy Rules. The Debtor must also file a certificate of service as required by Local Rule 2002-1(F).

4. **Notice of Fee Applications.** The Debtor must prepare, file, and serve a notice summarizing all timely filed fee applications. The notice must identify the name of and the amount sought by each applicant. The notice must be served on all creditors, all equity security holders, and all other parties in interest as required by the Bankruptcy Rules and Local Rules. The Debtor must file a certificate of service as required by Local Rule 2002-1(F).

5. **Failure to Comply with Order.** If the Debtor does not timely comply with any of the requirements of this Order, the Court may impose sanctions at the

² See Local Rule 3015-1(A)(2).

³ See Local Rule 2016-1(C)(3).

⁴ See Local Rule 2002-1(C)(9); Fed. R. Bankr. P. 2002(a)(6), 2002(c)(2).

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 of this case or conversion to a chapter 7 liquidation at the request of any party or on the Court's own motion.

6. Deadline for Filing and Hearing on Fee Applications. To be considered at the Confirmation Hearing, fee applications (with all exhibits) must be timely filed and served by the deadline listed above on: (i) the Debtor; (ii) the chapter 12 trustee; and (iii) the U.S. Trustee.

7. Evidence. The Court will consider evidence at the Confirmation Hearing, subject to the procedures set forth below:

A. Exhibits and Exhibit Registers. The Confirmation Hearing is an evidentiary hearing even when confirmation is uncontested.⁵ Therefore, the plan proponent and any objecting party, if applicable, must file with the Court an Exhibit Register and upload any exhibits the plan proponent or objecting party intends to introduce into evidence at the confirmation hearing pursuant to Local Rule 9070-1, by the deadline listed above.⁶ Notwithstanding Local Rule 9070-1(A)(3), however, any objections to the admissibility of any proposed exhibits 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 a motion under Federal Rule of Civil Procedure 43(a), made applicable here by Bankruptcy Rule 9017, by no later than the deadline listed above, setting forth the good cause, compelling circumstances, and appropriate safeguards in place for the Court to permit remote witness testimony.

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Submitted by:

[INSERT NAME AND ADDRESS OF
COUNSEL TO DEBTOR]

⁵ Under Federal Rule of Bankruptcy Procedure 3020(b)(2), the Court may determine that the plan has been proposed in good faith and not by any means forbidden by law without receiving evidence on such issues, if no objection to confirmation is timely filed.

⁶ Exhibit registers should include the final Plan as it was served, the final disclosure statement as it was served, the confirmation affidavit, the certificate of plan proponent, the certificate of service of the solicitation package, LF-71 (individual cases only), and, if applicable, projections, and the liquidation analysis.