

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
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In re:

[DEBTOR],

Debtor(s).

Case No. [#]

Chapter 11

**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 (the “**plan**”), as required by 11 U.S.C. § 1189. 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 the deadlines and requirements relating to confirmation consistent with the requirements of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and Local Rules of this Court. Therefore, it is

ORDERED, and **NOTICE IS GIVEN**, that:

¹ ECF No. [#].

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 5(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 pro se parties participating in the presentation of evidence must appear in person at the confirmation hearing. Subject to paragraph 5(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, Plan, and Ballots² (45 days before the confirmation hearing)	[DATE]
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² See ¶ 3(A); FRBP 2002(b) and 9006(a) and (f).

Deadline for Filing and Serving Fee Applications³ (24 days before the confirmation hearing)	[DATE]
Deadline for Filing and Serving Notice Summarizing All Fee Applications⁴ (21 days before the confirmation hearing)	[DATE]
Deadline for Filing Objections to Confirmation⁵ (14 days before the confirmation hearing)	[DATE]
Deadline for Filing Ballots Accepting or Rejecting Plan⁶ (14 days before the confirmation hearing)	[DATE]
Deadline to File Motions Under Fed. R. Civ. P. 43(a)⁷ (7 days before the confirmation hearing)	[DATE]
Deadline for Filing Proponent’s Report and Confirmation Affidavit⁸ (3 business days before the confirmation hearing)	[DATE]
Deadline for Filing Local Form 71 “Individual Debtor Certificate for Confirmation Regarding Payment of Domestic Support Obligations and Filing of Required Tax Returns” (individual cases only)⁹ (3 business days before the confirmation hearing)	[DATE]
Deadline for Filing Exhibit Register and Uploading Any Exhibits a Party Intends to Introduce into Evidence at confirmation hearing¹⁰ (3 business days before the confirmation hearing)	[DATE]

3. Debtor’s Obligations.

A. Service of solicitation package. The Debtor must serve a copy of this Order and the Plan, by the deadline listed above, on all creditors, all equity security holders, the subchapter V trustee, the U.S. Trustee, and all other parties in interest, as required by the Bankruptcy Rules (including those entities described in

³ See Local Rule 2016-1(C)(1).

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

⁵ See Local Rule 3020-1(A).

⁶ See Local Rule 3018-1(B).

⁷ See ¶ 5(B).

⁸ See Local Rule 3020-1(B); *see also* ¶ 3(B).

⁹ See Local Rule 3020-1(B).

¹⁰ See ¶ 3(A).

Bankruptcy Rule 3017(f) and the Local Rules. The Debtor must also serve, along with this order, the Local Form “Ballot and Deadline for Filing Ballot Accepting or Rejecting Plan,” customized as required by Local Rule 3018-1, on all creditors and equity security holders entitled to vote on the Plan. The Debtor must file a certificate of service as required by Local Rule 2002-1(F).

B. Notice of Fee Applications. The plan proponent must prepare, file, and serve a notice summarizing all timely filed fee applications by the deadline listed above. 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 plan proponent must file a certificate of service as required by Local Rule 2002-1(F).

C. Proponent’s Certificate 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,” by the deadline listed above. The Confirmation Affidavit must set forth the facts upon which the Debtor relies to establish that each of the requirements of 11 U.S.C. §§ 1129 and 1191 is satisfied. 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, 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.

D. 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 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, removal of the debtor in possession, or conversion at the confirmation hearing at the request of any party or on the Court’s own motion.

4. Deadline for Filing Fee Applications. To be considered at the confirmation hearing, fee applications (with all exhibits) must (A) be timely filed and served by the deadline listed above on: (i) the Debtor; (ii) the subchapter V trustee; (iii) all committees that have been appointed; and (iv) the United States Trustee, and (B) include an estimate of additional time and costs to be incurred from the end of the application period through confirmation. Any applicant including estimates of additional time and costs must file a supplement before the confirmation hearing with documentation supporting the estimated time and costs.

5. Evidence.

A. Exhibits and Exhibit Registers. The Confirmation Hearing is an evidentiary hearing even when confirmation is uncontested.¹¹ 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.¹² 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]

¹¹ 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.

¹² 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.