

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
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In re:

[DEBTOR],

Case No. [#]

Debtor.

Chapter 11

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

On [DATE], [DEBTOR] (the “**plan proponent**”), filed a disclosure statement¹ pursuant to 11 U.S.C. § 1125, with respect to a small business plan² filed on [DATE], pursuant to 11 U.S.C. § 1121.

¹ ECF No. [#].

² ECF No. [#].

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 and Local Rule 3017-2 permit 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 statement and plan filed by the plan proponent, and has determined that the disclosure statement cannot be conditionally approved.

The Court will therefore conduct a hearing to consider approval of the disclosure statement ("disclosure hearing"). This order sets the disclosure hearing, and sets forth the deadlines and requirements relating to the disclosure statement provided in the Bankruptcy Code, Bankruptcy Rules, and Local Rules of this Court.

The disclosure hearing will be held:

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

Counsel and unrepresented parties must review the presiding judge's page on the Court's website to verify whether they may appear at the disclosure hearing remotely via Zoom Video Communications, Inc. ("Zoom") or are required to appear in person, and to verify any other requirements for hearings before that judge.

If you are permitted to attend the hearing remotely via Zoom, 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 disclosure hearing may be continued to a future date by notice given in open court at the disclosure hearing. At the disclosure hearing, the Court will consider the disclosure statement, and any modifications or objections to it.

Deadlines

The following deadlines apply with respect to the disclosure hearing:

Proponent’s deadline for serving this order, the disclosure statement, and the plan (“Service Deadline”) ³ (38 days before the disclosure hearing)	[DATE]
Proponent’s deadline for filing a motion under 11 U.S.C. § 1121(e)(3) (the “1121(e)(3) Motion Deadline”) ⁴ (7 days before the disclosure hearing)	[DATE]
Deadline for filing objections to disclosure statement (“Objection Deadline”) ⁵ (7 days before the disclosure hearing)	[DATE]

Plan Proponent’s Obligations

(A) On or before the Service Deadline, the plan proponent must serve a copy of the disclosure statement and plan, together with this order, on: (i) the debtor; (ii) all committees that have been appointed; (iii) any chapter 11 trustee or examiner that has been appointed; (iv) the Securities and Exchange Commission; (v) the Internal Revenue Service; (vi) the U.S. Trustee; and (vii) any party in interest who requests in writing a copy of the disclosure statement and plan.⁶ The plan proponent must file a certificate of service as required under Local Rule 2002-1(F).

(B) On or before the Service Deadline, the plan proponent must also serve a copy of this order on (i) all creditors; (ii) all equity security holders; (iii) all persons who have requested notice; and (iv) all other interested parties, pursuant to Bankruptcy Rules 2002, and 3017 (including those entities as described in Bankruptcy Rule 3017(f)), and Local Rule 3017-1(B) and including those on a Master Service List required to be filed pursuant to Local Rule 2002-1(H). The plan proponent must file a certificate of service as required under Local Rule 2002-1(F).

(C) At the disclosure hearing, the Court will also consider the plan proponent’s timely-filed 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 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) If the plan proponent does not timely comply with any of the requirements of this order, the Court may impose sanctions at the disclosure 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

³ See Fed. R. Bankr. P. 2002(b), 3017(a) and 9006(f); Local Rule 3017-1(B).

⁴ See 11 U.S.C. §§ 1121(e)(3) and 1129(e).

⁵ See Local Rule 3017-1(A).

⁶ See Bankruptcy Rule 3017(a), and Local Rule 3017-1(B).

disclosure hearing at the request of any party that has requested such relief in a timely filed objection or on the Court's own motion.

Objections to Disclosure Statement

By the Objection Deadline, objections to the disclosure statement must be (i) filed with the Court and (ii) served on (a) the debtor; (b) the plan proponent (if other than the debtor); (c) all committees that have been appointed; (d) any chapter 11 trustee or examiner that has been appointed; and (e) the U.S. Trustee. Pursuant to Local Rule 3017-1(A), any objecting party must (a) confer with the plan proponent's counsel at least three business days before the disclosure hearing in an effort to resolve any objections to the disclosure statement, and (b) include a request for dismissal or conversion in the objection to the disclosure statement if that relief will be sought at the disclosure hearing.

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