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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA**

In re [insert name of debtor],  Debtor(s).	Case No. _____ SLJ/MEH  Chapter 11
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**ORDER AFTER STATUS CONFERENCE ESTABLISHING  
CONFIRMATION PROCEDURES**

On April 2, 2020, the Court held a status conference in this Subchapter V case (the “Case”). The appearances of counsel and parties are reflected on the record.

The recently enacted Subchapter V Small Business Debtor Reorganization (“SBRA”), P.L. 116-54, contemplates a shortened and simplified plan confirmation process for qualified debtors. It is the experience of the Court that many chapter 11 plans filed in this division require corrections and revisions before they can be submitted to parties in interest for voting. The purpose of this order is to recite the deadlines and requirements imposed by law and by the Court on this Subchapter V Small Business Case for the filing and review of the Debtor(s)’ plan of reorganization (“Plan”), and to create a framework for the timely review of the Plan by the judges in the San Jose Division.

1           Following a review of the record, the status conference statements filed, and having heard  
2 argument, the following procedures and deadlines apply to this Case:

3           (1)     Statutory Plan Filing Deadline

4           Pursuant to Bankruptcy Code § 1189(b), the Debtor(s)'s deadline to file and serve on all  
5 secured creditors, the 20 largest unsecured creditors, the United States Trustee and the  
6 Subchapter V Trustee appointed in the Case (individually, a "Party" and, collectively, the  
7 "Parties"), a Plan that complies in all respects with the requirements of Subchapter V of the  
8 Bankruptcy Code, and a copy of this Order, no later than April 16, 2020 (the "Plan Filing  
9 Deadline").

10          (2)     Extension of Statutory Plan Filing Deadline

11          Pursuant to Bankruptcy Code § 1189(b), the Debtor(s) may seek an extension of the Plan  
12 Filing Deadline only "if the need for an extension is attributable to circumstances for which the  
13 debtor should not justly be held accountable." Any request for an extension of the Plan Filing  
14 Deadline must be sought by motion filed with the Court and served on the Parties not later than  
15 the Plan Filing Deadline and must be supported by a declaration under penalty of perjury setting  
16 forth the circumstances that the Debtor(s) contends establish the need for an extension. Such  
17 motion must comply with the notice requirements of BLR 9014-1.

18          (3)     Contents of Plan

19          Pursuant to Bankruptcy Code § 1181(b) and unless the Court orders otherwise for cause,  
20 the Debtor(s) is not required to file a separate disclosure statement describing the Plan; however,  
21 pursuant to Bankruptcy Code § 1190(1), in lieu of a disclosure statement, the Plan must contain  
22 (A) a brief history of the business operations of the Debtor(s); (B) a liquidation analysis; and (C)  
23 projections with respect to the ability of the Debtor(s) to make payments under the proposed plan  
24 of reorganization. In addition, the Debtor(s) must include in the Plan such additional information  
25 as may be necessary under the circumstances of the Case to permit the Parties to ascertain  
26 whether the Plan satisfies all applicable plan confirmation requirements.

1 (4) Mandatory Use of Official Form Plan

2 A. Official Form 425A (“Form Plan”)

3 The use of Official Form 425A (Plan of Reorganization for Small Business under  
4 Chapter 11) is mandatory, unless ordered otherwise by the Court.

5 B. Mandatory Addition to Form Plan to Address Non-Consensual  
6 Confirmation

7 The Court requires that the Debtor(s) includes a separate section, which should be  
8 appended to Article 10 of the Form Plan, explaining (i) how the provisions of the Plan will be  
9 different if the Plan is confirmed non-consensually under Bankruptcy Code § 1191(b); and (ii)  
10 the specifics of the Subchapter V Trustee’s compensation arrangements if the Subchapter V  
11 Trustee is required to serve as post-confirmation disbursing agent under the Plan.

12 (5) San Jose Division Plan Review Conference

13 A. The Court will conduct a Plan Review Conference on May 15, 2020.

14 B. The purpose of the Plan Review Conference is to consider whether the  
15 form of the Plan complies with the Bankruptcy Code, to review and correct any typographical  
16 and/or mathematical errors, and to indicate revisions to increase the clarity of the Plan. The  
17 Court will also establish at the Plan Review Conference deadlines and dates for the Debtor(s) to  
18 mail the Plan and ballot forms, for parties in interest to vote and/or object to the Plan, for the  
19 Debtor(s) to file and serve a confirmation memorandum and ballot tally declaration; and for the  
20 Court to conduct a hearing to consider confirmation of the Plan.

21 C. The Subchapter V Trustee must attend the Plan Review Conference.

22 D. Any Party who contends that the proposed Plan lacks any of the required  
23 information set forth in paragraphs 3 or 4 above or is otherwise deficient as to content shall file  
24 and serve on the Debtor(s) and the Subchapter V Trustee a written statement of position not later  
25 than 7 days prior to the Plan Review Conference.

26 (6) Monthly Operating Reports

27 The Debtor(s) shall remain current on monthly operating reports as required by  
28 Bankruptcy Code §§ 308(b) & 1116(4) and Bankruptcy Rule 2015(a)(6).

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(7) Failure to Comply

If the Debtor(s) fails to timely file a plan or remain current on monthly operating reports, the Court may dismiss or convert the case, whichever is in the best interests of creditors and the estate, without further notice or hearing. *See* 11 U.S.C. § 1112(b)(4)(E), (F) & (J).

IT IS SO ORDERED.

**\*\*\* END OF ORDER \*\*\***

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