

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

**PROCEDURE FOR APPROVAL OF DISCLOSURE STATEMENT
AND CONFIRMATION OF CHAPTER 11 PLAN
FOR CASES ASSIGNED TO JUDGE ALAN M. AHART**

- A. Requests for orders approving disclosure statements pursuant to 11 U.S.C. § 1125 and for orders confirming a plan of reorganization pursuant to 11 U.S.C. § 1129 are motions within the meaning of Federal Rules of Bankruptcy Procedure 9013 and 9014. All motions must be supported by evidence admissible under the Federal Rules of Evidence.
- B. **Unless the Court orders otherwise upon request, and except as provided below, the proponent of any plan must use the form combined “Disclosure Statement and Plan of Reorganization for _____”, which is available on the Court’s website, www.cacb.uscourts.gov.**
- Please note: The combined "Disclosure Statement and Plan of Reorganization" utilized by Judge Alan M. Ahart is different from the separate Chapter 11 Disclosure Statement and Chapter 11 Plan adopted by the Central District of California as forms F3017-1 and F3018-1, respectively. However, while the procedures outlined herein differ somewhat from the procedures followed by the Honorable Vincent P. Zurzolo, the combined “Disclosure Statement and Plan of Reorganization” is the same.
 - An individual Chapter 11 debtor must use either 1) the combined “Disclosure Statement and Plan of Reorganization for _____” described above or 2) the separate Individual Debtor’s Disclosure Statement in Support of Plan of Reorganization and Individual Debtor’s Chapter 11 Plan of Reorganization, adopted by the Central District of California as forms F 2081-1.DISCLSR.STMT and F 2081-1.PLAN, respectively.
 - **Only for cases filed on or after September 1, 2014**, the proponent of any plan must use the Chapter 11 Disclosure Statement and Chapter 11 Plan, adopted by the Central District of California as forms F 3017-1.CH11.DISCLSR.STMT and F 3018-1.CH11.PLAN, respectively. Alternatively, an individual Chapter 11 debtor may use the separate Individual Debtor’s Disclosure Statement in Support of Plan of Reorganization and Individual Debtor’s Chapter 11 Plan of Reorganization, adopted by the Central District of California as forms F 2081-1.DISCLSR.STMT and F 2081-1.PLAN, respectively.
- C. Hearings on approval of disclosure statements shall be set on at least 36 days notice, unless the Court prescribes a shorter period. The plan proponent

must serve with the disclosure statement a notice of the disclosure statement hearing date and of the requirement that objections to disclosure statements must be filed and served on the proponent at least 14 days before hearing.

- D. An amended disclosure statement shall not be filed before the initial hearing on the adequacy of the original disclosure statement. **The Court strongly encourages all plan proponents to submit a copy of the disclosure statement to creditors, the United States trustee, and any committee prior to filing the disclosure statement with the Court, to permit changes pursuant to comments made by these parties in interest.**

If the Court denies approval of the disclosure statement or continues a hearing to permit revision of the disclosure statement, the plan proponent shall make all necessary changes and prepare, in anticipation of the next hearing, "red-lined" copies of the amended disclosure statement. A "red-lined" copy and a "clean" copy should be filed with the Court and served on all other parties who appeared at the previous hearing.

- E. After granting a disclosure statement motion, the Court shall:
- (1) Set a deadline for filing of claims and for objecting to claims, if not already set; and
 - (2) Set a deadline for creditors and equity security holders to transmit ballots.

The disclosure statement should contain the hearing date for the Motion to Confirm the Plan.

- F. A Confirmation Motion shall be prepared, filed and served in accordance with Local Bankruptcy Rule 9013-1 and therefore must meet at least the following criteria:
- (1) The Confirmation Motion must be supported by evidence establishing that the plan is confirmable under 11 U.S.C. § 1129.
 - (2) The Confirmation Motion ordinarily must be served at least 21 days before the confirmation hearing on the United States Trustee, any official committee, and all impaired creditors and equity security holders who rejected the plan.
 - (3) If the disclosure statement does not specify the date for the confirmation hearing, the plan proponent must serve with the Confirmation Motion a notice of the confirmation hearing date and of the requirement that any party opposing the Confirmation Motion must file and serve, at least 14 days before the confirmation hearing date, its written opposition supported by evidence.

NOTE: Because the Confirmation Motion ordinarily must be served at least 21 days before the confirmation hearing, the proponent should

select the confirmation hearing date so that sufficient time is given for ballots to be returned and for the preparation of the Motion.

Parties must also comply with FRBP 2002(b), which provides

the clerk, or some other person as the court may direct, shall give the debtor, the trustee, all creditors and indenture trustees not less than 28 days' notice by mail of the time fixed (1) for filing objections and the hearing to consider approval of a disclosure statement or, under §1125(f), to make a final determination whether the plan provides adequate information so that a separate disclosure statement is not necessary; and (2) for filing objections and the hearing to consider confirmation of a chapter 9, chapter 11, or chapter 13 plan.

- G. Unless otherwise ordered, every order confirming a chapter 11 plan must contain the language required by Local Bankruptcy Rule 3020-1(b). The proposed order shall be accompanied by proof of payment of any special charges due the Clerk's Office as described in Local Bankruptcy Rule 3020-1(a).

ALAN M. AHART
United States Bankruptcy Judge