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| Attorney or Party Name, Address, Telephone & Fax Nos., State Bar No. & Email Address <input type="checkbox"/> <i>Individual appearing without attorney</i> <input type="checkbox"/> <i>Attorney for:</i> | FOR COURT USE ONLY | | | |
| UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - _____ DIVISION | | | | |
| In re: | <table border="1" style="width: 100%;"> <tr> <td data-bbox="847 737 1503 919"> CASE NO. CHAPTER 11 (Subchapter V) </td> </tr> <tr> <td data-bbox="847 919 1503 1045" style="text-align: center;"> SUBCHAPTER V STATUS REPORT </td> </tr> <tr> <td data-bbox="847 1045 1503 1241"> <u>Status Conference:</u> DATE: TIME: COURTROOM: </td> </tr> </table> | CASE NO. CHAPTER 11 (Subchapter V) | SUBCHAPTER V STATUS REPORT | <u>Status Conference:</u> DATE: TIME: COURTROOM: |
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| SUBCHAPTER V STATUS REPORT | | | | |
| <u>Status Conference:</u> DATE: TIME: COURTROOM: | | | | |

Status Conference Location:

- 255 East Temple Street, Los Angeles, CA 90012
- 411 West Fourth Street, Santa Ana, CA 92701
- 21041 Burbank Boulevard, Woodland Hills, CA 91367
- 1415 State Street, Santa Barbara, CA 93101
- 3420 Twelfth Street, Riverside, CA 92501

This form is optional. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

TO THE UNITED STATES BANKRUPTCY COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA, THE SUBCHAPTER V TRUSTEE, ALL PARTIES IN INTEREST, AND THEIR COUNSEL:

PLEASE TAKE NOTICE that the debtor and debtor-in-possession in this case (“Debtor”) is proceeding under subchapter V of chapter 11 of Title 11 of the United States Code (“Bankruptcy Code” or “U.S.C.”),¹ and the Bankruptcy Court will hold a status conference at the date, time, and place set forth above. The Debtor is filing this Status Report pursuant to 11 U.S.C. § 1188(c).² Check your presiding judge’s procedures to see if, in addition to this Status Report, you must also file Local Form F 2081-1.1.C11.STATUS.RPT, or any other form of Status Report.

1. The Plan:

1.1 What type of plan will the Debtor propose?

- Consensual (i.e., with agreement or consent of creditors and other interested parties)
- Nonconsensual³
- Undetermined

1.2 Explain why the Debtor expects the plan to be consensual or nonconsensual, or the reason why it is undetermined at this time:

1.3 Will the Debtor file the plan within the deadline of 90 days from the petition date imposed by § 1189(b)?

- Yes
- No

¹ Subchapter V of chapter 11 (11 U.S.C. §§ 1181-1195) was adopted by the Small Business Reorganization Act of 2019, Pub. L. No. 116-54, and became effective on February 19, 2020. All references to “Section” or “§” are to the Bankruptcy Code or 11 U.S.C.

² “Not later than 14 days before the date of the status conference under subsection (a), the debtor shall file with the court and serve on the trustee and all parties in interest a report that details the efforts the debtor has undertaken and will undertake to attain a consensual plan of reorganization.” 11 U.S.C. § 1188(c).

³ The term “nonconsensual plan” for purposes of this Status Report means a plan confirmed under § 1191(b).

If “No,” explain why, and state when the Debtor will file its⁴ plan:

1.4 Please summarize the basic nature of the plan:

2. Efforts Toward Consensual Plan:⁵

2.1 Describe the efforts the Debtor has taken so far to obtain the consent of creditors for a consensual plan:

2.2 Describe the efforts the Debtor will take in the future to obtain the consent of creditors for a consensual plan:

2.3 Describe the efforts that Debtor has taken so far to reach out to creditors and other parties in interest about a plan, and if none, explain the Debtor’s reasons for not reaching out to creditors and parties in interest about a plan:

2.4 Identify the parties with whom the Debtor has discussed a plan? Select all that apply:

- Secured creditors
- Priority creditors
- Unsecured creditors
- Equity interest holders
- The subchapter V trustee
- Others (describe: <fill in>)

⁴ In this Status Report, “it” in referring to the Debtor also refers to “him” or “her.”

⁵ This Status Report does not ask the Debtor to disclose any confidential, secret, and/or privileged information. See *generally* 11 U.S.C. § 1188(c). Please govern your responses accordingly.

3. Appointment of Committees and Disclosure Statement:

3.1 In the Debtor's view, is there any "cause" for the Court to order the appointment of a committee of creditors pursuant to § 1181(b) and § 1102(b)?

- Yes
 No

Explain your answer:

3.2 In the Debtor's view, is there any "cause" for the Court to order the filing of a separate disclosure statement pursuant to § 1181(b) and § 1125?

- Yes
 No

Explain your answer:

4. Reporting Compliance:

4.1 Has the Debtor filed all the documents required under § 1187(a)?⁶

- Yes
 No

If "No," identify the documents that were required to be filed⁷ but were not:

- (a) the Debtor's most recent balance sheet
 (b) the most recent statement of the Debtor's operations
 (c) the Debtor's most recent cash-flow statement
 (d) the Debtor's most recent Federal income tax return

Has the Debtor filed a statement under penalty of perjury that the Debtor has not prepared a balance sheet, statement of operations, and/or cash-

⁶ The filing of this Status Report does not relieve the Debtor of the requirements of 11 U.S.C. § 1187(a) and § 1116(1)(A) to append the required documents to the bankruptcy petition.

⁷ Section 1116(1) requires these documents to be "append[ed] to the voluntary petition."

flow statement and/or that Debtor has not filed its Federal income tax return as required by § 1116(1)(B)?

- Yes
- No
- Not applicable

If “Yes,” identify each unprepared or unfiled document, and explain why the document was not prepared or filed and how the Debtor intends to prepare or file the document:

4.2 Has the Debtor filed all Small Business Monthly Operating Reports (Official Form B 425C) (“MORs”) as required under § 308?

- Yes
- No

If “No,” or if portions of the MORs are deficient, identify which portions are deficient or not reported fully:

- (a) Reports regarding Debtor’s profitability
- (b) Reports regarding reasonable approximations of projected cash receipts and disbursements over a reasonable period
- (c) Reports regarding comparisons of actual cash receipts and disbursements with projections in prior reports
- (d) Reports regarding whether the Debtor is (i) in compliance in all material respects with postpetition requirements imposed by the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure, and (ii) timely filing tax returns and other required government filings and paying taxes and other administrative expenses when due
- (e) Reports regarding Debtor’s failure to make either of the reports in the immediately preceding paragraph (d) (as required by § 308(b)(5))
- (f) Reports regarding such other matters as are in the best interests of the Debtor and creditors, and in the public interest in fair and efficient procedures under chapter 11

For any deficiencies in the MORs, identify each specific portion that is deficient, and explain why it is deficient and how Debtor intends to correct the deficiency:

4.3 Has the Debtor complied with the reporting requirements of § 704(a)(8)?⁸

- Yes
- No

If “No,” explain why and when the Debtor intends to comply:

5. Other Code Compliance:

5.1 Did the Debtor attend the initial debtor interview, the § 341(a) meeting of creditors, and otherwise comply with § 1116(2)?

- Yes
- No

If “No,” explain why and when the Debtor intends to comply with these requirements:

5.2 Has the Debtor filed all schedules and statements of financial affairs, or otherwise complied with exceptions or extensions in § 1116(3)?

- Yes
- No

If “No,” explain why and when the Debtor intends to comply with these requirements:

⁸ If payments are made to employees, the subchapter V debtor in possession is also required to include in its § 704(a)(8) reporting “a statement . . . of the amounts of deductions for all taxes required to be withheld or paid for and in behalf of employees and the place where these amounts are deposited.” Fed. R. Bankr. P. 2015(a)(3), made applicable to subchapter V debtors in possession via 11 U.S.C. § 1187(b); § 1116(4); Fed. R. Bankr. P. 2015(b) (2019 interim).

5.3 Has the Debtor maintained insurance customary and appropriate to the industry, subject to § 363(c)(2), in compliance with § 1116(5)?

- Yes
- No

If “No,” explain why and when the Debtor intends to comply with this requirement:

5.4 Has the Debtor timely filed tax returns and other governmental filings with the appropriate governmental entities, and paid all taxes entitled to administrative expense priority required to be paid under § 1116(6)?

- Yes
- No

If “No,” explain why the Debtor has not timely filed tax returns and other governmental filings or paid all required administrative expense priority taxes and when the Debtor intends to comply with these requirements:

5.5 Has the Debtor allowed the United States Trustee to inspect the Debtor’s premises, books, and records, and otherwise complied with § 1116(7)?

- Yes
- No

If “No,” explain why and when the Debtor intends to comply with this requirement:

6. Cash Collateral:

6.1 Does any entity assert that any property of the bankruptcy estate constitutes its cash collateral?

- Yes
- No

If "Yes," identify each such entity and what is the property that the entity asserts is its cash collateral.

6.2 Is the Debtor currently using, selling, and/or leasing any property of the bankruptcy estate that any entity contends is its cash collateral?

- Yes
- No

If "Yes," identify each such entity and what is the property that the entity asserts is its cash collateral.

6.3 Since the filing of this bankruptcy case, has the Debtor used, sold, and/or leased any property of the bankruptcy estate that an entity contends is its cash collateral?

- Yes
- No

If "Yes," identify each such entity and what is the property that the entity asserts is its cash collateral.

6.4 Has the Court approved any orders authorizing the use of cash collateral?

- Yes
- No

6.5 Has every entity having any interest in cash collateral that is property of the bankruptcy estate consented to its use?

- Yes
- No
- Not applicable

7. “First Day” Motions:

7.1 Has the Debtor filed any of the following “first day” motions, if applicable:

- Cash collateral
- DIP financing
- Prepetition non-insider wage payments
- Cash management authority
- Utilities
- Limit notice
- Joint administration
- Critical vendor
- Others (describe: <fill in>)

7.2 Do prepetition plan support agreements exist?

- Yes
- No

If “Yes,” attach copies to this Status Report.

8. Additional Information:

8.1 What additional information would the Debtor like to disclose to the Court concerning this chapter 11 case or the plan (e.g., executory contracts or unexpired leases, setting or extending bar date for proofs of claims or interests, sale or surrender of real and/or personal property)?

[Signature(s) on Following Page]

Dated: _____

Respectfully submitted,

Name of Debtor's Counsel

Signature of Debtor's Counsel

Name of Law Firm:
Address:

Telephone number:
Email Address:

I/we declare, under penalty of perjury, that I/we have read and reviewed all of the information provided in this Status Report and that it is true, correct, and accurate.

Dated: _____

Name of Debtor/Debtor Representative

Relation to Debtor

Signature of Debtor/Debtor
Representative

Dated: _____

Name of Co-Debtor (if any)

Signature of Co-Debtor

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