

**JUDGE SANDRA R. KLEIN'S  
PROCEDURE FOR APPROVAL OF DISCLOSURE STATEMENT  
AND CONFIRMATION OF CHAPTER 11 PLAN  
WHEN THE DEBTOR IS NOT AN INDIVIDUAL**

- A. Requests for orders approving disclosure statements pursuant to 11 U.S.C. § 1125 and for orders confirming plans 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 and in compliance with Local Bankruptcy Rule 9013-1(i).
- B. **Unless the court orders otherwise, the proponent of any reorganization plan must use the Combined Disclosure Statement and Plan of Reorganization, which is located in the “Forms” section of Judge Klein’s website and called “Combined Disclosure Statement and Plan of Reorganization.”**

Please note that the “Combined Disclosure Statement and Plan of Reorganization” utilized by Judge Klein is different from the separate Chapter 11 Disclosure Statement and Chapter 11 Plan adopted by the Central District of California as forms F 3017-1 and F 3018-1, respectively.

- C. Hearings on approval of disclosure statements must 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:
1. The disclosure statement hearing date; and
  2. The requirement that objections to disclosure statements must be filed and served on the proponent at least 14 days before the hearing.

Please note that the court reviews each proposed disclosure statement before the disclosure hearing, regardless of whether any objections have been filed. Accordingly, counsel are required to notify chambers no later than the Monday before the scheduled hearing if the disclosure statement hearing will be continued.

- 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 a hearing on approval of the disclosure statement is continued to permit revision of the disclosure statement, the plan proponent shall make all necessary changes and prepare, in anticipation of the next hearing, "redlined" copies of the amended disclosure statement. A "redlined" copy and a "clean" copy must 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 will set the following:

1. A hearing date for the Motion to Confirm the Plan (Confirmation Motion);
2. A deadline for serving the approved disclosure statement and the notice of hearing for the Confirmation Motion;
3. A deadline for filing of claims and for objecting to claims, if not already set; and
4. A deadline for creditors and equity security holders to transmit ballots.

F. A Confirmation Motion must be prepared, filed and served in accordance with Local Bankruptcy Rule 9013-1 and therefore must meet at least the following criteria:

1. Be supported by evidence demonstrating that the plan is confirmable under 11 U.S.C. § 1129;
2. 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; and
3. 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 Motion must file and serve, at least 14 days before the confirmation hearing date, its written opposition supported by admissible evidence.

**NOTE: Because the Confirmation Motion ordinarily must be served at least 21 days before the confirmation hearing, the proponent should select a confirmation hearing date so that sufficient time is given for ballots to be returned and for the preparation of the Motion.**

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).