

Judicial Variance Statement for Judge Vincent P. Zurzolo
Regarding LBRs, Court Manual, and Forms

UPDATED February 24, 2017

Bankruptcy Judge ZURZOLO enforces the Local Bankruptcy Rules, Court Manual, and use of mandatory court forms. **However here are a few clarifications and exceptions:**

A. Local Bankruptcy Rules (LBRs):

1. **7016-1(b)(1) and (b)(3): Pre-trial Stipulations:** Judge Zurzolo **requires** that a pre-trial stipulation be filed, but not separately lodged in LOU. See section “E” below for mandatory instructions on preparing a pretrial stipulation.

B. Court Manual Sections: All Court Manual provisions are enforced in Judge Zurzolo’s cases.

C. Mandatory LBR Forms: All LBR forms marked “mandatory” in the footer of the form are also mandatory in Judge Zurzolo’s cases.

D. Optional LBR Forms that Judge Zurzolo Requires or Prohibits:

1. **LBR 2081-2: Chapter 11 Debtors Who are Individuals:** Some of the LBR forms created for use when a chapter 11 debtor is an individual are mandatory in Judge Zurzolo’s cases. Other LBR forms are recommended (but not required), and a few forms are not authorized to be used. **Please see the “Instructions/Procedures” page on his section of the court’s website for a list titled “Chapter 11 Debtors Who Are Individuals – Use of LBR Forms and VZ Forms”**

2. **Chapter 13 Cases: Avoiding Junior Lien on Principal Residence:** Judge Zurzolo requires an adversary proceeding instead of a motion to avoid a junior lien. Therefore:

a. Initial Adversary Proceeding

* **DO NOT USE** any of the forms with numbers **F 4003-2.4**, as these ONLY apply for judges who allow junior liens to be avoided by motion.

* **USE** LBR forms with numbers **F 4003-2.5:**

**F 4003-2.5.JR.LIEN.COMPLAINT
F 4003-2.5.JR.LIEN.DEFAULT.MOTION
F 4003-2.5.DEFAULT.JUDGMENT**

b. After Plan is Completed or Discharge Is Entered

* **DO NOT USE** any of the forms with numbers **F 4003-2.4**, as these ONLY apply for judges who allow junior liens to be avoided by motion.

* **USE** 2 new “VZ Forms” found on VZ webpage.

**VZ DEC.AFTERJUDGMENTANDDISCH
VZ ORDER.AFTERJUDGMENTANDDISCH**

3. **Adversary Proceeding Status Reports:** DO NOT USE F 7016-1.STATUS.REPORT. Instead, use Judge Zurzolo's mandatory form **VZ.LBR7016.STATUSREPORT**, which is posted on Judge Zurzolo's section of the website under "Forms."

E. Other Forms or Format Required Only By Judge Zurzolo:

1. **Chapter 11 Disclosure Statement and Plan:**

- a. Debtor is **NOT** an Individual. It is **mandatory** that the debtor use Judge Zurzolo's Disclosure Statement and Plan of Reorganization. It is found on the "Forms" page of his section of the court website. A reading guide is also provided.

- b. Debtor **IS** an Individual. It is **mandatory** to use 5 new "**VZ Forms**" on VZ webpage.

#1 - Disclosure Statement and Plan (Combined Document)

#2 - Notice of Hearing on Adequacy of Disclosure Statement

#3 - Motion to Approve Adequacy of Disclosure Statement

#4 - Notice of Dates and Deadlines Related to Confirmation of Plan

#5 - Motion to Confirm Plan of Reorganization

2. **Model Pretrial Stipulation and Model Pretrial Order:** Use Judge Zurzolo's **mandatory** format for preparing a pretrial stipulation. It is found on the "Forms" page of his section of the court website. There are also instructions found on the "Instructions/Procedures" page of his section of the court's website. If a pretrial stipulation is approved, follow the same instructions for preparing and lodging a pretrial order that approves the pretrial stipulation.