

B-3017.1-1
Consideration of Disclosure Statements in Small Business
Cases and Confirmation Deadlines

(a) Except in cases under subchapter V of Chapter 11, if the proponent of a plan in a small business case would like the court to:

(1) determine that the plan itself provides adequate information and that a separate disclosure statement is not necessary;

(2) approve a disclosure statement submitted on an approved official form,

(3) conditionally approve a disclosure statement subject to final approval at hearing where the court will also consider confirmation of a proposed plan, or

(4) allow the proponent to defer filing of a proposed plan until after a disclosure statement has been approved,

it shall file an appropriate motion at the same time as the proposed plan or the proposed disclosure statement is filed. Such a motion shall state, with particularity, why a separate disclosure statement may be dispensed with, why a separate hearing to consider the adequacy of a disclosure statement is not necessary, or why the filing of a plan should be deferred.

(b) Absent an order granting a motion submitted in accordance with paragraph (a), the court will schedule the matter for such proceedings as it deems appropriate.

(c) At any hearing where the court is to consider the adequacy of a proposed disclosure statement, the court may also, either on its own initiative or at the request of any party in interest, consider whether any applicable deadlines for confirming a proposed plan should be extended.

HISTORICAL AND REGULATORY NOTES

This rule was amended pursuant to Order Adopting Interim Bankruptcy Rules and Amending Local Bankruptcy Rules to implement changes mandated by the Small Business Reorganization Act of 2019 (SBRA) dated February 14, 2020.

This new rule was adopted pursuant to Order Amending Local Bankruptcy Rules dated August 31, 2007.