

B-3018-1
Chapter 11 Confirmation: Balloting

(a) Any entity entitled to accept or reject a proposed plan may do so by delivering an appropriate ballot to the proponent or other individual identified by the court on or before the date set by the court. Each ballot shall clearly indicate, either by designation or description, the class in which the entity is voting to accept or reject. An entity entitled to cast a ballot in more than one class shall submit a separate ballot for each class in which it desires to vote to accept or reject a proposed plan.

(b) Unless the court orders otherwise, the proponent of the plan shall prepare, file, and serve a verified report of the results of the balloting no later than fourteen (14) days before the date set for the hearing on confirmation. The report shall include the designation and description of each class provided for by the plan and whether or not any such class is impaired, the total number and amount of claims voting in each class and the number and amount of claims voting to accept and to reject the plan. The report shall also identify any material change from the disclosure statement or, in the case under subchapter V, the plan's representations concerning the requirements for confirmation established by 11 U.S.C. § 1129(a) and shall indicate whether there are sufficient funds available with which to make the payments due upon the effective date of the plan. All ballots received shall be attached to the ballot report. A similar report on any ballots received after the last date fixed for delivering acceptances or rejections shall be made by the proponent of the plan at the hearing on confirmation and shall be accompanied by such ballots.

(c) The proponent shall serve copies of the first ballot report upon the United States trustee, any trustee, any committee and/or the entities included on any list required by Fed. R. Bankr. P. 1007(d). If the proponent is an entity other than the debtor, a copy shall also be served upon the debtor and debtor's counsel.

Commentary (1994)

Paragraph (a) is derived from Bankr. Rule 3018(d), its commentary and the committee note to official form 14 (ballot).

Paragraph (b) is derived from prior Rule B-223(e), although the required contents of a ballot report are identified with greater specificity. These requirements have been derived from a proposed local rule for the Northern District of Illinois.

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.

By Order Amending Local Bankruptcy Rules dated November 18, 2009, this rule was amended effective December 1, 2009, to conform with the time computation changes in the Federal Rules of Bankruptcy Procedure.