

Rule 3017-2 Combined Hearings on Approval of Disclosure Statements and Confirmation of Plans in Chapter 11 Cases.

- (a) Applicability. This Local Rule shall be applicable to all cases arising under chapter 11 of the Code where a plan proponent is seeking Court permission to have combined hearings on approval of a disclosure statement and confirmation of a plan (other than "pre-packaged" plans where solicitation of acceptances or rejections of a plan was completed prior to the commencement of the bankruptcy case(s) and a plan proponent has filed the disclosure statement and plan contemporaneously with the commencement of the bankruptcy case(s)). Situations in which the use of the procedures set forth in this rule would be appropriate include, but are not limited to, the following non-exclusive examples:
- (i) The plan proposes to treat as unimpaired (x) all classes of unsecured claims, and (y) all classes of interests in any debtor that is a public company;
 - (ii) The debtor(s), in the aggregate, have less than fifty general unsecured creditors; the proposed plan does not seek non-consensual releases/injunctions with respect to the claims creditors may hold against non-debtor parties; none of the debtor(s) are public companies, or the classes of interest in any debtor that is a public company public are unimpaired;
 - (iii) The proposed plan is a liquidating plan; general unsecured creditors are not entitled to vote on the plan because they are deemed to reject it; the plan does not seek any form of release or injunction in favor of non-debtor parties from creditors or interest holders in classes that are deemed to reject the plan;
 - (iv) The proposed plan is a liquidating plan in which all or substantially all of the assets of the debtor(s) were or will be liquidated pursuant to a sale under 11 U.S.C. § 363; the plan does not seek non-consensual releases/injunctions with respect to claims creditors may hold against non-debtor parties; and the debtor(s)'s combined assets to be distributed pursuant to the proposed plan are estimated, in good faith, to be worth less than \$25 million (excluding causes of action).

(b) Interim Approval of the Disclosure Statement; Combined Disclosure Statement and Plan; Approval of Solicitation Procedures and Scheduling Combined Hearing on Approval of the Adequacy of Disclosure Statement and Confirmation of Plan. Upon the filing of a disclosure statement and proposed plan, or a combined disclosure statement and proposed plan, in each case which disclosure statement is complete when filed, a plan proponent may file a motion requesting Court permission (1) to combine the plan and disclosure statement into one document; (2) for interim approval of the disclosure statement; (3) for approval of solicitation procedures; (4) for the scheduling of a hearing on shortened notice to consider interim approval of the proposed disclosure statement (the "Interim Hearing"); and (5) for the scheduling of a joint hearing to consider final approval of the adequacy of the disclosure statement and confirmation of the proposed plan (the "Joint Hearing").

(i) The motion shall provide at least fourteen (14) days' notice of the deadline to object to any of the relief requested in the motion (the "Notice Period"), and shall be served on the United States Trustee and the creditors' committee (or the twenty (20) largest unsecured creditors, if no creditors' committee is formed), the Securities and Exchange Commission if any of the debtors are public companies, and all parties who have requested service of notices under Fed. R. Bankr. 2002(d). If the debtors have a claims agent who maintains a website for the debtors' case, the claims agent shall post such notice on the home page of that website. If an objection is timely filed within such Notice Period, a hearing on the motion will not occur less than seven (7) days after expiration of the Notice Period. If no objection is timely filed within such Notice Period, or such objection is resolved prior to the date scheduled for the Interim Hearing, the motion may be granted without a hearing.

(ii) The motion shall identify the proposed balloting agent, which may include counsel to the plan-proponent; and

(iii) The motion shall identify any voting procedures in addition to those required in section (c) of this Local Rule; and

- (iv) The motion shall certify that the notice of the deadline to object to final approval of the adequacy of the disclosure statement and confirmation of the proposed plan will comply with Fed. R. Bankr. Pro. 2002(b), and that the proposed date for the Joint Hearing shall not be less than seven (7) days after such objection deadline, unless otherwise ordered by the Court; and
 - (v) The motion shall be accompanied by a proposed order which, in addition to setting the hearing date for the Joint Hearing, approves: (A) on an interim basis, the disclosure statement; (B) the voting procedures to be utilized, which procedures shall comply with subsection (c) of this Local Rule; (C) the form of notice to be provided to creditors and interest holders of the debtor(s); and (D) the form of ballot to be provided to creditors and interest holders that are entitled to vote on the proposed plan, which ballot shall comply with subsection (d) of this Local Rule. The proposed order shall further provide that objections not made to the types of relief requested under (B), (C) or (D) of this subparagraph (v) at the time of the hearing on the motion shall not be considered at the time of the Joint Hearing on the disclosure statement and plan.
- (c) Solicitation and Voting Procedures. The proposed order shall contain, inter alia, the following provisions:
- (i) Establishment of a record date pursuant to Fed. R. Bankr. P. 3017(d) and 3018(a); and
 - (ii) Establishment of a voting deadline not more than ten (10) days prior to the combined hearing.
- (d) Form of Ballots. If a proposed plan seeks consensual releases/injunctions with respect to claims creditors may hold against non-debtor parties, then the ballot must inform the creditors of such releases/injunctions and disclose the manner in which to indicate assent or opposition to such consensual releases/injunctions.
- (e) Plan Supplements. The plan proponent must file any plan supplement on or before seven (7) days prior to the earlier of (a) the deadline for submission of ballots to vote to accept or reject a plan, or (b) the deadline to object to

confirmation of the plan, unless otherwise ordered by the Court.