

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

**STANDING ORDER 2015-08**

**AMENDMENT OF RULE 3017-2  
AND RESCISSION OF OFFICIAL LOCAL FORM 15 AND REPLACEMENT WITH  
AMENDED OFFICIAL LOCAL FORMS 15-1, 15-2 AND 15-3**

It is hereby ORDERED that effective January 1, 2016:

1. Pending final adoption, Local Rule 3017-2 is hereby deemed amended on an interim basis to read in its entirety as follows:

*Fed. R. Bankr. P. 3017.1 shall apply in small business cases. The Official Bankruptcy Forms contain a sample disclosure statement and plan of reorganization, which may be used and altered to fit the circumstances of the case.*

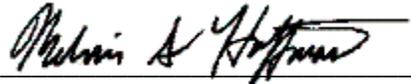
*Official Local Form 15-1 sets forth a Motion for Order and Notice Conditionally Approving Disclosure Statement and to Combine the Hearing on Final Approval of the Disclosure Statement and Confirmation of the Plan. Official Local Form 15-2 sets forth an Order and Notice Conditionally Determining that the Small Business Disclosure Statement Provides Adequate Information and Setting the Hearing on Confirmation and Related Matters. Official Local Form 15-3 sets forth a Ballot for Accepting or Rejecting the Plan of Reorganization for Small Business Debtor Proposed by the Debtor.*

2. Official Local Form 15, entitled "Combined Plan of Reorganization and Disclosure Statement for Small Business Debtor" is hereby deemed rescinded and replaced with the attached new Official Local Forms:

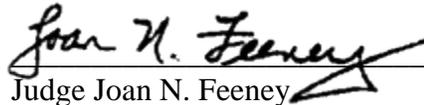
- (i) Official Local Form 15-1, Motion To Conditionally Approve and To Combine the Hearing on Final Approval of the Disclosure Statement and Confirmation of the Plan of Reorganization of Small Business Debtor;
- (ii) Official Local Form 15-2, Order and Notice Conditionally Determining That the Disclosure Statement Accompanying the Plan of Reorganization for Small Business Debtor Provides Adequate Information and Setting Hearing on Confirmation and Related Matters; and

- (iii) Official Local Form 15-3, Ballot for Accepting or Rejecting Plan of Reorganization.

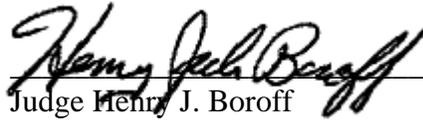
**IT IS SO ORDERED:**



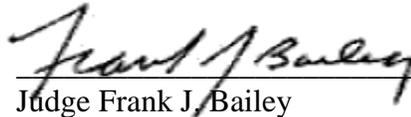
Chief Judge Melvin S. Hoffman



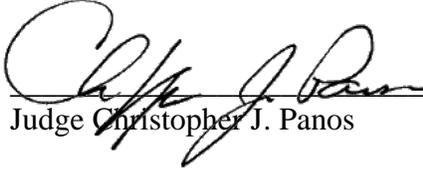
Judge Joan N. Feeney



Judge Henry J. Boroff



Judge Frank J. Bailey



Judge Christopher J. Panos

Dated:

December 16, 2015

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

In re

Chapter 11  
Case No.

Debtor

**MOTION TO CONDITIONALLY APPROVE AND TO COMBINE THE HEARING  
ON FINAL APPROVAL OF THE DISCLOSURE STATEMENT AND CONFIRMATION OF THE PLAN OF  
REORGANIZATION-OF SMALL BUSINESS DEBTOR**

To the Honorable \_\_\_\_\_, Bankruptcy Judge:

Debtor \_\_\_\_\_, Debtor-in-Possession (the "Debtor") in the above-named case, moves the Court to conditionally approve the Disclosure Statement and to combine the hearing on final approval of the adequacy of the Debtor's Disclosure Statement and Plan of Reorganization for Small Business Debtor and in support hereof respectfully represents:

1. On \_\_\_\_\_, the Debtor filed its chapter 11 petition herein.
2. On \_\_\_\_\_, the Debtor filed its Disclosure Statement and Plan of Reorganization for Small Business Debtor.
3. The Debtor has attached hereto as Exhibit A the proposed form of Order and Notice and as Exhibit B the proposed form of Ballot for Creditor Claims.

**WHEREFORE**, the Debtor prays that the Court (1) conditionally approve the Disclosure Statement, (2) schedule a combined hearing on final approval of the adequacy of the Disclosure Statement and confirmation of the Plan of Reorganization for Small Business Debtor, (3) approve the form of notice and form of ballot appended hereto, and (4) grant such other and further relief as this Court deems just and proper.

Respectfully Submitted,

/s/ \_\_\_\_\_

Printed Name

Address

BBO#

Telephone

Email

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

In re

Chapter 11  
Case No.

Debtor

**ORDER AND NOTICE CONDITIONALLY DETERMINING THAT THE DISCLOSURE STATEMENT  
ACCOMPANYING THE PLAN OF REORGANIZATION FOR SMALL BUSINESS DEBTOR PROVIDES  
ADEQUATE INFORMATION, AND SETTING HEARING ON CONFIRMATION AND RELATED  
MATTERS**

1. On \_\_\_\_\_ 20\_\_ the Debtor filed a Disclosure Statement and Plan of Reorganization for Small Business Debtor.
2. Section 1125(f)(3)(A) of the Bankruptcy Code permits this Court to "conditionally approve a disclosure statement subject to final approval after notice and a hearing." The Court conditionally determines that the Disclosure Statement in this case contains adequate information.
3. Within 7 days of the entry of this Order the Debtor shall mail the Disclosure Statement and Plan of Reorganization for Small Business Debtor, the ballot, and this Order to the United States trustee, all creditors, creditors committee, equity holders, committee of equity holders and other parties in interest pursuant to Fed. R. Bankr. P. 3017(d) and file a certificate of service.
4. Please take note that the Court will hold a hearing on \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ am/pm, on the final approval of the adequacy of the Disclosure Statement, confirmation of the Plan of Reorganization and related matters
5. Any objections to (1) the Court's final determination of the adequacy of Disclosure Statement, and (2) confirmation of the Plan of Reorganization and other related matters must be filed with the Clerk of the Bankruptcy Court, District of Massachusetts, \_\_\_\_\_ together with proof of service, no later than \_\_\_\_\_, 20\_\_ at 4:30 PM.
6. Ballots must be served upon counsel to the Debtor, \_\_\_\_\_, at \_\_\_\_\_, no later than \_\_\_\_\_, 20\_\_ at 4:30 PM. At least one

business day prior to the hearing on confirmation, the Debtor shall file a Certificate of Votes reflecting the acceptances and rejections of the Plan, and an Affidavit in support of confirmation of the Plan, setting forth the Debtor's evidence in support of the requirements for confirmation of the Plan. Unless otherwise ordered by the Court, the hearing will be an evidentiary hearing. Affiants must be present at the confirmation hearing and be available for examination, failing which their affidavits may be stricken.

7. Applications for Compensation of Debtor's counsel and any professionals employed by the Debtor must be filed on later than \_\_\_\_\_, 20\_\_\_\_ at 4:30 PM, together with proof of service on all parties in interest, creditors and the U.S. trustee unless otherwise ordered by the Court.
8. Applications for compensation and any motions for valuation, termination of the automatic stay, dismissal or conversion to another chapter which are now pending or subsequently filed by \_\_\_\_\_ will be heard at the same time as the combined disclosure statement and confirmation hearing, unless otherwise scheduled by the Court.

Dated: \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MASSACHUSETTS**

In re

Chapter 11  
Case No.

Debtor

**BALLOT FOR ACCEPTING OR REJECTING PLAN OF REORGANIZATION**

[Proponent] filed a Plan of Reorganization for Small Business Debtor dated [Date] (the Plan) for the Debtor in this case. The Court has conditionally approved a disclosure statement with respect to the Plan (the "Disclosure Statement"). The Disclosure Statement provides information to assist you in deciding how to vote your ballot. If you do not have a Disclosure Statement, you may obtain a copy from [name, address, telephone number and telecopy number of proponent/proponent's attorney.]

The Court's conditional approval of the disclosure statement does not indicate approval of the Plan by the Court.

You should review the Disclosure Statement and the Plan before you vote. You may wish to seek legal advice concerning the Plan and your classification and treatment under the Plan. Your [claim] [equity interest] has been placed in class [ ] under the Plan. If you hold claims or equity interests in more than one class, you will receive a ballot for each class in which you are entitled to vote.

If your ballot is not received by [name and address of proponent's attorney or other appropriate address] on or before [date], and such deadline is not extended, your vote may not count.

If the Plan is confirmed by the Bankruptcy Court, it will be binding on you whether or not you vote, even if you vote to reject the Plan.

**1. Vote**

Acceptance or Rejection of the Plan

[At this point the ballot should provide for voting by the particular class of creditors or equity holders receiving the ballot using one of the following alternatives;]

[If the voter is the holder of a secured, priority, or unsecured nonpriority claim:]

The undersigned, the holder of a Class [ ] claim against the Debtor in the unpaid amount of Dollars (\$ )

[or, if the voter is the holder of a bond, debenture, or other debt security:]

The undersigned, the holder of a Class [ ] claim against the Debtor, consisting of Dollars (\$ ) principal amount of [describe bond, debenture, or other debt security] of the Debtor (For

purposes of this Ballot, it is not necessary and you should not adjust the principal amount for any accrued or unmatured interest.)

[or, if the voter is the holder of an equity interest:]

The undersigned, the holder of Class [ ] equity interest in the Debtor, consisting of \_\_\_\_\_ shares or other interests of [describe equity interest] in the Debtor.

[In each case, the following language should be included:]

Check one box only

Accepts the plan

Rejects the plan

2. **Authorization.**

By return of this Ballot, the undersigned certifies that it is the holder of a claim in Class \_\_\_\_\_ to which this Ballot pertains (or an authorized signatory therefor) and has full power and authority to vote to accept or reject the Plan. The undersigned further certifies that it has received a copy of the Disclosure Statement (including the appendices and exhibits thereto) and understands that the solicitation of votes for the Plan is subject to all the terms and conditions set forth in the Disclosure Statement. No fees, commissions, or other remuneration will be payable to any person for soliciting votes on the Plan.

Dated: \_\_\_\_\_

Signature: \_\_\_\_\_

Print or type name: \_\_\_\_\_

Title (if corporation or partnership): \_\_\_\_\_

Address: \_\_\_\_\_

Return this ballot to:

[Name and address of proponent's attorney or other appropriate address]