

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

STANDING ORDER 2020-6

**ORDER ESTABLISHING INTERIM AMENDMENTS TO LOCAL BANKRUPTCY RULES
OF THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF
MASSACHUSETTS TO CONFORM TO THE INTERIM AMENDMENTS
TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE RELATED TO
SUBCHAPTER V OF CHAPTER 11**

On August 23, 2019, the Small Business Reorganization Act of 2019 (the SBRA) was enacted into law. The SBRA makes many substantive and procedural changes to the Bankruptcy Code and requires changes to the Federal Rules of Bankruptcy Procedure to implement those changes. On February 19, 2020, the effective date of the SBRA, the Court issued Standing Order 2020-1 adopting the Interim Rules, as defined therein. To address the inconsistencies between the current Local Bankruptcy Rules of the United States Bankruptcy Court for the District of Massachusetts (“MLBR”), the SBRA, and the Interim Rules, the Court issues this standing order promulgating certain interim amendments to the MLBR pending formal adoption of the amendments to the MLBR.

The interim amendments are attached hereto as Exhibit A and shall be applicable to all cases and proceedings pending as of this date or filed after this date. By this Standing Order, the Court also renumbers MLBR 3017-2 as MLBR 3017.1-1, rescinds Official Local Form 15-3, and directs parties to Official Form 314 (form of ballot).

IT IS SO ORDERED:



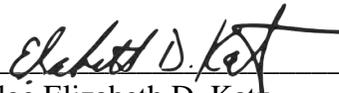
Chief Judge Christopher J. Panos



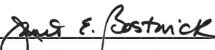
Judge Frank J. Bailey



Judge Melvin S. Hoffman



Judge Elizabeth D. Katz



Judge Janet E. Bostwick

Dated: April 22, 2020

EXHIBIT A

Rule 1002-1. STATUS CONFERENCES

- (a) The Court shall conduct status conferences, pursuant to 11 U.S.C. § 105(d), as follows:
- (1) in any case under chapter 9 or 11, except in a case under subchapter V of chapter 11, an initial status conference shall be held within forty-five (45) days of case commencement or as soon thereafter as may be practicable, except that the conference may be combined with any final hearing on the use of cash collateral;
 - (2) in a case under subchapter V of chapter 11, an initial status conference will be scheduled by the Clerk's Office and shall be held in accordance with the provisions of 11 U.S.C. § 1188(a) not later than sixty (60) days after the entry of the order of relief, unless otherwise ordered pursuant to 11 U.S.C. § 1188(b); and
 - (3) in all cases, such other or further status conferences and continuances thereof shall be held, as the Court may determine in its discretion, sua sponte or on motion of the United States trustee or other party in interest, to further the expeditious and economical administration of the case.
- (b) Except in a case under subchapter V of chapter 11, and subject to subparagraph (c) below, the Court or any party which it may designate shall give not less than twenty-one (21) days' notice of any status conference to the following parties or their counsel of record: the debtor, any committee of unsecured creditors elected under 11 U.S.C. § 705 or appointed under 11 U.S.C. § 1102 (or if none has been appointed the creditors included on the list of creditors filed under Fed. R. Bankr. P. 1007(d)), any equity security holders' committee, any secured creditor, all taxing authorities, the United States trustee, any party who requested the conference, any party who filed an appearance in the case, and such other entities as the Court shall direct.
- (c) For cause shown, the Court may schedule a status conference on an expedited or emergency basis.
- (d) At any status conference, the Court may consider any argument or report, in writing or otherwise, with respect to the status or administration of the case, but shall not issue any order unless (i) the order is of a type specifically enumerated in 11 U.S.C. § 105(d)(2) or (ii) the Court finds that any delay in issuing the order risks immediate and irreparable harm to the estate or a party in interest.

Rule 2014-1. APPLICATION TO EMPLOY PROFESSIONAL PERSONS

(a) Application and Statement:

An application of a debtor (other than a chapter 7 debtor), debtor-in-possession, estate representative, or committee to employ any professional person, including an attorney, accountant, appraiser, broker, auctioneer, consultant or agent, shall include all of the information required to be provided by Fed. R. Bankr. P. 2014(a). In addition, in the statement accompanying the application, the person to be employed (hereinafter the "Professional") shall make the following representations and disclosures under penalty of perjury in accordance with section (c):

- (1) Neither I nor any member of my firm holds or represents any interest adverse to the estate of the debtor,
- (2) My and my firm's connections with the debtor, any creditor, or other party in interest, their respective attorneys and accountants are as follows:

I am and each member of my firm is a "disinterested person" as that term is defined in 11 U.S.C. § 101(14).

- (3) [*The following representation must be included only in a case under subchapter V of chapter 11*] Pursuant to 11 U.S.C. § 1195, notwithstanding the provisions of 11 U.S.C. § 327(a), neither I nor any member of my firms holds a claim against the debtor in excess of \$10,000 that arose prior to commencement of the case.]

[Balance of Local Rule 2014-1 remains unchanged.]

RULE 3014-1. DEADLINE FOR FILING ELECTION UNDER 11 U.S.C. § 1111(b)

In a case under subchapter V of chapter 11 in which 11 U.S.C. § 1125 of the Code does not apply, the 11 U.S.C. § 1111(b)(2) election shall be made no later than 14 days following the filing of the plan, unless otherwise ordered.

RULE 3017.1-1. FILING OF PLAN AND DISCLOSURE STATEMENT IN SMALL BUSINESS CASES AND IN CERTAIN CASES UNDER SUBCHAPTER V OF CHAPTER 11

Any plan proponent may request conditional approval of a disclosure statement in a small business chapter 11 case, and any case under subchapter V of chapter 11 in which the court has ordered that § 1125 applies, by filing a motion and requesting a consolidated hearing on the disclosure statement and plan.

Official Local Forms 15-1 and 15-2, respectively, are recommended forms of such a motion and a proposed order.

RULE 3022-1. CLOSING CHAPTER 11 CASES

(a) Definitions

For purposes of this Rule, 11 U.S.C. § 350 and Fed. R. Bankr. P. 3022, a chapter 11 case is "fully administered" unless, sixty (60) days following the entry of a final order confirming a plan of reorganization, (a) a matter is pending or (b) a trustee appointed under 11 U.S.C. § 1104(a) or 11 U.S.C. § 1183, continues to serve.

[Balance of Local Rule 3022-1 remains unchanged.]