



MEMORANDUM

To: Bankruptcy Practitioners in the Middle District of Georgia

From: Kyle George, Clerk of Court

Subject: Amendment to LBR 3022-1 and Proposed LBR 3022-2

January 17, 2020

1. In anticipation of the soon-to-be implemented Small Business Reorganization Act of 2019, set to take effect on February 19, 2020, the judges of this court reviewed the Proposed Interim Federal Rules of Bankruptcy Procedure at a recent judges meeting. If you have not seen the proposed rules, they have been posted on our website at www.gamb.uscourts under the “News and Announcements” section. The posting date was October 16, 2020.
2. As will be noted in a separate administrative order, the judges have decided to adopt these interim rules in their entirety, effective February 19, 2020.
3. During the review of the interim rules, we noted that our local rule LBR 3022-1 on Final Reports and Decrees does not apply to cases that will be filed under the new Subchapter V of Chapter 11. Therefore, we are amending LBR 3022-1 with a title change and proposing a new LBR 3022-2 that is specific to Final Reports and Decrees in cases that will be filed under the new Subchapter V of Chapter 11.
4. Additionally, we are standardizing cites to the bankruptcy code across all of our local rules, so you will see minor changes in the existing LBR 3022-1.
5. The amended LBR 3022-1 and the proposed LBR 3022-2 are attached to this memorandum.
6. This amendment to the local rules will be available for public comment from January 17, 2020 to February 17, 2020. I would very much appreciate comments back to me via email no later than February 17, 2020. My email address is Kyle_George@gamb.uscourts.gov. Your assistance in this matter is greatly appreciated.

LBR 3022-1. Final Report/Decree in non-Subchapter V cases (Chapter 11)

(a) **Projected Dates for Substantial Consummation.** Non-individual Chapter 11 debtors shall file with the Clerk of Court within 14 days of the date of the entry of the order confirming the plan of reorganization, a report specifying the projected date for substantial consummation as defined in 11 U.S.C. § 1101(2). The report shall describe the action that is to be taken to reach substantial consummation. If the projected date for substantial consummation must be extended, the debtor shall file a supplemental report specifying the new projected date, the progress made toward consummation of the plan, the action remaining to be taken toward substantial consummation, and the reasons for the delay.

(b) **Application for Final Decree.** Upon substantial consummation as defined in 11 U.S.C. § 1101(2), a non-individual Chapter 11 debtor shall comply with the procedures contained in the Clerk's Instructions, file a final report and final account in compliance with 11 U.S.C. § 704(a)(9), file an application for final decree, and submit a proposed final decree.

(c) **Final Decree and Closing of Chapter 11 Cases for Individual Debtors.** Upon confirmation of an individual debtor's Chapter 11 plan, the Court will continue to resolve all pending matters then before the Court. When all matters have been concluded, the Court will enter a Final Decree directing that the case be closed but that the Court reserves jurisdiction to enter a discharge to the debtor upon completion of all payments under the plan. Any matters that need to be brought before the Court other than the issuance of the discharge will require that the case be reopened by motion pursuant to 11 U.S.C. § 350.

(d) **Application for Discharge.** Upon completion of all payments under the confirmed plan, an individual debtor shall comply with the procedures contained in the Clerk's Instructions, file a final report and final account in compliance with 11 U.S.C. § 704(a)(9), and file a Certificate of Plan Completion and Request for Discharge.

LBR 3022-2. Final Report/Decree in Subchapter V Cases (Chapter 11)

(a) If the confirmed plan is subject to 11 U.S.C. § 1191(a) (a "consensual plan") the Subchapter V small business debtor will conform to the following provisions:

(1) **Projected Dates for Substantial Consummation.** Chapter 11 Subchapter V small business debtors shall file with the Clerk of Court within 14 days of the date of the entry of the order confirming the plan of reorganization, a report specifying the projected date for substantial consummation as defined in 11 U.S.C. § 1101(2). The report shall describe the action that is to be taken to reach substantial consummation. If the projected date for substantial consummation must be extended, the debtor shall file a supplemental report specifying the new projected date, the progress made toward consummation of the plan, the action remaining to be taken toward substantial consummation, and the reasons for the delay.

(2) **Application for Final Decree.** Upon substantial consummation as defined in 11 U.S.C. § 1101(2), the Subchapter V Chapter 11 debtor shall comply with the procedures contained in the Clerk's Instructions, file a final report and final account in compliance with 11 U.S.C. § 704(a)(9), file an application for final decree, and submit a proposed final decree.

(b) If the confirmed plan is subject to 11 U.S.C. §1191(b) (a “non-consensual plan”), upon completion of all payments under the confirmed plan, the debtor shall comply with the procedures contained in the Clerk’s Instructions, file a final report and final account in compliance with 11 U.S.C. § 704(a)(9), and file a Certificate of Plan Completion and Request for Discharge.