

## **Rule 3017-1**

### **Disclosure Statement and Plan - General**

#### **(a) Minimum Information Required in Disclosure Statement**

The disclosure statement shall include, at a minimum, detailed information regarding the following:

- (1) description of the business of the debtor;
- (2) history of the debtor prior to filing;
- (3) current financial information;
- (4) description of the plan;
- (5) how the plan is to be executed;
- (6) liquidation analysis;
- (7) management to be retained and their compensation;
- (8) detailed financial projections of operations and discussion of underlying assumptions;
- (9) litigation pending or contemplated;
- (10) payments made for services in connection with the case or plan;
- (11) transactions with insiders; and
- (12) tax consequences.

#### **(b) Approval of Disclosure Statement**

Unless the disclosure statement is conditionally approved, or the court has granted a motion not requiring a separate disclosure statement, approval of the disclosure statement shall be governed by FRBP 3017(a).

#### **(c) Disclosure Statement in Case of Small Business Debtor**

- (1) A motion for an order determining that a separate disclosure statement is not necessary or for conditional approval of a disclosure statement shall be on seven (7) days notice and hearing to the United States trustee pursuant to LBR 2002-1
- (2) The proposed disclosure statement and plan shall be filed as an attachment to the motion.
- (3) If either of the above motions is granted, then the the proponent of the plan shall promptly file the approved combined plan or conditionally approved disclosure statement and plan, as appropriate, and comply with LBR3018-1

*Note: This will provide an opportunity for the United States trustee to comment on the adequacy of the combined disclosure statement and plan or conditionally approved disclosure statement prior to the court approving it. If the trustee does not file an objection, an ex parte order granting the motion may be submitted in accordance with LBR 9013-1. If and when the motion is granted, the proponent will be required to file the approved combined plan or conditionally approved disclosure statement and plan and then follow the requirements of LBR3018-1.*

**(c) Contents of Plan**

- (1) The plan shall clearly set forth what acts or events constitute substantial consummation of the plan.
- (2) A plan providing for liquidation of property of the estate shall set a date certain by which liquidation must occur and shall provide for an alternative if liquidation does not occur by the date so set.

**(d) List Classifying Claims**

A list classifying claims shall be filed with the plan and disclosure statement and shall be in the prescribed format.

**Related Provisions**

FRBP 2002	Notices
FRBP 3016	Filing Plan and Disclosure Statement
FRBP 3017	Disclosure Hearing
<u>FRBP 3017.1</u>	<u>Disclosure Statement in Small Business Case</u>
FRBP 3018	Acceptance or Rejection of Plan
FRBP 3019	Modification to Plan
FRBP 3020	Confirmation of Plan
LBR 3017-1	Chapter 11 - Plan and Pre-Confirmation Requirements
LBR 3018-1	Chapter 11 Plan Confirmation
LBR 3022-1	Final Decree in Chapter 11 Reorganization Cases
11 USC 101(51C)	Small Business Defined
11 USC 1121	Who May File a Plan
11 USC 1125	Postpetition Disclosure and Solicitation
11 USC 1126	Acceptance of Plan
11 USC 1127	Modification of Plan
11 USC 1128	Confirmation Hearing
11 USC 1129	Confirmation of Plan

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