

Entered: September 1st, 2021

Signed: September 1st, 2021

SO ORDERED



Thomas J. Catliota
THOMAS J. CATLIOTA
U.S. BANKRUPTCY JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND
at Baltimore**

In re: *
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COMPLEX CHAPTER 11 CASES * Admin. Order No. 21-03
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AMENDED COMPLEX CHAPTER 11 CASE PROCEDURES

To facilitate administrative and procedural efficiencies in complex Chapter 11 cases in this District, these Amended Complex Chapter 11 Case Procedures (the “Procedures”) are effective upon entry of this Order, which supersedes in all respects Administrative Order No. 02-03. The Procedures are mandatory in all Complex Chapter 11 Cases (as defined herein) and optional in all other Chapter 11 cases, including cases under subchapter V of Chapter 11. A debtor in a non-Complex Chapter 11 Case may elect to proceed under these Procedures by filing a notice of such election with its Chapter 11 petition (“Notice of Application of Complex Chapter 11 Case Procedures”).

1. Definition of a Complex Chapter 11 Case. A “Complex Chapter 11 Case” is a case filed by a debtor or group of affiliated debtors in which: (a) the total liabilities of the debtor or all affiliated debtors is more than \$10 million; (b) there are a total of more than 50

- creditors listed in the schedules of the debtor or all affiliated debtors; or (c) a portion of the debt or equity securities of the debtor or any one of the affiliated debtors is publicly traded.
2. Notice of Designation of Complex Chapter 11 Case. A debtor filing a Complex Chapter 11 Case or a debtor filing a Chapter 11 case with an election to proceed under the Procedures must file the attached Notice of Application of Complex Chapter 11 Procedures with the petition in a voluntary Chapter 11 case. If the petition is filed under 11 U.S.C. § 303, the Notice of Application of Complex Chapter 11 Procedures must be filed by the petitioning creditors or the alleged debtor within 14 days of the service of the petition.
 3. Advance Notice Regarding Filing of Complex Chapter 11 Case. To the extent practicable, when a prospective debtor filing a Complex Chapter 11 Case or a Chapter 11 case (including a subchapter V case) with an election to proceed under the Procedures anticipates a need for immediate relief, counsel for the debtor must contact the United States Trustee and the Clerk prior to filing any voluntary petition for relief under Chapter 11 for the purpose of advising the United States Trustee and the Clerk of the anticipated filing (without disclosing the identity of the debtor) and the matters on which the debtor intends to seek immediate relief.
 4. Master Service List. The debtor must maintain a consolidated master service list identifying the parties that must be served with motions and other papers filed in the case. Unless otherwise required by the Bankruptcy Code, Federal Bankruptcy Rules, or Court order, notices of motions and all other papers will be limited to those on the master service list. That list must include: (a) the debtor; (b) the debtor's secured

creditors; (c) the debtor's 20 largest unsecured creditors, unless and until an Unsecured Creditors' Committee is appointed (in which event, service should be directed to counsel for the Unsecured Creditors' Committee); (d) those persons filing a notice of appearance and request for service in the case; (e) the Office of the United States Trustee and, to the extent required by the Bankruptcy Code or Federal Bankruptcy Rules, all government agencies; and (f) any known counsel for those identified in subsections (a)-(e). Parties on the master service list who appear through counsel or who submit a request for service by CM/ECF will be served only through the CM/ECF notification system. All other parties on the master service list must be served, at the server's option, by electronic mail or regular mail. The debtor must file the initial master service list within three days of filing the Chapter 11 petition and must file an updated master service list as necessary to reflect changes to any party's information.

5. First Day Motions and First Day Hearing. The debtor may file a request for an emergency hearing on motions commonly referred to as "first day motions" in Chapter 11 cases. These motions may include requests for approval of debtor in possession financing, use of cash collateral, payment of prepetition employee wages and benefits, payment of critical vendors and suppliers, payment of trust fund taxes, and other similar requests. The debtor may request a hearing date from the courtroom deputy for the presiding judge upon the filing of the Chapter 11 petition, and such hearing may be set upon at least 24 hours' notice (unless emergent circumstances require a shorter period) to the parties identified on the master service list, to the extent practicable and with a preference for service by electronic mail. The presiding judge

will determine whether to grant any such requested relief and whether to do so on an interim, conditional, or permanent basis.

6. General Motions Practice and Hearing Dates. The debtor may request from the courtroom deputy for the presiding judge a list of omnibus hearing dates for the case. Motions and other matters that do not require an emergency hearing should be noticed for a hearing date at least 21 days after notice is served. The debtor may request an emergency hearing on any motion by filing an expedited hearing request, which may be done using the Form Motion to Shorten Time or Request Expedited Hearing. The Court will endeavor to review and set emergency hearing dates as promptly as practicable.
7. Hearing Participation and Procedures. Any party may request to appear at a hearing by telephone or video conference. Any such request must be made to the courtroom deputy for the presiding judge at least 48 hours prior to the hearing date, absent exigent circumstances. All parties should review the presiding judge's hearing and evidentiary protocols prior to participating in any hearing before the judge. The presiding judge may, in the judge's discretion, deny a request to participate by telephone or video conference if the judge determines that the party's appearance in person is required or would be beneficial to the proceeding.
8. Continuances and Automatic Bridge Order. Any continuance or adjournment of a scheduled hearing may be done by consent of the movant and any party filing a responsive paper, provided that the continuance or adjournment is coordinated with the courtroom deputy for the presiding judge by email with a copy to all anticipated hearing participants. A party may otherwise file a motion for a continuance or adjournment in

accordance with Local Bankruptcy Rule 5071-1. In addition, unless otherwise provided by the Bankruptcy Code, Federal Bankruptcy Rules, or a Court order, if a motion is filed that complies with Bankruptcy Rule 9006 to enlarge the time to take any action before the expiration of the period prescribed by the Bankruptcy Code, Federal Bankruptcy Rules, or Local Bankruptcy Rules, the time for taking the action is automatically extended until the Court rules on the motion.

9. Proofs of Claim and Omnibus Claim Objection Procedures. Unless otherwise set by Court order, the bar date for the filing of proofs of claim is (a) 180 days after the petition date for governmental units; and (b) as set forth in Local Bankruptcy Rule 3003-1 for all other entities. Parties may file a motion to approve procedures for handling omnibus claims objections. Such procedures may not shift the burden of proof, discovery rights or burdens, or pleadings requirements.
10. Cash Collateral and Financing Orders. Unless otherwise ordered by the Court, the debtor should comply with Local Bankruptcy Rule 4001-5 as applicable, and the motion should include a chart that summarizes the provisions required to be highlighted by Local Bankruptcy Rule 4001-5, as well as any provisions setting milestones relating to a sale or a plan.
11. Motions to Sell Assets or Set Sale Procedures. Unless otherwise ordered by the Court, any motion to sell assets or set sale procedures should comply with Local Bankruptcy Rule 6004-1 as applicable, and the motion should include a chart that summarizes the provisions required to be highlighted by Local Bankruptcy Rules 6004-1(b) and/or 6004-1(c). The debtor may request to have any motion to sell assets set for hearing on an expedited basis, provided that adequate notice of the request to expedite and the

motion to sell assets is provided to all potentially interested parties. Any sale procedures motion should provide for input from or consultation with any statutory committee of creditors and secured creditors with liens in the property being sold. Notwithstanding the foregoing, secured creditors or committee members who are potential bidders may not participate in the adoption or implementation of sale procedures and may not receive information that is not generally available to the all potential bidders.

12. Disclosure Statement and Plan Confirmation. A plan proponent may propose to combine the disclosure statement and plan into a single document. The plan proponent also may file a motion requesting: (a) conditional approval of the disclosure statement; (b) approval of solicitation procedures; (c) the scheduling of a hearing on shortened notice to consider conditional approval of the proposed disclosure statement; and (d) the scheduling of a joint hearing to consider final approval of the adequacy of the disclosure statement and confirmation of the proposed plan.
13. Mediation. The Court may order mediation of any dispute arising in an adversary proceeding, contested matter, or otherwise. Parties may agree to mediate any dispute without Court approval. No matter may be mediated by a sitting judge without first obtaining an order from the Court. Unless otherwise ordered by the Court, the mediation of a matter does not delay or stay discovery, pretrial hearing dates, or trial dates. Unless otherwise ordered by the Court, any fees and costs of the mediator will be shared equally by the parties.
14. Revision and Application of Federal Bankruptcy and Local Bankruptcy Rules. These Procedures may be revised periodically. Unless otherwise provided herein, the Federal

Bankruptcy Rules and Local Bankruptcy Rules continue to apply in all Complex Chapter 11 Cases (and those Non-Complex Chapter 11 Cases proceeding under the Procedures).

END OF ADMINISTRATIVE ORDER

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

In re:

*

Debtor.

*

Case No.

*

(Chapter 11)

* * * * *

NOTICE OF APPLICATION OF COMPLEX CHAPTER 11 CASE PROCEDURES

The Complex Chapter 11 Case Procedures established by Administrative Order 21-03 shall apply to the above-captioned case(s) for the following reasons:

I. Mandatory application of Complex Chapter 11 Case Procedures (Check all that apply):

- The debtor, including affiliates, if any, has liabilities of at least \$10 million (US).
- More than fifty (50) creditors, including affiliates, are listed in the debtor's schedules.
- A portion of the debt or equity securities of the debtor or any one of the affiliated debtors is publicly traded.

II. Voluntary election to proceed under Complex Chapter 11 Case Procedures:

- The debtor does not satisfy any of the three (3) criteria set forth in Section I herein, but nevertheless elects to proceed under the Complex Chapter 11 Case Procedures.

Respectfully submitted,

/s/ Attorney's Name
 Attorney's Name, Esquire
 Firm Name
 Address
 Address
 Address
 Telephone

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of _____, 2021, I reviewed the Court's CM/ECF system and it reports that an electronic copy of the Notice of Application Of Complex Chapter 11 Case Procedures will be served electronically by the Court's CM/ECF system on the following:

Julian Mayfair, Chapter 13 Trustee

Johnny Dougherty, Esquire

Mary Frances Brown, Esquire

I hereby further certify that on the ____ day of _____, 2021, a copy of the Notice of Application Of Complex Chapter 11 Case Procedures was also mailed first class mail, postage prepaid to:

Harry Brown, Esq., Counsel for creditor John Doe
101 Somewhere Ave.
Hometown, MD 20850

John Doe 101 Main Street
Hometown, MD 20815

Janice Doefield
101 Off Main Street Hometown, MD 20815

/s/ Signature
[Type or print your name]