Bankruptcy Local Rule 2002-3

FILING AND SERVICE OF PLANS

(a) **Chapter 13 cases.**

(1) The BNC, or some other person or entity as the court may direct, will send plans filed with the petition in chapter 13 cases with the § 341(a) notice to creditors. In such cases, and provided all other schedules and statements are also filed with the petition, the notice of the § 341(a) meeting of creditors issued by the BNC shall advise creditors of the confirmation hearing date.

(2) In all cases where the plan is not filed with the petition, the debtor shall be responsible for sending copies of the chapter 13 plan and notice of hearing on confirmation to all creditors and parties in interest. Such notice must comply with Fed. R. Bankr. P. 2002 and 3015, and must be served at least 28 days prior to the initial confirmation hearing. The debtor shall immediately after serving the creditors with the plan, file proof of service with the clerk of the court.

(b) **Other cases.**

In all chapter 11 and 12 cases, the debtor or plan proponent shall give notice of the hearing on confirmation of the plan. The debtor or plan proponent shall send copies of the plan, with such notice, to all creditors and parties in interest prior to the hearing date set for confirmation of the plan. In chapter 11 cases, except if governed by 11 U.S.C. § 1125(f) and Fed. R. Bankr. P. 3017.1, the debtor or plan proponent shall also send copies of the order approving disclosure statement and notice of the confirmation hearing, together with a copy of the disclosure statement, plan, ballot, and any amendments or addenda to the original plan or disclosure statement.

RELATED AUTHORITY

11 U.S.C. §§ 1125(f), 1128, 1224, 1324
Fed. R. Bankr. P. 2002(a), 2002(b), 3015, 3017
LBR 2002-5, 3018-1, 3020-1

Advisory Committee Notes:

Unless the court provides otherwise, to comply with 11 U.S.C. § 1324(b) (providing, in part, chapter 13 confirmation hearings may not be held sooner than 20 days and no later than 45 days from the § 341(a) meeting) and with Fed. R. Bankr. P. 2002(b) (requiring 28 days' notice of confirmation hearing), a debtor scheduling a confirmation hearing date under subdivision (a)(2) must ensure that an appropriate date is obtained and notice of hearing is issued.

In addition to the requirements of this rule, plan proponents in chapter 11 cases are required by LBR 3018-1 to file ballots and a written summary of the ballots and by LBR 3020-1 to file a preconfirmation report.