

Publications

Client Alert: Effective October 10, 2019 – The United States Bankruptcy Court for the Southern District of Ohio has Implemented Complex Chapter 11 Procedures

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On October 10, 2019, the United States Bankruptcy Court for the Southern District of Ohio (OHSB) entered General Order 30-2 implementing Complex Chapter 11 procedures. Under General Order 30-2, a case is eligible to be a complex case if (1) it is filed under Chapter 11 of the Code; (2) it is not filed by an individual debtor, as a single asset real estate case, or as a small business case as defined in § 101(51C) of the Code; and (3) the debt of the debtor or the aggregate debt of all affiliated debtors is at least \$10 million or it involves a debtor with publicly traded debt or equity. Under General Order 30-2, a debtor whose case is eligible to be treated as a complex case and desires its case to be subject to the Complex Chapter 11 procedures is required to file a notice of election concurrently with the petition.

The OHSB Complex Chapter 11 procedures are designed to promote judicial economy, streamline the Chapter 11 process, and enhance uniformity for those debtors who qualify for and make such an election. OHSB has a panel of six judges. Under General Order 30-2, Complex Chapter 11 cases will be assigned between two designated judges. The designated judges are the Honorable John E. Hoffman, Jr. and the Honorable Guy R. Humphrey.

The Complex Chapter 11 case procedures were developed by an attorney advisory subcommittee comprised of certain members of the OHSB judiciary and law clerks, the OHSB Clerk's Office, and local bankruptcy practitioners experienced in Complex Chapter 11 proceedings nationwide. The subcommittee focused on setting out procedures that recognize that case management and scheduling is critical to all parties in interest while attempting to provide, where possible and appropriate, greater certainty with respect to such matters in the OHSB. Vorys' attorney, Brenda K. Bowers, is a member and chair of this subcommittee.

If you have additional questions, or need assistance regarding the newly implemented OHSB Complex Chapter 11 procedures, please do not hesitate to contact Vorys.

SAVE THE DATE. Vorys will be hosting a webinar on October 30, 2019 to review these newly implemented Complex Chapter 11 procedures. Attorneys Brenda K. Bowers, Jeffrey A. Marks, and Melissa S. Giberson will cover the requirements of General Order 30-2 including the election required for the OHSB Complex Chapter 11, cash collateral/post-petition financing checklist requirements, agenda, case management, and hearing procedures.