

**CHAMBERS PROCEDURES: JUDGE ELIZABETH E. BROWN
UNITED STATES BANKRUPTCY COURT, DISTRICT OF COLORADO**

Status Conferences.

The Court will generally hold an initial status conference following the § 341 creditors' meeting. Sometimes the Court will hold a hearing shortly after the case filing, without awaiting the § 341 meeting, if the Court has concerns, such as counsel's failure to file an employment application or request to use cash collateral.

Counsel for the Debtor should be prepared at the initial status conference to do the following:

- a) inform the Court generally about the nature of Debtor's business and the reasons for filing bankruptcy;
- b) discuss generally the Debtor's intended plan for reorganization, changes in operations, insurance coverage, tax liability, restructuring of debt, use of cash collateral and other matters pertinent to the Debtor's business or reorganization;
- c) advise the Court regarding its operating financial projections for the period preceding the filing of a plan, a budget for the professionals in the case and any particularities of the case which require resolution;
- d) propose a schedule for the filing of a disclosure statement, plan of reorganization, a bar date for filing proofs of claims and objections to claims and, if applicable, anticipated avoidance actions or other adversary proceedings which are critical to the reorganization;
- e) advise the Court whether it anticipates filing a separate disclosure statement or a simply a plan that provides sufficient information that a separate disclosure statement is not necessary pursuant to 11 U.S.C. §1125(f)(1);
- f) advise the Court whether it is required to file the Periodic Report Regarding Value, Operations and Profitability of Entities in Which the Debtor's Estate Holds a Substantial or Controlling Interest (Official Form 26) pursuant to Fed.R.Bankr.P. 2015.3;
- g) advise the Court as to whether the Debtor is a "small business" pursuant to 11 U.S.C. § 101 (51C) and whether the case is a "single asset real estate case" as defined by 11 U.S.C. § 101 (51B); and

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h) if Debtor is a “small business” pursuant to 11 U.S.C. §101 (51C), advise the Court whether it has filed and will continue to file a Small Business Monthly Operating Report (Official Form 25C) as required by 11 U.S.C. §308 and Fed.R.Bankr.P. 2015(a)(6).

The Court welcomes all requests to hold a status conference at any other time during the chapter 11 case. Sometimes a status conference can be useful in surmounting obstacles in a case, such as a breakdown in negotiations. Other times they can be used to check overly litigious behavior. Or simply to put some pressure on a party who appears to be procrastinating. The parties, rather than the Court, are in the best position to know when a status conference may be helpful. Thus, generally, the Court will wait for a request from a party, but these requests are freely granted. If the case appears to be stalled or other concerns arise, the Court may also set one *sua sponte*, usually following the 341 Creditors Meeting.