

UNITED STATES BANKRUPTCY COURT
DISTRICT OF HAWAII

In re:

MANDATORY PERIODIC REPORTS.

GENERAL ORDER

Dated: June 14, 2021

ORDER ADOPTING INTERIM AMENDMENT TO LBR 2015-7

On December 21, 2020, the U.S. Trustee Program (USTP) promulgated a final rule: “Procedures for Completing Uniform Periodic Reports in Non-Small Business Cases Filed Under Chapter 11 of Title 11” (“Final Rule”).¹ The Final Rule, which is authorized by 28 U.S.C. § 589b, provides that chapter 11 debtors in possession and trustees — other than small business debtors — file monthly operating reports (MORs) and post-confirmation reports (PCRs) using streamlined, data-embedded, uniform forms in every case in every judicial district where the USTP operates. The Final Rule will become effective for all reports filed on or after June 21, 2021.

To be consistent with the Final Rule, the court hereby adopts the attached amendment to LBR 2015-7 on an interim basis effective June 21, 2021, until a local rule amendment is published for comment and adopted as a permanent rule.

SO ORDERED.



/s/ Robert J. Faris
United States Bankruptcy Judge

Dated: 06/14/2021

¹ 85 Fed. Reg. 82905 (to be codified at 28 C.F.R. § 58.8).

Interim LBR 2015-7 - Periodic Reports

(a) Monthly Operating Reports.

(1) Cases in Which Reports Are Required. A Monthly Operating Report (MOR) must be filed by the trustee or debtor in possession in the following cases:

- all cases under chapter 11
- chapter 7 cases during which the trustee is operating a business
- chapter 12 and chapter 13 cases, if the trustee requests reports to be filed.

(2) Form and Content of MOR; When to File.

(A) Chapter 11 (non-small business case) - **UST Form 11-MOR** must be filed no later than the 21st day of the month immediately following the reporting period covered by the MOR.

(B) Chapter 11 small business case, as defined in 11 U.S.C. § 101(51D), or a subchapter V case, as defined in 11 U.S.C. § 1182 - **Official Form 425C** must be filed no later than the 21st day of the month immediately following the reporting period covered by the MOR

(C) Chapter 7 case in which the trustee is operating a business - as instructed by the U.S. Trustee.

(D) Chapter 12 and chapter 13 cases - as instructed by the trustee.

(3) Service of MOR. When the MOR is filed with the court, copies must be provided to the U.S. Trustee, any official committee appointed in the case, any governmental unit charged with responsibility for collection or determination of any tax arising out of the operation, and any requesting party. Reports in a chapter 12 or chapter 13 case must be served on the trustee.

(4) Continuing Obligation to File. The MOR must be filed monthly until the effective date of a confirmed plan of reorganization, conversion of the case to one under another chapter, or dismissal of the case. (For details, see the instructions for completing the MOR Form at: <https://www.justice.gov/ust/chapter-11-operating-reports>.)

(b) Post-Confirmation Reports.

(1) Cases in Which Reports are Required. A Post-Confirmation Report (PCR) must be filed by a plan proponent following the effective date of a confirmed plan in a chapter 11 non-small business case. A plan proponent in a chapter 11 small business case shall follow instructions of the U.S. Trustee.

(2) Form and Content of PCR; When to File. UST Form 11-PCR must be filed to report the financial condition and status of operations no later than the 21st day immediately following the end of each calendar quarter until the date of the final decree, conversion of the case to one under another chapter, or dismissal of the case. (For details, see the instructions for completing the PCR at:

[https://www.justice.gov/ust/chapter-11-operating-reports.](https://www.justice.gov/ust/chapter-11-operating-reports))

(3) Service of PCR. When the PCR is filed with the court, copies must be provided to the U.S. Trustee, any governmental unit charged with responsibility for collection or determination of any tax arising out of the operation, and any requesting party.