



MEMORANDUM

To: Bankruptcy Practitioners in the Middle District of Georgia
From: Kyle George, Clerk of Court, U. S. Bankruptcy Court, Middle District of Georgia
Subject: GAMB Revision of Proposed Rule 3018-1 Ballots
(Voting on Plans) October 23, 2015

1. On August 11, 2015, I sent out a message asking for public commentary on four Local Bankruptcy Rules, LBR 3018-1 (Ballots – Voting on Plans); new LBR 7005-1 (Certificates of Service in Adversary Proceedings); and new LBR 7008-1 and 7012-1 (Statements Regarding Consent to Entry of Orders by a Bankruptcy Judge). LBR 7005-1, LBR 7008-1, and LBR 7012-1 went into effect on September 15, 2015. This memorandum concerns a revision to the proposed change to LBR 3018-1.

2. After the public commentary period ended, the Judges of this court reviewed the proposed change to LBR 3018-1 and determined the rule could be improved more than originally proposed and redrafted the proposed rule to eliminate possible ambiguity and to include all appropriate parties. Because the new proposed changes involve more than grammatical error corrections and are substantive in nature, we sent the Local Rules Committee a revised version of the rule for review. The committee had no comment on our revisions and we are now reissuing the proposed LBR 3018-1 change for public commentary.

a. Old Rule 3018-1:

LBR 3018-1. Ballots – Voting on Plans

For all confirmation hearings the plan proponent shall prepare a written ballot summary in substantially the same form as contained in the Clerk's Instructions. At the confirmation hearing, the original ballot summary and one copy shall be submitted to the Court. At that time it shall be marked as an exhibit for the plan proponent.

b. New Rule 3018-1 (**Revision as of 9-23-15**):

LBR 3018-1. Ballots – Voting on Plans

The following shall govern any Chapter 11 case pending in this district unless otherwise ordered by the court:

(a) All ballots accepting or rejecting a plan in a Chapter 11 case shall be filed with the court by the voting creditors and equity security holders, and will be docketed by the court. Voting creditors and equity security holders should file their original executed ballots with the court via ECF or via physical delivery (such as mail or courier) to the address provided in the Clerk's instructions.

(b) If a plan proponent receives an original executed ballot mistakenly sent to it instead of the Clerk's office, the plan proponent shall promptly mail or otherwise deliver the original ballot to the Clerk's office. A plan proponent shall not electronically file any other party's ballot.

(c) For all confirmation hearings, the plan proponent shall prepare a written summary of the ballots filed with the court, in substantially the same form as contained in the Clerk's Instructions. At the confirmation hearing, the original ballot summary and one copy shall be submitted to the Court. At that time it shall be marked as an exhibit for the plan proponent.

3. Your assistance in this process is greatly appreciated. If there are any questions regarding this rule change, please contact me no later than November 23, 2015 at 478-749-6842 or via email at Kyle_George@gamb.uscourts.gov.