

United States Bankruptcy Court  
WESTERN DISTRICT OF MICHIGAN

CHAMBERS OF  
SCOTT W. DALES  
BANKRUPTCY JUDGE

TELEPHONE  
616-456-2949

ONE DIVISION AVENUE NORTH  
GRAND RAPIDS, MICHIGAN 49503

February 20, 2015

Via ECF Notification

Members of the Bar  
United States Bankruptcy Court  
for the Western District of Michigan

Re: Preparation of Chapter 11 Ballot Reports

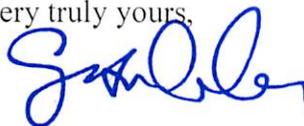
Ladies and Gentlemen:

For many years as a matter of custom, the court has prepared ballot reports in chapter 11 cases to assist plan proponents in establishing compliance with 11 U.S.C. §§ 1126(c) and 1129(a)(8). Given recent staff reductions at the court attributable to budget pressures, however, the court has decided to discontinue the practice.

The court's decision is premised not only on staffing decisions but also on the statutory framework governing chapter 11 confirmations. Specifically, the proponent of a chapter 11 plan has the burden of establishing compliance with each of the requirements for confirmation prescribed in § 1129, including the requirement of proving creditor support for the plan. Although the court's custom of preparing the tentative ballot report is convenient for the court and counsel, it is not necessarily consistent with the allocation of the burden of proof in this context. Therefore, in cases in which a chapter 11 confirmation hearing (or adjourned hearing) is scheduled to take place after March 1, 2015, the court will not prepare a tentative ballot report (*unless the court has already done so*) and the plan proponent shall be completely responsible for establishing compliance with § 1129(a)(8). I also remind you that ballots must still be filed in accordance with LBR 3018.

As a convenience to counsel and upon written request to the Clerk, the court will provide counsel with the electronic spreadsheet used in preparing the tentative ballot report. I trust that the bar will have no difficulty complying with § 1129(a)(8) notwithstanding the court's change in practice described in this letter.

Very truly yours,



Scott W. Dales  
Chief Judge