

Judicial Variance Statement for Judge Vincent P. Zurzolo
Regarding LBRs, The Central Guide, and Forms

UPDATED January 20, 2022

Bankruptcy Judge **ZURZOLO** enforces the Local Bankruptcy Rules and The Central Guide (*replaced the Court Manual*) and uses mandatory court forms. **However here are a few clarifications and exceptions:**

A. Local Bankruptcy Rules (LBRs):

- 1. 7016-1(b)(1) and (b)(3): Pre-trial Stipulations:** Judge Zurzolo **requires** that a pre-trial stipulation be filed, but not separately lodged in LOU. See section “F” below for mandatory instructions on preparing a pretrial stipulation.

B. The Central Guide: The Central Guide became effective on December 9, 2021. The complete LBR effective February 2021 refer to the Court Manual. When the complete LBR effective January 2022 is posted, former references to the Court Manual will be replaced by The Central Guide. Both documents are currently the court’s website; the Court Manual will be removed effective March 31, 2022.

C. “Mandatory” LBR Forms: LBR 9009-1 refers to LBR forms that are marked “mandatory” or “optional” in the footer of the form. Judge Zurzolo follows the “mandatory” and “optional” distinction by requiring use of all mandatory forms and requiring use of only certain “optional” forms (see section “D” below).

D. “Optional” LBR Forms that Judge Zurzolo Requires:

- 1. Chapter 13 Cases: Avoiding Junior Lien on Principal Residence:** Judge Zurzolo requires a motion to avoid a consensual junior lien on a debtor’s residence. Therefore, please follow the procedure outlined in **Section 4 of The Central Guide, LBR 4003-2 JR LIEN – MOTION.**
- 2. LBR 2081-2: Chapter 11 Debtors Who are Individuals:** See **Section 4 of The Central Guide, LBR 2081-2 (#1 - #5b)** for LBR forms to use when a chapter 11 debtor is an individual.

Use of these forms is **mandatory:**

F 2081-2.1.MOTION.CASH.COLLATERAL - Notice of Motion and Motion in Individual Chapter 11 Case for Order Authorizing Interim Use of Cash Collateral [11 U.S.C. § 363];

F 2081-2.1.ORDER.CASH.COLLATERAL - Order Re: Notice of Motion and Motion in Individual Chapter 11 Case for Order Authorizing Interim Use of Cash Collateral [11 U.S.C. § 363];

F 2081-2.2.MOTION.BUDGET - Notice of Motion and Motion in Individual Chapter 11 Case for Order Setting Budget for Interim Use of Estate Property as Defined in 11 U.S.C. § 1115;

F 2081-2.2.ORDER.BUDGET - Order Re: Notice of Motion and Motion in Individual Chapter 11 Case for Order Pursuant to 11 U.S.C. § 363(b) Setting Budget for Interim Use of Estate Property as Defined in 11 U.S.C. § 1115;

F 2081-2.3.MOTION.PAYROLL - Notice of Motion and Motion in Individual Chapter 11 Case for Order Authorizing Payment of Prepetition Payroll and to Honor Prepetition Employment Procedures: LBR 2081-1(a)(6);

F 2081-2.3.ORDER.PAYROLL - Order Authorizing Payment of Prepetition Payroll and to Honor Prepetition Employment Procedures: LBR 2081-1(a)(6);

F 2081-2.4.MOTION.UTILITIES - Notice of Motion and Motion in Individual Chapter 11 Case for Order Authorizing Debtor to Provide Adequate Assurance of Payment to Utility Service Providers [11 U.S.C. § 366];

F 2081-2.4.ORDER.UTILITIES - Order Re Notice of Motion and Motion in Individual Chapter 11 Case for Order Authorizing Debtor to Provide Adequate Assurance of Payment to Utility Service Providers [11 U.S.C. § 366];

F 2081-2.5.MOTION.EMPLOY.GEN.COUNSEL - Notice of Motion and Motion in Individual Chapter 11 Case For Order Employing Professional [LBR 2014-1];

F 2081-2.5.ORDER.EMPLOY.GEN.COUNSEL - Order RE Motion in Individual Chapter 11 Case For Order Employing General Bankruptcy Counsel [LBR 2014-1];

F 2081-2.5.MOTION.EMPLOY.OTHER - Notice of Motion and Motion in Individual Chapter 11 Case For Order Employing Professional [LBR 2014-1];

F 2081-2.5.ORDER.EMPLOY.OTHER - Order RE Motion in Individual Chapter 11 Case For Order Employing Professional [LBR 2014-1].

3. **LBR 3003-1 Notice of Claims Bar Date in Chapter 11 Cases**

Use of this LBR Form is **mandatory**: F 3003-1.NOTICE.BARDATE - Notice of Bar Date for Filing Proof of Claim in Chapter 11 Case [LBR 3003-1]

E. **“Optional” LBR Forms that Judge Zurzolo Prohibits**: Do not use the following LBR Forms:

1. **Do not** use these two LBR forms because, as identified below in section “F”, Judge Zurzolo requires a “VZ” combined Disclosure Statement and Plan

F 2081-1.DISCLSR.STMT - Individual Debtor’s Disclosure Statement in Support of Plan of Reorganization;

F 2081-1.PLAN - Individual Debtor’s Chapter 11 Plan of Reorganization;

2. **Do not** use these two LBR forms because at the initial chapter 11 status conference, the court sets deadlines for filing proofs of claim and holding hearings on objection to claims.

F 3003-1.MOTION.BARDATE - Notice of Motion and Motion In Individual Chapter 11 Case For Order Settling Bar Date For Filing Proofs of Claim

F 3003-1.ORDER.BARDATE - Order Setting Bar Date For Filing Proofs of Claim In An Individual Chapter 11 Case

3. **Adversary Proceeding Status Reports: Do not use** F 7016-1.STATUS.REPORT. Instead, use Judge Zurzolo’s mandatory form **VZ.LBR7016.STATUSREPORT**, which is posted on the **“Adversary Proceeding” TAB** of Judge Zurzolo’s court webpage.

F. Judge Zurzolo’s “VZ” Forms that he Created for Use in His Cases Only:

1. **Chapter 11 Disclosure Statement and Plan Forms:** It is **mandatory** that chapter 11 debtors use Judge Zurzolo’s forms Related to Disclosure Statements and Plans and, specifically, use the forms that match the debtor’s classification. These disclosure statement and plan forms are found at the “**Chapter 11**” **TAB** of Judge Zurzolo’s court webpage:

NOTE: There are three different sets of these forms because there are three classifications of debtors in chapter 11. Be sure to download and use the forms that apply in your situation:

Chapter 11 Forms for use ONLY by Subchapter V Debtors

Subchapter V Plan of Reorganization

Exhibits and Declarations in Support of Subchapter V Plan

Notice of Dates and Deadlines Related to Confirmation of Subchapter V Plan

Notice of Motion and Motion to Confirm Subchapter V Plan of Reorganization

Order Granting Motion to Confirm Subchapter V Plan of Reorganization

Chapter 11 Forms for use ONLY by Debtors Who are individuals with Primarily Consumer Debts

Disclosure Statement and Plan (Combined Document)

Notice of Hearing on Adequacy of Disclosure Statement

Motion to Approve Adequacy of Disclosure Statement

Notice of Dates and Deadlines Related to Confirmation of Plan

Motion to Confirm Plan of Reorganization

Order Granting Motion to Approve Adequacy of Disclosure Statement

Order Granting Motion to Confirm Plan of Reorganization

Chapter 11 Forms for use ONLY by Nonindividual Debtors and by Individuals with Substantial Non-consumer Debt

Disclosure Statement and Plan (Combined Document)

Notice of Hearing on Adequacy of Disclosure Statement

Motion to Approve Adequacy of Disclosure Statement

Notice of Dates and Deadlines Related to Confirmation of Plan

Motion to Confirm Plan of Reorganization

Order Granting Motion to Approve Adequacy of Disclosure Statement

Order Granting Motion to Confirm Plan of Reorganization

2. **Model Pretrial Stipulation and Model Pretrial Order:** Use Judge Zurzolo’s **mandatory** format for preparing a pretrial stipulation. It is found on the “**Adversary Proceedings**” **TAB** of Judge Zurzolo’s court webpage. At the same tab there are instructions for preparing and filing a pretrial stipulation. If a pretrial stipulation is subsequently approved, follow the same instructions for preparing and lodging a pretrial order that approves the pretrial stipulation.