

Rule 3017-1

**PROPOSED DISCLOSURE STATEMENTS IN CHAPTER 9 AND CHAPTER 11
CASES: TRANSMITTAL AND DISCLAIMER -- Amended [October 17, 2005]**

(a) *Transmittal.* Unless the Court orders otherwise, the proponent of a plan shall transmit all notices and documents required to be transmitted by Bankruptcy Rule 3017(a). Upon request, the Clerk shall supply the proponent, at a reasonable cost, with any available matrix of creditors for the purpose of preparing address labels.

(b) *Disclaimer Other Than in Small Business Cases.* Except in a case where the debtor is a small business, before a proposed disclosure statement has been approved by the Court, the proposed disclosure statement shall have on its cover, in boldface type, the following language, or words of similar import:

THIS IS NOT A SOLICITATION OF ACCEPTANCE OR REJECTION OF THE PLAN.
ACCEPTANCES OR REJECTIONS MAY NOT BE SOLICITED UNTIL A DISCLOSURE
STATEMENT HAS BEEN APPROVED BY THE BANKRUPTCY COURT. THIS
DISCLOSURE STATEMENT IS BEING SUBMITTED FOR APPROVAL BUT HAS NOT
BEEN APPROVED BY THE COURT.

(c) *Disclaimer in Small Business Cases.* In a case where the debtor is a small business, after conditional approval but before final approval of a proposed disclosure statement has been given, the proposed disclosure statement shall have on its cover, in boldface type, the following language, or words of similar import:

THE DEBTOR IN THIS CASE IS A SMALL BUSINESS. AS A RESULT, THE DEBTOR IS
PERMITTED TO DISTRIBUTE AND HAS DISTRIBUTED THIS DISCLOSURE STATEMENT
BEFORE ITS FINAL APPROVAL BY THE COURT. IF AN OBJECTION TO THIS
DISCLOSURE STATEMENT IS FILED BY A PARTY IN INTEREST, FINAL APPROVAL OF
THIS DISCLOSURE STATEMENT WILL BE CONSIDERED AT OR BEFORE THE HEARING
ON CONFIRMATION OF THE PLAN.

Comment

Subdivisions (a) and (b) of this rule are derived from Former Local Bankruptcy Rule 55. Subdivision (c) of this rule, added in 1996, is derived from § 217 of the Bankruptcy Reform Act of 1994.

Bankruptcy Rule 3017(a) provides that the plan and the disclosure statement shall be mailed with the notice of the hearing to the debtor, the trustee, each committee, the Securities and Exchange Commission, the United States Trustee, and any party in interest who requests in writing a copy of the disclosure statement or plan.

Bankruptcy Rule 2002(b) permits the Court to require a party other than the Clerk to bear the responsibility for transmitting the notices and documents specified in this rule.

The reasonable cost, if any, provided for in subdivision (a) of this rule is the fee prescribed by the Judicial Conference of the United States pursuant to 28 U.S.C. § 1930(b).