



Subchapter V

A Clerk's Perspective

SBRA statistics for WDMO

Since 2/19/2020, **thirty-three** Subchapter V cases have been filed in our district.

Of those cases:

- Eight** nonconsensual plans were confirmed

- Five** consensual plans were confirmed

- One** case was converted

- Nine** cases were dismissed

- Three** sets of cases were jointly administered

- One** case proceeded as a regular Chapter 11 after the UST objection to Sub V designation was granted

Filing Tips from the Clerk's Office

- ▶ Please mark Subchapter V on the petition and in the ECF filing event. This will ensure that the plan deadline and case flag are set.
 - ▶ If not initially marked, an amended petition is needed.
- ▶ Also, correctly mark if the debtor is a small business.
- ▶ The Clerk waits until the UST has filed the appointment of the Subchapter V trustee before setting the 341 meeting.

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

Chapter 7

Chapter 9

Chapter 11. Check all that apply.

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$3,024,725. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).

The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, and it chooses to proceed under Subchapter V of Chapter 11. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).

A plan is being filed with this petition.

Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).

The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11 (Official Form 201A) with this form.

The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

Prior filing within last 8 years

Fee status

Nature of debt

Asset notice

Estimated number of creditors

Estimated assets


Estimated liabilities

→ Small business *A small business debtor is defined in 11 U.S.C. § 101(51D). Is this a small business debtor?*

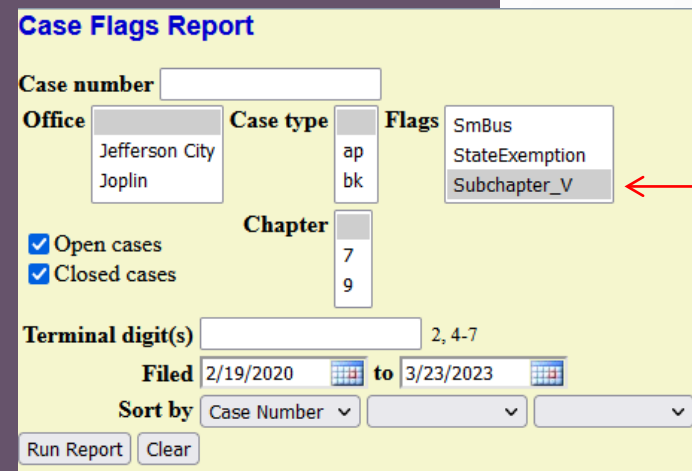
→ Subchapter Debtor is defined in 11 U.S.C. § 1182(1) and elects to proceed under subchapter V of Chapter 11

How to Run SubV Report

- ▶ Run Case Flags Report in CM/ECF to locate SubV Cases filed in our Court.
- ▶ Select Reports > Case Flags
- ▶ Select the 'Subchapter_V' flag option.
- ▶ Fill in additional parameters and select Run Report to execute.



The screenshot shows the CM/ECF web interface. At the top, there is a navigation bar with the CM/ECF logo and several menu items: Bankruptcy, Adversary, Query, Reports, Utilities, Search, Help, and Log Out. A red arrow points to the 'Reports' menu item. Below the navigation bar, there is a 'Change user' button. The main content area is titled 'Reports' and contains three columns of links: Case Information, Hearing Information, and Claims Information. The 'Case Information' column includes links for Cases, Case Aging, Case Flags, Credit Card Reports..., Deadlines/Hearings, Docket Activity, Docket Report, and List of Creditors. The 'Hearing Information' column includes Calendar Events, Calendar - Monthly, and Written Opinions. The 'Claims Information' column includes Claims Activity and Claims Register.



The screenshot shows the 'Case Flags Report' form. It includes several input fields and dropdown menus. The 'Case number' field is empty. The 'Office' dropdown menu is open, showing 'Jefferson City' and 'Joplin'. The 'Case type' dropdown menu is open, showing 'ap' and 'bk'. The 'Flags' dropdown menu is open, showing 'SmBus', 'StateExemption', and 'Subchapter_V', with a red arrow pointing to 'Subchapter_V'. The 'Chapter' dropdown menu is open, showing '7' and '9'. There are two checked checkboxes: 'Open cases' and 'Closed cases'. The 'Terminal digit(s)' field is empty, with '2, 4-7' as a hint. The 'Filed' date is '2/19/2020' and the 'to' date is '3/23/2023'. The 'Sort by' dropdown menu is set to 'Case Number'. At the bottom, there are 'Run Report' and 'Clear' buttons.

Initial Motions and Hearings

- File a Motion to Expedite Hearing.

Use event: **Bankruptcy → Motions & Related Filings → Motions/Applications/Requests → Expedite Hearing**

- Reach out to the Courtroom Deputy to coordinate hearing on “First Day” Emergency Motions.
- The Court will prepare and file the Notice of Hearing.
- Proposed orders are submitted via E-mail to the Courtroom Deputies.

Name	Courtroom Deputy For	Phone Number
Dawn Meador	Chief Judge Brian T. Fenimore	816-512-1924
Beth Graham	Judge Cynthia A. Norton	816-512-1852
Christy Wilkinson	Judge Dennis R. Dow	816-512-1894