


[Doschsve] [District Order Scheduling Confirmation Hearing in Sub V Cases]

ORDERED.

Dated: April 22, 2025



Roberta A. Colton
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION
www.flmb.uscourts.gov

In re:

Case No.
8:23-bk-01644-RCT
Chapter 11
Subchapter V

Derek Mateos

Marynes T Mateos

Debtor* /

**ORDER (I) SCHEDULING HEARING ON
CONFIRMATION OF PLAN OF REORGANIZATION,
(II) SETTING RELATED DEADLINES, AND (III) SETTING
DEADLINES FOR FILING ADMINISTRATIVE EXPENSE APPLICATIONS**

The Debtor ("Debtor") in this Chapter 11 Small Business Subchapter V Case** has filed a proposed Plan of Reorganization (Doc. No. 265) (the "**Plan**"). Accordingly, it is

ORDERED:

1. **Confirmation Hearing.** The Court will conduct a preliminary hearing ("**Confirmation Hearing**") on June 3, 2025 at 03:30 PM in Courtroom 8A, Sam M. Gibbons United States Courthouse, 801 N. Florida Ave., Tampa, FL 33602, on:

- (a) confirmation of the Plan, including timely filed objections;
- (b) if the notice period described in paragraph 7.(a) below has expired, professionals' applications for compensation and expense reimbursement; and
- (c) other applications for allowance of administrative expenses.

The Confirmation Hearing may be adjourned from time to time by announcement made in open court without further notice.

2. ***Service of Solicitation Package.*** No later than five days after entry of this Order, Debtor must serve all parties entitled to service under Fed. R. Bankr. P. 3017(d) and the Local Rule 1007–2 Parties in Interest List with copies of the Plan, this Order, and ballots for accepting or rejecting the Plan. Debtor must file proof of such service within three days thereafter.

3. ***Deadline for Objections to Confirmation or Adequacy of Disclosures.*** If you object to (a) confirmation of the Plan or (b) the adequacy of the disclosures required under 11 U.S.C. § 1190(1), you must file and serve a written objection no later than seven days before the Confirmation Hearing. You must serve Debtor, counsel for Debtor, the Subchapter V Trustee, the United States Trustee, and the Local Rule 1007–2 Parties in Interest List. However, any objection based on the failure of Debtor to meet the requirements of § 1129(a)(8) may be raised at the Confirmation Hearing. The Court will not consider untimely objections if such delay prejudices Debtor, other interested parties, or the progress of the case.

4. ***Deadline for Acceptance or Rejection of the Plan.*** Creditors and other parties in interest must file their written acceptance or rejection of the Plan (ballot) no later than seven days before the Confirmation Hearing. Ballots should be submitted:

- (a) through CM/ECF for those users with a login and password;
- (b) through the Chapter 11 eBallots link on the Creditors tab on the Court's website, www.flmb.uscourts.gov;
- (c) at <https://pacer.flmb.uscourts.gov/cmecf/ballots/submission.asp>; or
- (d) by mail to Sam M. Gibbons United States Courthouse, 801 N. Florida Avenue, Suite 555, Tampa, FL 33602–3899.

5. ***11 U.S.C. § 1111(b) Election.*** An election under 11 U.S.C. § 1111(b) must be filed no later than seven days before the Confirmation Hearing.

6. ***Administrative Expense Application Deadline.*** A party asserting entitlement to allowance of an administrative expense under § 503(b), including professionals seeking compensation and expense reimbursement under §§ 328 and 330, must file an application for allowance of the administrative expense no later than 14 days before the Confirmation Hearing. The Court will consider the application at the Confirmation Hearing if the notice period described in paragraph 7.(a) below has expired. Otherwise, the Court will consider applications for allowance of administrative expenses with an unexpired notice period or applications that accrue after the Administrative Expense Application Deadline in the normal course.

7. ***Fee Applications by Professionals.*** The following procedures apply to fee applications by professionals seeking compensation and expense reimbursement:

(a) ***Filing and Service.*** Applicants must file and serve a notice of the filing of the fee application on the parties listed in paragraph 3 above. The notice must conform to the Court's Negative Notice Legend for All Fee Applications as published in the Court's Procedure Manual, available on the Court's website (www.flmb.uscourts.gov).

(b) ***Contents.*** Fee applications must comply with Local Rule 2016–1 and include the total amount of fees and costs sought to be approved, without deduction of any prepetition retainer and interim fee awards. The fee application may include estimates of fees and costs expected to be incurred subsequent to the date of those included in the fee application through the time of the hearing on the fee application. If the actual fees and costs incurred during this period are less than the estimated amount, Court approval of the fee application will authorize payment of the actual fees and costs. If the actual fees and costs exceed the estimated amount, the applicant may file a supplemental fee application.

8. ***Confirmation Affidavit.*** Two days prior to the Confirmation Hearing, Debtor should file a confirmation affidavit containing the factual bases upon which Debtor relies in establishing that each of the applicable requirements of § 1191 is met.

9. ***Ballot Tabulation.*** In accordance with Local Rule 3018–1(a), Debtor must file a ballot tabulation no later than two days prior to the Confirmation Hearing.

10. ***Dismissal or Conversion.*** If Debtor fails to serve this Order and file proof of such service, or if the Court denies confirmation of the Plan, then the Court will consider the resulting delay along with all other relevant factors in deciding whether the case should be dismissed or converted.

Avoid delays at Courthouse security checkpoints. You must show a photo I.D. to enter the Courthouse. Except in the Orlando Courthouse, you may not bring a cell phone or a computer into the Courthouse unless you are an attorney with a valid Florida Bar identification card or a pro hac vice order, or the presiding judge has entered a specific order authorizing you to bring your cell phone or computer into the Courthouse. *See* Rule 7.02 of the Local Rules of the United States District Court for the Middle District of Florida and Rule 5073–1 of this Court's Local Rules.

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* All references to "Debtor" shall include and refer to both of the debtors in a case filed jointly by two individuals.

** 11 U.S.C. § 1181, *et seq.* Unless otherwise stated, statutory references are to the United States Bankruptcy Code, 11 U.S.C. § 101, *et seq.*

Counsel for Debtor shall serve copies of this Order and file proof of such service as directed in paragraph 2 above.
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