



U.S. Department of Justice
Office of the United States Trustee
District of West Virginia

*United States Courthouse
300 Virginia Street East, Room 2025*

*(304) 347-3400
Fax: (304) 347-3402
Charleston, West Virginia 25301*

February 25, 2026

Re:
Chapter 11 Bankruptcy Case:

The Office of the United States Trustee, a component of the U.S. Department of Justice, supervises the administration of Chapter 11 cases. The Bankruptcy Code and Rules set forth certain requirements that must be followed by Chapter 11 debtors. The United States Trustee is providing these documents to you because you are identified as counsel for the debtor in the above referenced case. The United States Trustee has also sent copies of the documents to the debtor. Please take time to read the following information.

Administrative Guidelines for Chapter 11 Cases (Attachment 1):

Enclosed are the Administrative Guidelines for Chapter 11 Cases. The debtor and all bankruptcy professionals should read the guidelines and be familiar with the requirements.

Authorization for United States Trustee to have direct contact with debtor (Attachment 2):

The debtor's counsel may authorize the United States Trustee's staff to discuss administrative issues with the debtor or a representative of the debtor. Administrative issues, for example, may be a question pertaining to the monthly operating report. We cannot and will not discuss legal or substantive issues with the debtor or the debtor's representative. To authorize this communication, please execute and return the authorization to the U.S. Trustee.

Banking Information (Attachment 3):

The Authorization for Release of Bank Information and a Verified List of Depository Accounts for the Chapter 11 debtor are attached. The documents should be completed, executed, and returned to the United States Trustee within 10 days.

The debtor may not deposit funds in unauthorized depository accounts.

Insurance Information (Attachment 4):

The Verified List of All Insurance Policies is attached. The document should be completed, executed, and returned to the United States Trustee within 10 days.

Monthly Operating Reports (Attachment 5):

The Bankruptcy Code and the Operating Order of the Court require a chapter 11 debtor to file with the Court a report every month no later than the 21st of the month following the reporting period. The first report is due to be filed and will cover the period . **Please copy these forms for use on all future reports.** If the debtor is **not** classified as small business or Subchapter V, the debtor is required to abide by the Final Rule 28 CFR §58.8 & §589b in filing Uniform Periodic Reports. This Rule governs the filing of pre-confirmation Monthly Operating Reports (MORs) and quarterly Post-Confirmation Reports (PCRs). These new forms **must** be used for all report filings in which the debtor is not a small business or Subchapter V. To access the latest version of the MOR & PCR forms, instructions for their use and filing, and other important information related to periodic reporting under the Final Rule, please navigate to <https://www.justice.gov/ust/chapter-11-operating-reports>. While at that webpage, please subscribe to the “Chapter 11 Operating Reports E-mail Updates” feature to automatically receive email updates about periodic reporting under the Final Rule. **When filing the Uniform Periodic Reports the reports should be data enabled (no visible watermark) and all supporting documents and attachments should be filed as a separate document.** If you have any questions about these forms, please contact Chris Dupont, *Auditor*.

Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses (Attachment 6):

Under the bankruptcy code, professionals may not be paid compensation or reimbursement of expenses without approval of the bankruptcy court. The Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses are enclosed.

Chapter 11 Quarterly Fees using Pay.gov for non-Sub V Cases:

Starting September 30, 2025, the United States Trustee Program will no longer accept checks as forms of payment for Chapter 11 quarterly fees. Debtor's must use the following link <https://www.pay.gov/public/form/start/672415208> more details regarding quarterly fees are included on pages 8 & 9.

Staff Assigned to this case:

The following individuals in the U.S. Trustee's office have been assigned to this case. If you have any questions about case administration, please contact these individuals.

Attorney: - Case issues; Chris Dupont, Bankruptcy Auditor, (304) 347-3404 – Financial Reporting, U.S. Trustee Quarterly Fee, Administrative and scheduling issues.

Very truly yours,

/s/
Trial Attorney
/Enclosures

ATTACHMENT 1

**ADMINISTRATIVE GUIDELINES
FOR CHAPTER 11 CASES**

**OFFICE OF THE UNITED STATES TRUSTEE
DISTRICT OF WEST VIRGINIA**

ADMINISTRATIVE GUIDELINES FOR CHAPTER 11 CASES

I. INTRODUCTION

ROLE OF THE UNITED STATES TRUSTEE

The duties and responsibilities of the United States Trustee are set forth in 28 U.S.C. § 586. The United States Trustee is a party in interest in every case within his jurisdiction and may appear and be heard on any issue in any case filed under title 11 pursuant to 11 U.S.C. § 307. Many of the Federal Rules of Bankruptcy Procedure provide instruction as to when and what must be provided to the United States Trustee. The Rules deal with issues such as case filing, service of process, appointment of trustees, and noticing. The Local Rules of the Bankruptcy Court should also be incorporated into the administrative and substantive aspects of all bankruptcy cases. Debtor's counsel should keep the United States Trustee apprised of all matters relating to the disposition of a case.

Any correspondence to the United States Trustee should be addressed to: The Office of the United States Trustee, Robert C. Byrd Federal Courthouse, 300 Virginia Street, East, Suite 2025, Charleston, West Virginia 25301. The main office telephone number is 304-347-3400. Debtors should not call the office inquiring about their cases unless their counsel is also on the phone. The United States Trustee cannot communicate with debtors who are represented by counsel without counsel's written approval or counsel being present.

The United States Trustee receives all pleadings and other documents filed in a case electronically. It is not necessary to serve the United States Trustee with a paper copy of a pleading filed in a case.

Information about the United States Trustee Program and its responsibilities under title 11 can be found at: www.usdoj.gov/ust/r04/charleston.htm. Inquiries about a specific case can be sent electronically to the appropriate email address listed on the website.

DUTIES OF DEBTOR-IN-POSSESSION

With the filing of a chapter 11 petition, a debtor becomes a new entity called a debtor-in-possession. The debtor-in-possession has fiduciary and statutory responsibilities to preserve and maintain the estate and to operate its business as efficiently as possible in order to maximize ultimate payments on pre-petition debts while keeping post-petition debt current. [11 U.S.C. §§ 1106 and 1107]

A) FILING OF SCHEDULES AND LIST OF 20 LARGEST CREDITORS

A list of the 20 largest creditors and a mailing matrix of creditor addresses must be filed with the voluntary petition for relief. A contact name and the telephone number for the contact person for each creditor on the list should be provided. If the list of the 20 largest creditors and the mailing matrix are not filed with the petition, a motion to dismiss the case will be filed by the United States Trustee.

The debtor's schedules and statement of financial affairs must be filed within 15 days after the filing of the voluntary petition for relief. Failure to timely file the Schedules and Statement of Financial Affairs will result in the United States Trustee filing a motion to dismiss the case.

B) DEBTOR'S BOOKS

The debtor is required to close all existing financial books and records as of the close of business on the date of the filing of the petition. New books should be opened on the next business day. The debtor must keep an accurate record of earnings, expenses, receipts, disbursements and other obligations and transactions made in the operation of business and in the management, preservation, and protection of the debtor's property.

C) SMALL BUSINESS CASES

A "small business case" is a case in which the debtor is a "small business debtor." [11 U.S.C. § 101 (51C) and (51D)] A "small business debtor" is any debtor engaged in commercial or business activities (other than owning or operating real estate) and whose debts are less than \$3,024,725 (Temporarily increased to \$7,500,000). In addition, if the United States Trustee appoints a committee of unsecured creditors, the debtor is not a small business debtor.

Section 308 (b) of Title 11 requires a small business debtor to provide projections of cash receipts and disbursements over a period and comparison of actual results to these projections. The projections must cover the first six months of operation and be provided at the initial debtor interview. Comparisons of actual results to these projections are reported in the Projections section of the monthly operating report. A sample projection form is attached at the end of these guidelines.

Section 1116 of Title 11 sets out a number of additional requirements in small business cases:

- 1) The debtor shall append to the voluntary petition its most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or a statement made under penalty of perjury that the financial statements have not been prepared or the tax return has not been filed. Failure to append the required documents or statement to the petition will result in the U.S. Trustee filing a motion to dismiss the case.
- 2) The debtor shall attend, through its senior management personnel and counsel, meetings scheduled by the court or the United States Trustee, including initial debtor interviews, scheduling conferences, and the § 341 meeting of creditors, unless the court waives the requirement upon a finding of extraordinary and compelling circumstances.
- 3) The debtor shall file all schedules and statements of financial affairs within 15 days after filing the voluntary petition for relief unless the court grants an extension of time. No extension shall extend beyond 30 days after the order for relief absent extraordinary and compelling circumstances.
- 4) The debtor shall file all post-petition financial and other reports required by the Federal Rules of Bankruptcy Procedures or Local Bankruptcy Rules.
- 5) The debtor shall maintain insurance customary and appropriate to the industry, subject to 11 U.S.C. § 363(c)(2) concerning the use of cash collateral.
- 6) The debtor shall timely file all tax returns and other required governmental filings. The debtor shall also timely pay all post-petition taxes, except those being appropriately and diligently contested, and subject to 11

U.S.C. § 363(c)(2).

7) The debtor shall allow the United States Trustee or a designated representative to inspect the debtor's business premises, books, and records at reasonable times, and after reasonable prior written notice, unless the debtor waives notice.

D) INDIVIDUAL DEBTORS

Title 11 includes a number of provisions that apply specifically to chapter 11 cases in which the debtor is an individual, including the following:

- 1) Property of the bankruptcy estate includes property acquired post-petition. [11 U.S.C. § 1115(a)(1)]
- 2) Property of the bankruptcy estate includes post-petition earnings from personal services. [11 U.S.C. § 1115(a)(2)]
- 3) The plan must provide for the debtor to pay creditors all or such portion of earnings from personal services or other future income of the debtor as is necessary for the execution of the plan. [11 U.S.C. § 1123(a)(8)]
- 4) If a holder of an allowed unsecured claim objects to confirmation of the plan, the plan must either provide for payment of the full value of the claim as of the effective date, or for payment of the projected disposable income of the debtor for five years or for the term of the plan, whichever is longer, with disposable income defined in 11 U.S.C. § 1325(b)(2). [11 U.S.C. § 1129(a)(15)]
- 5) At the request of the debtor, the trustee, the United States Trustee, or the holder of an allowed unsecured claim, the plan may be modified at any time after confirmation but before completion of payments to 1) increase or reduce the amount of payments to a particular class, 2) extend or reduce the time period for payments, or 3) change the amount to be paid to a creditor to the extent necessary to take account of any payments made other than under the plan. [11 U.S.C. § 1127(e)]
- 6) At the request of the court, the United States Trustee, or any party in interest, the debtor must file with the court a copy of any post-petition federal income tax returns at the same time they are filed with the taxing authorities, and certain pre-petition federal income tax returns that had not been filed with the taxing authorities on the petition date. [11 U.S.C. § 521(f)]
- 7) An individual debtor does not receive a discharge until completion of all payments under the plan. The court may grant a discharge to an individual debtor who has not completed all plan payments if the court finds that the value of the property actually distributed to unsecured creditors as of the effective date is not less than the amount that would have been paid in a chapter 7 case if the estate had been liquidated on the effective date, and if the court also finds that modification of the plan under § 1127 is not practicable. [11 U.S.C. § 1141(d)(5)]
- 8) An individual debtor is required to bring proof of Social Security number and picture identification to the § 341 meeting of creditors.

II. OPERATING GUIDELINES

BANK ACCOUNTS

Upon the filing of the petition, the Debtor-in-Possession shall reconcile existing bank accounts to determine the correct balance thereof as of the date of the filing of the bankruptcy petition. The debtor is authorized to make payments and to draw all checks incidental to the ordinary conduct of its business, and to open and maintain bank accounts in compliance with the provisions of 11 U.S.C. § 345. The debtor is not required to place on its bank accounts or checks any identification, such as “DIP,” or other designation to indicate its bankruptcy filing status. A tax account shall be used to hold the “trust fund” type of taxes collected by the debtor until the taxes are paid to the appropriate taxing authority on the normal due dates. Trust fund taxes include sales taxes and payroll withholding taxes. Under no circumstance should a debtor deposit trust fund taxes into the operating account or use those funds for a purpose other than taxes.

The debtor must notify the United States Trustee as to the whereabouts and the numbers of any and all bank accounts that the debtor may have. Bank accounts include, but are not limited to, checking, savings, or other financial accounts, certificates of deposit, shares in banks, savings and loans, thrift, building and loans, credit unions, brokerage houses and cooperatives. Attached are two forms which must be completed and returned to the United States Trustee within ten days of the date of the letter transmitting the chapter 11 Guidelines to you. One form is the “Authorization for the Release of Bank Information” that must be signed by anyone who has signature authority over the debtor’s bank accounts. The other form is a “Verified List of All Depository Accounts of Chapter 11 Debtor” that must include all of the debtor’s accounts.

If the debtor maintains more than \$250,000 at any one financial institution at any time, the debtor must notify the United States Trustee. It is very important for the debtor to monitor bank account balances on a daily basis. Any financial institution with a debtor’s deposit totaling \$250,000 or greater must collateralize the deposit with a bond or deposit of securities as required by 11 U.S.C. § 345(b) or invest in securities or bonds which are insured or guaranteed by the United States or backed by the full faith and credit of the United States. Financial institutions file monthly reports with the United States Trustee for all bankruptcy estate funds in their custody.

The debtor must maintain bank accounts in authorized depositories only and all estate funds must be kept in the debtor’s bank account(s).

UNAUTHORIZED DEPOSITORIES

The United States Trustee maintains a list of financial institutions which are unable or unwilling to comply with the United States Trustee’s requirement and § 345 of the bankruptcy code requiring collateralization of bankruptcy estate funds. A listing of all authorized institutions is attached to these guidelines. The debtor is prohibited from maintaining accounts or opening new accounts with any institution not listed on the authorized list. If the debtor wishes to establish an account with a financial institution and is not sure if the institution meets the requirements of the bankruptcy code and the United States Trustee, debtor’s counsel should contact the Office of the United States Trustee. If the institution does not have an agreement with the United States Trustee, the United States Trustee can attempt to establish an agreement with the institution. Should the institution decline, the debtor will be required to remove all funds and deposit them with another financial institution in compliance with the law.

INSURANCE

A Chapter 11 debtor must maintain appropriate insurance to protect the estate and the public. See 11 U.S.C. § 1112(b)(4)(C). The types and amount of coverage must be adequate given the circumstances, and will depend upon the facts of each case. The types of required insurance may include fire and casualty, general liability, extended liability, workers compensation, unemployment, employee health insurance (esp. if required by collective bargaining agreement or retirement plan), malpractice insurance, product liability, and liquor/dram shop insurance. The United States Trustee will request that the debtor provide proof of insurance at the beginning of each case. Insurance coverage should be kept current throughout the chapter 11 case. The debtor must also report on its insurance coverage in each monthly operating report. Additional reports of insurance will be requested when there is a renewal, a change of policy, or a lapse of coverage. The debtor should instruct the insurance company to list the United States Trustee as a certificate holder for notification if the policies lapse, are terminated, or if there is a claim against the policy.

TAXES

The debtor must remain current on all post-petition federal, state, and local taxes and file all tax returns on a timely basis. Failure by the debtor to timely pay post-petition taxes or to file post-petition tax returns is cause for conversion or dismissal of the case. [11 U.S.C. § 1112(b)(4)(K)]

QUARTERLY FEES

All Chapter 11 debtor-in-possession excluding Subchapter V debtors must pay a quarterly fee to the United States Trustee every calendar quarter from the time the petition is filed until the case is dismissed, converted, or closed by final decree 28 U.S.C. § 1930. The Bankruptcy Code further provides that for a plan to be confirmed, all quarterly fees must be paid timely, or the plan must provide for payment of all fees on the effective date of the plan 11 U.S.C. § 1129(a)(12). The debtor-in-possession's failure to timely pay quarterly fees is cause for conversion or dismissal of a chapter 11 case 11 U.S.C. § 1112(b)(4)(K). Interest will be charged on unpaid quarterly fees, pursuant to 31 U.S.C. § 3717.

The fee schedule can be found at: <https://www.justice.gov/ust/chapter-11-quarterly-fees>.

Quarterly fee bills are mailed to the debtor by the United States Trustee at the end of each quarter with instructions on how to determine the amount of fees owed and how to make proper payment of the fees. The debtor should note that the fee billed are usually an estimate based on the reports filed by the debtor when the invoice is generated and may not be the actual fee due depending on the debtors disbursements for the quarter. The fee is due on the last day of the calendar month following the calendar quarter for which the fee is owed. If the debtor does not receive a statement for the fee or if the debtor has a question about the fee, debtor's counsel should contact the Office of the United States Trustee, unless counsel for the debtor has executed an authorization allowing the United States Trustee to discuss the issue of quarterly fees with the debtor.

All plans of reorganization should contain language that covers any quarterly fee liability which has accrued but is not yet payable. The following language is acceptable:

All fees payable to the United States Trustee which have accrued pursuant to 28 U.S.C. § 1930(a)(6) and which are not paid on the date of confirmation, including any fees that may have accrued during the quarter in which confirmation occurs, will be paid in full on the effective date of the plan.

As of September 30, 2025, the United States Trustee Program no longer accepts checks or money orders as forms of payment for chapter 11 quarterly fees. Any checks or money orders received on or after this date will be returned to the sender. All quarterly fee payments must be made electronically through the United States Trustee Program's Pay.gov site located here:

<https://www.pay.gov/public/form/start/672415208>.

The party paying quarterly fees will need the ten-digit account number (xxxxxxxxxx) and bank account information (account and routing number) to remit quarterly fee payments via Pay.gov. You should follow the instructions on Pay.gov for remitting payment. Please note that you will be required to complete the box requesting your Taxpayer ID on Pay.gov to complete their payment. If a debtor does not have an EIN, you may enter all 9's in this box. Pay.gov allows the use of PayPal as a payment method, thereby enabling parties to make payments without sharing bank account details directly with Pay.gov. However, PayPal has transaction limits, which vary based on account verification status and payment method. Parties wishing to use PayPal to pay quarterly fees should check with PayPal.com directly for more information regarding the monetary cap.

Failing to make acceptable electronic payments of quarterly fees through Pay.gov in compliance with EO 14247 could result in delays in payment and the accrual of interest and other penalties, and legal action for failure to timely remit payment. Failing to include the debtor-in-possession's ten-digit account number may cause the payment to not be applied or a delay in processing.

If you have questions about how to pay chapter 11 quarterly fees, please contact your local United States Trustee office.

INITIAL DEBTOR INTERVIEW

The United States Trustee will schedule an Initial Debtor Interview ("IDI") with the debtor and counsel shortly after the case is filed. (see 11 U.S.C. § 1116(2) for specific requirements in small business cases.) The IDI will generally be conducted either at the debtor's place of business, at the office of the United States Trustee, or by telephone. At the IDI, the United States Trustee's office will seek to become familiar with the debtor's case as well as with the debtor's business plan and operations, assets, liabilities, and accounting methods. Accordingly, the debtor's representative(s) at the IDI should have personal knowledge and information regarding the debtor's pre-petition and post-petition operations, accounting records, tax returns and financial statements. Discussion will include the role of the United States Trustee, Operating Guidelines and Reporting Requirements, and scheduling matters. The IDI will be held within 10 days after the petition is filed. Failure by the debtor to attend meetings reasonably requested by the United States Trustee is cause for conversion or dismissal of the bankruptcy case. [11 U.S.C. § 1112(b)(4)(H)]

In small business cases, projections of cash receipts and disbursements for the first six (6) months of operations after the filing of the voluntary petition for relief are to be provided to the United States Trustee at the IDI. A sample projections form is attached.

ADDITIONAL LEGAL REQUIREMENTS

A) MEETING OF CREDITORS

A first meeting of creditors is conducted by the United States Trustee. The meeting will be held in the division of the District in which the case is filed. A representative of the business debtor who is familiar with the debtor's business operations shall appear and testify under oath. Individual debtors also shall appear and testify. Creditors are permitted to appear and question the debtor or the debtor's representative concerning the assets and liabilities of the debtor. Appearance at the first meeting of creditors is *mandatory*. Failure to appear will result in the United States Trustee filing a motion to dismiss the case. [11 U.S.C. § 1112(b)(4)(G)]

B) UNSECURED CREDITORS' COMMITTEE

Pursuant to 11 U.S.C. § 1102, as soon as practicable after entry of the Order for Relief, the United States Trustee will solicit creditors on the 20 largest creditors list to form an unsecured creditors' committee. The United States Trustee may appoint additional committees of creditors or equity security holders as the United States Trustee deems appropriate. An unsecured creditors' committee may not be appointed.

If a committee is appointed by the United States Trustee, the committee shall provide access to information for creditors who hold claims of the kind represented by the committee and are not appointed to the committee. Subject to court approval, the committee may select and authorize the employment of an attorney, accountant, or other agent to perform services for the committee. A committee may consult with the debtor about the administration of the case, investigate the acts, conduct, financial condition, operations, or any other matter relevant to the case, participate in the formulation of a plan, request the appointment of a trustee under § 1104, and perform such other services that are in the interest of those represented.

If a committee is appointed in a small business case the debtor is no longer considered a small business debtor unless the court determines that the committee of unsecured creditors is not sufficiently active and representative to provide effective oversight of the debtor.

C) CASH COLLATERAL

The debtor may not use "cash collateral" unless the secured creditor agrees to such use, or such use is authorized by the court after notice and a hearing. [11 U.S.C. § 363(c)(2)]

D) OBTAINING CREDIT

The debtor may not obtain credit other than in the ordinary course of business without court authorization after notice and a hearing. [11 U.S.C. § 364]

E) USE, SALE, OR LEASE OF PROPERTY OF THE ESTATE

The debtor may not use, sell, or lease property of the estate when such use, sale, or lease is not in the ordinary course of business, except after notice and a hearing. [11 U.S.C. § 363(b)] A report of sale must be filed with the court within ten days of the date of the sale. All auctioneers must be bonded to the United States for an

amount equal to the estimated proceeds of the sale. Contact the United States Trustee's Office if an auction is planned.

F) PAYMENTS BY DEBTOR-IN-POSSESSION

A debtor is permitted to continue to operate its business in a normal manner after the bankruptcy petition is filed, unless a trustee is appointed. The debtor-in-possession should pay all post-petition debts and expenses as they become due in the ordinary course of business. The inability of the debtor to pay such post-petition expenses as they become due may indicate an inability of a debtor to reorganize, and failure to maintain post-petition expenses in a current status may result in a motion to convert or dismiss the case.

Unless otherwise prohibited or ordered by the court, the debtor-in-possession is permitted to pay out of available funds available the following expenses after the petition is filed:

- (a) All proper expenses and obligations incurred in operating the business including wages, salaries, compensation to all managers, agents, and employees of the debtor;
- (b) Obligations for supplies and services incurred in the operation of the business and in preserving and maintaining property and assets of the debtor;
- (c) Payments to secured creditors assuming that there are sufficient funds available for this purpose including but not limited to regular payments on equipment leases and motor vehicles; and

There are certain obligations arising post-petition that the debtor-in-possession is required by law to pay, which do not require an order from the court. These obligations include:

- (a) All taxes or other governmental assessments incurred since filing of the petition in the operation of the business and in preservation and maintenance of the property and assets of the debtor; and
- (b) Quarterly fee payments to the United States Trustee pursuant to 28 U.S.C. § 1930(A)(6).

After the petition is filed, the debtor may not pay any debts or claims incurred before the petition was filed, without prior court approval. This prohibition includes payments for debts incurred pre-petition in operating the business, including wages, salaries, supplies, services, taxes, and past-due payments to secured creditors.

G) EMPLOYMENT AND COMPENSATION OF PROFESSIONALS

Pursuant to 11 U.S.C. § 327, the debtor may employ attorneys, accountants, appraisers, or other professional persons that do not hold an interest adverse to the estate and that are disinterested to represent the debtor in chapter 11. Bankruptcy Rule 2014 requires an application be filed requesting court approval for the employment of professionals. A professional employed under § 327 or § 1103 may apply to the court for compensation and reimbursement of expenses every 120 days after the order for relief is entered or more often if the court permits. After notice and hearing, the court may allow and disburse to the applicant compensation or reimbursement. Even when a retainer has been paid to a professional, the award of fees for services may only be taken after application is made to the court. Applications to employ should be filed contemporaneously with the filing of a case or immediately thereafter. Professionals cannot be compensated for services rendered on behalf of the debtor unless an application to employ is approved by the court.

Pursuant to the Bankruptcy Reform Act of 1994, the United States Trustee promulgated Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses. A copy of the Guidelines can be found on the United States Trustee's website at www.usdoj.gov/ust, in the Federal Register, or in publications of the Bankruptcy Code. The United States Trustee will provide you with a copy upon request.

III. REPORTING REQUIREMENTS

INITIAL OPERATING REPORT

The debtor will file the Initial Operating Report with the court within 14 days of the date of entry of the Operating Order of the court. See an example at Attachment 1.

The Initial Operating Report shall, at a minimum, state:

- 1) the estimated costs of operation for the 30 days succeeding the filing of the bankruptcy petition;
- 2) the estimated cash balance increase or decrease or the profit or loss for the thirty (30) days succeeding the filing of the bankruptcy petition;
- 3) the amount of cash available for use in the operation of the business of the debtor;
- 4) an explanation as to how the debtor intends to fund the cost of operation for the thirty (30) days succeeding the filing of the bankruptcy petition;
- 5) the location, identifying number and balance of all bank accounts, including those established pursuant to the Operating Order.
- 6) a statement of insurance coverage giving policy numbers, carriers and amounts of coverage for general liability, automobile, workers compensation and any other coverage in force.

MONTHLY OPERATING REPORTS

All debtors must file with the Clerk no later than the 21st day of the month a financial report for the entire preceding calendar month. The failure to file these reports in a timely manner will result in a motion by the United States Trustee to dismiss or convert the case.

The bankruptcy analyst for the United States Trustee will discuss the operating report with the debtor, debtor's counsel, and the debtor's accountant when appropriate. This report MUST comply with the forms provided by the United States Trustee and any variance from these forms must be approved by the United States Trustee. The reports must be filed every month that the case remains in chapter 11 from the filing date until the effective date of a confirmed plan, the conversion date of the case to another chapter, or the dismissal of the case.. Unless counsel for the debtor has executed an authorization allowing the United States Trustee to discuss with the debtor any questions concerning the completion of the reports, all questions concerning the completion of the monthly operating reports must be through counsel.

Each monthly operating report must be prepared on the attached forms. System-generated reports may be attached as exhibits if prior approval from the United States Trustee has been obtained. The monthly operating report must be legible. If possible, the report should be typed. NO entries should be left blank; if an item does not apply, enter "0" or "N/A".

Regardless of who prepared the monthly operating report, the report must be signed, under penalty of perjury, by the debtor(s), a corporate officer, a general partner, or the chapter 11 trustee, as appropriate.

Non-Small Business and Non-Subchapter V Cases:

On June 21, 2021, the United States Trustee Program's rule entitled *Uniform Periodic Reports in Cases Filed Under Chapter 11 of Title 11*, published at 28 C.F.R. § 58.8 (the "Final Rule") became effective. The Final Rule, mandated by 28 U.S.C. § 589b, requires that chapter 11 debtors-in-possession and trustees, other than in small business and subchapter V cases, file monthly operating reports and post-confirmation reports using streamlined, data-embedded, uniform forms in every judicial district where the U.S. Trustee Program operates.

UST Form 11-MOR, Monthly Operating Report ("MOR"), is the periodic financial report that must be filed on a calendar monthly basis from the petition date to the earlier of the effective date of a confirmed plan, the conversion date of the case to another chapter, or the dismissal of the case.

UST Form 11-PCR, Post-confirmation Report ("PCR"), is the periodic financial report that must be filed on a calendar quarterly basis once the effective date of a confirmed plan occurs by any post-confirmation entities, which would include the reorganized debtor and any other "authorized parties" charged with administering the confirmed plan, until the earlier of the date the case is closed, dismissed, or converted to another chapter.

Report filers must refer to the Final Rule and instructions for the MOR and PCR forms for important information, including who must file each report, when the reports must be filed, who the reports must be served upon and what documentation must be filed along with each report.

To access the latest version of the MOR and PCR forms, instructions for their use and filing, and other important information related to periodic reporting under the Final Rule, please navigate to <https://www.justice.gov/ust/chapter-11-operating-reports>. While at that webpage, please subscribe to the "Chapter 11 Operating Reports E-mail Updates" feature to automatically receive email updates about periodic reporting under the Final Rule.

- B. Small Business Cases: [review and update your existing language as necessary]
- C. Subchapter V Cases [refer to SBRA Working Group]:

The monthly operating report form for this debtor and information concerning the completion of the reports is attached.

PLAN OF REORGANIZATION

The debtor has the exclusive right to file the plan of reorganization within 120 days after the filing date and the exclusive right to solicit acceptance for the plan. The exclusivity period may be extended by the Court with proper application for a period of not more than 18 months after the date of the order for relief.

In small business cases, the debtor has the exclusive right to file a plan of reorganization within 180 days after the filing date. The small business debtor shall file a plan not later than 300 days after the filing date and

such plan, if the applicable bankruptcy provisions are satisfied, shall be confirmed by the Court not later than 45 days after the plan is filed. Any extension of these deadlines must be approved by the Court and be based on a preponderance of the evidence that it is more likely than not that the Court will confirm a plan within a reasonable period of time.

Section 1123 of the Bankruptcy Code provides for the contents of a plan. Section 1125 governs post-petition disclosure and solicitation for acceptance or rejection of the plan of reorganization. Section 1126 deals with acceptance of the plan. Section 1127 of the Code governs modifications of the plan. Confirmation of a plan is detailed in § 1129.

If the Debtor does not file a Plan of Reorganization within 120 days after the petition is filed, the Debtor is required by the Court's Operating Order and Bankruptcy Code § 1106(A)(5) to file a report indicating (1) why a plan had not been filed, (2) whether a plan will be filed, or (3) whether and why the Debtor recommends dismissal, conversion or continuance of the case.

DISCLOSURE STATEMENT

Section 1125 of the Bankruptcy Code provides that an acceptance or rejection of a plan may not be solicited from a creditor, after the commencement of the case, unless there has been a written disclosure statement approved, after notice and hearing, by the Court.

In small business cases, the Court may determine that the plan of reorganization provides adequate information and that a separate disclosure statement is not necessary or the Court may conditionally approve a disclosure statement that may be used by the small business debtor to solicit acceptances or rejections of a plan of reorganization. If the Court conditionally approves a disclosure statement, the debtor is required to mail such disclosure statement not later than 25 days before the hearing on the confirmation of the plan.

A disclosure statement should contain sufficient information to be meaningful and easily understood. Unsupported factual statements and general information are insufficient. If a disclosure statement does not provide adequate information for creditors, the United States Trustee will object. Adequate information includes, but is not limited to the following:

- 1) Discuss the history of the debtor's business and why the debtor had to file the reorganization.
- 2) Describe the assets and liabilities of the business. Provide a current balance sheet and the source of appraisals.
- 3) Provide detailed financial projections.
- 4) Provide an estimated return for creditors in the chapter 11 and a liquidation analysis.
- 5) List the claims of the debtor and claims to which the debtor has an objection.
- 6) Provide a summary of the plan of reorganization.
- 7) Discuss the parties responsible for management and their compensation.
- 8) Provide an estimate of the administrative expenses contemplated under the plan including but not limited to all professional fees and quarterly fees.

- 9) If there are accounts receivable, provide an estimated collection amount.
- 10) Discuss the risks posed to creditors under the plan.
- 11) Discuss any future litigation including preference actions and otherwise voidable transfers.
- 12) Discuss the relationship of the debtor to any affiliates.
- 13) Include a statement that the plan represents a legally binding arrangement that should be read in its entirety.
- 14) Discuss the impaired classes under the plan.
- 15) Discuss the amount of funds necessary to make the plan work and the source of the funds.
- 16) Provide information about securities to be issued pursuant to the plan.
- 17) Discuss future transactions involving insiders or affiliates of the debtor.
- 18) Discuss the tax consequences to the debtor resulting from the plan.
- 19) Reveal whether a creditors' committee exists and whether it participated in negotiating the terms of the plan.
- 20) Provide an explanation of the voting requirements for acceptance of the plan.
- 21) A list of all executory contracts being assumed and an estimate of the consequences (cost) to the plan.

REPORTS ON CASES CONVERTED TO CHAPTER 7

Pursuant to Fed.R.Bankr.P. 1019(5), the debtor must 1) within 15 days after entry of an order converting the case to a case under chapter 7, file a schedule of unpaid debts incurred after commencement of the chapter 11 case, such list to include the name and address of each post-petition creditor, and 2) within 30 days after entry of the order of conversion, file with the court a final report and account.

All professional fee applications must be filed within 60 days after the conversion order is entered.

POST-CONFIRMATION REPORTING REQUIREMENTS

Pursuant to 11 U.S.C. § 1106(a)(7), the debtor must file a post-confirmation quarterly report for every post-confirmation calendar quarter, including the quarter in which the plan was confirmed and the quarter in which the debtor files its application for final decree. The first report should be for the entire calendar quarter, not just the post-confirmation period. The final report should include all activity through the date of the application for final decree. The post-confirmation quarterly report is due 30 days after the end of each quarter, except for the final post-confirmation quarterly report, which should be filed at the same time as the chapter 11 Final Report and Motion for Final Decree. A sample post-confirmation quarterly report form is attached.

APPLICATION FOR FINAL DECREE

Upon substantial consummation of the plan, the debtor must file an application for a final decree. The application for final decree should include language that the plan has been substantially consummated and should be filed with the Report of Substantial Consummation.

ATTACHMENT 1

Case Name and Number _____

SMALL BUSINESS CASE PROJECTIONS - SAMPLE

		<u>Month 1</u>	<u>Month 2</u>	<u>Month 3</u>	<u>Month 4</u>	<u>Month 5</u>	<u>Month 6</u>
	<i>Beginning Cash:</i>						

Income:

	Cash Sales						
	A/Rec. Collection						
	Total Cash Income						

Expenses:

	Rent						
	Employee Salaries						
	Employee Benefits						
	Taxes						
	Bank Notes Payable						
	Vehicle Notes Pay.						
	Vehicle Expenses						
	Maintenance						
	Insurance						
	Supplies						
	Utilities						
	Total Expenses						

	<i>Ending Cash:</i>						
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ATTACHMENT 2

AUTHORIZATION TO ALLOW THE UNITED STATES TRUSTEE

TO HAVE DIRECT CONTACT WITH THE DEBTOR OR THE DEBTOR'S REPRESENTATIVE ON ADMINISTRATIVE ISSUES

AUTHORIZATION TO ALLOW THE UNITED STATES TRUSTEE TO HAVE DIRECT CONTACT WITH THE DEBTOR OR THE DEBTOR'S REPRESENTATIVE ON ADMINISTRATIVE ISSUES

Re:

Bankruptcy Case No.

Attorney:

Section 530 of title 28 prohibits communications between the United States Trustee and a debtor or a debtor's officer who are represented by counsel. This restriction extends to all employees of the United States Trustee.

Many communications between the United States Trustee and the debtor are administrative in nature. These communications generally concern dates for meetings and hearings, the status of insurance coverage, questions concerning bank accounts, issues regarding completion of the monthly operating reports, and the calculation of quarterly fees. Substantive and legal issues have never been discussed with a represented debtor in the absence of counsel. In the past, many attorneys have allowed the United States Trustee to directly communicate with the debtor concerning these non-legal issues in an effort to expedite matters.

If you do not have an objection to the United States Trustee communicating with the debtor on strictly administrative issues without your presence, you may execute the authorization at the bottom of this letter and return it to the United States Trustee. The authorization may be rescinded by you in writing at any time. Please be advised that if the United States Trustee is placed in an adversarial position concerning the debtor, the United States Trustee will cease all communications with the debtor for any reason unless counsel is present.

If you choose not to execute this authorization, all communications on all issues will be directed through you.

Gary Kinder
Assistant U.S. Trustee

AUTHORIZATION:

I authorize the United States Trustee to have direct contact with the debtor in accordance with the terms set forth in this letter. I understand that I may rescind this authorization at any time.

Date: _____

ATTACHMENT 3

**AUTHORIZATION FOR RELEASE OF BANK
INFORMATION
AND
VERIFIED LIST OF ALL DEPOSITORY ACCOUNTS
OF CHAPTER 11 DEBTOR**

AUTHORIZATION FOR RELEASE OF BANK INFORMATION

**TO ANY BANK OR DEPOSITORY INSTITUTION WHERE THE UNDERSIGNED CHAPTER 11 BANKRUPTCY
DEBTOR HAS MAINTAINED DEPOSITS:**

RE:

CHAPTER 11 BANKRUPTCY CASE NO.

This letter is your authorization to release any information pertaining to depository or safekeeping accounts held by the above referenced debtor to the United States Trustee or the Assistant United States Trustee for the District of West Virginia as either of them may request.

Under 28 U.S.C. §586(a)(3), the United States Trustee has the duty to supervise the administration of Debtors in Possession and Trustees under Chapter 11 of Title 11 of the United States Code. In performing this duty, The United States Trustee or the Assistant United States Trustee for the District of West Virginia may deem it appropriate to review all information available pertaining to any or all of the bankruptcy estate accounts and deposits maintained by the debtor as Debtor In Possession or the Trustee as Chapter 11 Trustee. Please cooperate fully with any such request, included with this authorization is the authority to make and provide copies of any such information requested such as statements, instruments, certificates, securities, contracts and signature cards.

_____ Signature	_____ Date	_____ Title
_____ Signature	_____ Date	_____ Title
_____ Signature	_____ Date	_____ Title
_____ Signature	_____ Date	_____ Title
_____ Signature	_____ Date	_____ Title

(This form should be signed by any person authorized to sign any account held by the debtor)

**VERIFIED LIST OF ALL DEPOSITORY ACCOUNTS
OF CHAPTER 11 DEBTOR**

RE:
CASE NO.

Page ____ of ____ Pages

Bank Name and address			
Contact Person at Bank			
Bank Phone Number			
Accounts Held at this bank			
Account Number	Account Description	Account Number	Account Description
Do you ever have more than \$100,000 at this bank? ____ Yes ____ No			

Bank Name and address			
Contact Person at Bank			
Bank Phone Number			
Accounts Held at this bank			
Account Number	Account Description	Account Number	Account Description
Do you ever have more than \$100,000 at this bank? ____ Yes ____ No			

Verification: I _____ (Print Name) certify under penalty of perjury the above is a complete list of all depository accounts held by this debtor, and that I will notify the U.S. Trustee if this debtor opens new accounts during the chapter 11 case.

Signature of Debtor

Date

ATTACHMENT 4
VERIFIED LIST OF ALL INSURANCE POLICIES
OF CHAPTER 11 DEBTOR

VERIFIED LIST OF ALL INSURANCE POLICIES OF CHAPTER 11 DEBTOR

RE: **Page** ____ **of** ____ **Pages**
CASE NO.

A Chapter 11 debtor must maintain appropriate insurance to protect the estate and the public during the case. The types of insurance and coverage will depend upon the facts of each case. The types of required insurance may include fire and casualty, general liability, extended liability, workers compensation, unemployment, employee health insurance, malpractice insurance, product liability, and liquor/dram shop insurance.

Insurance Company:		
Name of Agent:		
Agents Address:		Phone:
Policies With This Insurance Company		
Policy Number	Type of Insurance	Amount of Coverage
Have you had any claims on any of these policies within the past year? ____ Yes ____ No		

Insurance Company:		
Name of Agent		
Agents Address:		Phone:
Policies With This Insurance Company		
Policy Number	Type of Insurance	Amount of Coverage
Have you had any claims on any of these policies within the past year? ____ Yes ____ No		

Verification: I _____ (Print Name) certify under penalty of perjury the above is a complete list of all insurance policies owned by his debtor, and that I will notify the U.S. Trustee if any policies are terminated, lapsed, or cancelled during the Chapter 11 case.

Signature of Debtor or Officer

Date

ATTACHMENT 5

MONTHLY OPERATING REPORT FORM

Filing Instructions:

Original Signed Report should be filed with:

Cases filed in the Northern District of West Virginia:

Clerk - United States Bankruptcy Court
Northern District of West Virginia
PO Box 70
Wheeling, WV 26603

Cases filed in the Southern District of West Virginia:

Clerk - United States Bankruptcy Court
Southern District of West Virginia
300 Virginia Street East, Room 3200
Charleston, WV 25301

This case was filed in the District.

If any official committees are appointed in your case (At a later date) copies of the reports should be served upon the chairman of such committee(s).

NOTE: Please redact (mark out---make unreadable) any account numbers, social security numbers, taxpayer identification numbers or other personal information, leaving only the last four digits of any such number on any attachment to this report. Examples would be bank account statements, tax returns, check copies, etc. This does not apply to your bankruptcy case number which should remain fully visible.

ATTACHMENT 6

GUIDELINES FOR REVIEWING APPLICATIONS FOR COMPENSATION AND REIMBURSEMENT OF EXPENSES

**GUIDELINES FOR REVIEWING APPLICATIONS FOR
COMPENSATION AND REIMBURSEMENT OF EXPENSES
FILED UNDER 11 U.S.C. §330**

(a) General Information.

(1) The Bankruptcy Reform Act of 1994 amended the responsibilities of the United States Trustees under 28 U.S.C. §586(a)(3)(A) to provide that, whenever they deem appropriate, United States Trustees will review applications for compensation and reimbursement of expenses under section 330 of the Bankruptcy Code, 11 U.S.C. 101, et seq. ("Code"), in accordance with procedural guidelines ("Guidelines") adopted by the Executive Office for United States Trustees ("Executive Office"). The following Guidelines have been adopted by the Executive Office and are to be uniformly applied by the United States Trustees except when circumstances warrant different treatment.

(2) The United States Trustees shall use these Guidelines in all cases commenced on or after October 22, 1994.

(3) The Guidelines are not intended to supersede local rules of court, but should be read as complementing the procedures set forth in local rules.

(4) Nothing in the Guidelines should be construed:

(i) To limit the United States Trustee's discretion to request additional information necessary for the review of a particular application or type of application or to refer any information provided to the United States Trustee to any investigatory or prosecutorial authority of the United States or a state;

(ii) To limit the United States Trustee's discretion to determine whether to file comments or objections to applications; or

(iii) To create any private right of action on the part of any person enforceable in litigation with the United States Trustee or the United States.

(5) Recognizing that the final authority to award compensation and reimbursement under section 330 of the Code is vested in the Court, the Guidelines focus on the disclosure of information relevant to a proper award under the law. In evaluating fees for professional services, it is relevant to consider various factors including the following: the time spent; the rates charged; whether the services were necessary to the administration of, or beneficial towards the completion of, the case at the time they were rendered; whether services were performed within a reasonable time commensurate with the complexity, importance, and nature of the problem, issue, or task addressed; and whether compensation is reasonable based on the customary compensation charged by comparably skilled practitioners in non-bankruptcy cases. The Guidelines thus reflect standards and procedures articulated in section 330 of the Code and Rule 2016 of the Federal Rules of Bankruptcy Procedure for awarding compensation to trustees and to professionals employed under section 327 or 1103. Applications that contain the information requested in these Guidelines will facilitate review by the Court, the parties, and the United States Trustee.

(6) Fee applications submitted by trustees are subject to the same standard of review as are

applications of other professionals and will be evaluated according to the principles articulated in these Guidelines. Each United States Trustee should establish whether and to what extent trustees can deviate from the format specified in these Guidelines without substantially affecting the ability of the United States Trustee to review and comment on their fee applications in a manner consistent with the requirements of the law.

(b) Contents of Applications for Compensation and Reimbursement of Expenses. All applications should include sufficient detail to demonstrate compliance with the standards set forth in 11 U.S.C. §330. The fee application should also contain sufficient information about the case and the applicant so that the Court, the creditors, and the United States Trustee can review it without searching for relevant information in other documents. The following will facilitate review of the application.

(1) Information about the Applicant and the Application. The following information should be provided in every fee application:

(i) Date the bankruptcy petition was filed, date of the order approving employment, identity of the party represented, date services commenced, and whether the applicant is seeking compensation under a provision of the Bankruptcy Code other than section 330.

(ii) Terms and conditions of employment and compensation, source of compensation, existence and terms controlling use of a retainer, and any budgetary or other limitations on fees.

(iii) Names and hourly rates of all applicant's professionals and paraprofessionals who billed time, explanation of any changes in hourly rates from those previously charged, and statement of whether the compensation is based on the customary compensation charged by comparably skilled practitioners in cases other than cases under title 11.

(iv) Whether the application is interim or final, and the dates of previous orders on interim compensation or reimbursement of expenses along with the amounts requested and the amounts allowed or disallowed, amounts of all previous payments, and amount of any allowed fees and expenses remaining unpaid.

(v) Whether the person on whose behalf the applicant is employed has been given the opportunity to review the application and whether that person has approved the requested amount.

(vi) When an application is filed less than 120 days after the order for relief or after a prior application to the Court, the date and terms of the order allowing leave to file at shortened intervals.

(vii) Time period of the services or expenses covered by the application.

(2) Case Status. The following information should be provided to the extent that it is known to or can be reasonably ascertained by the applicant:

(i) In a chapter 7 case, a summary of the administration of the case including all moneys received and disbursed in the case, when the case is expected to close, and, if applicant is seeking an interim award, whether it is feasible to make an interim distribution

to creditors without prejudicing the rights of any creditor holding a claim of equal or higher priority.

(ii) In a chapter 11 case, whether a plan and disclosure statement have been filed and, if not yet filed, when the plan and disclosure statement are expected to be filed; whether all quarterly fees have been paid to the United States Trustee; and whether all monthly operating reports have been filed.

(iii) In every case, the amount of cash on hand or on deposit, the amount and nature of accrued unpaid administrative expenses, and the amount of unencumbered funds in the estate.

(iv) Any material changes in the status of the case that occur after the filing of the fee application should be raised, orally or in writing, at the hearing on the application or, if a hearing is not required, prior to the expiration of the time period for objection.

(3) Summary Sheet. All applications should contain a summary or cover sheet that provides a synopsis of the following information:

(i) Total compensation and expenses requested and any amount(s) previously requested;

(ii) Total compensation and expenses previously awarded by the court;

(iii) Name and applicable billing rate for each person who billed time during the period, and date of bar admission for each attorney;

(iv) Total hours billed and total amount of billing for each person who billed time during billing period; and

(v) Computation of blended hourly rate for persons who billed time during period, excluding paralegal or other paraprofessional time.

(4) Project Billing Format.

(i) To facilitate effective review of the application, all time and service entries should be arranged by project categories. The project categories set forth in Exhibit A should be used to the extent applicable. A separate project category should be used for administrative matters and, if payment is requested, for fee application preparation.

(ii) The United States Trustee has discretion to determine that the project billing format is not necessary in a particular case or in a particular class of cases. Applicants should be encouraged to consult with the United States Trustee if there is a question as to the need for project billing in any particular case.

(iii) Each project category should contain a narrative summary of the following information:

(A) a description of the project, its necessity and benefit to the estate, and the status of the project including all pending litigation for which compensation and reimbursement are requested;

(B) identification of each person providing services on the project; and

(C) a statement of the number of hours spent and the amount of compensation requested for each professional and paraprofessional on the project.

(iv) Time and service entries are to be reported in chronological order under the appropriate project category.

(v) Time entries should be kept contemporaneously with the services rendered in time periods of tenths of an hour. Services should be noted in detail and not combined or "lumped" together, with each service showing a separate time entry; however, tasks performed in a project which total a de minimis amount of time can be combined or lumped together if they do not exceed .5 hours on a daily aggregate. Time entries for telephone calls, letters, and other communications should give sufficient detail to identify the parties to and the nature of the communication. Time entries for court hearings and conferences should identify the subject of the hearing or conference. If more than one professional from the applicant firm attends a hearing or conference, the applicant should explain the need for multiple attendees.

(5) Reimbursement for Actual, Necessary Expenses. Any expense for which reimbursement is sought must be actual and necessary and supported by documentation as appropriate. Factors relevant to a determination that the expense is proper include the following:

(i) Whether the expense is reasonable and economical. For example, first class and other luxurious travel mode or accommodations will normally be objectionable.

(ii) Whether the requested expenses are customarily charged to non-bankruptcy clients of the applicant.

(iii) Whether applicant has provided a detailed itemization of all expenses including the date incurred, description of expense (e.g., type of travel, type of fare, rate, destination), method of computation, and, where relevant, name of the person incurring the expense and purpose of the expense. Itemized expenses should be identified by their nature (e.g., long distance telephone, copy costs, messengers, computer research, airline travel, etc.) and by the month incurred. Unusual items require more detailed explanations and should be allocated, where practicable, to specific projects.

(iv) Whether applicant has prorated expenses where appropriate between the estate and other cases (e.g., travel expenses applicable to more than one case) and has adequately explained the basis for any such proration.

(v) Whether expenses incurred by the applicant to third parties are limited to the actual amounts billed to, or paid by, the applicant on behalf of the estate.

(vi) Whether applicant can demonstrate that the amount requested for expenses incurred in-house reflect the actual cost of such expenses to the applicant. The United States Trustee may establish an objection ceiling for any in-house expenses that are routinely incurred and for which the actual cost cannot easily be determined by most professionals (e.g., photocopies, facsimile charges, and mileage).

(vii) Whether the expenses appear to be in the nature nonreimbursable overhead. Overhead consists of all continuous administrative or general costs incident to the operation of the applicant's office and not particularly attributable to an individual client or case. Overhead includes, but is not limited to, word processing, proofreading, secretarial and other clerical services, rent, utilities, office equipment and furnishings, insurance, taxes, local telephones and monthly car phone charges, lighting, heating and cooling, and library and publication charges.

(viii) Whether applicant has adhered to allowable rates for expenses as fixed by local rule or order of the Court.

Exhibit A--Project Categories

Here is a list of suggested project categories for use in most bankruptcy cases. Only one category should be used for a given activity. Professionals should make their best effort to be consistent in their use of categories, whether within a particular firm or by different firms working on the same case. It would be appropriate for all professionals to discuss the categories in advance and agree generally on how activities will be categorized. This list is not exclusive. The application may contain additional categories as the case requires. They are generally more applicable to attorneys in chapter 7 and chapter 11, but may be used by all professionals as appropriate.

Asset Analysis and Recovery: Identification and review of potential assets including causes of action and non-litigation recoveries.

Asset Disposition: Sales, leases (§365 matters), abandonment and related transaction work.

Business Operations: Issues related to debtor-in-possession operating in chapter 11 such as employee, vendor, tenant issues and other similar problems.

Case Administration: Coordination and compliance activities, including preparation of statement of financial affairs; schedules; list of contracts; United States Trustee interim statements and operating reports; contacts with the United States Trustee; general creditor inquiries.

Claims Administration and Objections: Specific claim inquiries; bar date motions; analyses, objections and allowances of claims.

Employee Benefits/Pensions: Review issues such as severance, retention, 401K coverage and continuance of pension plan.

Fee/Employment Applicants: Preparation of employment and fee applications for self or others; motions to establish interim procedures.

Fee/Employment Objections: Review of and objections to the employment and fee applications of others.

Financing: Matters under §§ 361, 363 and 364 including cash collateral and secured claims; loan document analysis.

Litigation: There should be a separate category established for each matter (e.g., XYZ Litigation).

Meetings of Creditors: Preparing for and attending the conference of creditors, the § 341(a) meeting and other creditors' committee meetings.

Plan and Disclosure Statement: Formulation, presentation and confirmation; compliance with the plan confirmation order, related orders and rules; disbursement and case closing activities, except those related to the allowance and objections to allowance of claims.

Relief From Stay Proceedings: Matters relating to termination or continuation of automatic stay under § 362.

The following categories are generally more applicable to accountants and financial advisors, but may be

used by all professionals as appropriate.

Accounting/Auditing: Activities related to maintaining and auditing books of account, preparation of financial statements and account analysis.

Business Analysis: Preparation and review of company business plan; development and review of strategies; preparation and review of cash flow forecasts and feasibility studies.

Corporate Finance: Review financial aspects of potential mergers, acquisitions and disposition of company or subsidiaries.

Data Analysis: Management information systems review, installation and analysis, construction, maintenance and reporting of significant case financial data, lease rejection, claims, etc.

Litigation Consulting: Providing consulting and expert witness services relating to various bankruptcy matters such as insolvency, feasibility, avoiding actions, forensic accounting, etc.

Reconstruction Accounting: Reconstructing books and records from past transactions and bringing accounting current.

Tax Issues: Analysis of tax issues and preparation of state and federal tax returns.

Valuation: Appraise or review appraisals of assets.

ATTACHMENT 7

AUTHORIZED DEPOSITORY LIST