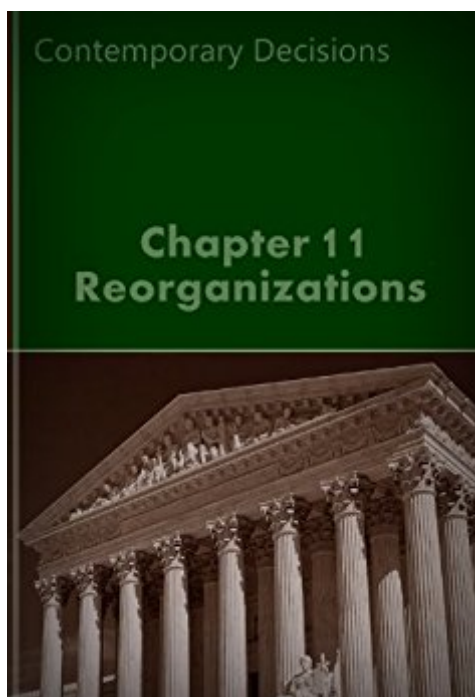


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Chapter 11 Reorganizations (Litigator Series)



Synopsis

This casebook contains a selection of 201 Federal Court of Appeals decisions that address salient issues which arise in Chapter 11 bankruptcy proceedings. The selection of decisions spans from 2005 to the date of publication. For each circuit, the cases are listed in the order of frequency of citation. The most cited decisions appear first. The Bankruptcy Code provides that "[t]he district court in which a case under title 11 is commenced or is pending shall have exclusive jurisdiction of all the property, wherever located, of the debtor as of the commencement of such case, and of property of the estate." 28 U.S.C. Â§ 1334(e)(1). Because bankruptcy courts have exclusive jurisdiction over a debtor's property, wherever located, and over the estate, it follows that the court's jurisdiction is premised on the debtor and his estate. It is this aspect of a bankruptcy court's jurisdiction that permits it to determine all claims that anyone, whether named in the action or not, has to the property or thing in question, in that t]he proceeding is one against the world. [Citations omitted.] Alderwoods Group, Inc. v. Garcia, 682 F. 3d 958 (11th Cir. 2012) A bankruptcy case under Chapter 11 commences with the filing of a Chapter 11 petition in the bankruptcy court. 11 U.S.C. Â§ 301. Commencement of the case creates the bankruptcy estate, which includes, pursuant to 11 U.S.C. p.562 Â§ 541(a)(1), "all legal or equitable interests of the debtor in property as of the commencement of the case." In re Maharaj, 681 F. 3d 558 (4th Cir. 2012) After filing a voluntary petition under Chapter 11, a debtor may file a plan of reorganization with the bankruptcy court. 11 U.S.C. Â§ 1121(a). In addition to numerous other requirements, a reorganization plan must specify classes of claims against the debtor based on specific statutory requirements. 11 U.S.C. Â§ 1123(a)(1). To be operative, a Chapter 11 reorganization plan must be confirmed by the bankruptcy court. A precondition of plan confirmation is that it meet the requirements set forth in 11 U.S.C. Â§ 1129(a). Ibid. The absolute priority rule as it applies to individual debtors in Chapter 11 has not been abrogated by BAPCPA. There may be compelling policy reasons for treating postpetition income tax liabilities as dischargeable, but Congress did not so provide in the statute. Ibid.

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