

# **Brown Bag Discussion**

**Hosted by Bankruptcy Judge Vincent Zurzolo**

**Monday – May 14, 2018**

**Roybal Federal Building**  
**255 E. Temple Street, Los Angeles 90012**

**Courtroom 1368 12:15 p.m.**

## **Advancing a Hearing on Chapter 13 Plan Confirmation**



### **Discussion of Chapter 13 Practice & Procedures**



**General Q & A**

**INTRODUCTION**

**and**

**PROCEDURES**

## Chapter 13 – CHANGING THE DATE OF PLAN CONFIRMATION HEARING

Hon. Vincent P. Zurzolo

Effective April 2018

**Introduction.** All chapter 13 plan confirmation hearings are set on one Monday in January, March, May, July, September and November. The calendar for those dates is posted on Judge Zurzolo's page of the court website. When an individual files a chapter 13 bankruptcy petition, the court sets a date for the confirmation hearing and this date is indicated in the notice the court sends to all creditors announcing that a bankruptcy case has been filed. In addition, the debtor prepares and serves on all creditors a notice to indicate the date set for meeting of creditors under 11 U.S.C. § 341(a), the date for a plan confirmation hearing, and the deadline for creditors and the trustee to file objections to confirmation of the plan. To date, when the chapter 13 trustee determined that no parties objected to a plan and it was ready for a confirmation hearing, Judge Zurzolo authorized the chapter 13 trustee to independently change the date of a confirmation hearing from the scheduled Monday hearing to an earlier date on a Tuesday at 10:30 a.m. All of these hearings were identified as Confirmation of Consensual Plans. This often resulted in plans being confirmed many months before the date originally set for a plan confirmation hearing.

Prior to December 1, 2017, the deadline for filing an objection to plan confirmation was 14 days before a hearing set on a meeting of creditors under 11 U.S.C. § 341(a). On December 1, 2017, a new version of our court's mandatory chapter 13 plan form became effective. Amended LBR 3015-1(g) changed the deadline to 14 days before the date of the plan confirmation hearing. This significant change results in difficulty of the trustee to determine that a plan is consensual and ready to be confirmed on a date earlier than originally set.

Judge Zurzolo adopts the following procedure to allow for plan confirmation hearings to be changed to a date earlier than originally scheduled. This procedure authorizes the chapter 13 trustee AND the debtor to request an earlier date. These are the only two parties authorized under this procedure. The procedure provides at least 60 days of notice of the change in date, to allow the court to select a new date, allow parties time to file an objection, and maintain the filing date for objections as 14 days prior to the new confirmation hearing date pursuant to LBR 3015-1(g).

### **Procedure.**

- A. **Initiated by the Trustee.** If the chapter 13 trustee determines a plan is ready for a confirmation hearing on an earlier date:
1. **Notifying the Court.** The trustee will notify Judge Zurzolo's courtroom deputy by email.
  2. **Setting the New Date.** Judge Zurzolo's staff will select the new confirmation hearing date.
  3. **Notifying Parties of New Hearing Date on Confirmation of Plan and New Deadline to File Objections to Confirmation.** Judge Zurzolo's staff will prepare and file form **VZ NOTICE.CHANGE.DATES.CH13CONF**, titled Notice of Change in Dates of (1) Hearing on Confirmation of Chapter 13 Plan; and (2) Deadline to File Objections to Confirmation of Chapter 13 Plan.

**B. Initiated by the Debtor.** A debtor may wish for a plan confirmation hearing on an earlier date, whether or not any objections to confirmation have been filed. The procedure is:

1. Motion and Order to Advance Hearing Date on Confirmation of Plan.

a. **Motion.** The debtor must file form **VZ MOTION.ADVANCE.CH13CONF** titled Debtor's Notice of Motion and Motion to Advance Hearing Date of Confirmation of Chapter 13 Plan, which is filed under LBR 9013-1(q). It is not necessary to provide notice by mail to any parties.

b. **Order.** The debtor must lodge form **VZ ORDER.ADVANCE.CH13CONF** titled Order  Granting  Denying Debtor's Motion to Advance Hearing Date on Confirmation of Chapter 13 Plan. It is not necessary to file a notice of lodgment.

2. Setting the New Date. Judge Zurzolo's staff will select the new confirmation hearing date.

3. Notifying Parties of New Hearing Date on Confirmation of Plan and of Deadline to File Objections to Confirmation. Judge Zurzolo's staff will prepare and file form **VZ NOTICE.CHANGE.DATES.CH13CONF**, titled Notice of Change in Dates of (1) Hearing on Confirmation of Chapter 13 Plan and (2) Deadline to File Objections to Confirmation of Chapter 13 Plan.

**DEBTOR'S MOTION  
TO ADVANCE  
HEARING DATE**



3. **Request:** Based on the foregoing, the Debtor requests that the new hearing date on confirmation of chapter 13 plan be no earlier than \_\_\_\_\_ (*indicate date available on the court's chapter 13 plan confirmation calendar*).

Respectfully submitted:

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Debtor

\_\_\_\_\_  
Printed name of Debtor

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Joint Debtor (if applicable)

\_\_\_\_\_  
Printed name of Joint Debtor (if applicable)

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Attorney for Debtor (if applicable)

\_\_\_\_\_  
Printed name of Attorney for Debtor (if applicable)

## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled: **DEBTOR'S APPLICATION TO ADVANCE HEARING DATE ON CONFIRMATION OF CHAPTER 13 PLAN [LBR 3015-1(d), (g)]** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* \_\_\_\_\_, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On *(date)* \_\_\_\_\_, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

REQUIRED ON DEBTOR ONLY, AND A JUDGE'S COPY:

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*Signature*

---

This form is approved for use in cases presided over by the Honorable Vincent P. Zurzolo, United States Bankruptcy Judge



**DEBTOR'S ORDER  
TO ADVANCE  
HEARING DATE**



b. New Deadline for Filing Objections to Plan Confirmation. The deadline to file an objection to confirmation of chapter 13 plan is advanced to an earlier date than previously set by the court under LBR 3015-1(g):

Prior Deadline to File Objections to Confirmation of Plan: \_\_\_\_\_

**New Deadline to File Objections to Confirmation of Plan:** \_\_\_\_\_

c. Notice to Creditors of New Dates and Deadlines. The court will serve on all creditors a Notice of Change in Dates of: (1) Hearing on Confirmation of Chapter 13 Plan, and (2) Deadline to File Objections to Confirmation of Chapter 13 Plan.

2.  The motion is DENIED

3.  OTHER:

###

**NOTICE OF  
CHANGE IN  
DATES AND  
DEADLINES**



**2. Dates that Changed**

- a. New Hearing Date on Confirmation of Chapter 13 Plan [LBR 3015-1(d)].

Prior Confirmation Date: \_\_\_\_\_

**New Confirmation Date:** \_\_\_\_\_

- b. New Deadline for Filing Objections to Plan Confirmation [LBR 3015-1(f)].

Prior Deadline to File and Serve Objections: \_\_\_\_\_

**New Deadline to File and Serve Objections:** \_\_\_\_\_

###