

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.