

NOTICE TO THE BAR RE:

CHANGE IN CHAPTER 13 CONFIRMATION HEARING CONTINUANCE POLICY IN CASES BEFORE CHIEF JUDGE FRANK

EFFECTIVE SEPTEMBER 1, 2014:

1. Debtor's counsel must appear at the *first confirmation hearing following the bar date*, if the case is not ready for confirmation **and**:
 - (a) there is an objection to confirmation filed by a third party or the Trustee believes the plan is non-confirmable in its current form for some reason other than failure to make plan payments;
 - (b) further action to render the plan confirmable, such as the filing of a motion, objection or adversary complaint, is required; **and**
 - (b) the Debtor has not yet filed the necessary motion, objection or adversary complaint to resolve the (non-payment) confirmation issue.

2. Notwithstanding the foregoing, the court will grant a continuance to which the Trustee consents without an appearance of counsel, if:
 - (a) the Trustee has filed or will file, within 1 week, a motion to dismiss the case for non-payment or any other ground other than the plan being "underfunded," in which case the confirmation hearing will be continued to the hearing date on the motion to dismiss. However, counsel must appear at that next hearing if the Trustee's motion to dismiss is withdrawn or is to be continued; **or**
 - (b) the Trustee determines that there is a compelling reason for a short continuance, in which case, the confirmation hearing may be continued for 4 or 5 weeks. Debtor's counsel must appear at that next scheduled confirmation hearing.

3. When counsel appears at the confirmation hearing, as required by Paragraph 1 or 2, the hearing will be treated as **Status Hearing** so that the court may set appropriate deadlines for the filing of any necessary motions, objections or adversary complaints.

ERIC L. FRANK
CHIEF BANKRUPTCY JUDGE