

Judge Colton Chapter 13 Hearing Procedures (effective May 1, 2019¹)

Confirmation hearings will be set at 9:30 a.m., 9:35 a.m., or 9:45 a.m. All other matters (*i.e.* motions, applications, objections (other than to confirmation)) will be set at 10:00 a.m., except for motions to extend, impose, or reimpose the stay which will be set for 9:55 a.m. The court may, in its discretion, set hearings for 10:30 a.m., or later, on time intensive matters.

- **9:30 a.m.** – Initial Confirmation hearings will be set, by the court, for 9:30 a.m. As a default, no cases will be called, and nothing will be read in regarding these hearings. All cases will be automatically continued without date. The chapter 13 trustee (“Trustee”) is not prohibited, however, from calling a case and recommending confirmation if appropriate.
- **9:35 a.m.** – Confirmation hearings in cases in which confirmation is not contested or in which all objections appear to have been fully resolved will be set, by the Trustee, for 9:35 a.m. It is assumed these cases will not be called for the Judge and a disposition will be read into the record.
- **9:45 a.m.** – Confirmation hearings in cases in which confirmation is contested and therefore need to be called for the Judge will be set, by the Trustee, for 9:45 a.m. This includes cases where the Trustee’s review suggests that the case is not progressing forward in a timely manner. Alternatively, in cases requiring the court’s attention but not ready for confirmation, the Trustee may request a status conference and set the conference for 9:45 a.m.
- **9:55 a.m.** – Motions to extend, impose, or reimpose the automatic stay.
- **10:00 a.m.** – Misc. Matters (*i.e.* motions, applications, objections (other than to confirmation)).

Requesting and Noticing a Confirmation Hearing

When debtors’ counsel or debtors if pro se believe a case is ready to confirm, they will inform the Trustee. The Trustee then will review the file to determine whether there are any impediments to confirmation. If the Trustee concludes that there are no significant impediments, the Trustee will set the confirmation hearing and prepare the notice of hearing. **DEBTORS’ COUNSEL WILL SERVE THE NOTICE OF HEARING** (Trustee will serve for pro se debtors).

Creditors desiring that hearings be set on their objections to confirmation or fearing that a case is not progressing timely toward confirmation may request the Trustee review the file. The Trustee can either set a confirmation hearing (if the issues are relatively straightforward) or request a status conference for purpose of asking the court to set disputed matters for trial or to consider dismissing the case if the case is not progressing in a timely manner.

Confirmation hearings must be noticed no less than 28 days before the hearing. If the notice of confirmation hearing is not served timely, the case will not be confirmed, and the court will consider a fee sanction on counsel.

¹ These procedures will be rolled out beginning May 1, 2019. The court anticipates an approximate two-month transition period, after which these procedures should be fully implemented.