

## **JUDGE GASPARINI**

### **CHAPTER 13 MATTERS**

#### **Scheduling Hearings**

Chapter 13 matters may be scheduled at different times depending on the nature of the matter.

- Matters scheduled for the “Confirm 13” docket/time slot should only include the following:
  - Confirmation Hearings
  - Motions to Modify Confirmed Plan
  - Motions for Moratorium
- Matters scheduled for the “362 13” docket/time slot should only include the following:
  - Motions for Relief from the Automatic Stay or Agreements related thereto
  - Co-Debtor Stay Motions
  - Motion to Extend/Impose the Automatic Stay
  - Motions to Reconsider Relief from Stay
- Any other matter should be scheduled for the “Other 13” docket.

#### **Chapter 13 General Docket**

In addition to the hearing procedures in the Chambers Guidelines, in advance of any confirmation hearing, the Chapter 13 trustee will post on Sharefile public folder information regarding deficiencies in a debtor’s plan, schedules or statements, any other recommendations regarding confirmation of a Chapter 13 plan, and any other matters involving the trustee. The trustee shall assist the Court in identifying matters that are resolved and do not require a formal hearing and with the scheduling and continuance of confirmation hearings. The trustee shall file any recommendation or request on the CM/ECF docket beginning at the time the applicable objection period for any matter has passed and continuing to the date of the hearing, including making recommendations on the hearing record. The trustee may examine witnesses or request or announce further hearing dates and times for continued matters. Settlements, trustee recommendations, and other agreed-upon dispositions shall be noted in the records of the Court and approved by the judge at the appropriate time. If the trustee is informed of a resolution of a matter and the trustee has agreed to such resolution, the trustee may excuse the attendance of other parties (whether the hearing is held telephonically or in-person) and report the resolution on the record.

## **Plan Modifications**

If a modified or amended Chapter 13 plan is filed within 28 days of the scheduled confirmation hearing date on the prior plan, the debtor shall file and serve, along with the modified or amended plan, the local Form Notice of Confirmation Hearing setting the hearing for a future date that would allow full notice as required by the rules. In such case, the Chapter 13 trustee may file a request to have the original confirmation hearing date mooted by the filing of the subsequent plan. To the extent that deficiencies exist in the case as reflected on the Chapter 13 Trustee's Sharefile and a request to moot the original scheduled hearing is not filed, the Court will hold the original confirmation hearing to address any deficiencies or any other issues addressed in Sharefile. To ensure that the Chapter 13 trustee has sufficient time to review all pleadings in advance of confirmation hearings, counsel should consult with the Chapter 13 trustee prior to filing any amendments or modifications to a Chapter 13 plan within 7 days of the confirmation hearing on the original plan.