

NOTICE

Re: Chapter 13 Confirmation Procedures and Deadline for Filing Documents

Hon. C. Kathryn Preston

May 26, 2021

The Chapter 13 Trustee for cases assigned to Judge Preston is migrating from the docketing website, <http://dockets.ch13.org>, to 13network.com for management of cases and the confirmation dockets. The Court does not have the ability to place comments on the Chapter 13 Trustee's new website regarding Court concerns and the disposition of cases. Therefore, the Court is establishing the following procedures for confirmation.

I. CONSIDERATION OF PLANS IN ADVANCE OF CONFIRMATION HEARING

A. Submission of Confirmation Order: At any time prior to the scheduled confirmation hearing, the Chapter 13 Trustee is invited to submit a proposed confirmation order for the Court's consideration if a Chapter 13 plan appears to meet all statutory tests for confirmation, objections to confirmation are resolved, the time for filing an objection to confirmation has expired, and the Chapter 13 Trustee is recommending confirmation of the plan. After the Chapter 13 Trustee submits a confirmation order, the Court will review the plan and determine if confirmation is appropriate. If confirmation of the plan is appropriate, the Court will sign and enter the confirmation order without the need for any appearance by Debtor or counsel for Debtor at the scheduled confirmation hearing.

B. Court Concern: If, however, the Court has an independent concern regarding the plan and determines that confirmation is not appropriate at that time, it will advise counsel for Debtor of the Court concern via email because the Court does not have the ability to note same on the Chapter 13 Trustee's new website, 13network.com. The email will be copied to the Chapter 13 Trustee and any creditor that has entered a notice of appearance in the case. The email will originate from the

following email address: Preston_Ch13Confirmation@ohsb.uscourts.gov and will advise what concern(s) the Court has regarding the proposed plan. The email will also indicate whether Debtor may request a continuance of the scheduled confirmation hearing to address the Court concern or whether an appearance at the scheduled confirmation hearing is required to discuss the Court concern. If Debtor would like to request a continuance to address the Court concern, Debtor must communicate that request to the Chapter 13 Trustee's office. Please be advised that the email address, Preston_Ch13Confirmation@ohsb.uscourts.gov, is an unmonitored email; accordingly, any replies sent in response to an email regarding a Court concern will not be seen or considered by any Court personnel.

II. CONFIRMATION HEARING PROCEDURES

A. Deadline for Filing Documents: The Local Bankruptcy Rule 3015-2 was amended, effective October 1, 2020, eliminating the deadline for filing an amended plan prior to a confirmation hearing. However, Judge Preston's Chambers performs its own analysis, independent of the Chapter 13 Trustee, of every case that appears to be in a posture for confirmation or is otherwise scheduled to be heard for confirmation. Chambers requires time in order to effectively perform its review, and finality in order to know what documents to consider. Consequently, Chambers must establish a deadline, notwithstanding L.B.R. 3015-2(a)(2), by which it can rely on the record (as illustrated by the CM/ECF docket) in order for it to prepare for confirmation hearings.

Accordingly, please be advised that Chambers will only consider and review documents in support of confirmation that are filed no later than eight calendar days prior to the scheduled

confirmation hearing in any case assigned to Judge Preston.¹

B. Hearings on Objection to Confirmation: In cases over which Judge Preston presides, notwithstanding LBR 3015-3(a)(3), evidence on objections to confirmation or Court concerns will not be taken at the confirmation hearing. At the time of the appropriate confirmation hearing, the Court will set a subsequent hearing for presentation of evidence or oral argument relative to objections to confirmation or Court concerns.

C. Preliminary Confirmation Docket: The Court will post a Preliminary Confirmation Docket on the Court's website approximately six days prior to the scheduled confirmation hearing advising parties in interest of the cases that may be called for hearing.

D. Requests for Continuances: If Debtor would like to request a continuance of the scheduled confirmation hearing, Debtor or counsel for Debtor shall communicate with the Chapter 13 Trustee's office regarding same by **noon** on the Tuesday preceding the Thursday confirmation hearing. The Chapter 13 Trustee and any objecting creditor must agree to the continuance.

E. Final Confirmation Docket: Once the Court has completed its review of the cases scheduled for confirmation, it will post the Final Confirmation Docket advising parties in interest of the final disposition of each case by noting in the Disposition column whether it has been dismissed, converted, confirmed, placed on the consent docket, continued to another date, is going to be called for hearing, or has a Court concern. The Court aspires to do this by noon the day before the confirmation hearing. Please be advised that although the Chapter 13 Trustee maintains a Matter Calendar on his website, **13network.com**, parties shall reference and rely upon the Final

¹This deadline is limited to the Chambers of the Honorable C. Kathryn Preston. Parties should consult the office of the Chapter 13 Trustee to determine what, if any, policy he has established regarding the review of documents prior to confirmation.

Confirmation Docket posted by the Court to determine the ultimate disposition of the case(s). If there are any discrepancies between the Final Confirmation Docket posted by the Court and the Matter Calendar on **13network.com**, the Final Confirmation Docket posted by the Court controls.

F. Final Confirmation Docket with Continuances for Court Concerns: If a Court concern is noted in the Disposition column on the Final Confirmation Docket posted by the Court and Debtor would like to request a continuance of the scheduled confirmation hearing to address the Court concern, Debtor or counsel for Debtor shall communicate with the Chapter 13 Trustee's office regarding same by no later than **4:00 p.m.** the day before the confirmation hearing. The Court will then post a Final Confirmation Docket with Continuances for Court Concerns noted in the Disposition column by 10:00 a.m. the day of the confirmation hearing.