

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO
The Honorable A. Bruce Campbell**

In re:)
)
) Case No. ABC
) Chapter 13
Debtors.)

TO DEBTOR(S) AND ALL CREDITORS AND PARTIES IN INTEREST:

***PLEASE REVIEW THIS ORDER CAREFULLY
AND
KEEP IT FOR FUTURE REFERENCE IN THIS CASE***

**PROCEDURE ORDER AND NOTICE OF TELEPHONE
HEARING ON CONFIRMATION OF CHAPTER 13 PLAN**

The Debtor(s) filed a Chapter 13 Plan and a hearing on confirmation of that plan has been set for @. (“Hearing on Confirmation”), notice of which was given in the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors & Deadlines, and Notice of Hearing on Confirmation of Chapter 13 Plan (“Notice”). In an effort to advise the creditors and parties in interest of the procedures of Judge Bruce Campbell with respect to confirmation of Chapter 13 plans and to afford the Debtor(s) the opportunity to achieve confirmation of the plan at the earliest possible date, the following procedure, which supplements and modifies the procedures set forth in the T.L.B.R. 3015-1, shall apply.

I. HEARING ON CONFIRMATION OF A PLAN FILED WITH THE PETITION OR UPON CONVERSION TO CHAPTER 13

(A) No Objections filed. If there are no objections filed to either the plan filed with the petition or to the plan filed within the fifteen days following the filing of the petition (or the plan filed at the time of conversion to a case under Chapter 13 or within 15 days thereafter) and which plan has been duly served on all creditors and parties in interest, then, as noted in TLBR 3015-1(c)(2), the hearing on confirmation may be vacated upon the Debtor’s(s)’ filing of a verification of confirmable plan required by TLBR 3015-1(f)(1) and an appropriate form of order.

(B) Objection(s) filed to Plan Debtor(s) filed with, or within 15 days of, the Petition (or at the time of Conversion to Chapter 13 or within 15 days thereafter).

(1) Option to Appear by Telephone. If an objection is filed to the plan Debtor(s) filed at the time of the filing of the petition or within 15 days thereafter (or the plan filed at the time of conversion to a case under Chapter 13 or within 15 days thereafter), no evidence will be taken at the Hearing on Confirmation. The Debtor(s), the objector(s) and/or the Chapter 13 Trustee may participate in the Hearing on Confirmation **by telephone** in accordance with the procedure outlined below.

(2) Obligation to Meet and Confer. Counsel for Debtor(s), or Debtor(s), if not represented by counsel, shall contact and meet or otherwise confer with counsel for the objecting party, or the objecting party if not represented by counsel, no later than **ten days after**

the meeting of creditors to discuss the objection(s), the possibility of settlement or resolution of the matter, and if the matter can be resolved, the date by which such settlement can be effected.

If the objection cannot be resolved, the parties shall confer regarding the precise nature of the dispute(s) remaining, the type of evidence which will be required to be presented for resolution of the dispute, the time such a presentation will take, whether any facts are not in dispute and whether and when a stipulation of facts may be filed.

(3) Be Prepared to Discuss Trial Efficiencies. If at the time of Hearing on Confirmation, any objections have not been resolved, counsel/parties shall be prepared to advise the Court as to the remaining issues to be resolved and scheduling efficiencies such as amount of time required for hearing and number of witnesses anticipated to be called.

II. AMENDMENTS TO PLAN PRIOR TO HEARING ON CONFIRMATION

(A) Amended Plans Filed On or Before the 18th Day after the Meeting of Creditors. If Debtor(s) intend(s) to file an amended plan prior to the Hearing on Confirmation as provided for in T.L.B.R. 3015-1(e), and if Debtor(s) file(s) that plan, **ON OR BEFORE THE 18TH DAY AFTER THE MEETING OF CREDITORS,**

(1) T.L.B.R. 3015-1(d)(3) Does Not Apply. The requirements of T.L.B.R. 3015-1(d)(3) to file and serve a certificate regarding objections DO NOT APPLY;

(2) Debtor(s) Shall Serve All Creditors and Parties in Interest. Debtor(s) shall serve the amended plan along with a Motion to Confirm that plan and Notice Pursuant to L.B.R. 202, which conforms to Exhibit A to this Procedure Order on **ALL creditors and parties in interest;**

(3) Debtor(s) Shall Serve a Modified Form of Notice Pursuant to L.B.R. 202. The Notice Pursuant to L.B.R. 202 shall be in substantial conformity with Exhibit A to this Procedure Order. If the Debtor(s)' compliance with this Section II (A) results in a shortening of the time period of F.R.Bankr.P. 2002(b) for creditors and parties in interest to object, such shortening is expressly authorized by this Order;

(4) No Objections Filed to Amended Plan. If no objections are filed to the Debtor(s)' amended plan so served,

- (a) the Hearing on Confirmation will be VACATED; and the Debtor(s) shall no later than five (5) days following the date set for the Hearing on Confirmation, file the Verification of Confirmable Plan required by T.L.B.R. 3015-1(f)(1), and submit a proposed form of order confirming the plan;
- (b) if the Debtor(s) fail(s) to timely file the Verification of Confirmable Plan and proposed form of confirmation order, the case may be dismissed.

(5) Objections filed to Amended Plan. If an objection is filed to the Debtor(s)' amended plan,

- (a) Debtor(s)'s counsel or, if not represented by counsel, Debtor(s), shall **contact and meet or otherwise confer** with counsel for the objecting party, or if not represented by counsel, the objecting party no later than two (2) court days prior to the Hearing on Confirmation; and

(b) the Court will convene the Hearing on Confirmation as set to set the matter promptly for an evidentiary hearing, if necessary, and the Debtor(s), the Chapter 13 Trustee and any objector may **appear by telephone** in accordance with the procedure set forth below and incorporated in to Exhibit A to this Procedure Order.

(6) Motion to Limit, Shorten and/or Waive Notice Pursuant to L.B.R. 202 and F.R.Bankr.P. 2002(b). If it is the Debtor(s)' position that the plan as amended affects only certain creditors or parties in interest or does not affect adversely any creditors or parties in interest and/or that a shortened time to object would be appropriate, Debtor(s) shall file **with the amended plan**:

- (a) a **MOTION** setting forth in detail the grounds which support limiting the number of creditors or parties in interest to be served with the amended plan, notice pursuant to L.B.R. 202 and motion to confirm, shortening the time for parties in interest so served to object or waiving any further notice, whichever is appropriate;
- (b) a **COPY OF THE AMENDED PLAN as an exhibit to the Motion** which includes a notation of or by any amendment to the plan (e.g. asterisk, redlining, highlighting); and
- (c) an appropriate **FORM OF ORDER**.

(7) Court Action on Motion to Limit, Shorten and/or Waive Notice. If Debtor(s) file(s) a Motion to Limit, Shorten and/or Waive Notice but fails to fully comply with Section II, A(6) above, the Motion will be summarily denied. The Court will consider Debtor(s)' motion to limit, shorten and/or waive notice as promptly as possible. The Court will **NOT** consider such motions to limit, shorten or waive notice at the Hearing on Confirmation.

(8) Order Shortening Time to Object or Waiving Notice. If the Court grants a motion to shorten or waive notice and no objections are filed, the hearing on confirmation may be vacated and the procedure for filing a Verification of Confirmable Plan set forth in Section II, A(4) above shall apply. If an objection is filed, the Hearing on Confirmation will be convened to set the matter for a prompt evidentiary hearing, if appropriate.

(B) Amended Plans Filed Between the 19th Day After the Meeting of Creditors and the Hearing on Confirmation. If the Debtor(s) file(s) an amended plan **BETWEEN THE 19TH DAY AFTER THE SECTION 341 MEETING OF CREDITORS BUT PRIOR TO THE HEARING ON CONFIRMATION,**

(1) Debtor(s) Shall Serve Amended Plan, Motion to Confirm and Notice Pursuant to L.B.R. 202 on ALL Creditors and Parties in Interest. Debtor(s) shall serve the amended plan along with a motion to confirm that plan and a notice pursuant to L.B.R. 202 and 2002(b) giving **ALL CREDITORS AND PARTIES IN INTEREST** 25 + 3 days notice of the opportunity to object, even if the time to object is a date after the date of the Hearing on Confirmation.

If the deadline to object to confirmation of the amended plan is a date after the Hearing on Confirmation, the Hearing on Confirmation will be convened as set to determine if the amended plan resolves the pending objection(s) and, if not, to set the matter for an evidentiary hearing after the expiration of the new objection period. The Debtor(s) or counsel and any objector or its counsel may appear by telephone in the manner prescribed below.

(2) Debtor(s) May File Motion to Limit, Shorten and/or Waive Notice Pursuant to L.B.R. 202 and F.R.Bankr.P. 2002(b). If it is the Debtor(s)' position that the plan as amended affects only certain creditors or parties in interest or does not affect adversely any creditors or parties in interest and/or that a shortened time to object would be appropriate, Debtor(s) shall file **with the amended plan but NO LATER TWO COURT DAYS PRIOR TO THE HEARING ON CONFIRMATION:**

(a) a **MOTION** setting forth in detail the grounds which support limiting the number of creditors or parties in interest to be served with the amended plan, notice pursuant to L.B.R. 202 and motion to confirm, shortening the time for parties in interest so served to object or waiving any further notice, whichever is appropriate;

(b) a **COPY OF THE AMENDED PLAN as an exhibit to the Motion** which includes a notation of or by any amendment to the plan (e.g. asterisk, redlining, highlighting); and

(c) an appropriate **FORM OF ORDER.**

(3) Court Action on Motion to Limit, Shorten and/or Waive Notice. If Debtor files a Motion to Limit, Shorten and/or Waive Notice but fails to fully comply with Section II, B(2) above, the Motion will be summarily denied. If the Debtor(s)' motion to limit, shorten and/or waive notice is **timely** filed and complies with the requirements of Section II, B(2) above, the Court will consider Debtor(s)' motion to limit, shorten and/or waive notice in advance of the Hearing on Confirmation. The Court will **NOT** consider such motions to limit, shorten or waive notice at the Hearing on Confirmation.

(4) Order Shortening Time to Object or Waiving Notice. If the Court grants a motion to shorten or waive notice such that the objection time expires in advance of the hearing on confirmation and no objections are filed, the hearing on confirmation may be vacated and the procedure for filing a Verification of Confirmable Plan set forth in Section II, A(4) above shall apply. If an objection is filed, the Hearing on Confirmation will be convened as set to set the matter for a prompt evidentiary hearing if appropriate.

III. PROCEDURE FOR APPEARANCE BY TELEPHONE AT CONFIRMATION HEARING

JUDGE CAMPBELL'S COURTROOM WILL CONTACT THE PARTIES WHO WISH TO APPEAR BY TELEPHONE. THE COURT WILL PRESUME THAT A PARTY WISHES TO APPEAR BY TELEPHONE AND USE THE TELEPHONE NUMBER ON THE PARTY'S PLEADING TO CONTACT THAT PARTY AT THE TIME OF THE HEARING UNLESS THE PARTY PROVIDES AN ALTERNATIVE TELEPHONE NUMBER NO LATER THAN THE MONDAY PRIOR TO THE HEARING ON CONFIRMATION BY EITHER:

(1) contacting Judge Campbell's chambers (720-904-7358); or

(2) e-mailing Judge Campbell's chambers (abc_phonenumbers@cob.uscourts.gov).

IN ADDITION TO THE TELEPHONE NUMBER WHERE THE PARTY MAY BE REACHED, E-MAILS OR TELEPHONE CALLS TO CHAMBERS SHOULD INCLUDE THE CASE NAME AND NUMBER AND THE DATE AND TIME OF THE HEARING. COUNSEL SHOULD PROVIDE THE NAME OF THE PARTY(IES) FOR WHOM HE/SHE IS APPEARING.¹

IF A PARTY IS NOT AVAILABLE BY TELEPHONE UPON THE COURT'S CALL OR IS NOT PRESENT IN THE COURTROOM AT THE TIME OF THE HEARING, IT WILL BE DEEMED A FAILURE TO APPEAR. A PARTY IS NOT AVAILABLE IF, AT THE TIME OF THE COURT'S CALL, THE COURT GETS A BUSY SIGNAL, NO ANSWER, OR VOICE MAIL.

IV. DEBTOR(S) REQUIRED TO SERVE THIS ORDER UPON CREDITORS ADDED TO THE CASE AFTER THE COURT SERVES THIS ORDER

If the Debtor(s) add(s) any creditors to this case after the Court has served a copy of this Order on all creditors and parties in interest, Debtor(s) shall serve a copy of this Order on the added creditor along with any other documents required to be served upon a creditor so added; and shall within ten (10) days of the filing of the amended schedule adding such creditor, file a certificate of service and compliance with this Order.

DATED:

BY THE COURT:

A. Bruce Campbell
United States Bankruptcy Judge

¹If a party would like to insure that the phone number is properly noted on the Court's calendar, the party may do so by checking the calendar of the Honorable A. Bruce Campbell on the Court's web page, www.cob.uscourts.gov. Please do not call the Court to verify your phone number unless it appears incorrectly on the docket sheet.

EXHIBIT A
TO CHAPTER 13 PROCEDURE ORDER AND NOTICE OF TELEPHONE HEARING ON CONFIRMATION OF
CHAPTER 13 PLAN
MODIFIED FORM OF NOTICE PURSUANT TO L.B.R. 202

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO
The Honorable A. Bruce Campbell

In re:)
)
) Case No. ABC
) Chapter 13
Debtor(s).)

NOTICE PURSUANT TO LOCAL BANKRUPTCY RULE 202 OF
DEBTOR(S)' MOTION TO CONFIRM AMENDED CHAPTER 13 PLAN AND HEARING THEREON

TO ALL PARTIES IN INTEREST:

NOTICE IS HEREBY GIVEN that Debtor(s) filed a Motion to Confirm Amended Chapter 13 Plan and an Amended Chapter 13 Plan. Copies of both pleadings are being served upon you with this Notice.

A **HEARING ON ANY OBJECTIONS TO CONFIRMATION OF THE PLAN** shall be held on _____(the same date as the date for Hearing on Confirmation set in the Notice of Meeting of Creditors)("Hearing On Confirmation");

Pursuant to Rule 202 of the Local Rules of Bankruptcy Procedure, if you desire to object to confirmation of the plan, you must file a written objection and request for a hearing with the Court on or before **THE FRIDAY PRIOR TO THE HEARING ON CONFIRMATION**, set forth above, and serve it upon Debtor(s)' counsel and the Chapter 13 Trustee so that it is received no later than **THE FRIDAY PRIOR TO THE HEARING ON CONFIRMATION**. Objections and requests for hearing shall clearly specify the grounds upon which they are based, including the citation of supporting legal authority, if any. General objections will not be considered by the Court.

If an objection is filed, the Hearing on Confirmation will be convened but no evidence will be taken and the parties may appear at that hearing **BY TELEPHONE** in accordance with the procedures established by Judge Campbell's Court's Procedure Order and Notice of Telephone Hearing on Confirmation of Chapter 13 Plan (Docket # _____) previously served upon you by the Court.¹

¹Judge Campbell's courtroom will contact the parties who wish to appear by telephone. The Court will presume that a party wishes to appear by telephone and use the telephone number on the party's pleading to contact that party at the time of the hearing unless the party provides an alternative telephone number no later than the Monday prior to the hearing on confirmation by either:

- (1) contacting Judge Campbell's chambers (720-904-7358); or
- (2) e-mailing Judge Campbell's chambers (abc_phonenumbers@cob.uscourts.gov).

In addition to the telephone number where the party may be reached, e-mails or telephone calls to Judge Campbell's chambers should include the case name and number and the date and time of the hearing. Counsel should provide the name of the party for whom he/she is appearing.

If a party is not available by telephone upon the Court's call or is not present in the courtroom at the time of the hearing, it will be deemed a failure to appear. A party is not available if, at the time of the Court's call, the Court gets a busy signal, no answer, or voice mail.

In the absence of a timely and substantiated objection by an interested party, the Court may vacate the hearing on confirmation and consider Debtor(s)' Motion to Confirm without further notice or a hearing.

Dated: _____

Signature of Debtor

Signature of Spouse

Signature of Attorney for Debtor

Attorney's Address

City, State, and Zip Code

Telephone Number