

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO**
Bankruptcy Judge Elizabeth E. Brown

In re:)	
)	
RITA ANN PERALES,)	Bankruptcy Case No. 02-11361 EEB
SSN: xxx-xx-7439,)	
)	Chapter 13
)	
Debtor.)	

ORDER

THIS MATTER having come before the Court on the Motion to Reconsider, filed by Debtor, and the Court being otherwise advised in the premises, hereby

FINDS that the Debtor failed to serve its Motion to Confirm on certain creditors at the addresses set forth in the creditors' Proofs of Claim. As a result, the Court issued an Order, denying the Motion to Confirm, without prejudice and requiring the Debtor to re-file and re-serve all parties with a new Motion, Notice and the attached plan. In the Motion to Reconsider, counsel expresses his belief that service at a different address listed in a Proof of Claim is unnecessary, that requiring a new notice to affected creditors delays confirmation unnecessarily, and that the District should adopt a new General Order, before imposing this requirement. Finally, he indicates that he has only re-served those creditors who were served incorrectly rather than re-serving all parties and he asks this Court to accept this service as sufficient.

FURTHER FINDS that Local Rule 202 expressly provides that motions to confirm Chapter 13 plans are subject to its requirements and it refers to Bankruptcy Rule 2002(g). This Rule expressly requires service at the address listed in a proof of claim filed by the creditor. This requirement is nothing new or different, requiring the adoption of a General Order by this District.

FURTHER FINDS that, when counsel fails to comply with the rules regarding service, this Court will not issue an order requiring a cure of the deficiency, but instead issues its standard order denying the motion without prejudice, for the reason that the former practice imposes on the Clerk's staff the added burden of tracking the cure date, making additional electronic docketing entries and the preparation of a subsequent Order to Show Cause and/or order of denial, if the deficiency is not timely cured, with its attendant docketing entry. With preparation for the advent of electronic filing, the resources of the Clerk's Office are already stretched to their limits. This Court has adopted the practice of denying deficient motions without prejudice as one way in which to conserve these resources.

FURTHER FINDS that the Court appreciates that counsel desires to obtain timely consideration of his clients' plans of reorganization. Full compliance with the rules will best serve this objective.

FURTHER FINDS that this Court routinely requires all counsel to re-file and re-serve all pleadings on all parties, in response to an Order and Notice of Deficiency. The Court is aware that this requirement imposes additional expense, effort and time. This requirement, however, is intended to serve as a deterrent against future inattention to the rules. Accordingly, it is hereby

ORDERED that the Motion to Reconsider is DENIED. Debtor must re-file and serve *all* parties with a new Motion to Confirm, together with the proposed plan of reorganization and appropriate notice, if the Debtor wishes to have this Court consider confirmation of the plan.

DATED this ____ day of June, 2002.

BY THE COURT:

Elizabeth E. Brown, Bankruptcy Judge