

**CHAMBERS PROCEDURES: JUDGE ELIZABETH E. BROWN  
UNITED STATES BANKRUPTCY COURT, DISTRICT OF COLORADO**

**CHAPTER 13 PROCEDURES**

Unless indicated otherwise, this Court follows all local rule procedures set forth in Local Rule 3015. Local Rules are available at <http://www.cob.uscourts.gov/local-rules>. In addition, all local forms are available for download at <http://www.cob.uscourts.gov/forms>.

**I. NEW PROCEDURES APPLICABLE TO CONFIRMATION AND PLAN MODIFICATIONS, EFFECTIVE AS OF MARCH 1, 2018**

**A. Motions to Strike Objections:**

1. If the Objector raises objections that could have been raised in a prior objection but were not, then the Debtor may file a motion to strike. The Debtor must file this motion at least three court days in advance of the hearing so that the Court has an opportunity to review the case file with this motion in mind.

2. If the Objector is a secured creditor and one of the bases for its objection is that the Debtor's plan does not state the correct amount of the arrears on the loan, Local Rule 3015-1(c)(5) requires the Objector to attach to its objection an intelligible payment history of the loan, unless the creditor has already filed a proof of claim that includes this information. If the Objector fails to comply with this requirement, the Court will entertain either a written or an oral objection at the hearing to strike any objection based on the amount of the arrearages.

**B. Every Objection to a Proposed Plan or Modification Must Include:** a detailed list of the documentation that the Objector believes is necessary to resolve the objection. It should specify whether a spreadsheet will suffice or whether supporting documentation must be provided as well and what that supporting documentation should include.

**C. In the Debtor's confirmation status report, Part 7, the Debtor must include:**

1. A statement that the Debtor has delivered to the Objector whatever documentation was specified in the objection, including the details of the form of transmission (*i.e.* an email sent to a named individual on a specific date and at a specific time); or

2. A statement demonstrating good cause as to why some documentation could not be timely delivered and, if applicable, what steps have been taken to obtain the necessary documentation. This requirement does not prevent a Debtor from challenging the Objector's need for certain documentation. If the Debtor objects to the request, he or she should specify the reasons for challenging the request.

**D. The Debtor must deliver the requested documentation:** no later than the deadline for filing the confirmation status report, except to the extent that the Debtor has filed a statement pursuant to § D, 2 above. This means Debtor's counsel cannot wait to request

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documentation from the client but should immediately transmit the objection to the client with clear deadlines for the client to provide the requested documentation to Debtor's counsel.

**E. Suspension of telephonic appearance privileges in certain cases:** If the parties fail to adhere to these procedures or if the Court finds that the parties are not making sufficient progress, then the Court may set the matter over for further hearing at which all parties must appear in person.

**II. CHAPTER 13 DISMISSALS AND REINSTATEMENTS**

**A. Dismissals.** A Debtor has the right to request his or her case be dismissed at any time. Motions to dismiss filed by a Debtor are not required to be sent on notice.

**B. Reinstatements.** In keeping with the new policies employed by all of the judges in this district, effective as of December 1, 2017, this division no longer grants requests for reinstatement of a dismissed chapter 13 case automatically. The Clerk's Office has resumed sending notices of deficiencies to warn debtors of a potential dismissal when the debtor has failed to file all of the required documentation. When a party requests dismissal, it is required to serve the Debtor with a motion and notice that allows the debtor sufficient time to contest dismissal or cure any deficiency. If the Court raises the potential of dismissal at a hearing, either the Debtor or counsel for the Debtor will be in attendance and given sufficient notice. Therefore, if the debtors take no action to respond or to cure deficiencies, they should not be surprised by a dismissal. Accordingly, any motion to reinstate must comply with Fed. R. Bankr. Pro. 9023 or 9024, whichever is applicable given the timing of the motion. Reinstatement requests will only be granted in extraordinary circumstances.