

**NOTICE REGARDING PROCEDURES FOR
CHAPTER 13 CONFIRMATION HEARINGS
HELD ON OR AFTER DECEMBER 11, 2006
BEFORE JUDGES TUCKER, SHEFFERLY, MCIVOR AND SHAPERO**

Notice is hereby given of the following procedures to be applied to all chapter 13 confirmation hearings before Judges Tucker, Shefferly, McIvor, and Shapero,¹ beginning with confirmation hearings held during the week beginning **December 11, 2006**:

1. The Court will consider confirmation of the debtor's plan only if the debtor's attorney has emailed a proposed order confirming plan, in Word or WordPerfect format, to the Chapter 13 trustee's office by 4:30 p.m. on the following day before the confirmation hearing:

Judge Tucker: the Friday before the confirmation hearing
Judge Shefferly: the Wednesday before the confirmation hearing
Judge McIvor: the Friday before the confirmation hearing
Judge Shapero: the Tuesday before the confirmation hearing

Forms of this order in these formats are available on the Court's website, at <http://www.mieb.uscourts.gov/> under "Local Forms."²

2. Before the debtor's attorney emails the proposed order confirming plan to the trustee, the debtor and all parties objecting to confirmation must undertake all reasonable efforts to resolve the objections that were timely filed by creditors and the trustee.

3. If, after all reasonable efforts, impasse is reached between the debtor and any objecting parties regarding any objections, then the debtor's attorney must email to the trustee, by the deadline established in paragraph 1:

(a) A proposed order confirming the plan (1) that is signed by the creditors whose objections have been resolved, and (2) that states the debtor's proposed resolution of the parties' remaining objections; and

(b) A certificate, filed with the Court and served on any creditors whose objections are not resolved, stating (1) that the debtor and the specified objecting

¹ This notice does not apply to cases assigned to Chief Judge Rhodes. His Chapter 13 procedures are not changing at this time. Nor does this notice apply to cases assigned to Judge Opperman.

² Note that this form is slightly different than the form used in cases assigned to Chief Judge Rhodes.

parties are at an impasse in their reasonable efforts to resolve objections, (2) the legal and factual issues to be resolved in connection with the remaining objections to confirmation, and (3) any request for an adjournment and any reasons why good cause exists for the adjournment. A copy of the form for this certificate is attached to this Notice, and forms of this certificate in Word and WordPerfect format are available on the Court's website, under "Local Forms."

4. If the debtor's attorney does not timely email a proposed order confirming plan as provided in either paragraph 1 or paragraph 3(a), or does not timely file and serve the certificate as required in paragraph 3(b), then the debtor's attorney must appear for a hearing on the contested docket even if the matter becomes confirmable at the status conference, to explain why the order confirming plan or the certificate of impasse was not timely submitted or filed.
5. The above procedures only apply to cases that are scheduled for a confirmation hearing. There will continue to be status conferences for all confirmation matters (other than those for which a confirmation order signed by all necessary parties has been emailed to the trustee by the deadline stated in paragraph 1 above,) and for any matters scheduled for hearing on a motion (other than those matters scheduled by separate Court order such as a show cause order or an expedited hearing.) If at the status conference the parties are unable to resolve the matter it will be heard by the judge during the contested hearing. All motions to extend the automatic stay and to impose the automatic stay will continue to be heard during the contested hearing.
6. Any proposed confirmation orders that require revisions or additional signatures after the deadline established in paragraph 1 above (*e.g.*, because objections are resolved by agreement at the status conference or by a decision of the court in the contested hearing,) must be revised and/or signed, and emailed to the trustee by the debtor's attorney no later than 4:30 p.m. on the day after the confirmation hearing.
7. When an agreement or decision resolving all remaining objections to confirmation occurs after the deadline established in paragraph 1 above, so that paragraph 6 above applies, the hearing on confirmation will be adjourned to the following week at 2:00 p.m., as a control date. If debtor's attorney emails to the trustee the revised/signed confirmation order by the deadline stated in paragraph 6, then confirmation will be ordered without further hearing. If debtor's attorney does not email to the trustee the revised/signed confirmation order by the deadline stated in paragraph 6, then the adjourned hearing will occur, and debtor's attorney must attend.
8. Within 3 business days following a confirmation hearing day, the trustee will assemble all orders confirming plans and orders adjourning confirmation hearings (with conditions) in electronic form and submit them to the clerk for entry. Such orders may

now be submitted on a compact disc, but the clerk and the trustees may agree to alter the mode of submission from time to time.

9. Orders adjourning confirmation without condition will be entered by text orders in the docket by the courtroom deputy.

10. These procedures do not apply to cases involving debtors who are not represented by counsel.

November 17, 2006

Thomas J. Tucker
Phillip J. Shefferly
Marci B. McIvor
Walter J. Shapero

United States Bankruptcy Judges

United States Bankruptcy Court
Eastern District of Michigan

In re: _____,

Case No.

Judge:

Debtor.

_____ /

Debtor's Chapter 13 Confirmation Hearing Certificate
[To be completed fully]

At the next confirmation hearing in this case, the debtor intends to: [Check ONE of the following]

1. ___ Request confirmation of the debtor's plan, because all timely objections of creditors and the trustee have been resolved. I have emailed to the trustee a proposed order confirming the plan, as required in paragraph 2 of the Chapter 13 Case Management Order.

2. ___ Request confirmation of the debtor's plan, even though all timely objections have not been resolved. I have emailed to the trustee a proposed order confirming the plan, as required in paragraph 2 of the Chapter 13 Case Management Order. The parties are at an impasse in attempting to resolve these objections despite all reasonable efforts. The following are: (a) the parties whose timely objections have not been resolved; (b) their unresolved objections; and (c) the legal and factual issues that must be resolved by the Court in connection with confirmation:

Trustee Objections:

Issues:

Creditor # 1:

Objections:

Issues:

Creditor # 2:

Objections:

Issues:

3. ___ Request an adjournment of the confirmation hearing to _____, 2006, due to the following good cause:

4. ___ Dismiss the case. [The Court will construe this as a motion by the debtor to dismiss the case under Fed.Bankr.R.P. 1017(f)(2), and the Court will enter an order of dismissal and the case will be removed from the docket.]

5. ___ Convert the case to chapter 7. [The Court will construe this as a notice by the debtor to convert to chapter 7 under Fed.Bankr.R.P. 1017(f)(3), and the Court will enter an order of conversion to chapter 7 and the case will be removed from the docket.]

6. ___ Re-convert the case to chapter 7. [The case will remain on the docket and parties will have an opportunity to be heard.]

Debtor's Attorney