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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

CHAPTER 13 CASES BEFORE U. S.
BANKRUPTCY JUDGE
ENRIQUE S. LAMOUTTE

ADMINISTRATIVE ORDER NO.:
2018 - 01

INITIAL CONFIRMATION HEARING

ADMINISTRATIVE ORDER

The purpose of this Order is to set the procedures to be followed regarding the “Initial Confirmation Hearing” in all Chapter 13 cases of the undersigned bankruptcy judge and to secure their expedient resolution. This Administrative Order implements the provisions in PR LBR 3015-3(e) determining that the initial confirmation hearing will be a non-evidentiary hearing. The specific change to existing procedures is that the hearing, albeit non-evidentiary, will be presided by a bankruptcy judge, and all parties in interest are expected to attend, unless the matter has been placed on the uncontested calendar pursuant to PR LBR 3015-3(e)(1).

Debtor(s)', or debtor(s)' counsel's, failure to appear at the initial confirmation hearing may constitute cause for the reduction or disgorgement of attorney's fees, or for the dismissal or conversion to chapter 7 of the case. Any party in interest that has filed an objection to the confirmation of the chapter 13 plan shall attend the initial confirmation hearing. The failure of an objecting party to appear at the initial confirmation hearing may constitute cause for the court to overrule the objection for failure to prosecute.

The change in procedures is intended to promote the expedited disposition of the confirmation process of chapter 13 plans pursuant to section 1324 of the Bankruptcy Code, 11

1 U.S.C. § 1324¹, in conjunction with the requirements in Fed. R. of Bankr. P. 3015 and Fed. R. of
2 Bankr. P. 3015.1. The key to the successful accomplishment of the goal pursued by the change
3 in procedures is the diligent, active and effective participation by all parties in interest. If the
4 chapter 13 plan is not confirmed at the initial confirmation hearing and there is a need, for good
5 cause shown, to schedule a contested confirmation hearing pursuant to PR LBR 3015-3 (e)(2,3)
6 and (f), all parties in interest, particularly the debtor, must be prepared to submit a proposed
7 timetable of actions needed to place the then pending chapter 13 plan on a confirmation track.
8 Examples of actions that may need to be taken are: the filing of an amended chapter 13 plan, the
9 filing of amended schedules, the filing of evidence of being current on the payments under the
10 plan, and evidence of being current on post-petition domestic support obligations (DSO's). The
11 time granted in the minutes of the initial confirmation hearing for the filing of any document, or
12 other action as is appropriate, shall commence from the date of the order issued at the initial
13 confirmation hearing.²

14 The initial confirmation hearing may be continued without a date if the nature and extent
15 of the then pending actions of the proposed timetable, if acted upon, are likely to result in the
16 confirmation of a chapter 13 plan and an evidentiary hearing is not necessary. In the event that
17 the initial confirmation hearing is continued, it shall be rescheduled to the next contested
18 confirmation hearing date on calendar. Should a plan be confirmed prior to the re-scheduled
19 hearing date, the scheduling is deemed set aside.

20 Unless good cause is shown, the failure to timely file all necessary amendments,
21 pleadings, documents, or perform any act required by a minute order at the initial confirmation
22 hearing, or any other subsequent order conducive to confirmation, may result in a decrease or
23 disgorgement of attorney's fees, or may constitute cause for the dismissal or conversion to chapter
24 7 of the case. The court expects and demands strict compliance with any proposed action ordered
25 at the initial confirmation hearing.

26 _____
27 ¹ See 28 U.S.C. § 151.

² See attached template of minutes for "Initial Confirmation Hearing."

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This administrative order will be effective for chapter 13 cases filed and assigned to this bankruptcy judge commencing on January 1, 2019.

The Clerk of Court shall give notice of this Administrative Order.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 3rd day of December 2018.



Enrique S. Lamoutte
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO**

Hearing Information:

Debtor:

Case Number:

Chapter: 13

Date / Time / Room:

Bankruptcy Judge: ENRIQUE S. LAMOUTTE

Courtroom Clerk:

Reporter / ECR:

Minutes Chapter 13 Initial Confirmation Hearing

Hon. Enrique S. Lamoutte

Matter(s):

Confirmation Hearing

I. Appearances:

II. Chapter 13 Plan and Objections:

Creditor's application to withdraw objection is hereby granted. Re: docket number(s): _____.

Trustee's application to withdraw objection/unfavorable report is hereby granted. Re: docket number(s): _____.

III. Disposition:

The Chapter 13 plan dated _____ (dkt. # _____) is CONFIRMED. NOT CONFIRMED.

The provisions in PR LBR 3015 apply. The period is extended to _____ days.

IV. Debtor(s) Action(s) and Timetable if Confirmation is denied:

The debtor(s) shall file an amended chapter 13 plan within _____ days.

The debtor(s) shall file evidence of being current on _____ payments within _____ days.

The debtor(s) shall file: _____ within _____ days.

Other: _____.

V. Chapter 13 trustee and parties interest:

The Chapter 13 trustee and parties in interest, are granted _____ days to file report on confirmation and/or objections to the chapter 13 plan dated _____ (Dkt. # _____); or to the amended plan to be filed within the time specified above. If the chapter 13 trustee recommends confirmation and other parties in interest do not object, the chapter 13 plan may be confirmed.

VI. Notice on Dismissal or Conversion to Chapter 7: Upon debtor(s)' failure to timely comply with the action(s) specified above in Part IV within the allowed period, the court may enter an order dismissing or converting the case to Chapter 7 pursuant to 11 U. S. C. §1307.

VII. Attorney's Fees:

(1) PR LBR 2016-1(f)(1) \$_____.

(2) Plan provides for compensation pursuant to PR LBR 2016-1(a). The amount of \$_____ is hereby approved.

(3) Final fee to be determined upon application for compensation filed or to be filed within fourteen (14) days from the date of this order.

(4) Interim fee allowed: \$_____ Final fee to be determined upon application for compensation filed or to be filed within fourteen (14) days from the date of this order. If application for compensation not timely filed, the attorney's fee will be the amount authorized by PR LBR 2016-1(f) (1).

VIII. Continuance: The confirmation hearing is continued to: _____ as a contested matter.

Without a date.

IX. Other:

/s/ Enrique S. Lamoutte
U. S. Bankruptcy Judge