

Confirmation Procedures

After the conclusion of the 341 meeting of creditors and the delivery of the Trustee's 341 worksheet to debtor's counsel, communications from the Trustee's Office regarding the confirmation of a proposed plan are provided primarily the Matters Listing/Calendar, which is available on the 13Network website (<https://www.13network.com/trustees/cos/coshome.aspx>), where it is known as the "Matters Listing," and on the Bankruptcy Documents website (<http://www.bkdocs.us>), where it is known as the "Matters Calendar."

DOCUMENTS: Shortly after the conclusion of the 341 meeting, the Trustee's Office will place the list of requested documents on the case's Matters Listing/Calendar. As documents are received and reviewed, the Trustee's Office will update this information. In addition, if there are any further documents or changes requested by the Trustee's Office after the 341 meeting, that information will be reflected in the notes on the Matters Listing/Calendar.

CONFIRMATION NOTES AND PROPOSED RECOMMENDATIONS: The Matters Listing/Calendar also provides the updated Trustee notes regarding the confirmation of the proposed plan after the conclusion of the 341 meeting of creditors, including listing the deficiencies in the proposed plan and the Trustee's proposed confirmation recommendation.

TIME FRAME: Generally, the confirmation notes and proposed recommendations are posted and updated as follows:

- **POSTING OF NOTES:** Ten business days prior to the confirmation hearing, the legal team of the Trustee's Office will post on the Matters Listing/Calendar the plan deficiencies and other notes regarding the case for review by debtor's counsel.
- **TRUSTEE REVIEW:** Between ten to seven business days prior to the confirmation hearing, the Trustee or her Staff Attorney will conduct a review of the case and update the notes contained in the Matters Listing/Calendar as well as provide the Trustee's proposed recommendation for confirmation. To alert counsel that the Trustee/Staff Attorney's review is completed, the Matters Listing/Calendar notes will be updated to signify that this review has been completed. If the debtor objects to the proposed recommendation of confirmation, please let the Trustee's Office know as soon as possible.
- **UPDATES TO NOTES:** The notes and proposed recommendation in the Matters Listing/Calendar will be updated in the lead up to the confirmation hearing as changes occur to the case. Therefore, counsel should routinely check the Matters Listing/Calendar in the lead up to the confirmation hearing to keep up to date on the status of the case.
- **FILING RECOMMENDATIONS:** If no response is received to the proposed recommendation of confirmation by 10:00 AM four business days before the hearing, the Trustee will file recommendations of confirmation to remove hearings in advance to the extent permitted by the Court. For example, if the confirmation hearing is scheduled for Thursday and no response to the Trustee's proposed recommendation is communicated by 10:00 AM on the Friday the week before the hearing, the Trustee will proceed with filing a recommendation of confirmation and hearing removal request that day.

PENDING OBJECTIONS TO CONFIRMATION: Counsel for the debtor and counsel for any objecting creditors should keep the Trustee informed on the status of their matter, including whether the matter is resolved, and if so, how the terms of that settlement will affect the terms of the proposed chapter 13 plan.

TIMELY FILING OF RELATED MATTERS: To avoid unnecessary delay in the confirmation of a proposed plan, the Trustee recommends filing certain related pleadings near to the time that the proposed plan is filed, including any:

- Motions to Establish the Value of a Tax Claim
- Objections to Claim

JUDGE DUNCAN'S CONFIRMATION PROCEDURES: Generally, Judge Duncan schedules cases with a first confirmation hearing on the 10:00 AM docket and cases with a continued or further confirmation hearing on the 10:30 AM docket.

- **FIRST CONFIRMATION HEARING DOCKET (10:00 AM):** Unless the proposed plan is confirmable or any objection to confirmation is ripe for a hearing, the first confirmation hearing on the 10:00 AM docket will typically be continued to a hearing date approximately 60 days by filing a request for a C Order or a continuance in advance of the hearing. Judge Duncan may schedule a definite hearing at the first confirmation hearing (10:00 AM docket) if the proposed plan contains "unapproved" non-standard language or for other issues.
- **CONTINUED CONFIRMATION HEARING DOCKET (10:30 AM):** Generally, no hearing removal requests will be filed in advance for a continued/further confirmation hearing for this docket except for recommendations to confirm the proposed plan. Counsel should be prepared to attend the 10:30 AM docket and be prepared to proceed on the merits if a matter has not been removed in advance.
- **AMENDED PLANS: Amended plans should only be filed if there is enough time for the objection time to run prior to the scheduled hearing, and confirmation hearings may not be self-scheduled.** Please note that this is a substantial difference from the procedures of other judges in this district.

Please also review Judge Duncan's Chambers Preferences on Chapter 13 Form Orders, available on the Court's website [here](#).