

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
FRANK T. BOW FEDERAL BUILDING  
201 CLEVELAND AVE. S.W.  
CANTON, OHIO 44702

RUSS KENDIG  
UNITED STATES BANKRUPTCY JUDGE

TELEPHONE: (330)458-2440  
FAX: (330)458-2445

MEMORANDUM

To: All Canton Bankruptcy Practitioners

Date: August 31, 2009

Re: New Chapter 13 Confirmation Procedure in Canton

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Recent failures of attorneys to provide information to the chapter 13 trustee have made it impossible for court staff to adequately prepare for confirmation. There have been too many cases remaining contested due to failure to provide the trustee with information requested at the 341 meeting, such as pay stubs, tax returns, dependency information and the like. Court staff cannot prepare for the number of cases listed as contested due to failure to follow up on simple matters.

Confirmation procedures will be changed immediately as a result. Trustee is to provide debtors' attorneys with a written request for information at conclusion of the 341 meeting. If trustee has not received the information fourteen days prior to the confirmation date set forth in the Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines (the 341 notice), trustee will be required to file a *Notice of Noncompliance with Trustee Request*, a sample of which is attached to this memo and is marked as Exhibit A, any time between seven (7) and thirteen (13) days before confirmation. Following expiration of the confirmation objection deadline, the court will then provide notice that the confirmation hearing has been continued and will continue the deadline for trustee to object to confirmation, even if the documents are thereafter provided. *See* Exhibit B.

Thereafter, it will be debtors' attorney's responsibility to provide the information and serve notice of a new confirmation date, whether or not an amended plan is required, using a format similar to that on the attached Exhibit C. A new docket event has been created: Notices – Ntc of Conf Hrg & Ddl to Obj to Conf - Canton.

This procedure is to be used only when debtors fail to provide information. It is not to be used when issues are disputed. Disputed cases shall move forward for argument and disposition. Incomplete cases are to be continued.

Debtors are not defenseless to any trustee request for fear that confirmation will be delayed. Debtors will receive trustee's information request in writing at the conclusion of the 341 meeting when handed the minute sheet. If requests are believed to be inappropriate, counsel can immediately file an objection to that request and the court will expedite the matter upon counsel contacting the courtroom deputy and advising of the time considerations.

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE: ) CHAPTER 13  
)  
[ ], ) CASE NO. [ - ]  
)  
Debtor. ) JUDGE RUSS KENDIG  
)  
)  
)  
) **NOTICE OF NONCOMPLIANCE**  
) **WITH TRUSTEE REQUEST**  
)  
)

Please take notice that as of \_\_\_\_\_, the Chapter 13 trustee has not received the following enumerated documents and/or information requested at the 341 meeting, as set forth in the Report of Conclusion of First Meeting of Creditors, identified as docket as #\_\_:

\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
Toby L. Rosen  
Chapter 13 Trustee  
Charter One Bank Building, 4<sup>th</sup> Floor  
400 W. Tuscarawas St.  
Canton, OH 44702

**Service:**

Debtor  
Debtor's counsel

**EXHIBIT A**

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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE:	)	CHAPTER 13
	)	
[],	)	CASE NO. [ - ]
	)	
Debtor.	)	JUDGE RUSS KENDIG
	)	
	)	
	)	<b>ORDER AND NOTICE OF</b>
	)	<b>INDEFINITE CONTINUATION OF</b>
	)	<b>CONFIRMATION HEARING AND</b>
	)	<b>EXTENSION OF TRUSTEE'S</b>
	)	<b>DEADLINE TO OBJECT TO</b>
	)	<b>CONFIRMATION</b>
	)	

The Chapter 13 trustee filed a Notice of Noncompliance with Trustee's Request(s) in this case. As a result of that filing, the Court hereby indefinitely continues the scheduled confirmation hearing. The trustee shall file any objections to confirmation no later than five (5) business days prior to the rescheduled confirmation hearing.

It is so ordered.

# # #

**Service:**

All creditors and parties in interest.

**EXHIBIT B**

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE:	)	CHAPTER 13
	)	
[],	)	CASE NO. [ - ]
	)	
Debtor.	)	JUDGE RUSS KENDIG
	)	
	)	
	)	
	)	<b>NOTICE OF CONFIRMATION</b>
	)	<b>HEARING AND DEADLINE TO</b>
	)	<b>OBJECT TO CONFIRMATION</b>
	)	

Now come Debtor(s) and hereby provide notice that the hearing on confirmation of Debtor's plan will be held on \_\_\_\_\_ in Room 109C, United States Bankruptcy Court, Ralph Regula Federal Building and United States Courthouse, 401 McKinley Ave, S.W., Canton, Ohio.

The trustee shall file any written objection to the plan no later than five business (5) days before the confirmation hearing.

Submitted by:

\_\_\_\_\_  
Counsel for Debtor  
Address  
Phone, etc.

**Service:**

**EXHIBIT C**