


The court incorporates by reference in this paragraph and adopts as the findings and orders of this court the document set forth below. This document was signed electronically at the time and date indicated, which may be materially different from its entry on the record.



Dated: 10:23 AM July 2, 2012



Russ Kendig
United States Bankruptcy Judge

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

IN RE:)	CHAPTER 13
)	
NEIL ROGERS,)	CASE NO. 10-60149
)	
Debtor.)	JUDGE RUSS KENDIG
)	
)	MEMORANDUM OF OPINION (NOT
)	INTENDED FOR PUBLICATION)
)	

Now before the court is Debtor's motion to shorten response period for Debtor's modification of plan ("motion"), filed on June 27, 2012.

The court has jurisdiction over this case pursuant to 28 U.S.C. § 1334 and the general order of reference entered in this district on April 4, 2012. Venue in this district and division is proper pursuant to 28 U.S.C. § 1409. This proceeding is a core proceeding under 28 U.S.C. § 157(b)(2).

This opinion is not intended for publication or citation. The availability of this opinion, in electronic or printed form, is not the result of a direct submission by the court.

Pursuant to Fed. R. Bankr. P. 3015(g), for modifications of plan after confirmation, "the clerk ... shall give the debtor, the trustee, and all creditors not less than 21 days' notice by mail of the time fixed for filing objections ..." Fed. R. Bankr. P. 9006(c)(1) provides that "[e]xcept as provided in paragraph (2) of this subdivision ... the court for cause shown may in its discretion with or without motion or notice order the period reduced." Under Fed. R. Bankr. P. 9006(c)(2),

“[t]he court may not reduce the time for taking action under Rule ... 3015”

Debtor’s modification of chapter 13 plan (“modification”) was filed on June 27, 2012 and Debtor’s motion seeks to shorten the response period to July 10, 2012. This response period would be less than 21 days’ notice to interested parties. Fed. R. Bankr. P. 3015(g) applies to Debtor’s modification and requires a notice period of 21 days. The court cannot reduce the response period to less than 21 days pursuant to its power under Fed. R. Bankr. P. 9006(c)(1) because modifications of chapter 13 plans are an exception to this power as provided in Fed. R. Bankr. P. 9006(c)(2). Therefore, Debtor’s motion will be denied.

An order in accord with this opinion will be entered simultaneously.

#

Service List:

Melissa Joan Acayan
Rauser & Associates
401 W. Tuscarawas Street, NW
Suite #400
Canton, OH 44702

Neil Rogers
5831 Benjamin Street, SW
Canton, OH 44706

Toby L Rosen, Trustee
400 W Tuscarawas St
Charter One Bank Bldg
4th Floor
Canton, OH 44702