

NEW POLICY REGARDING STRICT ENFORCEMENT OF RESPONSE DEADLINE TO CHAPTER 13 TRUSTEE MOTIONS TO DISMISS

In order to address the recent rash of late objections filed by debtors to motions to dismiss filed by the chapter 13 trustee, the court will begin strictly enforcing the response deadline. Objections to motions to dismiss are due seven (7) calendar days prior to the scheduled if and only if hearing date. When objections are filed untimely, a significant disruption is caused to the court's docket and the ability of the trustee and court personnel to prepare for the hearing. Effective immediately, the court will not recognize late-filed objections. The motions to dismiss will not be placed on the court's docket and orders of dismissal will be entered.

- * The Clerk of the Bankruptcy Court is being advised NOT to place motions to dismiss on the court's calendar for hearing if an objection is filed untimely.
- * The Clerk is directed to place a notation on an untimely response on the docket sheet indicating that it is untimely.
- * The chapter 13 trustee is directed to promptly submit orders of dismissal upon the expiration of the deadline for filing objections.
- * In the event that a debtor is unable to timely file an objection to a motion to dismiss for reasons beyond their control and the chapter 13 trustee consents, a motion to allow late-filed objection may be filed. The court intends to only grant motions to allow late-filed objections in extremely rare circumstances and notes that frivolous motions are sanctionable.
- * For purposes of calculating the objection deadline, if the hearing date is on a Wednesday, the objection is due before midnight on the prior Wednesday.