

## **PROCEDURES FOR CHAPTER 13 HEARINGS ON CONFIRMATION OF PLANS AND MOTIONS TO DISMISS**

(April 14, 2010)

Until further notice, the following procedures generally will apply to hearings in chapter 13 cases before Judge Jacobvitz on confirmation of plans and motions to dismiss. The Court may make exceptions to these procedures in individual cases.

Preliminary Hearings on Confirmation of Plans. The initial hearing on confirmation of a chapter 13 plan will be a preliminary hearing. Except for several preliminary hearings on plan confirmation set on June 8, 2010 at 10:00 am, all preliminary hearings will be scheduled at 9:00 a.m. on a trailing docket. Preliminary hearings will be held in Albuquerque, typically in the Judge's Hearing Room. At the preliminary hearing, any party in interest or counsel for a party in interest may appear by telephone if arrangements are made with Chambers staff in accordance with the [policy on requesting telephonic appearance](#). The Court typically will first call those matters for which an attorney appears in person before calling those matters for which all counsel appear by telephone. The Court will also endeavor to group hearings together by debtor's counsel.

Hearings on Motions to Dismiss Are Set as Final Hearings. Unless the Court directs otherwise, all hearings on motions to dismiss will be final hearings.

Appearances at Final Hearings. The Debtors and counsel for the Debtors are required to appear in person at all final hearings in chapter 13 cases unless the Court directs otherwise. If permission is sought for a waiver of the requirement, such a request should be made to Chambers staff at least one business day in advance of the day of the hearing. The request will not be routinely granted. Other counsel and parties in interest wishing to appear at final hearings must appear in person, except when the Court grants a request by out-of-town counsel or parties to appear by telephone. Out-of-town parties or counsel permitted to appear at a final hearing by telephone will be allowed to make argument but not to proffer any evidence or question any witnesses. Any party may appear at a final hearing set in Las Cruces or Roswell by video at the United States Courthouse in Las Cruces or Roswell, as applicable, or in person in Albuquerque.

Scheduling of Final Hearings in Albuquerque. *Except for final hearings set at 2:00 p.m. in May 2010*, final hearings in Albuquerque on plan confirmation and motions to dismiss will be set (usually on a Tuesday) in the Courtroom at 1:30 p.m. on a trailing docket.

Scheduling of Final Hearings in Las Cruces. Final hearings in Las Cruces on plans and motions to dismiss will be set on a Friday at 10:00 a.m., typically the first Friday of the month.

Scheduling of Final Hearings in Roswell. Final hearings in Roswell on plans and motions to dismiss will be set on an ad hoc basis.

Exhibits in Final Hearings Conducted by Video. Any exhibits to be used by any party at the final hearing on confirmation must be exchanged *at least one business day* prior to the date

set for the final hearing, with a copy provided to Judge Jacobvitz, either in hard copy or by e-mail ([jacobvitz@nmcourt.fed.us](mailto:jacobvitz@nmcourt.fed.us)). Failure to timely provide exhibits may result in the exclusion of the exhibit at the final hearing on confirmation.

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