

MOTION TO DISMISS AND HEARING CONTINUANCE POLICIES

Hearings on Motions to Dismiss Due to Payment Delinquency

- Generally, a Motion to Dismiss will be filed after a case becomes past due for three months.
- **First hearing:** We will consent to continue one time if the debtor has made some progress toward curing the delinquency.
- **Second hearing:** If the payment delinquency is not cured, either through payments or a modified plan, we will request the motion be heard and will request dismissal.

Hearings on Other Motions to Dismiss (i.e., funding problem, prejudicial delay, etc.)

- **First hearing:** We will consent to continue the hearing one time.
- **Second hearing:** We will request the motion be heard and will request dismissal.

Hearings on Objections to Confirmation

- **First hearing:** We will consent to continue the hearing if the case is not in posture for confirmation.
- **Second hearing:** We will consent to continue the hearing, but we will file a Motion to Dismiss for Prejudicial Delay if the case is not in posture for confirmation.
- **Subsequent hearings:** We will request the hearing move forward and will request the Court sustain our objection.

Deadlines

- Our office will stop reviewing cases at 12:00 p.m. on the Monday prior to Wednesday hearings (Friday at 12:00 p.m. if Monday is a holiday). We will not review for filed pleadings or posted payments after that deadline.

Note: Our office will no longer schedule regular phone calls to discuss the status of cases set for hearings. If you have questions or need to provide information, you can email either David Tabakin (davidtabakin@richchap13.com) or Susan Call (susancall@richchap13.com). These procedures apply for hearings before both Judge Phillips and the visiting judges. Further, our office will attempt to provide timely information regarding the status of a hearing; however, if the matter is on the Court's docket, you can assume the case will be called.