

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

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

Preliminary Hearings on Plan Confirmation. The initial hearing on confirmation of a chapter 13 plan will be a preliminary hearing. Generally, preliminary hearings will be scheduled at 9:00 a.m. on a trailing docket. Preliminary hearings will be held in Albuquerque, typically in the Court'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 or pro se party appears in person before calling those matters for which all counsel and parties (other than parties in interest appearing at all or a substantial portion of the hearings, such as the Chapter 13 trustee) appear by telephone. The Court will also endeavor to group hearings together by debtor's counsel.

Hearings on Motions to Dismiss. 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 before the hearing date. 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 Final Hearings in Albuquerque. Generally, final hearings in Albuquerque on plan confirmation and motions to dismiss will be set in the Courtroom at 1:30 p.m. on a trailing docket.

Scheduling Final Hearings in Las Cruces. Generally, final hearings in Las Cruces on plans and motions to dismiss will be conducted by video conference and set on an ad hoc basis.

Scheduling Final Hearings in Roswell. Final hearings in Roswell on plan confirmation and motions to dismiss will be conducted by video conference and 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 by noon one business day before the hearing date, with a copy provided to Chambers, either in hard copy or by e-mail. Failure to

timely provide exhibits may result in the exclusion of the exhibit at the final hearing on confirmation.