

UNITED STATES BANKRUPTCY COURT

Eastern District of California

Honorable Robert S. Bardwil

Bankruptcy Judge

Sacramento, California

November 13, 2013 at 1:00 p.m.

INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS

1. Matters resolved without oral argument:

Unless otherwise stated, the court will prepare a civil minute order on each matter listed. If the moving party wants a more specific order, it should submit a proposed amended order to the court. In the event a party wishes to submit such an Order it needs to be titled "Amended Civil Minute Order."

If the moving party has received a response or is aware of any reason, such as a settlement, that a response may not have been filed, the moving party must contact Nancy Williams, the Courtroom Deputy, at (916) 930-4580 at least one hour prior to the scheduled hearing.

2. The court will not continue any short cause evidentiary hearings scheduled below.

3. If a matter is denied or overruled without prejudice, the moving party may file a new motion or objection to claim with a new docket control number. The moving party may not simply re-notice the original motion.

4. If no disposition is set forth below, the matter will be heard as scheduled.

1.	13-28913-D-12	ALLA YERMOLOVA	MOTION TO CONFIRM CHAPTER 12
	CAH-4		PLAN
			10-3-13 [40]

Tentative ruling:

Alla Pavlovna Yermolova (the "debtor") filed a Chapter 12 petition on July 2, 2013. At the time the debtor filed her petition, counsel filed a Chapter 12 plan. That initial plan was withdrawn by the debtor on August 1, 2013. Thereafter, on August 15, 2013, the debtor filed an amended plan (the "Amended Plan") and this is a confirmation hearing on the Amended Plan.

Bankruptcy Code ("Code") § 1224 governs the time requirements for plan confirmation in a Chapter 12 case. Code § 1224 requires that the confirmation hearing on a debtor's Chapter 12 plan be concluded not later than forty-five days after the filing. More than forty-five days have passed since the filing of the Amended Plan. Accordingly, the hearing cannot be concluded within the forty-five day deadline set by Code § 1224 and the debtor has failed to obtain an extension of this deadline. As a result of the above, the court intends to deny confirmation. The court will hear the matter.

