

1
2
3 UNITED STATES BANKRUPTCY COURT
4 EASTERN DISTRICT OF CALIFORNIA
5 MODESTO DIVISION
6
7

8)
9 In re) Case No. 07-90558-A-13G
10 JAMES BATEMAN,) Docket Control No. MCB-3
11 Debtor.) Date: August 27, 2007
12) Time: 2:00 p.m.
_____)

13 *On August 27, 2007 at 2:00 p.m., the court considered the*
14 *objection to confirmation of Praytel Comm., Inc., to the debtor's*
15 *proposed plan. The court's ruling on the objection is appended*
16 *to the minutes of the hearing. Because that ruling constitutes a*
17 *"reasoned explanation" of the court's decision, it is also posted*
on the court's Internet site, www.caeb.uscourts.gov, in a text-
18 *searchable format as required by the E-Government Act of 2002.*
The official record, however, remains the ruling appended to the
minutes of the hearing.

18 **FINAL RULING**

19 This objection to the confirmation of the plan will be
20 dismissed without prejudice.

21 This case was filed on May 29, 2007. Therefore, a proposed
22 plan should have been filed no later than June 13, 2007. See
23 Fed. R. Bankr. P. 3015(b). It was filed late on July 13, 2007.
24 Because a plan was not filed timely by the debtor, the trustee
25 was unable to serve the plan with the notice of commencement of
26 case as required by General Order 05-03, ¶ 3(a)(1). This means
27 that it is incumbent on the debtor to serve the proposed plan and
28 a motion to confirm it on all parties in interest. See General

1 Order 05-03, ¶¶ 3(a)(2) & 8(a). A review of the docket reveals
2 that the debtor has not yet filed, noticed and set for a hearing
3 a motion to confirm the plan. Unless and until the debtor does
4 file, serve, and set for hearing, there is no plan before the
5 court for confirmation. Hence, there is nothing for Praytel to
6 object to.

7 If and when the debtor files a motion to confirm a plan, the
8 debtor must give Praytel, and all other parties in interest, at
9 least 25 days of notice of the deadline for objections to
10 confirmation as well as of the confirmation hearing. See Fed. R.
11 Bankr. P. 2002(b). This court requires that parties in interest
12 file written objections to confirmation 14 days prior to the
13 hearing on a motion to confirm a plan. See General Order 05-03,
14 ¶¶ 3(a)(2) & 8(a) and Local Bankruptcy Rule 9014-1(f)(1).
15 Therefore, to give the notice required by Rule 2002(b) will
16 require the debtor to give 39 days of notice of the confirmation
17 hearing. This notice will also afford parties in interest with
18 25 days notice of the deadline to file opposition - 14 days prior
19 to the confirmation hearing. When Praytel receives this notice,
20 it may object to the plan. The court will not consider an
21 objection to a plan until it is offered to the court for
22 confirmation.