

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS

GENERAL ORDER 21-2

**PROCEDURES FOR FILING MOTIONS FOR MODIFICATION
OF CONFIRMED CHAPTER 13 PLANS UNDER § 1329(d)
PRIOR TO EXPIRATION OF STATUTORY AUTHORITY**

On March 27, 2020, a portion of § 1113 of Pub. L. 116–136 (the “CARES Act”) temporarily supplemented § 1329 of the Bankruptcy Code by authorizing a debtor who experienced a material financial hardship due to the COVID-19 pandemic to extend the payment period under a confirmed Chapter 13 plan to a maximum of 84 months so long as the plan had been confirmed prior to the enactment date of the CARES Act. By its own terms, the availability of that subsection terminates after March 26, 2021. In order to ensure timely consideration of all plan modification requests from qualified debtors that seek to invoke that temporary statutory provision prior to its expiration (the “CARES Act Modification Motions”), the Court finds that just cause exists to modify the procedures otherwise applicable under the Federal and Local Rules of Bankruptcy Procedure to those qualifying CARES Act Modification Motions, including the shortening of the notice periods under Fed. R. Bankr. P. 2002(a) (9) for objections to the proposed modification and of the scheduled confirmation hearing by seven days. Accordingly,

IT IS THEREFORE ORDERED that the filing and consideration of any CARES Act Modification Motion shall hereafter be governed by the following procedure:

- (1) **Special Title:** Any CARES Act Modification Motion should be titled as a “*Motion to Modify Confirmed Chapter 13 Plan Under § 1329(d) — CARES Act.*” A special docket event has been created within CM-ECF for this pleading. Parties should use this event exclusively to ensure that the Court can track the existence of the motion.
- (2) **Filing Deadline:** Any CARES Act Modification Motion **must be filed on or before Thursday, March 4, 2021.**

The docket event for this type of motion shall be withdrawn after this date and no emergency or expedited hearing consideration shall be granted for late-filed motions. Since such late-filed motions will not be subject to these procedures, the motions shall be dismissed without prejudice to re-filing without reference to the CARES Act provisions.

- (3) **No Negative Notice Language.** The negative notice language requirement otherwise imposed by TXEB Local Rule 3015(h)(5) upon any CARES Act Modification Motion is suspended.
- (4) **Special Setting.** In lieu of utilizing the negative notice procedure, the Court will set all CARES Act Modification Motions for hearing on a date prior to the expiration of the statutory authority under § 1329(d). The hearing dates are as follows:
Tyler-Marshall-Beaumont-Lufkin Divisions: Thursday, March 25, 2021 at 1:30 p.m. TEAMS meeting link: <https://bit.ly/3jGvvxu>
Sherman-Texarkana Divisions: Thursday, March 25, 2021 at 10:00 a.m.
via telephonic hearing — Dialing Info: 1-888-675-2535 — Access Code: 4225607 — Security Code: 1799.
The Court will make efforts to identify any previously-filed CARES Act Modification Motion to ensure that such motion is considered prior to the expiration of the statute. However, the responsibility for assuring that such motion is considered in a timely manner rests with the movant-debtor and such parties are encouraged to contact the applicable courtroom deputy to assure timely consideration of their motions.
- (5) **Objection Deadline:** Any objection to a CARES Act Modification Motion must be filed no later than seven (7) days prior to the scheduled hearing as set forth in subsection (3) above.
- (6) **Notice by Debtor.** In lieu of the negative notice language, the debtor shall provide notice within the CARES Act Modification Motion of:
 - (i) the scheduled hearing date and time,
 - (ii) any information regarding the means by which the hearing will be conducted, and
 - (iii) the seven-day objection deadline.

Such information shall appear prominently on the initial page of the motion in bold type. The CARES Act Modification Motion containing such information shall be served upon the master mailing list (matrix) as constituted by the Court on the date of service and file a certificate of service evidencing such service.

IT IS FURTHER ORDERED that the provisions of this General Order shall expire on March 26, 2021.

SIGNED this the 11th day of February, 2021.

A handwritten signature in cursive script, appearing to read "Bill Parker", written over a horizontal line.

BILL PARKER
CHIEF UNITED STATES BANKRUPTCY JUDGE