

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JUDGE TIMOTHY A. BARNES
STANDING ORDER NO. 3
MOTIONS TO MODIFY CONFIRMED PLANS IN CHAPTER 13 CASES

Despite published guidelines with respect to procedures for practice before Judge Barnes (<https://www.ilnb.uscourts.gov/content/judge-timothy-barnes>), parties have repeatedly failed to provide evidentiary support for requested modifications to confirmed Chapter 13 plans, which has left Judge Barnes without the support needed to determine such matters. In the interest of judicial efficiency and to rectify this situation,

IT IS HEREBY ORDERED THAT:

1. This Standing Order applies to all matters filed and scheduled for hearing before Judge Barnes on and after February 1, 2022.
2. Any motion to modify a confirmed plan under 11 U.S.C. § 1329 (“Motion”) and any objection thereto (“Objection”) must attach any and all evidence relied upon by the movant or the objecting party.
3. Evidence must support the requested modification or opposition thereto, but must be redacted to prevent disclosure of personally identifiable information. For example, proposed changes based on an increase or reduction in income based on annual tax filings must include redacted, as appropriate, copies of such taxes. Changes based on non-recurring expenses must include proof of such expenses, such as receipts or cancelled checks.
4. For a Motion or Objection made by a debtor that is reliant on a change in income or expenses, the Motion or Objection must be supported by attaching the appropriate amended

schedules. If the Motion or Objection alleges a change in income or expenses that has already occurred and is not reliant on the outcome of the Motion or Objection, then such amended schedules must also be filed on the docket before the presentment of the Motion or the Objection. If the Motion or Objection is proposing a change contingent upon the outcome of the Motion, Objection or another pending motion (*e.g.* where there is a concurrent motion to incur debt that would affect expenses), the amended schedules should not be filed on the docket until the change is approved by the court and should only be attached to the Motion or Objection as evidence of the feasibility of the debtor's proposed change.

5. If the evidence relied on is based on the knowledge of an individual party, a declaration or affidavit from the party must be attached to the Motion or Objection. Such a declaration or affidavit must be attached to a Motion or Objection that relies on amended schedules. In this circumstance, the declaration or affidavit must explain what caused the amendment(s) and why such amendment(s), as opposed to earlier versions, reliably depict the debtor's present circumstances.
6. In addition to the notice otherwise required under the Federal Rules of Bankruptcy Procedure, if the requested modification impairs any party's claim or treatment under the presently confirmed plan, the Motion or Objection must include proof of proper service, as applicable, on the affected party.
7. Any Motion that fails to comply with this Standing Order will be denied without prejudice and without hearing.
8. Nothing in this Standing Order requires that an Objection be filed, except as otherwise required by the Local Rules, Federal Rules of Bankruptcy or by separate order of the court.

Any Objection that fails to comply with this Standing Order will be stricken and will not satisfy the Objection requirement under the applicable Rule or order.

ENTER:

A handwritten signature in black ink, appearing to read 'Timothy A. Barnes', is written over a horizontal line.

Timothy A. Barnes
United States Bankruptcy Judge

Entered this 25th day of January, 2022