

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:

Laurie Salamone,

Debtor

Chapter 13

Case No. 16-10482

ORDER REGARDING COUNSEL'S FAILURE TO SHOW CAUSE

This Court's Local Rules require counsel to a Chapter 13 debtor (or the debtor, if pro se) to obtain a hearing date on confirmation of a Chapter 13 plan and to provide notice of that hearing within fourteen days of the conclusion of the meeting of creditors held under 11 U.S.C. § 341(a). D. Me. LBR 3015-3(a). In this case, the meeting of creditors was held and concluded on October 14, 2016. The Debtor's counsel was therefore required to schedule and give notice of a confirmation hearing by October 28, 2016. These tasks were not completed by that date. Consequently, on October 31, the Court issued an order to show cause why the case should not be dismissed for failure to prosecute. [Dkt. No. 10.] The order set a show cause hearing for November 17, but provided that the Court would deem the order satisfied and strike the matter from the calendar if a confirmation hearing was scheduled and noticed at least two business days before the hearing.

On November 16, one day before the hearing on the order to show cause, the Debtor's counsel set and gave notice of a hearing on confirmation. Because this action did not satisfy the order to show cause, the matter proceeded to hearing the following day. At the show cause hearing, the Debtor's counsel explained that he had not set the confirmation hearing within the time prescribed by the rules because he had failed to properly calendar the scheduling deadline.

This is an explanation, but it is not a good one. Inattention to deadlines is not cause. The Court could, consistent with the order to show cause, dismiss this case. But the Court will not take that step at this point.

Instead, the Court orders the following;

1. The Debtor's counsel is directed to provide a copy of this order to the Debtor within seven days after the date of this order, along with a written explanation of why the order to show cause issued and a detailed description of the statements made by the Debtor's counsel at the show cause hearing on November 17, 2016;
2. The Debtor's counsel must also file a written certification, subject to Fed. R. Bankr. P. 9011, that he has complied with the foregoing paragraph. This certification must be filed with the Court within seven days of the date of this order; and
3. The Debtor's counsel is prohibited from seeking compensation for any services related to the order to show cause, including time spent attending the show cause hearing and complying with this order.

Failure to comply with this order will result in the imposition of sanctions, which may include the denial of compensation, dismissal or conversion of the case, or both.

Dated: December 7, 2016



Michael A. Fagone
United States Bankruptcy Judge
District of Maine