Bankruptcy Local Rule 2004-1

EXAMINATIONS

(a) **Motions**.

A motion by a party in interest under Fed. R. Bankr. P. 2004(a) for an order requiring the examination of an entity is subject to LBR 2002-2(d).

(1) Document production. If the party seeking an order for examination seeks also to require the production of documents at such examination under Fed. R. Bankr. P. 2004(c), the proposed production shall be specified in the motion.

(2) Time and place of examination. The motion shall specify the date, time and place of the proposed examination, unless the party seeking the order expressly indicates in the motion that the same will be established after consultation and in coordination with the entity to be examined.

(b) **Orders**.

(1) Upon expiration of time for objection. In the absence of response or objection within fourteen (14) days, an order may be submitted for entry.

(2) Upon shortened time. For specific cause shown in the motion or in a supporting affidavit, a party in interest may seek entry of an order setting an examination prior to the expiration of fourteen (14) days.

(3) Upon agreement. An order for an examination of an entity under Fed. R. Bankr. P. 2004 may be entered immediately and without compliance with the requirements of LBR 2002-2(d) if such order is endorsed by the entity to be examined or by the attorney for such entity.

(c) **Disputes.**

Disputes or disagreements over compliance with the order for examination, the production of documents at the examination, or the conduct of the examination, are subject to LBR 7037-1.

RELATED AUTHORITY

11 U.S.C. §§ 341, 343
Fed. R. Bankr. P. 2004, 2005, 9016
LBR 2002-2(d)

Advisory Committee Notes:

This rule requires notice to an entity (including a debtor, *see* Fed. R. Bankr. P. 2004(d)), of the details of a proposed examination, and allows an opportunity for objection before an order is entered by the court. Provision is made for requests on shortened notice basis, for cause shown. If parties discuss and consult in advance, and submit an agreed and endorsed order, the court may enter the order immediately. Additionally, once an order is entered, disputes over the compliance with that order or the conduct of the examination are subject to the conference and certification requirements of LBR 7037-1.