Local Rule 2004-1 Examination Under Rule 2004 (2013)

The court may enter an order granting a motion under Fed. R. Bankr. P. 2004(a) [1]without prior notice or hearing if the motion:

(1) Identifies the entity to be examined;

(2) Sets forth in what manner or way the examination of the entity relates to the acts, conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge; and

(3)

(i) Represents that the entity to be examined will receive not less than 14 days written notice of the examination, and attendance of an entity for examination and the production of documents will comply with Fed. R. Bankr. P. 2004(c) [1]; or

(ii) Represents that the movant and the entity to be examined have stipulated in writing to the time and place of the examination and to the production of documents.

COMMENT

This rule permits parties, on an ex parte basis, to obtain a court order authorizing an examination pursuant to Bankruptcy Rule 2004 [1]. In order to obtain such an order, the movant must identify the entity to be examined, the entity's relationship to the debtor or the case and must represent that the entity has either consented to the examination or will receive at least 14 days notice of the examination and that entity's attendance will be compelled by subpoena. A Rule 2004 order, obtained ex parte, may not compel the entity to be examined to attend the examination or produce documents.

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Links
[1] https://www.law.cornell.edu/rules/frbp/rule_2004