

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS
STANDING ORDER NO. 13-1
ORDER ADOPTING INTERIM D. KAN. LBR 2004.1**

The Bankruptcy Bench-Bar Committee for the District of Kansas has reviewed and recommended the adoption of Interim D. Kan. LBR 2004.1, attached hereto, to govern local procedures relative to Fed. R. Bankr. P. 2004 Examinations.

In consideration of the foregoing, and pursuant to 28 U.S.C. § 2071, Rule 83 of the Federal Rules of Civil Procedure and Rule 9029 of the Federal Rules of Bankruptcy Procedure,

IT IS HEREBY ORDERED that Interim D. Kan. LBR 2004.1 is adopted in its entirety and without change by the judges of this court.

IT IS FURTHER ORDERED that this Standing Order shall become effective February 1, 2013, and shall remain in effect until further order of the court.

IT IS SO ORDERED.

Dated this 31st day of January, 2013.

s/ Robert E. Nugent
ROBERT E. NUGENT
Chief Judge

s/ Janice Miller Karlin
JANICE MILLER KARLIN
Judge

s/ Dale L. Somers
DALE L. SOMERS
Judge

s/ Robert D. Berger
ROBERT D. BERGER
Judge

Interim LBR 2004.1. EXAMINATIONS

- (a) **Scheduling by Notice.** No order is necessary to authorize a Fed. R. Bankr. P. 2004 examination, or to require production of documents at the examination. Examinations may be scheduled upon notice filed with the Court and served on the trustee, the debtor, the debtor's attorney and the party to be examined. To the extent that a request for production of documents under this rule may be construed as a request under Bankruptcy Rule 7034, the time to respond is shortened to 14 days. A sample notice is attached.

- (b) **Reasonable Notice.** Attendance at an examination and production of documents may not be required less than 14 days after actual delivery of the notice, except by agreement or court order. The examining party must attempt to arrange a mutually agreeable time and place for any examination. Counsel for the examining party shall certify in the Notice what attempts counsel made to contact the examinee or, if represented, counsel for the examinee prior to filing the Notice.

- (c) **Protective Order.** Upon any interested party filing, at least 4 business days prior to the date of the proposed examination, a motion for protective order stating the reasons for prohibiting, limiting or rescheduling the examination, the examination shall be stayed until the court decides the motion. The court may summarily deny a motion for protective order where the movant has failed to make reasonable efforts to confer with opposing counsel or parties.

- (d) **Subpoena.** No subpoena is necessary to compel attendance of, or production of documents from, the debtor at an

examination of the debtor, but a subpoena is necessary to compel the attendance of, or production of documents by, any other witness.

- (e) **Videotaped Examinations.** Examinations may be videotaped. The notice or subpoena must indicate that the examination is to be videotaped and whether it will also be recorded stenographically.

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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF KANSAS**

IN RE:)
)
John Q. Debtor,) **Case No. _____**
)
)
_____ **Debtor.**)

NOTICE OF RULE 2004 EXAMINATION

_____, by the undersigned counsel, will examine _____ under oath on _____ at _____ m. at _____. The examination may continue from day to day until completed.

The examination is pursuant to Bankruptcy Rule 2004 and Interim D. Kan. LBR 2004.1, and will be taken before an officer authorized to record the testimony. The scope of the examination shall be as described in Bankruptcy Rule 2004 [as further described in the attached areas of inquiry]. Pursuant to Interim D. Kan. Local Rule 2004.1, no order shall be necessary. [If the examination is of a witness other than the debtor, the Official Form B254 "Subpoena for Rule 2004 Examination" is included with this notice.]

[The examinee is further requested to bring to the examination all of the documents described on the attached schedule.]

[Pursuant to Interim D. Kan. LBR 2004.1(i), in addition to stenographic means, the examination will also be recorded by videographic means for use as evidence in the captioned cases.]

Undersigned counsel hereby certifies that he or she [describe efforts taken] attempted to contact the examinee, or if represented, counsel for the examinee prior to filing this Notice in order to obtain a mutually agreeable date and time for the examination.

[SIGNATURE BLOCK OF EXAMINING PARTY]

I CERTIFY that a true copy of this notice was served on the examinee, attorney for examinee, the debtor, the attorney for the debtor, the trustee and [indicate name of party served, manner of service and date of service].

An attorney for [Examining Party]

SAMPLE