

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. *See* the Notice of Rule 2004 Examination form for a sample notice.

(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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amended 3/17/22, 3/17/16.

Related forms:

Notice of Rule 2004 Examination

Subpoena for Rule 2004 Examination (Director's Form
B2540)