

2004 Examinations—Motions and Notices

Docketing Event

- Bankruptcy> Motions/Applications/Objections> Motion for Protective Order
 - Bankruptcy> Notices> Notices of 2004 Examination
-

Negative Notice: N/A

Accompanying Orders: N/A

Code and Rule References:

[11 U.S.C. § 343](#)

[Fed. R. Bankr. P. 2004](#)

[Local Rule 2004-1](#)

[Local Rule 9004-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 10/26/17

Last Revision: 1/23/2018 10:34:43 AM

Description

Federal Rule of Bankruptcy Procedure 2004 allows for examination of the debtor (or any entity) relating 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. These examinations are at greater length and beyond the time limitations of the Section 341 meeting of creditors. These examinations may only be conducted through the bankruptcy case. Different rules apply in adversary proceedings.

A court order is not necessary to authorize this kind of examination or to require production of documents at the examination. Local Rule 2004-1 provides examinations may be scheduled upon notice filed with the Court. The notice must be served on the trustee, the debtor, the debtor's attorney, and the party to be examined. Because motions are not necessary, the Court will deny without prejudice any motion for a 2004 examination.

Parties should refer to Local Rule 2004-1 for more information on these examinations.

Local Rule 2004-1(e) provides “[a]n interested party may file, prior to the date of the proposed examination or production of documents, a motion for protective order stating the reasons for prohibiting, limiting, or rescheduling the examination or production of documents. A motion for protective order shall be filed as an emergency motion under Local Rule 9004-1(e). The examination and/or production of documents shall be stayed until the Court rules on the motion. If the Court schedules a hearing on a motion for protective order, the parties shall meet and confer prior to the hearing in an effort to resolve the issues presented in the motion.”

Filing Checklist

Review the notice of 2004 examination to determine if it:

- Is signed;
- Is properly served and includes a proper certificate of service;

Review the motion for protective order to determine if it:

- Is signed;
- Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- Is properly served and includes a proper certificate of service;
- Is being filed as an emergency motion.