



### **Judge McEwen's Make Me Smile Column**

It's great to see debtor's counsel getting fully engaged in the reaffirmation/redemption analysis and negotiation. A couple recent examples:

1. Katelyn Vinson assisted her client to redeem a 2019 Nissan for about \$18,000, resulting in a discharge of the remainder of the \$38,452 loan balance – a savings of more than \$20,000!
2. Megan Klotz assisted her client to redeem a 2020 Buick for \$19,250, resulting in a discharge of the remainder of the \$27,379 loan balance – a savings of more than \$8,000!

For an online primer on the ins and outs of reaffirmation agreements, surrender, redemption, or using a buying/financing service for purchasing a new car while in or just after a bankruptcy go here: <https://www.youtube.com/watch?v=XvnNtK5--Ws&feature=youtu.be>.

### **Best Practice Tips (Does this Make You Smile?)**

1. Worried that a debtor will withhold documents described in a Rule 2004 exam notice? You might consider serving a subpoena as you would with a notice of a Rule 2004 exam of a third party, as required by Local Rule 2004-1(f). At the very least, you would be entitled to the following under Fed. R. Civ. P. 45(e)(2) (adopted by reference in Fed. R. Bankr. P. 9016 and in our L.B.R.):
  - (2) *Claiming Privilege or Protection.*
    - (A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:
      - (i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

2. Best Practices in Mediation (free CLE): Summarily Podcast titled *Let's Mediate*, available at [Summarily - A Podcast for Busy Lawyers: FREE CLE: Let's Mediate \(with Rodney Romano\) on Apple Podcasts](#).