

Rule 2004-1 EXAMINATION

(a) The purpose of this Rule is to avoid a motion and Court order for a Fed. R. Bankr. P. 2004 examination unless an objection is filed.

(b) Before giving notice of a proposed examination, the movant shall confer with the proposed examinee (through counsel, if represented) to arrange for an agreeable date, place, and time for the examination. Failure by the movant to attempt to confer shall be grounds to quash under W.PA.LBR 2004-1(e).

(c) Not less than twenty-eight (28) days' written notice of a proposed examination shall be given to the entity to be examined, its counsel, and to other affected parties. The entity to be examined and other affected parties shall have fourteen (14) days after service to respond or object to the proposed examination. The notice shall apprise the party of the scope of the examination and categories of documents to be produced.

(d) If no response or objection is served, the notice to conduct an examination need not be filed, and the examination may occur as the parties agree.

(e) When an examinee or party in interest objects to the examination, the burden is on the party seeking the examination to file a motion to compel the examination, in accordance with Fed. R. Bankr. P. 2004(a). A certificate shall be attached to any motion to compel explaining the efforts made to meet and confer and certifying that such efforts were unsuccessful. All parties in interest, including the examinee and its counsel, shall be served with the motion.

(f) If anyone has been unreasonable in seeking or resisting discovery pursuant to Fed. R. Bankr. P. 2004, the Court may impose sanctions. The Court may condition the taking of an examination on terms that are just and promote efficient administration.

(g) This Rule does not apply to adversary proceedings and to contested matters.

(1) The discovery provisions of Part VII of the Local Bankruptcy Rules apply in adversary proceedings.

(2) Fed. R. Bankr. P. 9014 applies to discovery in contested matters.