

Proposed Orders Granting Rule 2004 Examinations

The following form orders indicate the Court's preferred format for proposed orders granting motions for Rule 2004 examinations. Below, there are four forms, each of which has been drafted to address one of four circumstances: (1) motions by trustees for examinations of non-debtors, (2) motions by trustees for examinations of debtors, (3) motions by parties other than the trustee for examinations of non-debtors, and (4) motions by parties other than the trustee for examinations of the debtor. The information necessary to customize a form is located within brackets and identified by italics and bold type. Please select the appropriate form, fill in the necessary information, and include the proposed order with your motions for Rule 2004 examinations.

Preferred form for a proposed order for a 2004 examination of a non-debtor by a Trustee:

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re:	:	CASE NUMBER
	:	
<i>[DEBTOR'S NAME]</i> ,	:	<i>[Case Number]</i> -SMS
	:	
Debtor.	:	CHAPTER <i>[Number]</i>
_____	:	

ORDER GRANTING MOTION FOR

EXAMINATION PURSUANT TO FED. R. BANK. P. 2004

The motion of [*Trustee's Name*], Chapter [*number*] Trustee (“Movant”) for an order authorizing the examination of [*Non-Debtor's Name*] pursuant to Rule 2004 having been read and considered, it is

ORDERED that the motion is **GRANTED** to permit that examination in accordance with Fed. R. Bankr. R. 2004(b) at a mutually agreed time and place. If attendance and production of documents cannot be obtained voluntarily, Movant may compel attendance and production of documents as provided in Fed. R. Bankr. P. 2004(c).

IT IS FURTHER ORDERED that Movant Trustee is hereby authorized to pay a witness

fees and mileage in connection with the service of any subpoena, a reasonable court reporting fee and any other actual and necessary expenses incurred in connection with the examination.

END OF DOCUMENT

Preferred form for a proposed order for a 2004 examination of a Debtor by a Trustee:

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re:	:	CASE NUMBER
	:	
<i>[DEBTOR'S NAME]</i> ,	:	<i>[Case-Number]</i> -SMS
	:	
Debtor.	:	CHAPTER <i>[Number]</i>
_____	:	

ORDER GRANTING MOTION FOR

EXAMINATION PURSUANT TO FED. R. BANK. P. 2004

The motion of *[Trustee's Name]*, Chapter *[number]* Trustee (“Movant”) for an order authorizing the examination of *[Debtor's Name]* pursuant to Rule 2004 having been read and considered, it is

ORDERED that the motion is **GRANTED** to permit that examination in accordance with Fed. R. Bankr. R. 2004(b) and that the Debtor, *[Debtor's Name]*, shall appear for examination by the Trustee at *[Location, identified by address]* at *[Time of day]* on *[Date]*, or at a mutually agreed time and place.

IT IS FURTHER ORDERED that, subject to timely objection, the Debtor, in an orderly

fashion, shall produce at said examination the records and documents listed in the foregoing Motion.

IT IS FURTHER ORDERED that Movant Trustee is hereby authorized to incur all necessary expenses, if any, in connection with the examination, including a reasonable court reporting fee .

END OF DOCUMENT

Preferred form for a proposed order for a 2004 examination of a non-debtor by a party other than a Trustee:

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re:	:	CASE NUMBER
	:	
<i>[DEBTOR'S NAME]</i> ,	:	<i>[Case-Number]</i> -SMS
	:	
Debtor.	:	CHAPTER <i>[Number]</i>
_____	:	

ORDER GRANTING MOTION FOR

EXAMINATION PURSUANT TO FED. R. BANK. P. 2004

The motion of *[Movant's Name]* ("Movant") for an order authorizing the examination of *[Non-Debtor's Name]* pursuant to Rule 2004 having been read and considered, it is

ORDERED that the motion is **GRANTED** to permit that examination in accordance with Fed. R. Bankr. R. 2004(b) at a mutually agreed time and place. If attendance and production of documents cannot be obtained voluntarily, Movant may compel attendance and production of documents as provided in Fed. R. Bankr. P. 2004(c).

END OF DOCUMENT

Preferred form for a proposed order for a 2004 examination of a Debtor by a party other than a Trustee:

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re:	:	CASE NUMBER
	:	
<i>[DEBTOR'S NAME]</i> ,	:	<i>[Case-Number]</i> -SMS
	:	
Debtor.	:	CHAPTER <i>[Number]</i>
_____	:	

ORDER GRANTING MOTION FOR

EXAMINATION PURSUANT TO FED. R. BANK. P. 2004

The motion of *[Movant's Name]* ("Movant") for an order authorizing the examination of *[Debtor's Name]* pursuant to Rule 2004 having been read and considered, it is

ORDERED that the motion is **GRANTED** to permit that examination in accordance with Fed. R. Bankr. R. 2004(b) and that the Debtor, *[Debtor's Name]*, shall appear for examination by Movant at *[Location, identified by address]* at *[Time of day]* on *[Date]*, or at a mutually agreed time and place.

IT IS FURTHER ORDERED that, subject to timely objection, the Debtor, in an orderly fashion, shall produce at said examination the records and documents listed in the foregoing Motion.

END OF DOCUMENT