

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
 DAWN K. RAND,) CASE NO. 05-62877 JPK
) Chapter 7
 Debtor.)

 GORDON E. GOUVEIA, TRUSTEE,)
)
 Plaintiff,)
)
 v.) ADVERSARY NO. 06-6149
)
 DAWN K. RAND,)
)
 Defendant.)

ORDER FOR HEARING

This adversary proceeding was initiated by a two-count complaint filed on June 8, 2006. The first count seeks revocation of the debtor's discharge based upon the asserted failure of the debtor to comply with a turnover order entered by the Court on January 24, 2006. The second count of the complaint seeks a judgment which requires the defendant/debtor to turnover to the Trustee the identical documents which were the subject of the turnover order. Both counts request a award of attorney's fees.

Fed.R.Bankr.P. 7001(1) exempts from the scope of adversary proceedings "a proceeding to compel the debtor to deliver property to the trustee". It is with this in mind that requests for turnover of documents made by the Trustee to the debtor are effected in this Division of the United States Bankruptcy Court for the Northern District of Indiana by means of a motion under Fed.R.Bankr.P. 9014, rather than by means of an adversary proceeding. In addition, the Court deems 11 U.S.C. § 542(e) to include within the scope of "other person" a debtor, and that section clearly authorizes the utilization of a procedure under Fed.R.Bankr.P.

9014 rather than an adversary proceeding. As a result, Count II is duplicative of relief already granted to the Trustee by means of the Court's order granting the Trustee's turnover motion. It does not seem to be necessary to the Court to grant relief on Count II. In addition, the Court is unaware of any legal basis for the Trustee's recovery of attorneys fees in this adversary proceeding with respect to the requested relief of revocation of discharge.

IT IS ORDERED that a hearing will be held on **March 9, 2007 at 10:00 A.M.** to discuss the foregoing issues.

Dated at Hammond, Indiana on January 8, 2007.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Attorneys of record