

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
)  
THOMAS JOSEPH CAHILLANE, ) CASE NO. 04-65210 JPK  
) Chapter 7  
) Debtor. )  
\*\*\*\*\*  
GORDON E. GOUVEIA, TRUSTEE, )  
) Plaintiff, )  
) v. ) ADVERSARY NO. 06-6088  
DOUGLAS J. PIERCE, CHP ) (Consolidated with Adversary Proceeding  
INVESTMENTS, LLC, and TERRY A. ) No. 06-6243)  
HOVANEC, )  
) Defendants. )  
\*\*\*\*\*  
GORDON E. GOUVEIA, TRUSTEE, )  
) Plaintiff, )  
) v. )  
PEDRO A. AZEVEDO, )  
) Defendant. )

ORDER REGARDING DISCOVERY MATTERS AND  
FURTHER PROCEEDINGS IN THE CASE

On July 3, 2008, an omnibus hearing was held with respect to various matters pending before the Court, and matters which arose during the course of the hearing. The specific matters scheduled for hearing were the following:

1. The plaintiff's Motion to Compel Responses to Request for Production of Documents and for Related Relief, filed on April 29, 2008;
2. The plaintiff's Motion to Compel Deposition of PC Investments, LLC and for Related Relief, filed on May 13, 2008;
3. The plaintiff's Motion to Compel Resumption of Deposition of Capitol Flooring and Blind Outlet, Inc. and for Related Relief, filed on May 13, 2008; and

The plaintiff appeared by counsel Mark A. Carter and Erich S. Buck; the defendants Douglas J. Pierce and Pedro Azevedo appeared by counsel David C. Jensen and Michael P. Mulchay; the defendant Terry A. Hovanec appeared by counsel T. Edward Page, who

participated by telephone hookup in open court.

During the course of the hearing, other matters relating to discovery and processing of the case were addressed by the parties.

IT IS ORDERED as follows:

1. The Motion to Resume Deposition of Capitol Flooring and Blind Outlet, Inc. and for related relief, and the Motion to Compel Deposition of PC Investments, LLC and for related relief, are granted as follows:

a. Thomas J. Cahillane is determined by the Court to be the designated representative of both PC Investments, LLC and of Capitol Flooring and Blind Outlet, Inc. pursuant to Fed.R.Bankr.P. 7030/Fed.R.Civ.P. 30(b)(6).

b. The deposition of PC Investments shall commence at 9:00 A.M. on July 23, 2008 in the office of Attorney Gordon E. Gouveia at 433 West 84<sup>th</sup> Drive, Merrillville, Indiana, and that deposition may extend for the seven-hour period stated in Fed.R.Civ.P. 30(d)(2).

c. The resumed deposition of Capitol Flooring and Blind Outlet, Inc. shall be conducted on July 23, 2008 at the office of Attorney Gordon E. Gouveia at 433 West 84<sup>th</sup> Drive, Merrillville, Indiana, and shall be commenced following the completion of the deposition of PC Investments on that date. The conclusion of the deposition of Capitol Flooring and Blind Outlet, Inc. shall be limited to a period of one hour.

d. Thomas J. Cahillane is ordered to appear at the foregoing depositions, at the designated place and time.

2. The Motion to Compel Deposition of PC Investments LLC and for Related Relief, is granted as follows: The deposition of CHP Investments, LLC shall be conducted on August 5, 2008, commencing at 9:00 A.M., at the office of Attorney Gordon E. Gouveia at 433 West 84<sup>th</sup> Drive, Merrillville, Indiana. Thomas J. Cahillane is determined by the Court to be the

designated representative of that entity pursuant to Fed.R.Bankr.P. 7030/Fed.R.Civ.P. 30(b)(6), and he is ordered to appear for that deposition in that capacity at the stated place and time. The deposition shall be limited in time to seven hours pursuant to Fed.R.Civ.P. 30(d)(2).

3. The Motion to Compel Responses to Requests for Production of Documents and for Related Relief, is granted to the extent that by August 15, 2008, Douglas J. Pierce and Terry A. Hovanec shall have produced to the plaintiff all documents which they possess, or of which they can reasonable obtain possession, responsive to the Plaintiff's First Request for Production of Documents to CHP Investments, LLC.

4. The Motion to Compel Answers to Interrogatories and for Related Relief filed by the plaintiff on March 27, 2008, is granted to the extent that Attorney Michael Mulchay shall endeavor to locate and provide to the plaintiff a copy of the amended answers to those interrogatories, signed by Thomas J. Cahillane, by August 4, 2008.

5. Additional discovery to be undertaken by the plaintiff in this adversary proceeding shall be limited to the matters designated in preceding paragraphs 1, 2, 3 and 4, and in addition to a deposition of Piedad Kerr. The plaintiff contemplates filing a motion seeking an order of the Court to compel Piedad Kerr to appear for a deposition previously scheduled and noticed to her by the plaintiff. If additional discovery is deemed necessary by the plaintiff, the plaintiff may apply for an order of the Court specifically authorizing that discovery. Any such motion shall be filed by August 18, 2008.

6. The Court's Order Concerning Pre-Trial Proceedings and Trial entered on February 15, 2008 is modified as follows:

a. The general discovery deadline stated in paragraph 1 is extended to September 15, 2008.

b. The date of July 31, 2008 in paragraph 3 of the order is extended to October 6, 2008; the date of August 31, 2008 in said paragraph 3 is extended to October 27,

2008; and the date of October 31, 2008 in said paragraph is extended to December 15, 2008.

c. The date of December 12, 2008 in paragraph 4 of said order is extended to December 31, 2008.

Dated at Hammond, Indiana on July 10, 2008.

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

Distribution:

Attorneys of Record

Thomas J. Cahillane, 494 Cladys Lane, Chesterton, IN 46304