

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN THE MATTER OF: )  
 )  
AUBURN FOUNDRY, INC. ) CASE NO. 04-10427  
 )  
 )  
Debtor )

DECISION AND ORDER

At Fort Wayne, Indiana, on August 24, 2005.

On August 12, 2005, the Glass, Molders, Pottery, Plastics and Allied Workers International Union, AFL-CIO-CLC and its Local 322, a creditor herein, filed a motion asking the court to authorize it to conduct an examination of the keeper of records of ASR Corporation pursuant to Bankruptcy Rule 2004. The court notes that movant has previously filed an amended application for allowance of administrative claim for unpaid vacation pay, personal days and medical expenses, to which an objection has been filed. That dispute constitutes a “contested matter” within the scope of Bankruptcy Rule 9014. This rule specifically makes all of the traditional discovery rules and procedures (Bankr. Rules 7026, 7023-7037) freely available to the parties without the requirement of court authorization through a Rule 2004 examination.

Examinations pursuant to Rule 2004 are not a substitute for discovery authorized in an adversary proceeding or in a contested matter. See, Fed. R. Bankr. P. Rule 2004, Editor’s Comment (b). Since movant has other discovery tools readily available to it in the context of its dispute over an administrative claim, there is no need for the court to authorize an examination pursuant to Rule 2004. The motion is DENIED.

SO ORDERED.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court