

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
DENNIS IVORY BROWN,) CASE NO. 05-61104 JPK
) Chapter 7
Debtor.)

ORDER CONCERNING RULE 2004 EXAMINATION

On October 5, 2005, the Trustee filed a Motion for 2004 Examination. Included in paragraph 2 of this motion is a request that the debtor "produce and bring with him the following written records or documents . . . keys to 1994 F150 . . . keys to 1980 Trans Am". Obviously "keys" are not "documents". Fed.R.Bankr.P. 2004(c) provides a procedure for compelling the production of "documents", but it is not as expansive as Fed.R.Bankr.P. 7034/Fed.R.Civ.P. 34(a) which allows for the inspection of "tangible things". Fed.R.Bankr.P. 2004 relates only to the production of "documents", and thus, the request in the motion for the production of "keys" is beyond the scope of the relief which that rule provides.

IT IS ORDERED that the debtor shall appear for examination by the Trustee pursuant to Fed.R.Bankr.P. 2004 at the offices of Kopko, Genetos & Retsin, LLC, 8585 Broadway, Suite 480, Merrillville, Indiana 46410 on the 16th day of November, 2005 at 10:00 a.m. [or such other time as may be arranged between the counsel for the examinee and the Trustee], and shall produce at that examination the title and registration to a 1994 F150 and the title and registration to a 1980 Trans Am and closing documents regarding refinancing of 4962-66 Tennessee in Gary, Indiana.

IT IS FURTHER ORDERED that a notary public of the State of Indiana may administer the oath to the debtor and that the examination may then proceed to be recorded by either a court reporter or a tape recorder subject to the right of either the Trustee or the debtor to have said testimony stenographically transcribed from said tape in accordance with the procedures stated in Rule 30(b)(4) and 30(f) of the Federal Rules of Civil Procedure.

Dated at Hammond, Indiana on October 27, 2005.

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

Distribution:
Debtor, Attorney for Debtor, Trustee, US Trustee