

**CHAMBERS PROCEDURES: JUDGE ELIZABETH E. BROWN
UNITED STATES BANKRUPTCY COURT, DISTRICT OF COLORADO**

RULE 2004 EXAMS

This Court routinely grants motions requesting Rule 2004 exams on an *ex parte* basis. Within 14 days of the date of any order granting a Rule 2004 exam on an *ex parte* basis, a party in interest may move for reconsideration of the order without the necessity of demonstrating grounds for relief under Fed. R. Bankr. P. 9023 and Fed. R. Civ. P. 59.

Rule 2004 exams may not be used to conduct discovery in adversary proceedings and contested matters. Discovery in such matters is governed by the Federal Rules of Civil Procedure. See Fed. R. Bankr. P. 7026-7037 and 9014(c).

The attendance of witnesses other than the debtor, or the production of documents by any party may not be compelled as part of the order granting a motion for Rule 2004 exam. The attendance of non-debtor witnesses and the production of documents must be compelled by subpoena. Fed. R. Bankr. P. 9016. There is one exception to the subpoena requirement for obtaining documents and that is when the trustee is requesting documents from the debtor. The debtor has a duty to surrender records under 11 U.S.C. § 521(a)(4).

If disputes arise in connection with a Rule 2004 examination, they should be brought to the Court's attention through the Court's Expedited Discovery Dispute Procedures. These procedures are posted in the section of this website titled *Courtroom Procedures*.