

**In re: PAN AMERICAN HOSPITAL CORPORATION, Debtor.**

**In re: PAN AMERICAN MEDICAL CENTERS, INC., Debtor.**

Case No. 04-11819-BKC-AJC and 04-11820-BKC-AJC

(Jointly administered)

Rule 2004 examinations of Debtor's CEO and 2 Board of Directors members are not preempted by the National Labor Relations Act and are not subject to the "pending proceeding rule". The examinations may proceed despite that there may be some overlap between the issues addressed in the 2004 examinations and issues within the jurisdiction of the NLRB, as the issues are not identical. *Sears, Roebuck & Co. v. San Diego County District Council of Carpenters*, 436 U.S. 180 (1978). Furthermore, the Court found the "pending proceeding rule" inapplicable, because the pending motion the examinees rely on for the applicability of the "pending proceeding rule" has been abated.