

## **Rule 2004-1. Examinations of Debtor and Others.**

**(A) Manner of Setting Examination.** No order will be necessary to authorize an examination pursuant to Bankruptcy Rule 2004, or to require production of documents at the examination. Examinations may be scheduled upon notice served on the trustee, the debtor, the debtor's attorney and the party to be examined, using the Local Form "Notice of Rule 2004 Examination", and, if applicable, the subpoena required by subdivision (D) of this Rule.

✎ 2004 Amendment: Amended to clarify that no order is required for non debtors as long as other requirements of the rule are met, including that a Local Form "Subpoena for Rule 2004 Examination" must be served on non-debtors.

**(B) Reasonable Notice.** The attendance of the examinee and the production of documents may not be required less than 7 days after actual delivery of the notice, or if the examination is to take place outside Florida less than 10 days after actual delivery of the notice, except by agreement of the parties or order of the court. However, an examination may be scheduled on shorter notice if the notice provides that the party to be examined need not file any objection to the short notice but must notify the examining party promptly of the inadequate notice and must offer a reasonable opportunity to be examined on another date. To the extent that a request for production of documents under this rule may be construed as a request under Bankruptcy Rule 7034, the time to respond is shortened to 7 days.

**(C) Motion for Protective Order.** An interested party may file, prior to the date of the proposed examination, a motion for protective order stating the reasons for prohibiting, limiting or rescheduling the examination, and the examination shall be stayed until the court rules on the motion.

**(D) Subpoena.** No subpoena shall be necessary to compel attendance of, or production of documents from, the debtor at an examination of the debtor, but a Local Form "Subpoena for Rule 2004 Examination" shall be necessary to compel the attendance of, or production of documents by, a witness other than the debtor.

**(E) Videotaped Examinations.** Examinations may be videotaped. The notice or subpoena must indicate that the examination is to be videotaped and whether it will also be recorded stenographically.

*[Comment: See also Bankruptcy Rules 7026-7037 and 9014 and Local Rules 7026-1 and 7027-1 (discovery in adversary proceedings and contested matters).]*