

**Rule 2004-1 Rule 2004 Examinations.**

- (a) Motion: Certification of Conference Required. Before filing a motion for examination or production under Fed. R. Bankr. P. 2004, the movant must attempt to meet and confer with the proposed examinee or, if represented, the examinee's counsel, to arrange for a mutually agreeable date, time, place and scope of an examination or production. The motion for examination or production must include a certification of counsel by Delaware counsel either (i) that the required conference was held and no agreement was reached or (ii) why no conference was held. The motion must be accompanied by a notice of motion with an objection deadline at least 7 days after the motion is served and a hearing at least 14 days after the motion is served.
- (b) Examination on Parties' Agreement.
  - (i) Examination Notice. A motion for examination or production under Fed. R. Bankr. P. 2004 is not required if the proposed examinee agrees to voluntarily appear or produce documents. A notice setting forth the identity of the examinee, and the date, time, place and scope of the examination or production must be filed and served in accordance with this Local Rule.
  - (ii) Compelling Discovery; Protective Order. A party seeking or providing discovery under an examination notice may move the Court under the examination notice for relief under Fed. R. Civ. P. 37(a)(1), (3), (4) and (5) or for a protective order. An attorney may issue a subpoena to the party providing discovery under the examination notice as appropriate to obtain documents or examination subject to the Examination Notice.
  - (iii) Objection Deadline and Hearing. A party in interest may file an objection to the examination notice within 7 days after the examination notice is filed and served. Unless the Court orders otherwise, Local Rule 7026-1 governs the objection, any response thereto, and the hearing on the objection.
- (c) Service Requirements. A motion or examination notice under this Local Rule must be served upon the following parties, through their counsel, if represented: (i) the debtor; (ii) the trustee; (iii) the U.S. Trustee; (iv) all official committees; and (v) the proposed examinee or party producing documents.
- (d) Informal Discovery. Nothing in this Local Rule prohibits consensual informal discovery outside the provisions of Fed. R. Bankr. P. 2004 and this Local Rule.