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04-BK-027



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02/15/2005 07:50 PM

To Rules_Comments@ao.uscourts.gov

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Subject Amendment to FRBP 4002

I write in opposition to the addition to Rule 4002 of a requirement that debtors provide the enumerated documents to the trustee at the 341 meeting. In the vast majority of cases, there is question or dispute with respect to the subject matter of the documents sought. A blanket rule requiring production or a sworn declaration in every case creates needless cost to debtors and trustees. The debtor has already sworn in the petition to the truthfulness of the information included therein.

Early in my career as a bankruptcy lawyer, I represented trustees and lobbied for (and got) a local rule that required the debtor, upon request by the trustee, to produce documents identified by the trustee within a given time frame. It was efficient, getting the information in cases where the trustee had concerns, without requiring a separate court order or the collection and disposal of reams of paper in cases where there was no issue.

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