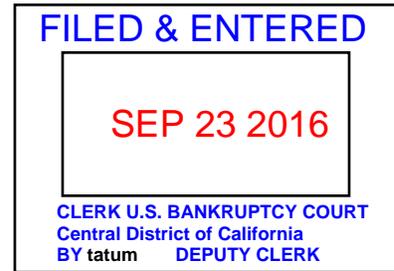


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Chapter 7 Trustee



7 **CHANGES MADE BY COURT**

8 **ORDER NOT FOR PUBLICATION**

9 **UNITED STATES BANKRUPTCY COURT**

10 **CENTRAL DISTRICT OF CALIFORNIA**

11 **LOS ANGELES DIVISION**

12 In re:
13 CALPOP.COM, INC.,
14 Debtor.

Case No. 2:15-bk-26198-RK
Chapter 7

**ORDER CONDITIONALLY GRANTING
MOTION FOR PRODUCTION OF
DOCUMENTS AND ELECTRONICALLY
STORED INFORMATION BY WELLS
FARGO BANK, NATIONAL
ASSOCIATION**

[No Hearing Required – LBR 2004-1(d)]

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20 The court has read and considered the Motion for Production of Documents and
21 Electronically Stored Information by Wells Fargo Bank, National Association (the “Motion”) filed
22 by Richard K. Diamond, the Chapter 7 trustee for the bankruptcy estate of Calpop.com, Inc. The
23 Court being fully advised, and good cause appearing, it is

24 **ORDERED THAT**

25 1. **The Motion is granted on the following conditions that: (1) before the**
26 **production of documents of Wells Fargo Bank, National Association, Trustee or his counsel**
27 **contact the Legal Department of Wells Fargo Bank, National Association, and provide copies**
28

1 **of the Motion and this order to the Legal Department; and (2) this order is stayed if the Legal**
2 **Department files a request for a hearing on the Motion and the order before the date of**
3 **production noticed pursuant to Local Bankruptcy Rule 9013-1(c) and (d), and the stay will**
4 **remain in effect until the hearing. Although Trustee’s request for documents is a**
5 **straightforward request for routine documents, this court believes that it is not fully**
6 **satisfactory that Trustee and his counsel merely contact a “phone banker” at a bank call**
7 **center as the representative of the bank by telephone rather than the Legal Department or**
8 **the subpoena processing unit of the bank to satisfy the prefiling conference requirement of**
9 **Local Bankruptcy Rule 2004-1(a) because they should know better that banks generally have**
10 **as a routine business practice a Legal Department or a subpoena processing unit that handles**
11 **document production requests like this. The next time that the Trustee or his counsel submit**
12 **to this court a Federal Rule of Bankruptcy Procedure 2004 document production request to a**
13 **bank based on a prefiling conference with a call center “phone banker” rather than the legal**
14 **department or subpoena processing unit of the bank, the request will be denied.**

15 2. Wells Fargo Bank, National Association, is ordered to produce the documents
16 described in Exhibit 1 hereto on or before October 21, 2016, at 10:00 a.m., at the law offices of
17 Danning, Gill, Diamond & Kollitz, LLP, 1900 Avenue of the Stars, 11th Floor, Los Angeles,
18 California.

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EXHIBIT “1”

DEFINITIONS

As used herein, unless specifically indicated otherwise, the following terms have the following meanings:

“Documents” means and includes, but is not limited to, any kind of written, typewritten, printed or recorded material, whether produced, reproduced or stored on paper, cards, tape, film, electronic facsimile, computer storage device or memory, or other media or data compilation from which information may be obtained, and include accounts, address books, addenda, agreements, albums, articles, bank statements, blueprints, books, calendars, charts, checks (both front and reverse sides), contracts, correspondence, declarations of trusts, deeds, deposit receipts, diagrams, diaries, disks, drafts, films, forms, instruments of conveyance or for other purposes, invoices, journals, ledgers, letters, lists, logs, mailgrams, maps, memoirs, memoranda, minutes, motion pictures, notations, notebooks, notes, notices, photographs, plans, pleadings, powers of attorney, promissory notes, proofs of delivery, purchase orders, recordings, records, registers, schedules, sound recordings, summaries, telexes, working papers, writing, and all other material, whether in draft form or not, and whether a copy or an original. “Documents” further means and refers to “writing” as defined in Fed.R.Evid. 1001, and means the original of any document as defined above, if available, or to a clear and legible copy thereof, if not available, as well as to any copies or drafts that have any notations of any sort, whether typed, printed, handwritten, or otherwise inscribed, which notations are not present on the original.

“You” or “Your” means and refers to Wells Fargo Bank, National Association.

“Debtor” means and refers to Calpop.com, Inc., which commenced a case under Chapter 7 of title 11 of the United States Code on October 21, 2015.

“Account” means the Debtor’s account with You ending in “4430.”

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DOCUMENTS TO BE PRODUCED

1. The complete monthly account statements for the 4430 Account, including the fronts and backs of all cancelled checks drawn on the 4430 Account, for the months of November 2011 through July 2014, and August 2015 through November 2015.
2. Copies of the fronts and backs of cancelled checks drawn on the 4430 Account for the months of August 2014 through July 2015.
3. Records of the deposits made into the 4430 Account for the months of August 2014 through July 2015.