

FILED & ENTERED

APR 18 2018

CLERK U.S. BANKRUPTCY COURT
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NOT FOR PUBLICATION

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re:

ARTURO GONZALEZ,

Debtor.

Case No. 2:15-bk-25283-RK

Chapter 7

Adv No. 2:16-ap-01037-RK

**ORDER STRIKING DEBTOR'S REQUEST
FOR DISCLOSURE OF DISCOVERY
DOCUMENTS UNDER LBR 7026-2(d)
FILED ON APRIL 17, 2018**

WESLEY H. AVERY, Chapter 7 Trustee,

Plaintiff,

vs.

ARTURO GONZALEZ,

Defendant.

On April 17, 2018, Debtor Arturo Gonzales, who is a self-represented party, filed a Request for Disclosure of Discovery Documents under LBR [Local Bankruptcy Rule] 7026-2, requesting requests for production of documents to the Chapter 7 Trustee, requests for admission to the Chapter 7 Trustee and subpoenas or subpoenas duces

tecum to two nonparty witnesses. Debtor's Request for Disclosure of Discovery Documents was made on the court's optional form under Local Bankruptcy Rule 7026-2, which is intended for parties to request copies of completed discovery from other parties who served discovery requests and received responses to these discovery requests from responding parties.

Debtor's use of this form is not appropriate here because the discovery attached to Debtor's request is not completed discovery, but discovery now being served on the Chapter 7 Trustee and nonparty witnesses who are being requested for the first time to respond to such discovery, and such discovery is thus not completed. Moreover, the Chapter 7 Trustee and the nonparty witnesses, who are being asked by Debtor to respond to his discovery requests have the right to proper service and time for response under Federal Rules of Civil Procedure 34, 36 and 45 and Federal Rules of Bankruptcy Procedure 7034, 7036 and 9016. In order for Debtor's discovery requests, such as requests for production of documents, requests for admissions and subpoenas or subpoenas duces tecum, to be effective, Debtor must comply with these rules. A request for disclosure of discovery documents under Local Bankruptcy Rule 7026-2 does not comply with these rules.

Accordingly, the court on its own motion strikes Debtor's Request for Disclosure of Discovery Documents under LBR 7026-2, filed on April 17, 2018, from the record. Because the requested discovery is not completed since the Chapter 7 Trustee and the nonparty witnesses have not yet had an opportunity to respond to the discovery, they may disregard this document.

IT IS SO ORDERED.

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Date: April 18, 2018



Robert Kwan
United States Bankruptcy Judge