

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In Re:

William J. Foley,

Case No. 14-31425-GMH

Debtor.

Chapter 13

ORDER

On December 5, 2014, creditor, Marc Rassbach, filed a motion requesting a Rule 2004 examination of Mr. Foley. CM-ECF, No. 91. On December 15, the court granted Mr. Rassbach's motion and scheduled the examination for January 23, 2015, at 2:00 p.m. in Room 133, to follow the hearing on four separate motions filed by Mr. Rassbach. CM-ECF, No. 101.

Mr. Foley contacted chambers on the morning of January 23, to inform the court that he was not going to attend either the hearing on Mr. Rassbach's motions or the Rule 2004 examination. Mr. Foley reported that he was feeling ill; he did not file a request to adjourn the hearing, and he did not notify Mr. Rassbach or Mr. Mann of his intent not to appear.

As a result of Mr. Foley's failure to appear, the Rule 2004 examination could not and did not occur on January 23.

WHEREFORE:


IT IS ORDERED that the Rule 2004 examination will commence on **January 28, 2015**, at **11:30 a.m. in Room 133**. Mr. Foley must appear at the **10:30 a.m. evidentiary hearing**,

and he must appear at the Rule 2004 examination, which will take place in the courtroom, immediately following that hearing.

If Mr. Foley fails to attend the Rule 2004 examination on January 28, 2015, without cause or prior court permission, he will be held in contempt; I will thereafter conduct proceedings pursuant to 11 U.S.C. §105(a) to determine appropriate sanctions, which may include monetary sanctions or dismissal pursuant to 11 U.S.C. §707(a)(1).

SO ORDERED.

January 23, 2015.



G. Michael Halfenger
United States Bankruptcy Judge