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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

IN RE:

THE FALLS EVENT CENTER LLC

Debtor(s).

Bankruptcy Number: 18-25116
Chapter 11

Honorable R. Kimball Mosier

***EX PARTE* MOTION FOR ORDER AUTHORIZING RULE 2004 PRODUCTION OF
ELECTRONIC FILES**

JOHN C. NEUBAUER, as creditor in this bankruptcy proceeding (“Creditor”), through counsel of record, hereby respectfully moves this Court for an Order Authorizing the Production of Documents of The Falls Event Center LLC, the debtor in this case (the “Debtor”), under Rule 2004 of the Federal Rules of Bankruptcy Procedure and Rule 45(d)(2) of the Federal Rules of Civil Procedure, and in connection therewith respectfully represents:

1. Debtor is in possession of an electronic video recording of an interview with Kaylie Cummins.
2. Ms. Cummins offered her personal account of information regarding Debtor and other matters affected by this case.

3. The information contained within Ms. Cummins' video recording affects the administration of the Debtor's estate in that her testimony details information regarding litigation against the Debtor.
4. Creditor previously had access to this recording from counsel for Debtor.
5. Upon noticing the file share link was no longer active, counsel informed Creditor that a subpoena must be obtained to again access to the file.

WHEREFORE, Creditor respectfully requests that the Court enter the following Orders:

1. Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, Debtor is required to produce the documents identified in the attached "Exhibit A".
2. Creditor will give at least 14 days notice to the Debtor for production consistent with Fed. R. Bankr. P. 2004(c) and 9016.

DATED this 12th day of November, 2018

/s/ Michael Steck
MICHAEL STECK
Attorney for Creditor

“EXHIBIT A”

Definitions applicable to these document requests:

1. “Creditor” refers to John C. Neubauer.
2. “Debtor” refers to The Falls Event Center LLC.
3. “Document” shall mean written, printed, typed, graphic, or photographic matter of any kind or nature, however produced or reproduced, and all mechanical, magnetic, electromagnetic, and electronic sound recordings or written transcripts thereof, however produced or reproduced, whether in your control or not, and including without limitation, all originals no matter how or by whom prepared, all drafts of these whether used or not, all copies of the original. The term “Document” shall likewise include “writings”, “recordings”, or “photographs” (original, drafts, and copies) as those terms are defined and used in Fed. R. Evid. 1001 and Bankr. R. 7034 (incorporating Fed. R. Civ. P. 34). The term “Document” shall also include all electronic or computer data information or communications, including without limitation email, information, or data stored on backup tapes or disks, or other information contained in any computer or data retention system.

List of Documents to be Produced:

1. Any and all Documents relating to the interview of Kaylie Cummins previously shared with Creditor in May 2018.

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In re:

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Honorable R. Kimball Mosier

(Filed Electronically)

**ORDER AUTHORIZING RULE 2004 PRODUCTION OF DOCUMENTS OF
THE FALLS EVENT CENTER LLC**

This matter came before the Court on the Ex Parte Motion for Order Authorizing Rule 2004 Production of Documents of The Falls Event Center LLC, filed by creditor John C. Neubauer, under Fed. R. Bankr. P. 2004 and Local Rule 2004-1. Based on the Motion;

IT IS HEREBY ORDERED that the production of documents and examination requested in the Motion may be compelled pursuant to Fed. R. Bankr. P. 2004(c).

--END OF ORDER--

DESIGNATION OF PARTIES TO RECEIVE NOTICE OF COURT ORDER

Service of the foregoing Order **AUTHORIZING RULE 2004 PRODUCTION OF DOCUMENTS OF THE FALLS EVENT CENTER LLC** shall be served on the parties in the manner designated below:

By Electronic Service: I certify that the parties of record in this case as identified below, are registered CM/ECF users.

- **James W. Anderson** jwa@clydesnow.com, jritchie@clydesnow.com
- **David P. Billings** dbillings@fabianvancott.com, jwinger@fabianvancott.com; mdewitt@fabianvancott.com
- **Laurie A. Cayton tr** laurie.cayton@usdoj.gov, James.Gee@usdoj.gov; Lindsey.Huston@usdoj.gov; Suzanne.Verhaal@usdoj.gov
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- **Oren Buchanan Haker** oren.haker@stoel.com, jennifer.lowes@stoel.com; daniel.kubitz@stoel.com; alyssa.petroff@stoel.com
- **Mark E. Hindley** mehindley@stoel.com, rnoss@stoel.com; slcdocket@stoel.com
- **Michael R. Johnson** mjohnson@rqn.com, docket@rqn.com; dburton@rqn.com
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- **Ellen E Ostrow** eostrow@hollandhart.com, intaketeam@hollandhart.com; lahansen@hollandhart.com
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- **Mark S. Swan** mark@swanlaw.net
- **Richard C. Terry** richard@tjblawyers.com, cbcecf@yahoo.com
- **United States Trustee** USTPRegion19.SK.ECF@usdoj.gov
- **Brent D. Wride** bwride@rqn.com, docket@rqn.com; pbrown@rqn.com

By U.S. Mail - In addition to the parties of record receiving notice through the CM/ECF system, the following parties should be served notice pursuant to Fed R. Civ. P. 5(b).

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Clermont, FL 34711-4634

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Gil Miller
Rocky Mountain Advisory
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Salt Lake City, UT 84111
State of Oregon

Department of Revenue
955 Center St NE
Salem, OR 97301-2555

/s/Michael S. Steck
Michael S. Steck