

IN RE:

DAVID G. DeLANO and  
MARY ANN DeLANO,

CASE NO. 04-20280  
Chapter 13

Debtors.

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**INTERLOCUTORY ORDER**

**WHEREAS**, on August 30, 2004, the Court entered the attached Interlocutory Order, without the Exhibits attached to that Order (the "August 30, 2004 Interlocutory Order"); and

**WHEREAS**, the terms defined and used in the August 30, 2004 Interlocutory Order shall have the same meaning when used in this Interlocutory Order; and

**WHEREAS**, on November 8, 2004, Cordero filed a November 4, 2004 motion entitled "Notice of Motion to Enforce Judge Ninfo's Order of August 30, 2004, For Discovery from David DeLano and to Obtain a Declaration that it does not exempt the Trustee from his Obligations Under B.C. § 341" (the "Cordero Discovery Motion"); and

**WHEREAS**, the Court has reviewed the Cordero Discovery Motion, and, in its discretion, does not believe that it requires any oral argument to decide the detailed Motion.

It is therefore **ORDERED**, that:

1. The Cordero Discovery Motion is in all respects denied; and

2. The request for relief in Paragraph 30.a. of the Cordero Discovery Motion is denied because: (a) after reading Cordero's September 29, 2004 documentary discovery demand (the "Demand"), Cordero's October 27, 2004 follow-up letter, and the October 28, 2004 Response to the Demand (the "Response"), it appears that DeLano has complied with all of the documentary discovery requests made by Cordero that are relevant to the Claim Objection Proceeding; and (b) the August 30, 2004 Interlocutory Order clearly states that the Court will only hear those matters in the DeLano Case that are related to the Claim Objection Proceeding until the Court has made its final determination in that Proceeding; and

3. The request for relief in Paragraph 30.b. of the Cordero Discovery Motion is denied because DeLano has indicated in the Response that he had produced all documents which he has in his possession that are relevant to the Claim Objection Proceeding. Therefore, there is no need for an extension of the discovery deadline set forth in the August 30, 2004 Interlocutory Order; and

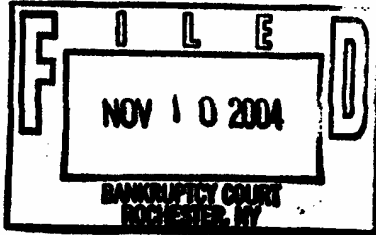
4. The request for relief in Paragraph 30.c. of the Cordero Discovery Motion is denied because the August 30, 2004 Interlocutory Order and the Bankruptcy Code and Rules as they relate to the Order are clear, so the Court is not required to interpret them for Cordero; and

5. The request for relief in Paragraph 30.d. of the Cordero Discovery Motion is denied for the reasons set forth in the August 30, 2004 Interlocutory Order; and

6. The request for relief in Paragraph 30.e. of the Cordero Discovery Motion is moot as a result of the entry of this Interlocutory Order.

SO ORDERED.

DATED: November 10, 2004



  
HON. JOHN C. NINFO, II  
CHIEF U.S. BANKRUPTCY JUDGE