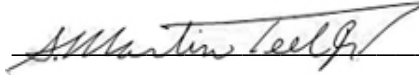


The document below is hereby signed.

Signed: December 18, 2008.



  
S. Martin Teel, Jr.  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF COLUMBIA

In re )  
 )  
EASTERN & JUNIPER COOP. ) Case No. 08-00734  
ASSOCIATION, INC., ) (Chapter 11)  
 ) **Not for Publication in**  
Debtor. ) **West's Bankruptcy Reporter**

MEMORANDUM DECISION AND ORDER RE MOTION TO COMPEL TURNOVER  
OF PROPERTY AND FOR LEAVE TO CONDUCT B.R. 2004 EXAMINATION

Under Fed. R. Bankr. P. 7001, with exceptions of no applicability to the motion at issue, a proceeding for turnover must be commenced as an adversary proceeding. Absent waiver of that requirement, a motion to compel the debtor's accountant to turn over records must be dismissed as not constituting an adversary proceeding. See In re Perkins, 902 F.2d 1254, 1258 (7th Cir.1990) (explaining that an adversary proceeding "must be commenced by a properly filed and served complaint," and holding that a motion for turnover must be dismissed). Accordingly, it is

ORDERED that the debtor's motion, filed by it as a debtor in possession, entitled Motion to Compel Turnover of Property and for Leave to Conduct B.R. 2004 Examination (Docket Entry No. 14)

is granted in part as set forth below and is otherwise dismissed with leave to pursue an adversary proceeding for turnover. It is further

ORDERED that the debtor is granted leave to conduct an examination of Allen W. Caster under oath pursuant to the procedures of Fed. R. Bankr. P. 2004, and to issue a subpoena (or subpoenas) to Allen W. Caster compelling him:

(1) to produce for examination and copying all documents within his possession or control relating to the debtor (or to Eastern & Juniper Tenants' Association, Inc.), including, but not limited to, federal and local tax returns (including all schedules, forms, and worksheets), all ledgers, balance sheets, canceled checks, bank statements, and accounting ledgers and books account, invoices and contracts, accountings of rents and other fees, and incoming and outgoing correspondence relating to the debtor, and

(2) to appear to testify pursuant to the examination under Rule 2004.

It is further

ORDERED that the subpoena for production of documents under Rule 2004 may compel such production on a date different from the date on which Mr. Caster is subpoenaed to appear for examination under Rule 2004.

[Signed and dated above.]

Copies to: Debtor; Debtor's attorney; Office of United States  
Trustee; and:

Mr. Allen W. Caster  
1715 Fifteenth Street, NW  
Washington, DC 20001-1819