

STEVE BROWN & ASSOCIATES, LLC
1414 EAST INDIAN SCHOOL ROAD, SUITE 200
PHOENIX, ARIZONA 85014
(602) 264-9224

Steven J. Brown (#010792) sbrown@sjbrownlaw.com
Steven D. Nemecek (#015219) snemecek@sjbrownlaw.com
Attorneys for Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

In re:

YOMTOV SCOTT MENAGED,

Debtor.

In Proceedings Under Chapter 7

Case No. 2:16-bk-04268-PS

**TRUSTEE'S MOTION FOR ORDER
DIRECTING BANKRUPTCY RULE
2004 PRODUCTION OF DOCUMENTS
AND EXAMINATION OF
SALVATORRE BARRATTO AND
JOSEPHINE BARRATTO**

Chapter 7 Trustee Jill Ford moves for entry of an order requiring Salvatorre Barratto and Josephine Barratto to produce documents and attend an examination. This Motion is supported by the following Memorandum Of Points And Authorities.

DATED this 12th day of January, 2017.

STEVE BROWN & ASSOCIATES, LLC

By /s/ Steven D. Nemecek

Steven J. Brown
Steven D. Nemecek
1414 East Indian School Road, Suite 200
Phoenix, Arizona 85014
Attorneys for Trustee

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 1. Pursuant to Bankruptcy Rule 2004, upon motion of any party in interest, the
3 Court may order any person to produce documents relating to the acts, conduct, property,
4 liabilities, and financial condition of Debtor or to any matter which may affect the
5 administration of the Estate.

6 2. The Trustee requests an order requiring Salvatorre Barratto and Josephine
7 Barratto to produce documents for the purposes allowed under Bankruptcy Rule 2004.

8 3. The Trustee further requests an order requiring Salvatorre Barratto and
9 Josephine Barratto to appear and give testimony.

10 4. Debtor's schedules state that he is owed \$247,000 pursuant to a promissory note
11 from Salvatorre Barratto and Josephine Barratto. Upon information and belief, the Barrattos
12 are Debtor's in-laws. The issues require further investigation including the production of
13 documents and an examination.

14 WHEREFORE, the Trustee asks that the Court enter an order requiring Salvatorre
15 Barratto and Josephine Barratto to produce the documents listed on the order at the offices of
16 Steve Brown & Associates, LLC, 1414 East Indian School Road, Suite 200, Phoenix, Arizona
17 85014, on a date and time agreeable to the parties or, if upon notice, after not less than 21
18 days' written notice, and, for Salvatorre Barratto and Josephine Barratto to testify on a date
19 and time agreeable to the parties or, if upon notice, after not less than 21 days' written notice
20 and for successive days until completed.

21 DATED this 12th day of January, 2017.

22 STEVE BROWN & ASSOCIATES, LLC

23 By /s/ Steven D. Nemecek

24 Steven J. Brown

25 Steven D. Nemecek

26 1414 East Indian School Road, Suite 200

Phoenix, Arizona 85014

Attorneys for Trustee

1 Copy of the foregoing electronically filed
2 and served via email* and/or mail** this 12th
3 day of January, 2017, to:

4 Salvatorre Barratto and Josephine Barratto**
5 10030 East Friess Drive
6 Scottsdale, AZ 85260

7 Cody J. Jess*
8 Schian Walker, P.L.C.
9 1850 North Central Avenue, #900
10 Phoenix, AZ 85004
11 cjess@swazlaw.com
12 Attorneys for Debtor

13 Jennifer Giaimo*
14 Office of the U.S. Trustee
15 230 North First Avenue, Suite 204
16 Phoenix, AZ 85003-1706
17 jennifer.a.giaimo@usdoj.gov

18 Cynthia L. Johnson*
19 Law Office of Cynthia L. Johnson
20 11640 East Caron Street
21 Scottsdale, AZ 85259
22 cynthia@jsk-law.com
23 Attorneys for Sell Wholesale Funding, LLC

24 David L. Knapper*
25 Law Offices of David L. Knapper
26 1599 East Oranewood Avenue, Suite 125
Phoenix, AZ 85020
david.knapper@azbar.org
Attorney for AZBEN Limited, L.L.C.

Kevin J. Blakley*
Gammage & Burnham P.L.C.
Two North Central Avenue, 15th Floor
Phoenix, Arizona 85004
kblakley@gblaw.com
Attorneys for Shawna C. Heuer, Personal
Representative of the Estate of Denny J. Chittick

1 Ryan W. Anderson**
2 Alisan M.B. Patten**
3 Guttilla Murphy Anderson
4 5415 East High Street, Suite 200
5 Phoenix, AZ 85054
6 randerson@gamlaw.com
7 apatten@gamlaw.com
8 Attorneys for Receiver Peter S. Davis

9 Perry L. Goorman**
10 16427 North Scottsdale Road, Suite 410
11 Scottsdale, AZ 85254-7102
12 plg@goormanlaw.com
13 Attorney for Phoenix Newspapers, Inc.

14 Timothy H. Barnes**
15 Timothy H. Barnes, P.C.
16 428 East Thunderbird Road, #150
17 Phoenix, Arizona 85022
18 tim@thbpc.com
19 Attorney for Redi Carpet, LLC

20 James E. Shively**
21 Ball Santin & McLeran PLC
22 2999 North 44th Street, Suite 500
23 Phoenix, AZ 85018-7252
24 shively@bsmplc.com
25 Attorneys for BMW Financial Services, NA, LLC

26 Janet Marie Spears**
Aldridge Pite
2 North Central Avenue, Suite 1135
Phoenix, AZ 85004
jspears@aldridgepite.com
Attorneys for US Bank National Association

Andrew Q. Everroad**
Bonnett Fairbourn Friedman & Balint PC
2325 East Camelback Road, Suite 300
Phoenix, AZ 85016-3422
aeverroad@bfffb.com

1 Nancy K. Swift**
2 Buchalter Nemer
3 16435 N Scottsdale Rd Ste 440
4 Scottsdale, AZ 85254-1754
5 nswift@buchalter.com

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
By: /s/ Karen Flaaen