

**IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

**In Re:**

**MASTER LENDING GROUP, LLC,**

**Debtor.**

**CASE NO. 23-40569-EJC**

**CHAPTER 7**

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**LIMITED OBJECTION TO UNITED STATES TRUSTEE’S 2004 EXAMINATION OF  
TRUIST BANK, OR IN THE ALTERNATIVE, MOTION TO MODIFY SCOPE OF  
UNITED STATES TRUSTEE’S 2004 EXAMINATION OF TRUIST BANK**

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COMES NOW, the undersigned counsel of Gregory M. Hirsch (“Mr. Hirsch”), a non-debtor to the above captioned matter, and files this Limited Objection to United States Trustee’s 2004 Examination of Truist Bank, or in the Alternative, Motion to Modify Scope of United States Trustee’s 2004 Examination of Truist Bank (“Truist”).

1.

On July 6, 2023, Master Lending Group, LLC (“Debtor”) filed a voluntary petition for relief under Chapter 7 (the “Petition”) of 11 U.S.C. sec. 101 *et seq.* (the “Bankruptcy Code”), case number 23-40569. (Doc. 1).

2.

Upon the filing of the Petition, Tiffany E. Caron was appointed as the trustee in the case (the “Chapter 7 Trustee”). (Doc. 6).

3.

Mr. Hirsch was the owner of Debtor. (Doc. 1, p.3).

4.

Mr. Hirsch died on Friday, August 4, 2023, after battling advanced stages of amyotrophic lateral sclerosis (“ALS”).

5.

On August 8, 2023, the United States Trustee’s Office (the “UST”), filed a motion for a Rule 2004 examination and document production of Truist Bank pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure. (Doc. 79, the “2004 Examination”). Said motion is currently pending with the Court.

6.

The UST requests the following information that is not related to the Debtor, but instead, is related to Mr. Hirsch – a non-debtor:

Description of Documents Requested

The U.S. Trustee requests production of the following documents covering the period from **January 1, 2015**, through **June 30, 2023**:

- (1) all bank statements, deposit slips, canceled checks, and signature cards for any account over which Gregory Hirsch has or had signatory authority;
- (2) all credit card statements for accounts on which Gregory Hirsch was an authorized user; and
- (3) any personal financial statements or loan applications submitted by Gregory Hirsch.

(Doc. 79-1, p. 2).

7.

The UST previously served a subpoena on Truist before filing the motion for the 2004 Examination (the “Subpoena”). The Subpoena also sought information from Truist that was directly and solely related to Mr. Hirsch personally.

8.

The undersigned filed a motion to quash the Subpoena on August 3, 2023. (Doc. 67). This motion is pending with the Court and is set for a hearing on September 12, 2023. (Doc. 82).

9.

Mr. Hirsch, in his personal capacity, was a customer of Truist. (Doc. 26, p. 12, Aff. of Judy Hirsch, ¶ 13).

10.

Mr. Hirsch, in his personal capacity, has, and has had, signature authority over accounts that are at Truist. (Doc. 26, p. 12, Aff. of Judy Hirsch, ¶ 13).

11.

Based on Judith Hirsch’s (the spouse of Mr. Hirsch) best information and belief, Mr. Hirsch was added to existing accounts at Truist that are owned by Mr. Hirsch’s mother, Marcia Hirsch, as a convenience to assist his mother in managing her financial affairs if such assistance was needed. (Doc. 26, p. 13, Aff. of Judy Hirsch, ¶ 14).

12.

Based on Mrs. Hirsch’s best information and belief, Mr. Hirsch, in his personal capacity, may also have provided personal financial statements and loan applications to Truist over a long period of time. (Doc. 26, p. 13, Aff. of Judy Hirsch, ¶ 16).

13.

Truist will have documents and records regarding Mr. Hirsch's personal financial data.

14.

Mr. Hirsch is not listed as a debtor nor a party to the Petition in his personal and individual capacity. (Doc. 26, p. 12, Aff. of Judy Hirsch, ¶ 11).

### **DISCUSSION**

Mr. Hirsch, respectfully, moves the Court to limit the scope of the UST's 2004 examination of Truist as it is outside of the scope of Rule 2004. The scope of a Rule 2004 examination is "to the acts, conduct, or property or to the liabilities and financial condition of the debtor, or to any matter which may affect the administration of the debtor's estate, or to the debtor's right to a discharge." Fed. R. Bankr. P. 2004(b); *In re No Rust Rebar, Inc.*, 21-12188-PDR, 2022 WL 17365810, at \*2 (Bankr. S.D. Fla. Dec. 1, 2022). "The purpose of a Rule 2004 examination is to discover the nature and extent of the bankruptcy estate in order to distribute debtor's assets for the benefit of its creditors," so "[I]egitimate goals of Rule 2004 examinations include discovering assets, examining transactions, and determining whether wrongdoing has occurred." *In re No Rust Rebar, Inc.*, 2022 WL 17365810, at \*2 (quoting *In re Millennium Lab Holdings II, LLC*, 562 B.R. 614, 626 (Bankr. D. Del. 2016) (citations omitted).

Although the scope of Rule 2004 examinations is broad, it is not unlimited. These examinations cannot be used for harassment nor stray into matters which are not relevant to the basic inquiry. *In re No Rust Rebar, Inc.*, 2022 WL 17365810, at \*2. The party seeking the 2004 discovery bears the burden of proving good cause for it. *In re Defoor Centre, LLC*, 634 B.R. 630, 638 (Bankr. M.D. Fla. 2021); *see also In re Wilcher*, 56 B.R. 428, 434 (Bankr. N.D. Ill. 1985). Good cause can be established by showing that the "discovery is needed to establish a claim or

that denial of the Rule 2004 discovery would cause undue hardship or injustice.” *In re Defoor Centre*, 634 B.R. at 638. Ultimately, the granting of a 2004 examination is in the discretion of the Court which requires a balancing of the competing interests of the parties, weighing the relevance and necessity of the information sought. *In re Millennium*, 562 B.R. at 626 (citations omitted).

Here, the UST’s Rule 2004 examination seeks information outside the scope of Rule 2004. The UST’s description of documents requested does not mention the Debtor, but instead seeks information related solely to Mr. Hirsch. Mr. Hirsch, however, is not the debtor that is the subject of the Petition – only MLG is the debtor listed in the Petition. (*See* Doc. 1). An individual is not the same as a company, and Hirsch is not liable or responsible for any debts, obligations, or liability of MLG. *See* O.C.G.A. § 14-11-303(a) (“A person who is a member, manager, agent, or employee of a limited liability company is not liable, solely by reason of being a member, manager, agent, or employee of the limited liability company ... for a debt, obligation, or liability of the limited liability company.”).

The UST seeks Mr. Hirsch’s personal bank accounts and financial information from Truist but has not established why such information is related to the Debtor. On its face, Mr. Hirsch’s bank accounts and financial information is separate and apart from the Debtor and is not relevant to the Petition. This is further confirmed by the fact that the only Truist bank account listed on the Petition is a Truist account of MLG, not any personal Hirsch bank accounts. (Doc. 31, p. 1, *amended schedule A/B*).

Additionally, based on information and belief, Mr. Hirsch, had signatory authority and was the authorized user over accounts for several non-Debtor entities and persons. Based on the UST’s documents request, Truist must produce these documents and information to the UST. However, such information is not related to the Debtor, nor within the scope of Rule 2004. Without

establishing good cause, the UST's request should be restricted to exclude information about non-Debtor entities.

MLG accounts, information, documents, or records that are at Truist, of which Mr. Hirsch has or had signatory authority or was an authorized user, would be responsive and relevant to the Subpoena. Mr. Hirsch does not object to these documents being produced to Truist. Mr. Hirsch only requests that he be provided a copy of said documents.

Without establishing good cause, however, the UST is not entitled to receive documents and information from Truist that are related to Mr. Hirsch personally.

WHEREFORE, the undersigned as counsel for Mr. Hirsch respectfully requests that the Court enter an order providing the relief requested herein and order such other and further relief as is just and proper.

Respectfully submitted this 21st day of August, 2023.

/s/ S. Elizabeth Hall  
S. ELIZABETH HALL  
Georgia Bar No. 141718  
JAMES F. BANTER  
Georgia Bar No. 581797  
DOROTEYA N. WOZNIAK  
Georgia Bar No. 627491  
*Counsel for Gregory Hirsch*

JAMES-BATES-BRANNAN-GROOVER-LLP  
231 Riverside Drive, Suite 100  
P. O. Box 4283  
Macon, GA 31208-4283  
[ehall@jamesbatesllp.com](mailto:ehall@jamesbatesllp.com)  
[jbaxter@jamesbatesllp.com](mailto:jbaxter@jamesbatesllp.com)  
[dwozniak@jamesbatesllp.com](mailto:dwozniak@jamesbatesllp.com)  
Telephone: 478-742-4280  
Facsimile: 478-742-8720



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**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing **MOTION TO MODIFY SCOPE OF 2004 EXAMINATION OF TRUIST BANK** by filing the foregoing pleading with the Clerk of Court using the CM/ECF System:

(a) by first class mail by depositing same in the United States mail, with adequate first-class postage affixed thereon, property addressed to the following parties:

Matthew E. Mills  
Office of the U.S. Trustee  
33 Bull Street, Suite 400  
Savannah, GA 31401

Tiffany E. Caron  
P.O. Box 711  
West Palm Beach, FL 33402

Neil C. Gordon, I  
Taylor English Duma  
1600 Parkwood Circle SE, Suite 200  
Atlanta, GA 30339

Master Lending Group, LLC  
308 Megan Court  
Savannah, GA 31405

Judson C. Hill  
Gastin & Hill  
1020 Drayton Street, Ste. 201  
Savannah, GA 31401

Jason L. Pettie  
Taylor English Duma  
1600 Parkwood Circle SE, Suite 200  
Atlanta, GA 30339

John K. Rezac  
Taylor English Duma  
1600 Parkwood Circle SE, Suite 200  
Atlanta, GA 30339

Natalie Rowland  
Taylor English Duma  
1600 Parkwood Circle SE, Suite 200  
Atlanta, GA 30339

Daniel Weigel  
Taylor English Duma  
1600 Parkwood Circle SE, Suite 200  
Atlanta, GA 30339

TRUIST BANK  
214 F. Tryon St.  
Charlotte, NC 28202

and

(b) through the Case Management/Electronic Case Filing System automatically generated by the United States Bankruptcy Court for the Northern District of Georgia on the parties registered with the Court's CM/ECF system.

This 21<sup>st</sup> day of August, 2023.

/s/ S. Elizabeth Hall

S. ELIZABETH HALL

Georgia Bar No. 141718

JAMES F. BANTER

Georgia Bar No. 581797

DOROTEYA N. WOZNIAK

Georgia Bar No. 627491

*Counsel for Gregory Hirsch*

JAMES-BATES-BRANNAN-GROOVER-LLP

231 Riverside Drive, Suite 100

P. O. Box 4283

Macon, GA 31208-4283

[ehall@jamesbatesllp.com](mailto:ehall@jamesbatesllp.com)

[jbanter@jamesbatesllp.com](mailto:jbanter@jamesbatesllp.com)

[dwozniak@jamesbatesllp.com](mailto:dwozniak@jamesbatesllp.com)

Telephone: 478-742-4280

Facsimile: 478-742-8720