

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

In Re:

MASTER LENDING GROUP, LLC,

Debtor.

CASE NO. 23-40569-EJC

CHAPTER 7

**NOTICE OF SUBMISSION OF PROPOSED INTERIM ORDER ON LIMITED
OBJECTIONS TO CHAPTER 7 TRUSTEE'S 2004 EXAMINATIONS OF HIRSCH 7
TUCKER, LLC, WORKMEN'S CIRCLE CREDIT UNION, WILLIAM RIDDLE, ROBIN
ROBERTSON, AND TRUIST BANK**

Comes now, the Estate of Gregory M. Hirsch, as successor to the interests of Gregory M. Hirsch (the "Estate"), an interested party to the above-captioned matter, and submits the attached proposed order for the Court's consideration as related to the Chapter 7 Trustee (the "Chapter 7 Trustee") motions for Rule 2004 examinations and document productions for Workmen's Circle Credit Union (Doc. 58), William Riddle (Doc. 59), Robin Robertson (Doc. 60), a Hirsch & Tucker, LLC (Doc. 62), and Truist Bank (Doc. 63), (collectively the "2004 Motions"), and the Estate's respective limited objections to the 2004 Motions (Doc. 97 and Doc. 103, the "Objections").

The Court held an evidentiary hearing on the 2004 Motions and the Objections on September 12, 2023 (the "Hearing"). Pursuant to the Court's instruction at the Hearing, the Parties were to confer regarding a potential consent order on the issues discussed at the Hearing.

The undersigned counsel worked in good faith to develop a proposed *consent* interim order that would be acceptable to the Chapter 7 Trustee to submit to the Court. The undersigned counsel submitted a proposed order to the Chapter 7 Trustee's counsel for review and comment. The Chapter 7 Trustee did not agree to the proposed interim order and did not provide any counter language or provisions for the Estate to review. In accordance with the Court's directions, the Estate hereby submits for Court's consideration a proposed order but notes that the Chapter 7 Trustee has not consented to this order.

Attached as **Exhibit A** is the proposed interim order for the Court's review and consideration, and the Estate, respectfully, moves the Court to enter the attached order.

Respectfully submitted this 29th day of September, 2023,

/s/ James F. Banter
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing **NOTICE OF SUBMISSION OF PROPOSED INTERIM ORDER ON LIMITED OBJECTIONS TO CHAPTER 7 TRUSTEE'S 2004 EXAMINATIONS OF HIRSCH 7 TUCKER, LLC, WORKMEN'S CIRCLE CREDIT UNION, WILLIAM RIDDLE, ROBIN ROBERTSON, AND 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

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

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

John K. Rezac

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

Master Lending Group, LLC
308 Megan Court
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Jason L. Pettie
Taylor English Duma
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Daniel Weigel
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1600 Parkwood Circle SE, Suite 200
Atlanta, GA 30339

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 29th day of September, 2023.

/s/ James F. Banter
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**IN THE UNITED STATES BANKRUPTCY COURT
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In Re:

MASTER LENDING GROUP, LLC,

Debtor.

CASE NO. 23-40569-EJC

CHAPTER 7

**[PROPOSED] INTERIM ORDER ON LIMITED OBJECTIONS TO CHAPTER SEVEN
TRUSTEE'S 2004 EXAMINATIONS OF HIRSCH & TUCKER, LLC, WORKMEN'S
CIRCLE CREDIT UNION, WILLIAM RIDDLE, ROBIN ROBERTSON, AND TRUIST
BANK**

The Chapter Seven Trustee (the "Trustee") having filed several motions for Rule 2004 examinations and document productions for Workmen's Circle Credit Union (Doc. 58), William Riddle (Doc. 59), Robin Robertson (Doc. 60), a Hirsch & Tucker, LLC (Doc. 62), and Truist Bank (Doc. 63), (collectively the "2004 Motions"), and the Estate of Gregory M. Hirsch, as successor to the interests of Gregory M. Hirsch (the "Estate"), a non-debtor to the above captioned matter,

having filed respective limited objections to the 2004 Motions (Doc. 97 and Doc. 103, the “Objections”), the Court hereby enters the following FINDINGS OF FACT:

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 “Trustee”). (Doc. 6).

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

4. The Estate was opened on September 7, 2023 and Tom Ratcliff was appointed as the executor of the Estate.

5. On July 31, 2023, the Trustee filed a 2004 motion seeking information and the production of certain documents from Hirsch & Tucker. (Doc. 55).

6. On August 21, 2023, the Estate filed its limited objection to the Trustee’s Hirsch and Tucker 2004 motion. (Doc. 97).

7. On August 2, 2023, the Trustee filed a 2004 motion seeking information and the production of certain documents from Workmen’s Circle Credit Union. (Doc. 58).

8. On August 2, 2023, the Trustee filed a 2004 motion seeking information and the production of certain documents from William Wilson Riddle, Jr. (Doc. 59).

9. On August 2, 2023, the Trustee filed a 2004 motion seeking information and the production of certain documents from Robin DeAnne Riddle Robertson. (Doc. 60).

10. On August 2, 2023, the Trustee filed a 2004 motion seeking information and the production of certain documents from Truist. (Doc. 63).

11. On August 21, 2023, the Estate filed limited objections to the Trustee's Workmen's Circle Credit Union, Riddle, Robertson, and Truist 2004 motions. (Doc. 103).

12. The Court held an evidentiary hearing on the 2004 Motions and the Objections on September 12, 2023 (the "Hearing").

NOW, THEREFORE, in consideration of the foregoing, this Court **ORDERS, ADJUDGES, AND DECREES**, as follows:

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334, this matter is a core proceeding pursuant to 28 U.S.C. §§ 157, and venue is proper in this Court pursuant to 28 U.S.C. § 1409.

2. Adequate notice of Debtor's Motion and hearing with respect thereto has been given pursuant to the Federal Rules of Bankruptcy.

3. The Trustee is granted a limited use of Rule 2004 of the Bankruptcy Rules to conduct investigation into the affairs into the Debtor as follows:

a. The Trustee is allowed to proceed with a Rule 2004 examination of a representative of Truist with respect to the following bank accounts ending in the following four numbers: (i) *****7415, (ii) *****1316, (iii) *****6525, (iv) *****6425, (v) *****8633, and (vi) *****0104 (the "Bank Accounts"). Truist shall produce the responsive documents regarding the Bank Accounts on or before _____, 2023.

- b. The Trustee is allowed to proceed with a Rule 2004 examination of a representative of Hirsch and Tucker regarding any payments or funds it may have received, or paid, to the Debtor. The Trustee shall not have access to or inquire into any clients' information of Hirsch and Tucker or Mr. Hirsch.
- c. Within fourteen days of the date of this Order, the Trustee shall provide the Estate and counsel to Hirsch and Tucker proposed search terms to be applied to Mr. Hirsch's Hirsch and Tucker email account and Mr. Hirsch's Hirsch and Tucker work computer (the "Search Terms"). The Estate and counsel to Hirsch and Tucker shall provide the Trustee with any objections to the Search Terms within ten days of the receipt of said Search Terms.
- d. All counsel should work amicably and in good faith to resolve any disputes or objections concerning the Search Terms. The Estate and counsel to Hirsch and Tucker shall have, if necessary, ten days from the date in which they provided the Trustee with any objection(s) to the Search Terms to file said formal objections with the Court.
- e. The Trustee is allowed to proceed with a Rule 2004 examination of a representative of Workmen's Circle Credit Union regarding the entities and individuals listed on the Bank Accounts or any accounts in the name of the Debtor.
- f. The Trustee is allowed to proceed with a Rule 2004 examination of Mr. Riddle regarding and concerning any payments to, or from, the Debtor and Mr. Hirsch, and the circumstances surrounding both.

- g. The Trustee is allowed to proceed with a Rule 2004 examination of Ms. Robertson regarding and concerning any payments to, or from, the Debtor and Mr. Hirsch, and the circumstances surrounding both.
- h. The examinations identified above shall take place at a mutually agreed time and place for the Trustee, the Estate, and those individuals and entities to be deposed. The Trustee will provide at least 15-days' notice to those parties of the time and place for each examination. The Estate will be allowed to attend and participate in each examination. If the Estate has any objections to the relevance or scope of any of the questions posed at the examinations, the Estate shall be allowed to note such objections on the record for further resolution by the Court at the Continued Hearing (as defined below).
- i. Within five (5) calendar days from receipt of any and all documents received in the above identified examinations, the Trustee will share the above-referenced records with the Estate subject to the Estate compensating the Trustee with respect to reasonable costs and expenses associated with the sharing of the above-referenced records, *provided, however*, the Trustee will provide to the Estate the cost estimate for approval prior to incurring such cost.

4. The Estate's consent to this Order shall not constitute a waiver of any of the Estate's arguments as to the admissibility of the foregoing documents in hearings before this Court or any other courts, and any other proceedings before this Court or any other courts, and nothing

contained herein shall be deemed a waiver of the right of the Estate to pursue any other right or remedy available to the Estate under the Bankruptcy Code or otherwise.

5. THE COURT SHALL HOLD A CONTINUED HEARING ON THE REMAINING SCOPE OF THE 2004 MOTIONS AND THE OBJECTIONS IN COURTROOM _____, UNITED STATES COURTHOUSE, _____, SAVANNAH, GA _____, ON _____, 2023 AT 10:00 A.M. (THE “CONTINUED HEARING”). The Trustee and the Estate shall be allowed to present arguments and evidence, subject to the Federal Rules of Evidence, at the Continued Hearing with respect to the allowance of the remaining scope of the 2004 Motion and the Subpoena.

[END OF ORDER]

Prepared and submitted by:

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