

**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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**NOTICE OF SUBMISSION OF PROPOSED INTERIM ORDER ON 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 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 United States Trustee Office (the “UST”) subpoena to Truist Bank (“Truist”, the “Subpoena”) and motion for a Rule 2004 examination and document production of Truist (Doc. 79) (the “2004 Motion”), and the Estate’s motion to quash the Subpoena (Doc. 67) (the “Motion to Quash”) and a limited objection to the 2004 Motion (Doc. 104) (the “Objection”).

The Court held an evidentiary hearing on the Subpoena, 2004 Motion, Motion to Squash and the Objection 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 to submit to the Court. The undersigned counsel submitted a proposed order to the UST for review and comment. The UST did not agree to the proposed interim order and did not provide counter language or provisions for the Estate to review. In accordance with the Court's direction, the Estate hereby submits a proposed order but notes that UST has not consented to this order.

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

Respectfully submitted this 29<sup>th</sup> 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 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** 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

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

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

Judson C. Hill  
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Natalie Rowland  
Taylor English Duma  
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 29<sup>th</sup> day of September, 2023.

/s/ James F. Banter  
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**In Re:**

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

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**[PROPOSED] INTERIM ORDER ON 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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The United States Trustee Office (the "UST") having issued a subpoena to Truist (the "Subpoena") and subsequently having filed a motion for a Rule 2004 examination and document production of Truist Bank (Doc. 79) (the "2004 Motion"), 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 a motion to quash the Subpoena (Doc. 67) (the "Motion to Quash")

and a limited objection to the 2004 Motion (Doc. 104) (the “Objection”), 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 “Chapter 7 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 13, 2023, the UST 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. Gregory M. Hirsch personally.

6. On August 3, 2023, the Estate filed its Motion to Quash on August 3, 2023. (Doc. 67).

7. On August 8, 2023, the UST filed the 2004 Motion seeking production of certain documents covering the period from January 1, 2015 to June 30, 2023 (the “Period”). (Doc. 79-1).

8. On August 21, 2023, the Estate filed its Objection to the 2004 Motion. (Doc. 104).

9. The Court held an evidentiary hearing on the 2004 Motion, the Motion to Quash, and the Objection 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 the Motion 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 the Federal Rules of Bankruptcy.

3. The UST 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 UST is allowed to proceed with obtaining from Truist the documents identified in the 2004 Motion for the Period 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. Within five (5) calendar days from receipt, the UST will share the above-referenced records with the Estate subject to the Estate compensating the UST with respect to reasonable costs and expenses associated with the sharing of the above-referenced records, *provided, however*, the UST will provide to the Estate the cost estimate for approval prior to incurring such cost.

c. The UST is allowed to proceed with a Rule 2004 examination of a representative of Truist regarding the Bank Accounts or any accounts in the name of the Debtor (the “Examination”), at a mutually agreed time and place. The UST will provide at least 15-day notice to the Estate of the time and place for the Examination. The Estate will be allowed to attend and participate in the Examination. If the Estate has any objections to the relevance or scope of any of the questions posed at the Examination, the Estate shall be allowed to note such objection on the record for further resolution by the Court at the Continued Hearing (as defined below).

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 MOTION AND THE MOTION TO QUASH IN COURTROOM \_\_\_\_\_, UNITED STATES COURTHOUSE, \_\_\_\_\_, SAVANNAH, GA \_\_\_\_\_, ON \_\_\_\_\_, 2023 AT 10:00 A.M. (THE “CONTINUED HEARING”). The UST 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, submitted and consented to:

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/s/ James F. Banter

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