

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

IN RE:

MASTER LENDING GROUP, LLC,

Debtor.

Chapter 7
Case No. 23-40569-EJC

MOTION FOR ORDER AUTHORIZING BANKRUPTCY RULE 2004
EXAMINATION OF KAPILAMUKAMAL LLP

COMES NOW Judith Hirsch (“**Movant**” or “**Mrs. Hirsch**”), a party in interest in the above-captioned bankruptcy, and hereby moves this Court for an Order authorizing Movant to conduct an examination of KapilaMukamal LLP (“**KapilaMukamal**”) pursuant to Federal Rule of Bankruptcy Procedure 2004, and in so doing respectfully shows the Court the following:

1. On July 6, 2023, Master Lending Group, LLC (“**Debtor**”) filed a voluntary petition for relief under Chapter 7 of Title 11 of the United States Bankruptcy Code initiating the above styled case (the “**Bankruptcy Case**”).
2. Tiffany E. Caron was appointed Subchapter V Trustee (the “**Trustee**”).
3. On March 14, 2024, the Trustee filed her *Application for Appointment of Accountants and Forensic Advisors* (Doc. No. 244) (the “**Application to Employ**”) requesting authority to employ KapilaMukamal as Trustee’s accountants and financial consultants in the Bankruptcy Case.
4. On March 18, 2024, this Court entered an order granting the Trustee’s Application to Employ KapilaMukamal.
5. Prior to the Trustee’s retention of KapilaMukamal, the Trustee retained Greg Hays to provide similar (if not the same) services. The Trustee has advised counsel for Mrs. Hirsch that Mr. Hays is no longer involved in the case. Mrs. Hirsch has no other information in this regard.

6. On April 18, 2024, the Court entered an order authorizing the Trustee and Mrs. Hirsch to mediate claims of the Trustee against Mrs. Hirsch arising out of the bankruptcy case. The Trustee has not provided Mrs. Hirsch any statement of the Trustee's asserted claims against Mrs. Hirsch. The Trustee has not yet agreed to provide such. Therefore, it is incumbent upon Mrs. Hirsch to examine KapilaMukamal in order to determine what alleged claims may exist against Mrs. Hirsch. Without such explanation, a fruitful mediation is not likely as Mrs. Hirsch will have no information or due diligence opportunity to analyze what likely will be extensive and complicated claims against her (both factually and legally).

7. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

8. Federal Rule of Bankruptcy Procedure 2004 (“**Rule 2004**”) provides, in pertinent part, that upon motion of any party in interest, the Court may order the examination of any entity. Rule 2004 further provides that the examination may relate 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.” The Advisory Committee’s Note to Bankruptcy Rule 2004 provides, in pertinent part, that the motion may be heard *ex parte* or may be heard on notice.

9. KapilaMukamal has knowledge regarding and related to the acts, conduct or property, or to the liabilities and financial condition of Debtor, and other matters which may affect the administration of Debtor’s estate. As stated above, upon information and belief, the Trustee asserts avoidance claims against Movant and KapilaMukamal is analyzing such claims on behalf of the Trustee. Movant is scheduled to mediate claims of the Trustee against Mrs. Hirsch. Mrs.

Hirsch has requested the Trustee to provide Mrs. Hirsch a statement of the claims that the Trustee claims to hold against Mrs. Hirsch (the “**Trustee’s Claims**”). Mrs. Hirsch seeks to examine KapilaMukamal, without limitation, regarding the Trustee’s Claims.

10. Movant respectfully requests that the Court enter an Order: (i) authorizing the examination of KapilaMukamal with regard to all matters within the scope of Bankruptcy Rule 2004, on May 7, 2024, at 10:00 A.M. at the offices of KapilaMukamal or upon such other date and time as may be noticed by Movant or agreed upon by counsel for Movant and the Trustee, and (ii) directing KapilaMukamal to produce all those documents identified on Exhibit “A” which is attached hereto to Movant’s counsel by May 6, 2024, at 1:00 P.M.

WHEREFORE, Movant prays that this Court enter an Order authorizing the examination of KapilaMukamal, directing KapilaMukamal to produce the documents and items requested herein, and that Movant be granted such other relief as may be just and proper. Movant has attached a proposed Order as Exhibit “B” to this Motion.

Respectfully submitted this 22nd day of April, 2024.

JONES & WALDEN LLC

/s/ Leon S. Jones

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EXHIBIT “A”

REQUEST FOR PRODUCTION OF DOCUMENTS

DEFINITIONS

As used herein, these terms shall have the following definitions:

- A. “Communication” shall mean any transmission of information, the information transmitted, and any process by which information is transmitted, and shall include written communications, text messages, iMessages, emails (including attachments), faxes and oral communications.
- B. “Debtor” shall refer to Master Lending Group, LLC.
- C. “Document” or “documents” includes without limitations any written, typed, printed, recorded, electronically-stored or graphic matter, however preserved, produced, or reproduced, of any type or description, regardless of origin or location, including without limitation any binder, cover note, certificate, letter, correspondence, email, text message, record, contract, table, chart, analysis, graph, schedule, report, test, study memorandum, note, list, diary, log, calendar, telex, message, (including but not limited to inter-office and intra-office communications such as emails), questionnaire, license, certificate, permit, ledger, ledger entry, book of account, check, order, invoice, receipt, statement, financial data, acknowledgement, computer or data processing card, computer or data processing disk, computer generated matter, photograph, photographic negative, phonograph recording, transcript or log of such recording, projection, videotape, film, microfiche, and all other data compilations from which information can be obtained or translated, reports and/or summaries of investigations, drafts and revisions of drafts of any documents and original preliminary notes or sketches, no matter how produced or maintained, in your actual or constructive possession, custody or control, or the existence of which you have knowledge, and whether prepared, published, or released by you or by any other person. If a document has been prepared in several copies or electronically stored version, or additional copies or versions have been made, or copies or versions are not identical (or by which reason of subsequent modification of a copy by the addition of notations or other modifications, are no longer identical), treat each non-identical copy or electronic version as a separate document.
- D. “Judy Hirsch Claims” shall mean any and all claims, rights, demands for relief, causes of action, or legal entitlements that the Trustee holds, may have, asserts or has considered the possibility of asserting against Judith Hirsch on behalf of the Trustee in this case (Tiffany Caron), Debtor, Debtor’s bankruptcy estate, or Debtor’s creditors.

- E. "Person(s)" means any natural person, partnership, corporation, limited liability company, joint venture, proprietorship, association, governmental entity, agency, group, organization or group of persons.
- F. "Property" shall mean anything owned or possessed by a person or entity, including but not limited to tangible assets, such as real estate and money, as well as intangible assets, such as financial assets, intellectual property rights, digital assets, and contractual rights.
- G. "Trustee" shall refer to Tiffany E. Caron and her agents, affiliates, attorneys and representatives.
- H. The terms "you," as used herein, in the definitions, instructions, and requests, shall be construed to mean KapilaMukamal LLP and its agents, affiliates, accountants, attorneys and representatives.
- I. Whenever the conjunctive "and" is used, it shall be construed to include the disjunctive "or", and vice versa.
- J. Whenever the term "all" is used, it shall also be construed to mean "any" and "each", and vice versa.
- K. Whenever a verb is used in the present, past, future, subjunctive, or other tense, voice or mood, it shall be construed to include all other tenses, voices, or moods.

DOCUMENT REQUESTS

1. Please produce all Documents and information provided to, viewed by, considered by, relied upon or created by you in relation to the Judy Hirsch Claims.
2. Please produce copies of all Communications between you and the Trustee or any other person regarding the Judy Hirsch Claims.
3. Please produce copies of any and all Documents and materials reviewed, considered, inspected, authorized, generated or created in any way in connection to the Judy Hirsch Claims.
4. Please produce all Documents and Communications regarding the sale, transfer, disposition, or other transfer of property owned or possessed by Debtor that you have examined in the course of performing services for the Trustee.
5. Please produce copies of each Document, bank statement, receipt, record, deposit slip, cancelled check, check register and the like for each bank account maintained, controlled, or owned by: (a) Debtor, (b) Gregory Hirsch, or any entity which you believe to be owned by or affiliated with Gregory Hirsch or Debtor.

6. Please produce any and all Documents, Communications or agreements regarding any transfer and subsequent transfer(s) of Debtor's assets at any time.
7. Please produce all documents evidencing the receipt and disbursement of funds from Debtor to: (a) Judy Hirsch, (b) Gregory Hirsch, or (c) any entity owned by or affiliated with Gregory Hirsch or Debtor.
8. Please produce any and all Documents, including drafts and notes, relating to any analysis which you have conducted or reviewed in connection to the Judy Hirsch Claims.
9. Please produce any and all documents containing or relating to compilations of data or reports which you have produced, created, or reviewed in connection to the Judy Hirsch Claims.
10. Please produce any and all written reports, notes and/or copies of any drafts of Affidavit(s) prepared by or for you relative to your review and/or opinions relative to the issues in the case.
11. Please produce any and all Documents, including drafts and notes, relating to any analysis which you have conducted or reviewed relating to Debtor or Debtor's business affairs.
12. Please produce any and all Documents, including drafts and notes, relating to any analysis which you have conducted or reviewed relating to payments made to Debtor by any Person, such as but not limited to "investors" or other Persons contributing Property to Debtor.
13. Please produce any and all Documents, including drafts and notes, relating to any analysis which you have conducted relating to whether Debtor or its business activities constituted a "ponzi scheme".
14. Please produce any and all Documents, including drafts and notes, relating to any analysis which you have conducted, reviewed, or made concerning or relating to Gregory Hirsch. Please produce any and all Documents, including drafts and notes, relating to any analysis which you have conducted, reviewed or made concerning or related to Judy Hirsch.
15. Please produce any and all Documents or Communications regarding any transfer and subsequent transfer(s) of Debtor's assets to Judy Hirsch.
16. Please produce any and all Documents (including summaries) or Communications regarding any Claims of the Trustee against Judy Hirsch as the transferee or subsequent transferee of Debtor's assets.
17. Please produce any and all Documents (including summaries) or Communications regarding any Claims of the Trustee against any other Persons based upon their alleged or asserted status as a transferee or subsequent transferee of Debtor's assets.

EXHIBIT “B”

PROPOSED ORDER

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

IN RE:

MASTER LENDING GROUP, LLC,

Debtor.

Chapter 7

Case No. 23-40569-EJC

**ORDER GRANTING MOTION FOR EXAMINATION OF KAPILAMUKAMAL LLP
PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004**

Upon the Motion filed by Judith Hirsch (“Movant” or “Mrs. Hirsch”) on April 22, 2024, pursuant to Federal Rule of Bankruptcy Procedure 2004 (Doc. No. ____) (the “Motion”), it is hereby

ORDERED that the Motion is **GRANTED**; and it is further

ORDERED that KapilaMukamal LLP shall timely produce to Movant the documents listed in Exhibit “A” to the Motion on or before **May 6, 2024, at 1:00 p.m.**, or as otherwise agreed upon by the parties; and it is further

ORDERED that KapilaMukamal LLP shall appear for examination under oath at the offices of KapilaMukamal LLP on **May 7, 2024, at 10:00 a.m.**, or as otherwise agreed upon by the parties.

[END OF ORDER]

Prepared and Presented by:

JONES & WALDEN LLC

/s/ Leon S. Jones

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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF GEORGIA
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CERTIFICATE OF SERVICE

This is to certify that on the date indicated below, the foregoing *Motion for Order Authorizing Bankruptcy Rule 2004 Examination of KapilaMukamal LLP* (“Motion”) was electronically filed using the Bankruptcy Court’s Electronic Case Filing program which sends a notice of and an accompanying link to the Motion to the following parties who have appeared in this case under the Bankruptcy Court’s Electronic Case Filing program:

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This 22nd day of April, 2024.

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