

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

IN RE:

Partners In Hope, Inc.,

Debtor(s).

C/A No. 24-00935-EG

Chapter 11

ORDER

THIS MATTER is before the Court on three Motions for Rule 2004 Production of Documents (“Motions”) filed by Partners In Hope, Inc. (“Debtor”) on May 17, 2024, seeking production of documents from (A) Anderson Brothers Bank (ECF No. 78), (B) Conway National Bank (ECF No. 79), and (C) South Atlantic Bank (ECF No. 80) (collectively, the “Financial Institutions”). In the Motions, Debtor states that, upon information and belief, at least 7 bank accounts in total were opened at the Financial Institutions by a former member of the Debtor’s board of directors and that Debtor is seeking information regarding these bank accounts. Debtor further indicates that prior to filing the Motions, it attempted to request the production of certain documents from the Financial Institutions to no avail. Accordingly, it seeks, pursuant to Fed. R. Bankr. P. 2004, to have the Court order that the Financial Institutions produce and permit Debtor to copy various documents and materials as set forth on Exhibits A of each Motion.

Rule 2004 provides that “[o]n motion of any party in interest, the court may order the examination of any entity.” Fed. R. Bankr. P. 2004(a). It further provides that:

The attendance of an entity for examination *and for the production of documents or electronically stored information*, whether the examination is to be conducted within or without the district in which the case is pending, may be compelled as provided in Rule 9016 for the attendance of a witness at a hearing or trial. As an officer of the court, an attorney may issue and sign a subpoena on behalf of the court where the case is pending if the attorney is admitted to practice in that court.

Fed. R. Bankr. P. 2004(c) (emphasis added). In turn, Rule 9016 provides that Fed. R. Civ. P. 45 applies in bankruptcy cases. The proposed orders submitted with the Motions propose that the

Court order the Financial Institutions “to tender the document production described in the Motion to counsel for the Debtor by no later than within fifteen 15 days after Debtor’s service of a Bankruptcy Rule 9016 document Subpoena on [Financial Institutions].”¹ The proposed order appears to go beyond the parameters of Rule 2004 and the usual authority that Court will go as far as granting the examination of the various Financial Institutions and/or service of subpoena for the production of documents. The Debtor may serve a subpoena for the production of documents pursuant to Rule 9016 and, to the extent that is not complied with, further relief may be sought from the Court under the parameters of that rule. *See In re Ergle*, C/A No. 23-01536, slip op. (Bankr. D.S.C. Jul. 26, 2023) (ECF Nos. 49 & 50).

Accordingly, the Court schedules the Motions for a hearing **on June 4, 2024 at 2:00 PM at the J. Bratton Davis U.S. Bankruptcy Courthouse, 1100 Laurel St., Columbia, SC 29201.**


Debtor may also submit a revised proposed order for the Court’s consideration and, to the extent it is entered prior to the hearing, the hearing will be cancelled.

AND IT IS SO ORDERED.

**FILED BY THE COURT
05/17/2024**



Entered: 05/17/2024


Elisabetta G. M. Gasparini
US Bankruptcy Judge
District of South Carolina

¹ ECF Nos. 81-83.