

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK**

-----	X
In re:	: Chapter 11
	:
Orion Healthcorp, Inc., <i>et al.</i> ,	: Case Nos. 18-71748 -67 (AST)
	: Case No. 18-71789 (AST)
Debtors.	: Case No. 18-74545 (AST)
	:
	: (Jointly Administered
-----	X

**ORDER AUTHORIZING THE LIQUIDATING TRUSTEE TO ISSUE  
SUBPOENAS FOR THE PRODUCTION OF DOCUMENTS AND  
EXAMINATION OF JPMORGAN CHASE BANK, NATIONAL ASSOCIATION**

Upon the *ex parte* motion, dated August 31, 2021 (the “Motion”)<sup>1</sup> of Howard M. Ehrenberg (the “Movant”), the duly appointed liquidating trustee in the above-captioned chapter 11 cases (the “Chapter 11 Cases”), pursuant to Bankruptcy Rule 2004, for an order authorizing the Movant to issues a subpoena for the production of documents by and examination of JPMorgan Chase Bank, National Association (the “Escrow Agent”); and this Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. § 1334; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having determined that the relief requested in the Motion is in the best interest of the Debtors’ estates, creditors and other parties-in-interest; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and upon all of the proceedings before the Court and after due deliberation and sufficient cause appearing therefor; it is

**ORDERED**, that the Motion is granted on the terms set forth herein; and it is further

---

<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

**ORDERED**, that the Movant is authorized under Bankruptcy Rules 2004 and 9016, to issue subpoenas as may be necessary to compel the production of documents and the testimony of the Escrow Agent in connection with the administration of the Chapter 11 Cases (the “Subpoena”), including document requests substantially in the form annexed to the Motion as **Exhibit B** (the “Document Requests”); and it is further

**ORDERED**, that unless otherwise agreed to by the Movant, the Escrow Agent shall have fourteen (14) days from the service of a subpoena to either (1) produce to the Movant all responsive documents requested in the Movant’s Subpoena, other than those documents withheld under a claim of privilege or (2) file with this Court an objection or response to the Subpoena with a hearing promptly scheduled; and it is further

**ORDERED**, that unless otherwise agreed to by the Movant, if the Escrow Agent withholds any documents from the production based upon a claim of privilege, the Escrow Agent is directed to provide counsel for the Movant with a privilege log, containing the information required under Bankruptcy Rule 7026 and E.D.N.Y. L.B.R. 7026-1, within fourteen (14) days of the service of the Subpoenas on the Escrow Agent; and it is further

**ORDERED**, that the Escrow Agent is directed to submit to oral examination upon reasonable notice and, absent other agreement with the Movant, in no event more than fifteen (15) days from the date of the service of a deposition subpoena upon the Escrow Agent; and it is further

**ORDERED**, that nothing herein shall limit the rights of the Escrow Agent under applicable law to object to or oppose any subpoena the Movant may serve upon the Escrow Agent; and it is further

**ORDERED**, that in accordance with Bankruptcy Rules 2004 and 9016, (i) the Clerk of this Court shall issue the Subpoenas, signed, but otherwise in-blank, as requested by the Movant,

or (ii) provided that counsel for the Movant is authorized to practice in this Court, counsel may issue and sign the Subpoenas; and it is further


**ORDERED**, that the Movant shall file with the Court an affidavit or declaration of service for each of the Subpoenas Movant serves; and it is further

**ORDERED**, that this Order is without prejudice to the Movant's right to file further motions seeking additional documents and testimony pursuant to Bankruptcy Rule 2004(a) or any other applicable law; and it is further

**ORDERED**, that this Court shall retain jurisdiction to resolve any disputes arising or related to this Order including any discovery disputes that may arise between or among the parties and to interpret, implement and enforce the provisions of this Order.

**Dated: September 8, 2021**  
**Central Islip, New York**



  
**Alan S. Trust**  
**Chief United States Bankruptcy Judge**