

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	Case No.: 21-bk-30574
COUNTRY FRESH HOLDING COMPANY, INC., et. al.¹	§	
	§	Chapter 7
	§	
Debtors.	§	Jointly Administered

**TRUSTEE'S NOTICE OF BANKRUPTCY RULE 2004 REQUEST FOR
PRODUCTION OF DOCUMENTS FROM GRANT THORNTON, LLP**

TO: Grant Thornton, LLP
c/o Ken Cunningham, Registered Agent
171 North Clark, Suite 200
Chicago, IL 60601

Grant Thornton, LLP
c/o Office of the Chief Executive Officer
171 North Clark, Suite 200
Chicago, IL 60601

-and-

Grant Thornton, LLP
c/o Chris Stathopoulos, Deputy General Counsel
171 North Clark, Suite 200
Chicago, IL 60601

Grant Thornton, LLP
c/o Chris Stathopoulos, Deputy General Counsel
171 North Clark, Suite 200
Chicago, IL 60601
Via Electronic Mail: Chris.Stathopoulos@us.gt.com

¹ The Debtors in these Chapter 7 cases and the last four digits of each Debtors' taxpayer identification number are as follows: Country Fresh Holding Company Inc. (7822); Country Fresh Midco Corp. (0702); Country Fresh Acquisition Corp. (5936); Country Fresh Holdings, LLC (7551); Country Fresh LLC (1258); Country Fresh Dallas, LLC (7237); Country Fresh Carolina, LLC (8026); Country Fresh Midwest, LLC (0065); Country Fresh Orlando, LLC (7876); Country Fresh Transportation LLC (8244) CF Products, LLC (8404) Country Fresh Manufacturing, LLC (7839); Champlain Valley Specialty of New York, Inc. (9030); Country Fresh Pennsylvania, LLC (7969); Sun Rich Fresh Foods (NV) Inc. (5526); Sun Rich Fresh Foods (USA) Inc. (0429); and Sun Rich Fresh Foods (PA) Inc. (4661). The Debtors' principal place of business is 3200 Research Forest Drive, Suite A5, The Woodlands, TX, 77381.

Pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rule 2004-1 of the Bankruptcy Local Rules for the United States Bankruptcy Court for the Southern District of Texas (“Local Rules”), Janet S. Northrup, the Chapter 7 Trustee (the “Trustee”) of the bankruptcy estates of Country Fresh Holding Company, Inc *et. al.* (the “Debtors”) issues this *Trustee’s Notice of Bankruptcy Rules 2004 Request for Production of Documents from Grant Thornton, LLP* (the “Document Requests”) from Grant Thornton, LLP (“Grant Thornton”), and states as follows:

1. The Debtor requests that Grant Thornton produce the original or a copy of all Documents listed and defined on the *subpoena duces tecum* attached as **Exhibit A** to this notice no later than **September 24, 2021 at 5:00 pm CT** (or such other time as may be agreed by the parties) to the offices of Hughes, Watters & Askanase, LLP, c/o Heather McIntyre, 1201 Louisiana Street, 28th Floor, Houston, Texas 77002, pursuant to the Bankruptcy Rules and the instructions set forth in **Exhibit A**.

2. As required by Local Rule 2004-1(c), counsel for the Trustee conferred with counsel for Grant Thornton regarding the production of requested documents by telephone conference and email on September 7, 2021. On September 7, 2021, Grant Thornton’s counsel agreed to comply with the Document Requests upon their issuance.

DATED: September 10, 2021.

Respectfully submitted,

/s/ Heather Heath McIntyre

Wayne Kitchens TBN 11541110

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Heather McIntyre TBN 24041076

hmcintyre@hwa.com

HUGHESWATTERSASKANASE, LLP

Total Plaza

1201 Louisiana, 28th Floor

Houston, Texas 77002

Telephone: (713) 759-0818

Facsimile: (713) 759-6834

ATTORNEYS FOR JANET S. NORTHRUP,

CHAPTER 7 TRUSTEE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Trustee's Notice of Bankruptcy Rules 2004 Request for Production of Documents from Grant Thornton, LLP* has been served on the individuals or parties listed immediately below by either United States first class mail, postage prepaid or electronic mail on September 10, 2021.

Grant Thornton, LLP
c/o Ken Cunningham, Registered Agent
171 North Clark, Suite 200
Chicago, IL 60601
Via United States First Class Mail, Postage Prepaid

Grant Thornton, LLP
c/o Office of the Chief Executive Officer
171 North Clark, Suite 200
Chicago, IL 60601
Via United States First Class Mail, Postage Prepaid

-and-

Grant Thornton, LLP
c/o Chris Stathopoulos, Deputy General Counsel
171 North Clark, Suite 200
Chicago, IL 60601
Via United States First Class Mail, Postage Prepaid

Grant Thornton, LLP
c/o Chris Stathopoulos, Deputy General Counsel
171 North Clark, Suite 200
Chicago, IL 60601
Via Electronic Mail: Chris.Stathopoulos@us.gt.com

/s/ Heather Heath McIntyre

Heather Heath McIntyre

B2570 (Form 2570 – Subpoena to Produce Documents, Information, or Objects or To Permit Inspection in a Bankruptcy Case or Adversary Proceeding) (12/15)

UNITED STATES BANKRUPTCY COURT

Southern District of Texas

In re Country Fresh Holding Company, Inc. et al.
Debtor

Case No. 21-bk-30574

(Complete if issued in an adversary proceeding)

Chapter 7

Plaintiff
v.

Adv. Proc. No.

Defendant

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A BANKRUPTCY CASE (OR ADVERSARY PROCEEDING)

To: Grant Thornton, LLP

(Name of person to whom the subpoena is directed)

Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material listed on Exhibit A Subpoena Duces Tecum attached hereto:

PLACE Hughes Watters Askanase, LLP c/o Heather Heath McIntyre, 1201 Louisiana St., 28 th Floor, Houston, TX 77002	DATE AND TIME September 24, 2021 at 5:00 pm CST
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Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

PLACE	DATE AND TIME
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The following provisions of Fed. R. Civ. P. 45, made applicable in bankruptcy cases by Fed. R. Bankr. P. 9016, are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and 45(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: September 10, 2021

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk


Attorney's signature

The name, address, email address, and telephone number of the attorney representing (name of party) Janet S. Northrup, Chapter 7 Trustee, who issues or requests this subpoena, are: Heather Heath McIntyre / Alexander Perez, 1201 Louisiana St., 28th Floor, Houston, TX 77002, hmcintyre@hwallp.com / aperez@hwallp.com, (713) 759-0818

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial, a notice and a copy of this subpoena must be served on each party before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for (name of individual and title, if any): _____
on (date)_____.

I served the subpoena by delivering a copy to the named person as follows:

Grant Thornton, LLP
c/o Ken Cunningham, Registered Agent
171 North Clark, Suite 200
Chicago, IL 60601

Grant Thornton, LLP
c/o Office of the Chief Executive Officer
171 North Clark, Suite 200
Chicago, IL 60601

-and-

Grant Thornton, LLP
c/o Chris Stathopoulos, Deputy General Counsel
171 North Clark, Suite 200
Chicago, IL 60601

_____ on (date) September 10, 2021 _____ ; or _____

I returned the subpoena unexecuted because: _____

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$_____.

My fees are \$_____ for travel and \$_____ for services, for a total of \$_____.

I declare under penalty of perjury that this information is true and correct.

Date: 9/10/21

Daria Kerkens
Server's signature

DARIA KERKENS
Printed name and title

1201 LOUISIANA, HOUSTON, TX
Server's address
77002

Additional information concerning attempted service, etc.:

Federal Rule of Civil Procedure 45(c), (d), (e), and (g) (Effective 12/1/13)
(made applicable in bankruptcy cases by Rule 9016, Federal Rules of Bankruptcy Procedure)

(c) Place of compliance.

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, or electronically stored information, or things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises, at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense: Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction — which may include lost earnings and reasonable attorney's fees — on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

- (i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

...
 (g) *Contempt.* The court for the district where compliance is required — and also, after a motion is transferred, the issuing court — may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

EXHIBIT A

SUBPOENA DUCES TECUM

EXHIBIT A

INSTRUCTIONS AND DEFINITIONS

1. Pursuant to FED. R. BANKR. P. 2004(c), Janet S. Northrup, the Chapter 7 Trustee (the “Trustee”) of the bankruptcy estate of Country Fresh Holding Company, Inc. *et. al.* (the “Debtors”) commands the production of documents responsive to the following requests for production as set forth herein.
2. Unless otherwise specified, all requests are for the time period of January 1, 2015, to present.
3. The terms “refer to,” “in regard to,” and “related to,” mean to consist of, refer to, pertain to, reflect, or constitute in any way logically or factually connected with the matter discussed.
4. The terms “constitute,” and “evidence” mean to show, to indicate, to establish, or to furnish proof of the matter discussed.
5. The term “person” includes not only natural individuals but also, without limitation, firms, partnerships, associations, corporations, and other legal entities, and divisions, departments, or other units thereof.
6. Words, which are plural or singular, are to be construed in such a way as to make the request inclusive rather than exclusive.
7. The words “and” and “or” shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside of its scope.
8. The word “all” includes the word “any” and “any” includes the word “all.”
9. The word “each” includes the word “every” and “every” includes the word “each.”
10. All Documents, including electronically stored information (ESI), shall be produced either in the order that they are kept and maintained in the usual course of business or organized and labeled to correspond to each request.
11. If, after answering, You become aware of different, supplemental, or additional information relating to the subject matter of these requests, you are instructed to promptly file and serve supplemental answers.
12. If any Document responsive to this request has been, but is no longer in the possession, custody or control of You because it has been destroyed, discarded, or placed outside of Your possession, custody, or control, You shall furnish a list

specifying each such document and setting forth the following information: (i) the type of document; (ii) the general subject matter of the document; (iii) the date of the document; and (iv) the name(s) and address(es) of each person who prepared, received, viewed, and has or has had possession, custody or control of the documents.

13. If there are no documents responsive to any particular request, You shall so state in writing.
14. If You seek to withhold production of any requested document on the ground that the attorney-client privilege, the work product immunity, or other privilege or immunity that is applicable to such document, You shall provide all information required by Rule 34 of the Federal Rules of Civil Procedure.
15. The following terms have defined meanings as set forth herein:

“Grant Thornton” shall mean Grant Thornton, LLP, an Illinois limited liability partnership having an address at Grant Thornton, LLP c/o Ken Cunningham, Registered Agent 171 North Clark, Suite 200 Chicago, IL 60601, and its predecessors, successors, subsidiaries, affiliates, and all directors, officers, employees, agents, or other persons acting for or on behalf of it.

“Debtors” shall mean the Debtors in these Chapter 7 cases and the last four digits of each Debtors’ taxpayer identification number are as follows: Country Fresh Holding Company Inc. (7822); Country Fresh Midco Corp. (0702); Country Fresh Acquisition Corp. (5936); Country Fresh Holdings, LLC (7551); Country Fresh LLC (1258); Country Fresh Dallas, LLC (7237); Country Fresh Carolina, LLC (8026); Country Fresh Midwest, LLC (0065); Country Fresh Orlando, LLC (7876); Country Fresh Transportation LLC (8244) CF Products, LLC (8404) Country Fresh Manufacturing, LLC (7839); Champlain Valley Specialty of New York, Inc. (9030); Country Fresh Pennsylvania, LLC (7969); Sun Rich Fresh Foods (NV) Inc. (5526); Sun Rich Fresh Foods (USA) Inc. (0429); and Sun Rich Fresh Foods (PA) Inc. (4661). The Debtors’ principal place of business is 3200 Research Forest Drive, Suite A5, The Woodlands, TX, 77381.

"Document" means any written, recorded, or graphic material of any kind, whether prepared by you or by any other person, that is in your possession, custody, or control. The term includes agreements; contracts; letters; telegrams; inter-office communications; memoranda; reports; records; instructions; specifications; notes; notebooks; scrapbooks; diaries; plans; drawings; sketches; blueprints; diagrams; photographs; photocopies; charts; graphs; descriptions; drafts, whether or not they resulted in a final document; minutes of meetings, conferences, and telephone or other conversations or communications; invoices; purchase orders; bills of lading; recordings; published or unpublished speeches or articles; publications; transcripts of telephone conversations; phone mail; electronic-mail; ledgers; financial statements; microfilm; microfiche; tape or disc recordings; and computer print-outs. The term "document" also includes electronically stored data from which information can be obtained either directly or by

translation through detection devices or readers; any such document is to be produced in a reasonably legible and usable form. The term "document" includes all drafts of a document and all copies that differ in any respect from the original, including any notation, underlining, marking, or information not on the original. The term also includes information stored in, or accessible through, computer or other information retrieval systems (including any computer archives or back-up systems), together with instructions and all other materials necessary to use or interpret such data compilations. The term "Document" has the broadest possible meaning ascribed to it under the Federal Rules of Civil Procedure. "Document" includes any non-identical copy or copies, which differ from the original for any reason (*e.g.*, draft copy or copy containing notes thereon).

"You" and/or "Your" refer to Grant Thornton.

DOCUMENTS TO BE PRODUCED

1. Produce all Documents evidencing the Grant Thornton work papers for any year Grant Thornton performed an audit for the Debtors in the last five (5) years.