

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In re:
Window Select, LLC,
Debtor.

Case No. 23-20646-gmh
Chapter 11 (Subchapter V)

**NOTICE OF OMNIBUS MOTION FOR RULE 2004 EXAMINATION OF CERTAIN
ENTITIES REGARDING TRANSFERS FROM THE DEBTOR**

PLEASE TAKE NOTICE that Paul G. Swanson, as the Liquidating Trustee for the Window Select LLC Liquidating Trust, by his counsel, Swanson Sweet LLP, has filed a Motion for Rule 2004 Examination of Certain Entities Regarding Transfers from the Debtor (the “Motion”).

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the Motion, or if you want the Court to consider your views on the matter, then no later than fourteen (14) days from the date of this notice, you or your attorney must:

1. File with the Court a written objection at:

Clerk of the U.S. Bankruptcy Court
Room 126, Federal Courthouse
517 E. Wisconsin Avenue
Milwaukee, WI 53202

If you mail your objection to the Court for filing, you must mail it early enough so that the Court will receive it on or before the date stated above.

2. You must also mail a copy to:

Office of the U. S. Trustee
517 E. Wisconsin Ave., Rm 430
Milwaukee, WI 53202

Swanson Sweet LLP
107 Church Avenue
Oshkosh, Wisconsin 54901

Any objection should state briefly the grounds for such objection and request a hearing date. If no objections are filed with the Court and copies mailed as instructed above, on or before the date indicated above, the Court may enter an order granting the relief requested in the Motion.

Dated: August 22, 2024.

SWANSON SWEET LLP

By: /s/ Virginia E. George
Virginia E. George
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***Counsel for Paul G. Swanson,
Liquidating Trustee***

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In re:
Window Select, LLC,
Debtor.

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**OMNIBUS MOTION FOR RULE 2004 EXAMINATION OF CERTAIN ENTITIES
REGARDING TRANSFERS FROM THE DEBTOR**

Paul G. Swanson (the “Liquidating Trustee”), as the liquidating trustee for the Window Select LLC Liquidating Trust, by his counsel, Swanson Sweet LLP, hereby moves for entry of an order, pursuant to Fed. R. Bankr. P. 2004, authorizing him to issue and serve subpoenas upon: (1) Ally Bank; (2) JPMorgan Chase Bank, N.A. d/b/a Chase Home Finance; (3) Santander Consumer USA Inc. d/b/a Chrysler Capital; (4) Citibank, N.A.; (5) Dollar Bank; (6) Third Federal Savings & Loan; (7) Fidelity Title, Inc.; (8) First National Bank; (9) General Motors Financial Company, Inc.; (10) Keefe Real Estate, Inc.; (11) M&T Bank; (12) Mercedes Benz Financial Services USA LLC; (13) Nationstar Mortgage LLC d/b/a Mr. Cooper; (14) Nationwide Credit Corporation; (15) Paychex, Inc.; (16) PNC Bank, N.A.; and (17) Title Professionals Group, Ltd. In support of his motion, the Trustee states as follows:

Jurisdiction and Venue

1. This Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding under 28 U.S.C. § 157(b)(2)(A) as a matter concerning the administration of the estate. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

Background

2. On February 17, 2023, Window Select, LLC filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code and elected to proceed under subchapter V. ECF No. 1.

3. On December 13, 2023, this Court confirmed a plan of liquidation that established a liquidating trust for the benefit of the Debtor's creditors. The Liquidating Trustee was appointed as the trustee for the liquidating trust, and is authorized to "prosecute, ..., compromise, ..., deal with and settle, ... all actions arising under state law or the Bankruptcy Code, specifically, but not limited to, Avoidance Actions arising under or related to Chapter 5 of the Bankruptcy Code and all other causes of action[.]" See ECF No. 423 at 44 (§ 3.4(e) of the Liquidating Trust Agreement).

4. Since his appointment, the Liquidating Trustee has investigated various transfers which he believes can be avoided under chapter 5 of the Bankruptcy Code and the Wisconsin Voidable Transactions Law. The Liquidating Trustee has commenced one adversary proceeding, *see Swanson v. Winnett*, Adv. No. 24-2057-gmh, and is investigating the facts and circumstances relating to other transfers.

5. As part of his investigation, the Liquidating Trustee has obtained records for Account No. x6399, a bank account with Bank of America, N.A. titled in the Debtor's name. The Liquidating Trustee has reviewed those statements and believes that he needs additional information to evaluate certain pre-petition transfers.

Relief Requested

6. Accordingly, the Liquidating Trustee brings this motion under Bankruptcy Rule 2004 to obtain an order authorizing him to issue and serve subpoenas upon the following entities requesting that responsive documents be produced on or before **September 19, 2024**. Unless otherwise noted, the Liquidating Trustee seeks documents responsive to the following two requests for production for the period of August 11, 2019 (the date on which the Debtor was

organized) to February 17, 2023 (the petition date). The Trustee would include the requests for production in a standard subpoena rider along with instructions and definitions:

Request for Production No. 1: All documents (including but not limited to copies of checks, deposit slips, account statements, closing documents, cashier's checks, withdrawal tickets, wire records, signature cards, and account agreements) pertaining to any open or closed accounts held in the name of, or for the benefit of _____.

Request for Production No. 2: All documents pertaining to any open or closed bank loans or extensions of credit made to _____, including, but not limited to: (a) loan or credit applications; (b) documents reflecting disbursement of the loan proceeds or credit; (c) loan correspondence files, including but not limited to letters to the bank, letters from the bank, and notes or memoranda to the file regarding such loans or credit transactions or the parties to such loan or credit transactions; (d) all loan agreements, mortgages, security agreements, guarantees and other collateral agreements and related loan documents; (e) financial statements and other documents or information provided by the referenced entities to the loan or credit transactions pursuant to any loan covenant or other contractual requirement; (f) promissory notes or other instruments reflecting the obligation to pay; and an (g) documents reflecting payments towards any amounts due and owing pursuant to any loan or credit agreement.

(a) **Ally Bank:** The Debtor's bank records for Account No. x6399 indicate that the Debtor made several transfers to Ally Bank. The bank records list "Matthew Kiswardy" alongside the transfers. Accordingly, the Trustee seeks from Ally Bank documents responsive to the foregoing requests for production for Matthew Kiswardy, Matthew J. Kiswardy, J. Matthew Kiswardy, Justin Kiswardy, and Justin Gabel. (The Liquidating Trustee seeks records for that list of individuals because he believes that Mr. Kiswardy has used these aliases or very close spelling variations of these aliases in the past.)

01/25/21	ALLY ID:9833122002 WEB	DES:ALLY PAYMT ID:227950334883	INDN:Matthew Kiswardy	CO	-509.27
02/23/21	ALLY ID:9833122002 WEB	DES:ALLY PAYMT ID:227950334883	INDN:Matthew Kiswardy	CO	-509.27
04/23/21	ALLY ID:9833122002 WEB	DES:ALLY PAYMT ID:227950334883	INDN:Matthew Kiswardy	CO	-509.27
06/22/21	ALLY ID:9833122002 WEB	DES:ALLY PAYMT ID:228023855010	INDN:Matthew Kiswardy	CO	-944.52

08/31/21	ALLY	DES:ALLY PAYMT ID:228023855010	INDN:Matthew Kiswardy	CO	-460.74
	ID:9833122002 WEB				
09/23/21	ALLY	DES:ALLY PAYMT ID:227950334883	INDN:Matthew Kiswardy	CO	-509.27
	ID:9833122002 WEB				
09/30/21	ALLY	DES:ALLY PAYMT ID:228023855010	INDN:Matthew Kiswardy	CO	-460.74
	ID:9833122002 WEB				
10/25/21	ALLY	DES:ALLY PAYMT ID:227950334883	INDN:Matthew Kiswardy	CO	-509.27
	ID:9833122002 WEB				
11/01/21	ALLY	DES:ALLY PAYMT ID:228023855010	INDN:Matthew Kiswardy	CO	-460.74
	ID:9833122002 WEB			RET.	
12/30/21	ALLY	DES:ALLY PAYMT ID:228023855010	INDN:Matthew Kiswardy	CO	-460.74
	ID:9833122002 WEB				

(b) **JPMorgan Chase Bank, N.A. d/b/a Chase Home Finance**: The Debtor's bank records for Account No. x6399 indicate that the Debtor made several transfers to Chase Home Finance. The bank records list "Paul Kiswardy" alongside the transfers. Accordingly, the Trustee seeks from Chase Home Finance documents responsive to the foregoing requests for production for Paul Kiswardy.

02/16/21	CHASEHOMEFINANCE	DES:LN PMT	ID:1906834770	INDN:KISWARDY PAUL S	CO	-3,043.52
	ID:1034826001 TEL					
04/13/21	CHASEHOMEFINANCE	DES:LN PMT	ID:1906834770	INDN:KISWARDY PAUL S	CO	-3,043.52
	ID:1034826001 TEL					
05/17/21	CHASEHOMEFINANCE	DES:LN PMT	ID:1906834770	INDN:KISWARDY PAUL S	CO	-3,043.52
	ID:1034826001 TEL					
06/15/21	CHASEHOMEFINANCE	DES:LN PMT	ID:1906834770	INDN:KISWARDY PAUL S	CO	-3,043.52
	ID:1034826001 TEL					

(c) **Santander Consumer USA Inc. d/b/a Chrysler Capital**: The Debtor's bank records for Account No. x6399 indicate that the Debtor made several transfers to Chrysler Capital. The bank records list "Matthew Kiswardy" alongside the transfers. Accordingly, the Trustee seeks from Chrysler Capital documents responsive to the foregoing requests for production for Matthew Kiswardy, Matthew J. Kiswardy, J. Matthew Kiswardy, Justin Kiswardy, and Justin Gabel. (The Liquidating Trustee seeks records for that list of individuals because he believes that Mr. Kiswardy has used these aliases or very close spelling variations of these aliases in the past.)

01/11/21	CHRYSLER CAPITAL DES:PAYMENT ID:9191691407 PPD	ID:0023935353	INDN:MATTHEW KISWARDY	CO	-565.93
02/10/21	CHRYSLER CAPITAL DES:PAYMENT ID:9191691407 PPD	ID:0023935353	INDN:MATTHEW KISWARDY	CO	-565.93
04/12/21	CHRYSLER CAPITAL DES:PAYMENT ID:9191691407 PPD	ID:0023935353	INDN:MATTHEW KISWARDY	CO	-565.93
06/10/21	CHRYSLER CAPITAL DES:PAYMENT ID:9191691407 PPD	ID:0023935353	INDN:MATTHEW KISWARDY	CO	-565.93
07/12/21	CHRYSLER CAPITAL DES:PAYMENT ID:9191691407 PPD	ID:0023935353	INDN:MATTHEW KISWARDY	CO	-565.93
08/10/21	CHRYSLER CAPITAL DES:PAYMENT ID:9191691407 PPD	ID:0023935353	INDN:MATTHEW KISWARDY	CO	-565.93
09/10/21	CHRYSLER CAPITAL DES:PAYMENT ID:9191691407 PPD	ID:0023935353	INDN:MATTHEW KISWARDY	CO	-565.93
11/10/21	CHRYSLER CAPITAL DES:PAYMENT ID:9191691407 PPD	ID:0023935353	INDN:MATTHEW KISWARDY	CO	-565.93

(d) **Citibank, N.A.**: The Debtor's bank records for Account No. x6399 indicate that the Debtor made several transfers to Citibank, N.A. The bank records list "Justin Kiswardy" alongside the transfers. Accordingly, the Trustee seeks from Citibank N.A. documents responsive to the foregoing requests for production for Matthew Kiswardy, Matthew J. Kiswardy, J. Matthew Kiswardy, Justin Kiswardy, and Justin Gabel. (The Liquidating Trustee seeks records for that list of individuals because he believes that Mr. Kiswardy has used these aliases or very close spelling variations of these aliases in the past.)

03/16/21	CITI NA SECURED DES:ACCT FUND ID:1460358360 WEB	ID:010030006671061	INDN:JUSTIN KISWARDY	CO	-2,500.00
04/13/21	CITI CARD ONLINE DES:PAYMENT ID:CITICTP WEB	ID:420403768235717	INDN:JUSTIN KISWARDY	CO	-1,284.6
04/29/21	CITI CARD ONLINE DES:PAYMENT ID:CITICTP WEB	ID:430417778446691	INDN:JUSTIN KISWARDY	CO	-81.95
05/04/21	CITI CARD ONLINE DES:PAYMENT ID:CITICTP WEB	ID:430422179043693	INDN:JUSTIN KISWARDY	CO	-51.95
06/07/21	CITI CARD ONLINE DES:PAYMENT ID:CITICTP WEB	ID:420451527498342	INDN:JUSTIN KISWARDY	CO	-1,076.07
07/06/21	CITI CARD ONLINE DES:PAYMENT ID:CITICTP WEB	ID:420476441233832	INDN:JUSTIN KISWARDY	CO	-1,068.11
07/09/21	CITI CARD ONLINE DES:RETRY PYMT ID:CITICTP WEB	ID:420476441233832	INDN:JUSTIN KISWARDY	CO	-1,068.11
08/10/21	CITI CARD ONLINE DES:PAYMENT ID:CITICTP WEB	ID:420505916864910	INDN:JUSTIN KISWARDY	CO	-1,226.13
08/27/21	CITI CARD ONLINE DES:PAYMENT ID:CITICTP WEB	ID:420521524745060	INDN:JUSTIN KISWARDY	CO	-806.20

09/07/21	CITI CARD ONLINE DES:PAYMENT ID:CITICTP WEB	ID:420528104765188	INDN:JUSTIN KISWARDY	CO	-935.46
09/13/21	CITI CARD ONLINE DES:PAYMENT ID:CITICTP WEB	ID:420535170048458	INDN:JUSTIN KISWARDY	CO	-1,290.70
09/24/21	CITI CARD ONLINE DES:PAYMENT ID:CITICTP WEB	ID:420545558806800	INDN:JUSTIN KISWARDY	CO	-571.57
10/01/21	CITI CARD ONLINE DES:PAYMENT ID:CITICTP WEB	ID:430551062726013	INDN:JUSTIN KISWARDY	CO	-260.45
10/06/21	CITI CARD ONLINE DES:RETRY PYMT ID:CITICTP WEB	ID:430551062726013	INDN:JUSTIN KISWARDY	CO	-260.45
10/07/21	CITI CARD ONLINE DES:PAYMENT ID:CITICTP WEB	ID:420556224228742	INDN:JUSTIN KISWARDY	CO	-1,598.10
10/25/21	CITI CARD ONLINE DES:PAYMENT ID:CITICTP WEB	ID:420570556163264	INDN:JUSTIN KISWARDY	CO	-619.79
10/27/21	CITI CARD ONLINE DES:PAYMENT ID:CITICTP WEB	ID:420574059918057	INDN:JUSTIN KISWARDY	CO	-695.15
11/01/21	CITI CARD ONLINE DES:PAYMENT ID:CITICTP WEB	ID:420577529550515	INDN:JUSTIN KISWARDY	CO	-681.02
11/04/21	CITI PAYMENT DES:PAYMENT ID:CITIGPUBS TEL	ID:090580896607991	INDN:KISWARDY,JUSTIN	CO	-700.00
11/04/21	CITI CARD ONLINE DES:RETRY PYMT ID:CITICTP WEB	ID:420577529550515	INDN:JUSTIN KISWARDY	CO	-681.02
11/18/21	CITI CARD ONLINE DES:PAYMENT ID:CITICTP WEB	ID:430593147885696	INDN:JUSTIN KISWARDY	CO	-610.04
12/06/21	CITI CARD ONLINE DES:PAYMENT ID:CITICTP WEB	ID:420606447867779	INDN:JUSTIN KISWARDY	CO	-1,282.33
12/13/21	CITI CARD ONLINE DES:PAYMENT ID:CITICTP WEB	ID:430613062663679	INDN:JUSTIN KISWARDY	CO	-667.70
12/20/21	CITI CARD ONLINE DES:PAYMENT ID:CITICTP WEB	ID:420619046605231	INDN:JUSTIN KISWARDY	CO	-2,340.00
12/23/21	CITI CARD ONLINE DES:RETRY PYMT ID:CITICTP WEB	ID:420619046605231	INDN:JUSTIN KISWARDY	CO	-2,340.00
12/31/21	CITI CARD ONLINE DES:PAYMENT ID:CITICTP WEB	ID:430629736438301	INDN:JUSTIN KISWARDY	CO	-299.51

(e) **Dollar Bank**: The Debtor's bank records for Account No. x6399 indicate that the Debtor made several transfers to Dollar Bank. The bank records list "Paul Kiswardy" alongside the transfers. Accordingly, the Trustee seeks from Dollar Bank documents responsive to the foregoing requests for production for Paul Kiswardy.

04/29/21	DOLLAR BANK DES:PAYMENT ID:9341231961 TEL	ID:000007100879019	INDN:KISWARDY,PAUL,S	CO	-2,156.65
05/12/21	DOLLAR BANK DES:PAYMENT ID:9341231961 TEL	ID:000007100879019	INDN:KISWARDY,PAUL,S	CO	-1,441.10
07/09/21	DOLLAR BANK DES:PAYMENT ID:9341231961 TEL	ID:000007100879019	INDN:KISWARDY,PAUL,S	CO	-1,610.00

09/07/21	DOLLAR BANK ID:9341231961 TEL	DES:PAYMENT	ID:000007100879019	INDN:KISWARDY,PAUL,S	CO	-1,210.00
10/13/21	DOLLAR BANK ID:9341231961 TEL	DES:PAYMENT	ID:000007100879019	INDN:KISWARDY,PAUL,S	CO	-1,225.55
11/18/21	DOLLAR BANK ID:9341231961 TEL	DES:PAYMENT	ID:000007100879019	INDN:KISWARDY,PAUL,S	CO	-1,425.55
12/20/21	DOLLAR BANK ID:9341231961 TEL	DES:PAYMENT	ID:000007100879019	INDN:KISWARDY,PAUL,S	CO	-1,425.55

(f) **Third Federal Savings & Loan**: The Debtor's bank records for Account No. x6399 indicate that the Debtor made several transfers to Third Federal Savings & Loan. The bank records list "Christi Russell" alongside the various transfers. Accordingly, the Trustee seeks from Third Federal Savings & Loan documents responsive to the foregoing requests for production for Christi Russell and Christianne Russell.

01/11/21	WIRE TYPE:WIRE OUT DATE:210111 TIME:1047 ET TRN:2021011100354341 SERVICE REF:008602 BNF:CHRISTI RUSSELL ID:2001316607 BNF BK:THIRD FED ERAL SAVINGS & ID:241070530 PMT DET:21011110470000 50BUSINESS /ACC/, PHN/CHRISTI RUSSELL	-10,000.00
02/01/21	WIRE TYPE:WIRE OUT DATE:210201 TIME:1157 ET TRN:2021020100409339 SERVICE REF:010263 BNF:CHRISTI RUSSELL ID:2001316607 BNF BK:THIRD FED ERAL SAVINGS & ID:241070530 PMT DET:21020111560000 08Business consulting /ACC/, PHN/CHRISTI RUSSELL	-135,000.00
02/05/21	WIRE TYPE:WIRE OUT DATE:210205 TIME:0905 ET TRN:2021020500265948 SERVICE REF:005559 BNF:CHRISTI RUSSELL ID:2001316607 BNF BK:THIRD FED ERAL SAVINGS & ID:241070530 PMT DET:21020509050000 13/ACC/, PHN/CHRISTI RUSSELL	-12,800.00
03/24/21	WIRE TYPE:WIRE OUT DATE:210324 TIME:1233 ET TRN:2021032400340411 SERVICE REF:009256 BNF:CHRISTI RUSSELL ID:2001316607 BNF BK:THIRD FED ERAL SAVINGS & ID:241070530 PMT DET:21032412320000 39Business consulting /ACC/, PHN/CHRISTI RUSSELL	-7,000.00
04/26/21	WIRE TYPE:WIRE OUT DATE:210426 TIME:0846 ET TRN:2021042600344405 SERVICE REF:006298 BNF:CHRISTI RUSSELL ID:2001316607 BNF BK:THIRD FED ERAL SAVINGS & ID:241070530 PMT DET:21042608450000 17/ACC/, PHN/CHRISTI RUSSELL	-9,000.00
05/10/21	WIRE TYPE:WIRE OUT DATE:210510 TIME:0954 ET TRN:2021051000349554 SERVICE REF:007182 BNF:CHRISTI RUSSELL ID:2001316607 BNF BK:THIRD FED ERAL SAVINGS & ID:241070530 PMT DET:21051009540000 24Business consulting /ACC/, PHN/CHRISTI RUSSELL	-8,000.00
11/05/21	WIRE TYPE:WIRE OUT DATE:211105 TIME:1607 ET TRN:2021110500443554 SERVICE REF:015978 BNF:CHRISTI RUSSELL ID:2001316607 BNF BK:THIRD FED ERAL SAVINGS & ID:241070530 PMT DET:21110516070000 38consulting /ACC/, PHN/Christi Russell	-4,000.00
11/24/21	WIRE TYPE:WIRE OUT DATE:211124 TIME:0401 ET TRN:2021112200619806 SERVICE REF:002449 BNF:CHRISTIANNE RUSSELL ID:2001316607 BNF BK:THIRD FEDERAL SAVINGS & ID:241070530 PMT DET:364284282	-6,000.00
12/01/21	WIRE TYPE:WIRE OUT DATE:211201 TIME:0402 ET TRN:2021113000669635 SERVICE REF:002285 BNF:CHRISTIANNE RUSSELL ID:2001316607 BNF BK:THIRD FEDERAL SAVINGS & ID:241070530 PMT DET:365299736	-13,968.25
12/28/21	WIRE TYPE:WIRE OUT DATE:211228 TIME:1116 ET TRN:2021122800281552 SERVICE REF:006641 BNF:CHRISTIANNE RUSSELL ID:2001316607 BNF BK:THIRD FEDERAL SAVINGS & ID:241070530 PMT DET:368981438	-2,000.00
12/31/21	WIRE TYPE:WIRE OUT DATE:211231 TIME:1403 ET TRN:2021123100477367 SERVICE REF:031059 BNF:CHRISTIANNE RUSSELL ID:2001316607 BNF BK:THIRD FEDERAL SAVINGS & ID:241070530 PMT DET:369567406	-15,000.00

(g) **Fidelity Title, Inc.**: The Debtor's bank records for Account No. x6399 indicate that the Debtor made at least three transfers to Fidelity Title. The descriptions indicate that the transfers were related to real property located at 2705 Bieneman Road in Burlington, Wisconsin. The Liquidating Trustee believes that Mr. Kiswardy purchased that property as a personal residence. Accordingly, the Trustee seeks the following documents from Fidelity Title:

Request for Production: All documents, including but not limited to deeds, offers to purchase, closing statements, title insurance commitments, canceled checks, wire receipts, and affidavits, relating to the sale of 2705 Bieneman Road in Burlington, Wisconsin.

05/17/21	WIRE TYPE:WIRE OUT DATE:210517 TIME:0943 ET TRN:2021051700345541 SERVICE REF:007579 BNF:FIDELITY TITLE INC ID:157252 BNF BK:TOWN BANK, NA ID:075917843 PMT DET:21051709420000482705 Bien eman Rd Burlington WI /ACC/, PHN/Fidelity Title In	\$150,000.00
05/18/21	WIRE TYPE:WIRE OUT DATE:210518 TIME:1705 ET TRN:2021051800445644 SERVICE REF:015083 BNF:FIDELITY TITLE INC ID:157252 BNF BK:TOWN BANK, NA ID:075917843 PMT DET:21051817050000422705 Bien eman Rd /ACC/, PHN/Fidelity Title Inc	\$310,000.00
05/19/21	WIRE TYPE:WIRE OUT DATE:210519 TIME:1341 ET TRN:2021051900332635 SERVICE REF:010957 BNF:FIDELITY TITLE INC ID:157252 BNF BK:TOWN BANK, NA ID:075917843 PMT DET:21051913410000292705 Bien eman Rd /ACC/, PHN/Fidelity Title Inc	\$220,000.00

(h) **First National Bank**: The Debtor's bank records for Account No. x6399 indicate that the Debtor made at least one transfer to First National Bank. The bank records list "Matthew Kiswardy" alongside the transfer. Accordingly, the Trustee seeks from First National Bank documents responsive to the foregoing requests for production for Matthew Kiswardy, Matthew J. Kiswardy, J. Matthew Kiswardy, Justin Kiswardy, and Justin Gabel. (The Liquidating Trustee seeks records for that list of individuals because he believes that Mr. Kiswardy has used these aliases or very close spelling variations of these aliases in the past.)

05/21/21	WIRE TYPE:WIRE OUT DATE:210521 TIME:0935 ET TRN:2021052100252241 SERVICE REF:005832 BNF:MATTHEW KISWARDY ID:731341848 BNF BK:FIRST NAT IONAL BANK OF ID:043318092 PMT DET:210521093500000 5/ACC/, PHN/MATTHEW KISWARDY	\$8,000.00
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(i) **General Motors Financial Company, Inc. ("GM Financial")**: The Debtor's bank records for Account No. x6399 indicate that the Debtor made several transfers to GM

Financial. The bank records list “Justin Kiswardy” alongside the transfers. Accordingly, the Trustee seeks from GM Financial documents responsive to the foregoing requests for production for Matthew Kiswardy, Matthew J. Kiswardy, J. Matthew Kiswardy, Justin Kiswardy, and Justin Gabel. (The Liquidating Trustee seeks records for that list of individuals because he believes that Mr. Kiswardy has used these aliases or very close spelling variations of these aliases in the past.)

01/04/21	GM Financial ID:9405643002 PPD	DES:GMFinancial ID:000463810853 INDN:JUSTIN KISWARDY	CO	-1,440.64
02/01/21	GM Financial ID:XXXXXXXX PPD	DES:GMF Pymt ID:000463810853 INDN:JUSTIN KISWARDY	CO	-1,440.64
03/01/21	GM Financial ID:XXXXXXXX PPD	DES:GMF Pymt ID:000463810853 INDN:JUSTIN KISWARDY	CO	-1,440.64
04/01/21	GM Financial ID:XXXXXXXX PPD	DES:GMF Pymt ID:000463810853 INDN:JUSTIN KISWARDY	CO	-1,440.64
05/03/21	GM Financial ID:XXXXXXXX PPD	DES:GMF Pymt ID:000463810853 INDN:JUSTIN KISWARDY	CO	-1,440.64
06/01/21	GM Financial ID:XXXXXXXX PPD	DES:GMF Pymt ID:000463810853 INDN:JUSTIN KISWARDY	CO	-1,440.64
07/01/21	GM Financial ID:XXXXXXXX PPD	DES:GMF Pymt ID:000463810853 INDN:JUSTIN KISWARDY	CO	-1,440.64
08/02/21	GM Financial ID:XXXXXXXX PPD	DES:GMF Pymt ID:000463810853 INDN:JUSTIN KISWARDY	CO	-1,440.64
09/01/21	GM Financial ID:XXXXXXXX PPD	DES:GMF Pymt ID:000463810853 INDN:JUSTIN KISWARDY	CO	-1,440.64
10/01/21	GM Financial ID:XXXXXXXX PPD	DES:GMF Pymt ID:000463810853 INDN:JUSTIN KISWARDY	CO	-1,440.64
11/01/21	GM Financial ID:XXXXXXXX PPD	DES:GMF Pymt ID:000463810853 INDN:JUSTIN KISWARDY	CO	-2,931.28
12/06/21	GM Financial ID:XXXXXXXX PPD	DES:GMF Pymt ID:000463810853 INDN:JUSTIN KISWARDY	CO	-1,440.64

(j) **Keefe Real Estate, Inc.:** The Debtor’s bank records for Account No. x6399 indicate that the Debtor made at least two transfers to Keefe Real Estate. The descriptions indicate that the transfers also were for real property located at 2705 Bieneman Road in Burlington, Wisconsin. Accordingly, the Trustee seeks the following documents from Fidelity Title:

Request for Production: All documents, including but not limited to deeds, offers to purchase, closing statements, title insurance commitments, canceled

checks, wire receipts, and affidavits, relating to the sale of 2705 Bieneman Road in Burlington, Wisconsin.

03/26/21	WIRE TYPE:WIRE OUT DATE:210326 TIME:1219 ET TRN:2021032600342879 SERVICE REF:009950 BNF:KEEFE REAL ESTATE TRUST ID:8100456212 BNF BK:FIRST MIDWEST BANK ID:071901604 PMT DET:21032612190 00018ADDR 2705 BIENEMAN RD /ACC/, PHN/KEEFE REAL E	-50,000.00
04/12/21	WIRE TYPE:WIRE OUT DATE:210412 TIME:1036 ET TRN:2021041200338448 SERVICE REF:007583 BNF:KEEFE REAL ESTATE TRUST ID:8100456212 BNF BK:FIRST MIDWEST BANK ID:071901604 PMT DET:21041210360 000522705 BIENEMAN RD /ACC/, PHN/KEEFE REAL ESTATE	-100,000.00

(k) **M&T Bank**: The Debtor's bank records for Account No. x6399 indicate that the Debtor made several transfers to M&T Bank. The bank records list "Christianne Russell" alongside the transfers. Accordingly, the Trustee seeks from M&T Bank documents responsive to the foregoing requests for production for Christianne Russell.

03/12/21	M&T BANK LOAN DES:PAYMENT ID:000157607770001 INDN:CHRISTIANNE RUSSELL CO ID:1515151515 WEB	-4,541.00
04/28/21	M&T BANK LOAN DES:PAYMENT ID:000157607770001 INDN:CHRISTIANNE RUSSELL CO ID:1515151515 WEB	-1,094.06
05/25/21	M&T BANK LOAN DES:PAYMENT ID:000157607770001 INDN:CHRISTIANNE RUSSELL CO ID:1515151515 WEB	-1,094.22
06/29/21	M&T BANK LOAN DES:PAYMENT ID:000157607770001 INDN:CHRISTIANNE RUSSELL CO ID:1515151515 WEB	-1,094.06
08/24/21	M&T BANK LOAN DES:PAYMENT ID:000157607770001 INDN:CHRISTIANNE RUSSELL CO ID:1515151515 WEB	-2,189.00
09/23/21	M&T BANK LOAN DES:PAYMENT ID:000157607770001 INDN:CHRISTIANNE RUSSELL CO ID:1515151515 WEB	-1,094.22
10/25/21	M&T BANK LOAN DES:PAYMENT ID:000157607770001 INDN:CHRISTIANNE RUSSELL CO ID:1515151515 WEB	-1,094.22
11/23/21	M&T BANK LOAN DES:PAYMENT ID:000157607770001 INDN:CHRISTIANNE RUSSELL CO ID:1515151515 WEB	-1,094.22
12/23/21	M&T BANK LOAN DES:PAYMENT ID:000157607770001 INDN:CHRISTIANNE RUSSELL CO ID:1515151515 WEB	-1,094.22

(l) **Mercedes Benz Financial Services USA LLC ("MB Financial")**: The Debtor's bank records for Account No. x6399 indicate that the Debtor made several transfers to MB Financial. The bank records list "Paul Kiswardy" and "Justin Kiswardy" alongside the transfers. Accordingly, the Trustee seeks from MB Financial documents responsive to the foregoing requests for production for Paul Kiswardy, Matthew Kiswardy, Matthew J. Kiswardy, J. Matthew Kiswardy, Justin Kiswardy, and Justin Gabel.

01/14/21	MB AUTO FINANCE	DES:LOAN PMT	ID:010165031601001	INDN:KISWARDY PAUL	CO	-450.87
	ID:CXXXXXXXXX PPD					
02/17/21	MB AUTO FINANCE	DES:LOAN PMT	ID:010165031601001	INDN:KISWARDY PAUL	CO	-450.87
	ID:CXXXXXXXXX PPD					
03/16/21	MB AUTO FINANCE	DES:LOAN PMT	ID:010165031601001	INDN:KISWARDY PAUL	CO	-450.87
	ID:CXXXXXXXXX PPD					
04/14/21	MB AUTO FINANCE	DES:LOAN PMT	ID:010165031601001	INDN:KISWARDY PAUL	CO	-450.87
	ID:CXXXXXXXXX PPD					
06/15/21	MB AUTO FINANCE	DES:LOAN PMT	ID:010165031601001	INDN:KISWARDY PAUL	CO	-450.87
	ID:CXXXXXXXXX PPD					
07/14/21	MB AUTO FINANCE	DES:LOAN PMT	ID:010165031601001	INDN:KISWARDY PAUL	CO	-450.87
	ID:CXXXXXXXXX PPD					
08/20/21	MBFS.COM	DES:Auto Pay	ID:5001954552	INDN:Justin Kiswardy	CO ID:1850860002	-1,321.57
	CCD					
09/14/21	MB AUTO FINANCE	DES:LOAN PMT	ID:010165031601001	INDN:KISWARDY PAUL	CO	-450.87
	ID:CXXXXXXXXX PPD					
09/27/21	MBFS	DES:WEB PAY	ID:5001954552001	INDN:WINDOW SELECT LLC	CO	-1,321.57
	ID:3208653034 CCD					
09/20/21	MBFS.COM	DES:Auto Pay	ID:5001954552	INDN:Justin Kiswardy	CO ID:1850860002	-1,321.57
	CCD				RET	
10/14/21	MB AUTO FINANCE	DES:LOAN PMT	ID:010165031601001	INDN:KISWARDY PAUL	CO	-450.87
	ID:CXXXXXXXXX PPD					
10/20/21	MBFS.COM	DES:Auto Pay	ID:5001954552	INDN:Justin Kiswardy	CO ID:1850860002	-1,321.57
	CCD					
11/16/21	MB AUTO FINANCE	DES:LOAN PMT	ID:010165031601001	INDN:KISWARDY PAUL	CO	-450.87
	ID:CXXXXXXXXX PPD					
12/14/21	MB AUTO FINANCE	DES:LOAN PMT	ID:010165031601001	INDN:KISWARDY PAUL	CO	-450.87
	ID:CXXXXXXXXX PPD					
12/20/21	MBFS.COM	DES:Auto Pay	ID:5001954552	INDN:Justin Kiswardy	CO ID:1850860002	-1,321.57
	CCD				RET	

(m) **Nationstar Mortgage LLC d/b/a Mr. Cooper:** The Debtor's bank records for Account No. x6399 indicate that the Debtor made at least one transfer to Nationstar Mortgage. The bank records list "Christianne Russell" alongside the transfer. Accordingly, the Trustee seeks from Nationstar Mortgage documents responsive to the foregoing requests for production for Christianne Russell.

01/06/21	Nationstar dba	DES:Mr Cooper	ID:0646676601	INDN:CHRISTIANNE RUSSELL	CO	-906.20
	ID:9200503036 TEL					

(n) **Nationwide Credit Company:** The Debtor's bank records for Account No. x6399 indicate that the Debtor made at least three transfers to Nationwide Credit Company. The bank

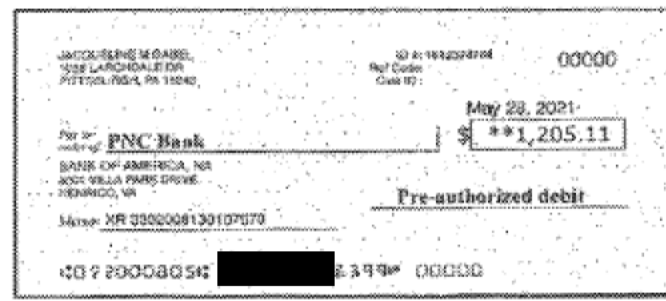
records list “Christi Russell” alongside the transfers. Accordingly, the Trustee seeks from Nationwide Credit Company documents responsive to the foregoing requests for production for Christi Russell and Christianne Russell.

09/22/21	NATIONWIDECREDIT DES:PMT ID:3581900192 TEL	ID:21244119158	INDN:CHRISTI RUSSELL	CO	-3,436.20
10/20/21	NATIONWIDECREDIT DES:PMT ID:3581900192 TEL	ID:21244119158	INDN:CHRISTI RUSSELL	CO	-3,000.00
11/22/21	NATIONWIDECREDIT DES:PMT ID:3581900192 TEL	ID:21244119158	INDN:CHRISTI RUSSELL	CO	-3,000.00

(o) **Paychex, Inc.**: The Debtor utilized Paychex to facilitate payment of employee compensation. Although the Debtor utilized Paychex, the Debtor’s bank records for Account No. x6399 also indicate several payments to various individuals for substantial sums. Those payments were made by regular check and outside the Paychex program. Accordingly, the Trustee seeks all the following documents:

Request for Production: All payroll records for the Debtor, including all payroll reports which report employee names, pay rates, total compensation, hours worked, and benefit contributions.

(p) **PNC Bank, N.A.**: The Debtor’s bank records for Account No. x6399 indicate that the Debtor made several transfers to PNC Bank. The checks appear to be edited so that Jacqueline Gabel is listed as the payor. Accordingly, the Trustee seeks from PNC Bank documents responsive to the foregoing requests for production for Jacqueline Gabel.



JACQUELINE M CASSEL 1050 LARCHDALE DR PITTSBURGH, PA 15242		ID #: 1314071410 Ref Code: Cust ID:	00000
For to PNC Bank		September 03, 2021	\$ 1,205.11
BANK OF AMERICA, NA 6001 VILLA PARK DRIVE PITTSBURGH, PA		Pre-authorized debit	
Memo: XR 3302008130107570			
⑆072000805⑆ [REDACTED] 399⑆ 00000			

JACQUELINE M CASSEL 1050 LARCHDALE DR PITTSBURGH, PA 15242		ID #: 1011408735 Ref Code: Cust ID:	00000
For to PNC Bank		October 29, 2021	\$ 1,205.11
BANK OF AMERICA, NA 6001 VILLA PARK DRIVE PITTSBURGH, PA		Pre-authorized debit	
Memo: XR 3302008130107570			
⑆072000805⑆ [REDACTED] 399⑆ 00000			

JACQUELINE M CASSEL 1050 LARCHDALE DR PITTSBURGH, PA 15242		ID #: 1011408735 Ref Code: Cust ID:	00000
For to PNC Bank		November 30, 2021	\$ 1,205.11
BANK OF AMERICA, NA 6001 VILLA PARK DRIVE PITTSBURGH, PA		Pre-authorized debit	
Memo: XR 3302008130107570			
⑆072000805⑆ [REDACTED] 399⑆ 00000			

(q) **Title Professionals Group**: The Debtor's bank records for Account No. x6399 indicate that the Debtor made at least one transfer to Title Professionals Group. The description in the Debtor's bank records suggests that the transfer is related to a property on 10170 Auburn Road, which the Liquidating Trustee believes to be a property in Chardon, Ohio. Accordingly, the Trustee from Title Professionals Group documents responsive to the following request for production:

Request for Production: All documents, including but not limited to deeds, offers to purchase, closing statements, title insurance commitments, canceled checks, wire receipts, and affidavits, relating to the sale of 2705 Bieneman Road in Burlington, Wisconsin.

Basis for Relief

7. Rule 2004 provides that “on motion of any party in interest, the court may order the examination of any entity.” Fed. R. Bankr. P. 2004(a). The examination may cover “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.” Fed. R. Bankr. P. 2004(b). Indeed, “[t]he scope of such an examination is quite broad, relating to just about anything that deals with the debtor’s actions, assets, liabilities, or financial affairs, its right to a discharge, or any matter affecting the administration of the bankruptcy estate.” *In re Sheetz*, 425 B.R. 746, 758 (Bankr. N.D. Ind. 2011). *See also In re Mittco, Inc.*, 44 B.R. 35, 36 (Bankr. E.D. Wis. 1984) (“The scope of inquiry under Rule 2004 is very broad. Great latitude of inquiry is ordinarily permitted.”); *In re Enron*, 281 B.R. 836, 840 (Bankr. S.D.N.Y. 2002) (“courts have recognized that Rule 2004 examinations are broad and unfettered and in the nature of fishing expeditions.”); *In re Handy Andy Home Improvement Ctrs.*, 199 B.R. 376, 380 (Bankr. N.D. Ill. 1996) (“Generally, a Rule 2004 examination is a broad ‘fishing expedition’ into a party’s affairs for the purposes of obtaining information relevant to the administration of the bankruptcy estate.”); *In re Apex Oil Co.*, 101 B.R. 952, 102 (Bankr. E.D. Mo. 1989) (“It is well established that the scope of such an investigation is broad. The exploration can be in the nature of a fishing expedition.”).

The Liquidating Trustee believes that there is strong cause for the Court to authorize the Liquidating Trustee to issue and serve subpoenas upon the foregoing entities. The Liquidating Trustee seeks information that falls squarely within the bounds of Bankruptcy Rule 2004 as information relating to the “acts”, “property”, and “liabilities and financial condition” of the

Debtor. The information will assist the Trustee with determining whether he holds actionable claims for relief under chapter 5 of the Bankruptcy Code. The Liquidating Trustee will limit the requests for production to the narrowest period of time possible.

WHEREFORE, for the reasons stated above, the Liquidating Trustee respectfully requests the Court enter an order: (A) authorizing the Liquidating Trustee to issue and serve subpoenas on the foregoing entities to obtain documents responsive to the requests for production set forth in this motion; and (B) granting such other relief as the Court deems just and appropriate. A proposed form of order is attached hereto.

Dated: August 22, 2024.

SWANSON SWEET LLP

By: /s/ Virginia E. George
Virginia E. George
Peter T. Nowak
107 Church Avenue
Oshkosh, WI 54901
Tel: (920) 235-6690; Fax: (920) 426-5530
vgeorge@swansonsweet.com
pnowak@swansonsweet.com

***Counsel for Paul G. Swanson,
Liquidating Trustee***

CERTIFICATE OF SERVICE

In accordance with Local Rule 2004, I certify that August 22, 2024, I served a copy of the foregoing motion on “the debtor, the United States trustee, and the entit[ies] to be examined”, by United States mail (unless otherwise noted), at the following addresses:

Window Select LLC
N56W13595 Silver Spring Drive
Menomonee Falls, WI 53051

United States Trustee’s Office
Via CM/ECF

Ally Bank
Attn: Michael G. Rhodes, CEO
200 W. Civic Center Drive
Sandy, UT 84070

JPMorgan Chase Bank, N.A.
d/b/a Chase Home Finance
Attn: Jamie Dimon, CEO
1111 Polaris Parkway
Columbus, OH 43240

Santander Consumer USA Inc.
d/b/a Chrysler Capital
Attn: C T Corporation System
301 S. Bedford Street, Suite 1
Madison, WI 53703

Citibank, N.A.
Attn: Jane Fraser, CEO
5800 S. Corporate Place
Sioux Falls, SD 57108

Dollar Bank
Attn: James McQuade
340 4th Avenue
Pittsburgh, PA 15222

Third Federal Savings & Loan
Attn: Marc A. Stefanski
7007 Broadway Avenue
Cleveland, OH 44105

Fidelity Title, Inc.
Attn: Dennis P. Tully
101 E. Washington Street
Burlington, WI 53105

First National Bank
Attn: Legal Department
3015 Glimcher Blvd.
Hermitage, PA 16148

General Motors Financial Company, Inc.
Attn: Corporation Service Company
211 E. 7th Street, Suite 620
Austin, TX 78701

Keefe Real Estate, Inc.
Attn: Keefe & Associates, Inc.
P.O. Box 460
Lake Geneva, WI 53147

M&T Bank
Attn: Rene F. Jones
One M&T Plaza
Buffalo, NY 14203

Mercedes Benz Financial Services USA LLC
Attn: Corporation Trust Company
1209 Orange Street
Wilmington, DE 19801

Nationstar Mortgage LLC
d/b/a Mr. Cooper
Attn: Corporation Service Company
33 East Main Street, Suite 610
Madison, WI 53703

Nationwide Credit Company
Attn: Legal Department
5503 Cherokee Avenue, Suite 100
Alexandria, VA 22312

Paychex, Inc.
Attn: CT Corporation System
301 S. Bedford Street, Suite 1
Madison, WI 53703

PNC Bank, N.A.
Attn: William Demchak
222 Delaware Avenue
Wilmington, DE 19801

Title Professionals Group, Ltd.
Attn: Casey P. O'Brien
401 South Street, Suite 1A
Chardon, OH 44024

Dated: August 22, 2024.

/s/ Heather Saladin

Heather Saladin

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

In re:
Window Select, LLC,
Debtor.

Case No. 23-20646-gmh
Chapter 11 (Subchapter V)

**ORDER GRANTING OMNIBUS MOTION FOR RULE 2004 EXAMINATION OF
CERTAIN ENTITIES REGARDING TRANSFERS FROM THE DEBTOR**

Paul G. Swanson (the “Liquidating Trustee”), the liquidating trustee for the Window Select LLC Liquidating Trust, filed an Omnibus Motion for Rule 200 Examination of Certain Entities Regarding Transfers from the Debtor (the “Motion”). Based on the record:

IT IS HEREBY ORDERED that the Liquidating Trustee is authorized to issue and serve subpoenas to obtain documents responsive to the requests for production set forth in the Motion upon the following entities: (1) Ally Bank; (2) JPMorgan Chase Bank, N.A. d/b/a Chase Home Finance; (3) Santander Consumer USA Inc. d/b/a Chrysler Capital; (4) Citibank, N.A.; (5) Dollar Bank; (6) Third Federal Savings & Loan; (7) Fidelity Title, Inc.; (8) First National Bank; (9) General Motors Financial Company, Inc.; (10) Keefe Real Estate, Inc.; (11) M&T Bank; (12) Mercedes Benz Financial Services USA LLC; (13) Nationstar Mortgage LLC d/b/a Mr. Cooper; (14) Nationwide Credit Corporation; (15) Paychex, Inc.; (16) PNC Bank, N.A.; and (17) Title Professionals Group, Ltd.

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