

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF KENTUCKY
LEXINGTON DIVISION**

In re: Lexington Blue, Inc.
Debtor

Case No. 25-50863
Chapter 11 – Small Business Case
Hon. Gregory R. Schaaf
United States Bankruptcy Judge

**MOTION FOR EXAMINATION OF ALEX SOUTHWELL PURSUANT TO
FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004**

Debtor, Lexington Blue, Inc., through counsel, moves for entry of an order requiring Alex Southwell to produce documentation, and in support states:

NOTICE AND OPPORTUNITY TO OBJECT

Please take notice that unless an objection to this Motion is filed within three days from the date of this Motion, the Court may enter an Order granting the relief sought in this Motion without further notice or hearing. *See* KYEB L.R. 2004-1.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper pursuant to 28 U.S.C. § 1409. This matter is a core proceeding.

BACKGROUND AND RELIEF REQUESTED

2. This case was filed under chapter 11 of the United States Bankruptcy Code on June 16, 2025. The Debtor remains in possession.
3. Debtor desires to examine documents and information about Debtor that is in the possession of Alex Southwell and related to the financial affairs of Debtor.
4. In connection with the examination of Alex Southwell, Debtor requests the authority to issue a subpoena demanding Alex Southwell's production of the following documents and information that are in his possession, custody or control:
 - (a) The company name and contact information, including email address of the primary contact with the company hired to export all Acculynx related data sometime in 2025, the "Transfer Agent."

- (b) A link to the digital folder where the Acculynx records of the Debtor were maintained by Mr. Southwell, or saved by the Transfer Agent, (the “Acculynx Folder”) and any usernames and passwords used by Mr. Southwell to access the Acculynx Folder, or a digital copy of the Acculynx Folder on a medium suitable for storing digital information of the nature and type of the records in question.
- (c) The latest usernames and passwords used by Mr. Southwell to access any or all software or cloud-based applications used in the business of the Debtor between January 1, 2021, to the present, and the level of administrative permissions that Mr. Southwell had for each such software or application.
- (d) The names of all software used by Debtor, known to and used by Mr. Southwell from January 1, 2021, to the present.
- (e) The last username and password used by Mr. Southwell to access such software, including but not limited to:
 - (i) Wix
 - (ii) Canva
 - (iii) Monday.com
 - (iv) Facebook
 - (v) Instagram
 - (vi) TikTok
 - (vii) Nextdoor
 - (viii) Angie
 - (ix) Yelp
 - (x) Xactimate
 - (xi) Canvass (for sales KPIs)
 - (xii) Acculynx; and
 - (xiii) QuickBooks Online
- (f) All documents and records in Alex Southwell’s possession pertaining to Debtor.

WHEREFORE, Debtor respectfully requests that the Court enter an Order, pursuant to FED. R. BANKR. P. 2004, directing Alex Southwell to: (1) produce and submit for examination the information and documents identified herein not later than August 4, 2025; and (2) authorizing Debtor to compel production of the documents described herein.

Dated: 7/23/2025

Respectfully,

/s/ J. Christian Dennery

J. Christian A. Dennery Esq. (KBA No. 95878)

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Attorney for Debtor and Debtor in Possession

CERTIFICATE OF SERVICE

I certify that on or before the business day following the date of this motion, a copy of the foregoing was served electronically through the Court's ECF System to all parties registered to receive notices in the above captioned case, and via regular first-class mail to the following parties:

Alex Southwell
2408 Barnes Mill Rd.
Richmond, Kentucky 4047

JOHN E. REYNOLDS
203 West Maple Street
Nicholasville, Kentucky
Attorney for Alex Southwell

Respectfully,

/s/ J. Christian Dennery

J. Christian A. Dennery Esq.

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Case No. 25-50863
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**ORDER AUTHORIZING MOTION FOR EXAMINATION OF
ALEX SOUTHWELL PURSUANT TO FEDERAL RULE OF BANKRUPTCY
PROCEDURE 2004**

Upon consideration of Debtor’s motion for an order authorizing the examination of Alex Southwell pursuant to FED. R. BANKR. P. 2004, and it appearing that cause exists for the examination, it is hereby **ORDERED**,

1. Alex Southwell shall submit to examination at a reasonable time, place, and manner specified by Debtor on prior written notice.
2. By August 4, 2025, Alex Southwell shall produce the following documents set forth below and designate an individual competent to testify regarding the contents thereof:
 - (a) The company name and contact information, including email address of the primary contact with the company hired to export all Acculynx related data sometime in 2025, the “Transfer Agent.”
 - (b) A link to the digital folder where the Acculynx records of the Debtor were maintained by Mr. Southwell, or saved by the Transfer Agent, (the “Acculynx Folder”) and any usernames and passwords used by Mr. Southwell to access the Acculynx Folder, or a digital copy of the Acculynx Folder on a medium suitable for storing digital information of the nature and type of the records in question.
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 - (d) The names of all software used by Debtor, known to and used by Mr. Southwell from January 1, 2021, to the present.

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 - (xi) Canvass (for sales KPIs)
 - (xii) Acculynx; and
 - (xiii) QuickBooks Online

- (f) All documents and records in Alex Southwell's possession pertaining to Debtor.

SO ORDERED,