

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

**IN RE: LEXINGTON BLUE, INC.**

**CASE NO. 25-50863**

**DEBTOR**

**CHAPTER 11**

**OBJECTION**

Comes now Alex Southwell (“Southwell”), by Counsel, to object to the debtor’s Motion For Examination of Alex Southwell Pursuant to FRBP 2004 [doc 142].

**Background:**

1. Southwell was formerly employed by the debtor.
2. Debtor and Southwell, among other entities, are named as defendants in certain civil litigation brought by the Kentucky Attorney General in the name of the Commonwealth of Kentucky in the Fayette Circuit Court, case number 25-CI-2230 pursuant to the Kentucky Consumer Protection Act. As such, the debtor and its corporate representative, Bradley Pagel, Jr., are in an adversarial posture in said pending litigation.
3. Counsel herein has conferred with debtor’s counsel regarding this matter on 7/25/2025 by telephone.
4. Although the state court action may currently be stayed by the bankruptcy filing of Lexington Blue, Inc., there is a Temporary Restraining Order entered in the state court action that Southwell believes is still operative restraining both Southwell, the debtor, and the corporate representative from disposing of or concealing any documents or evidence associated with Bradley Pagel, Jr..

**Basis for Objection:**

1. The personal appearance of Southwell as requested in the motion/proposed order is unnecessary and harassing. Also, the manner of appearance requested (in-person, virtual, written interrogatories, etc.) was not described by the debtor.
2. Debtor's motion may be interpreted to definitively state that certain documents and information are unquestionably in Southwell's possession, custody and control, *see* ¶ 4.(a), which such conclusion, if unchallenged by Southwell prior to the entry of any order by this Court pursuant to Rule 2004, is a concern to Southwell in light of the aforementioned state court action.
3. The aforementioned state court consumer protection action is pending, and Southwell is concerned that the debtor or its corporate representative may attempt to use the personal appearance and questioning of Southwell in said pending proceeding, which would be an abuse of Rule 2004.
4. The information requested as framed in the motion appears to be predominantly electronic in nature and what may exist or be accessed should already be within the corporate representative's reach and thus the request is unnecessary and harassing.

**WHEREFORE**, based on the concerns and reasons stated, Southwell requests that the motion be denied or that, after hearing, if the parties cannot come to an agreement sooner, the Court tailor the parameters of any order pursuant to Rule 2004 to address these concerns.

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**NOTICE**

The U.S. Bankruptcy Court shall hear this objection at 9 AM on August 21, 2025 at the U.S. Bankruptcy Court, Community Trust Building, Second Floor Courtroom, 100 East Vine Street, Lexington, KY 40507.

**CERTIFICATE OF SERVICE**

This is to certify that on July 27, 2025 a copy of the foregoing was served via ECF upon all parties registered to receive notice electronically.

/s/ Mark Zoolalian

**ATTENTION**

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**United States Bankruptcy Court**

**Eastern District of Kentucky**

Notice of Electronic Filing

The following transaction was received from gsc entered on 7/28/2025 at 9:07 AM EDT and filed on 7/27/2025

**Case Name:** Lexington Blue, Inc.

**Case Number:** 25-50863-grs

**Document Number:**

**Docket Text:**

Hearing set on (RE: related document(s) [142] Motion for 2004 Examination of Alex Southwell, filed by Debtor Lexington Blue, Inc.). Hearing scheduled for 8/21/2025 at 09:00 AM at Lexington Courtroom, 2nd Floor. (gsc)

The following document(s) are associated with this transaction:

**25-50863-grs Notice will be electronically mailed to:**

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**25-50863-grs Notice will not be electronically mailed to:**

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