

**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

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**MOTION FOR EXAMINATION OF FIFTH THIRD BANK PURSUANT TO  
FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004**

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Lexington Blue, Inc. (“Debtor,” “Debtor in Possession,” or “LB”), by and through counsel, moves for entry of an order requiring Fifth Third Bank (“Fifth Third”) 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 the documents of Fifth Third regarding the financial affairs of Debtor.
4. Debtor requests the authority to issue a subpoena demanding Fifth Third’s production of the following documents in its possession, custody, or control:
  - (a) All statements, including copies of cancelled checks, in the possession of Fifth Third for any deposit account held or formerly held by Debtor for the period beginning January 1, 2021, to the present;
  - (b) A list of all individuals authorized to access any deposit account held or formerly held by Debtor with Fifth Third at any time during the period beginning January 1, 2021, to the present;

- (c) Copies of signature cards for each individual authorized to access any deposit account held or formerly held by Debtor with Fifth Third at any time during the period beginning January 1, 2021, to the present; and
- (d) A list of any and all individuals or entities that were issued a debit card associated with the Debtor's deposit accounts with Fifth Third Bank at any time during the period beginning January 1, 2021, to the present.

**WHEREFORE**, Debtor respectfully requests that the Court enter an Order, pursuant to FED. R. BANKR. P. 2004, directing Fifth Third to: (1) produce and submit for examination the information and documents identified herein at a reasonable time and place to be agreed upon by the parties; and (2) authorizing Debtor to compel production of the documents described herein.

Dated: Monday, July 14, 2025

Respectfully,

/s/ J. Christian Dennery

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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 certified mail to the following parties:

Fifth Third Bank N.A.  
Attn: Officer  
38 Fountain Square Plaza  
Cincinnati, OH, 45263.

/s/ J. Christian Dennery  
J. Christian Dennery

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**ORDER AUTHORIZING MOTION FOR EXAMINATION OF FIFTH THIRD BANK  
PURSUANT TO FEDERAL RULE OF BANKRUPTCY PROCEDURE 2004**

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Upon consideration of Debtor’s motion for an order authorizing the examination of Fifth Third Bank (“Fifth Third”) pursuant to FED. R. BANKR. P. 2004, and it appearing that cause exists for the examination, it is hereby ORDERED,

1. Fifth Third shall submit to examination at a reasonable time, place, and manner specified by Debtor on prior written notice.
2. Fifth Third shall produce the following documents as set forth below and designate an individual competent to testify regarding the contents thereof:
  - a. All statements, including copies of cancelled checks, in the possession of Fifth Third for any deposit account held or formerly held by Debtor for the period beginning January 1, 2021, to the present;
  - b. A list of all individuals authorized to access any deposit account held or formerly held by Debtor with Fifth Third at any time during the period beginning January 1, 2021, to the present;
  - c. Copies of signature cards for each individual authorized to access any deposit account held or formerly held by Debtor with Fifth Third at any time during the period beginning January 1, 2021, to the present; and
  - d. A list of any and all individuals or entities that were issued a debit card associated with the Debtor’s deposit accounts with Fifth Third at any time during the period beginning January 1, 2021, to the present.

**SO ORDERED,**