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PROPOSED COUNSEL FOR THE
OFFICIAL COMMITTEE OF UNSECURED CREDITORS

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

In re:	§	
	§	Chapter 11
VISION2SYSTEMS LLC,	§	
	§	Case No. 25-40583-mxm11
Debtor.	§	

**JOINDER TO SADDLEBACK VALLEY COMMUNITY CHURCH'S
MOTION FOR RULE 2004 EXAMINATION OF THE DEBTOR
AND ITS OFFICERS AND REQUEST FOR DEPOSITION**

TO THE HONORABLE MARK X. MULLIN, U.S. BANKRUPTCY JUDGE:

COMES NOW the Official Committee of Unsecured Creditors (the "Committee") of Vision2Systems LLC (the "Debtor"), the debtor and debtor-in-possession in the above-captioned Chapter 11 bankruptcy case (the "Bankruptcy Case"), and files this its *Joinder to Saddleback Valley Community Church's Motion for Rule 2004 Examination of the Debtor and its Officers and Request for Deposition* (the "Joinder"), and in support of which, would respectfully show the Court as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction over the Bankruptcy Case under 28 U.S.C. § 1334. The Joinder presents a “core” proceeding within the meaning of the provisions of 28 U.S.C. § 157(b)(2).

2. Venue is proper under 28 U.S.C. §§ 1408 and 1409.

II. RELIEF REQUESTED

3. The Committee seeks the relief requested herein by right of Rule 2004 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 2004-1 of the Local Bankruptcy Rules of the United States Bankruptcy Court for the Northern District of Texas (the “Local Bankruptcy Rules”).

4. The Committee, through this Joinder, joins the 2004 Motion (defined below) filed by Saddleback Valley Community Church and joins all requests for production asserted therein. Further, the Committee requests that the Court order the Debtor to produce documents and communications responsive to the Committee’s additional requests in Exhibit A attached hereto.

5. The Committee further requests the examination of the designated representative of the Debtor on or before June 6, 2025, to the extent the parties can reach an agreement on the timing of the deposition. If the parties cannot agree, the Committee requests that the Court order a date for the deposition on or before June 6, 2025. The Committee further requests that the Court order that the deposition be taken at the offices of Spencer Fane LLP, 2200 Ross Avenue, Suite 4800, Dallas, Texas 75201.

III. BACKGROUND

6. On February 19, 2025 (the “Petition Date”), the Debtor filed its petition for relief under Chapter 11 of Title 11 of the United States Code, § 101 *et seq.* (the “Bankruptcy Code”)

thereby initiating the Bankruptcy Case, and creating the Debtor's estate (the "Estate"). Shortly thereafter, the U.S. Trustee appointed the Committee [docket no. 51].

7. On March 12, 2025, Saddleback Valley Community Church ("Saddleback") filed its *Motion for Rule 2004 Examination of the Debtor and its Officers* (the "2004 Motion"). In the 2004 Motion, Saddleback requested several categories of documents and communications which are likely required to complete an investigation into the prepetition conduct of the Debtor's business. These documents and communications will likewise be helpful to the Committee in investigating whether the Estate holds any claims against any party-in-interest that could lead to a recovery for the Debtor's creditors.

IV. JOINDER

8. The Committee hereby joins the 2004 Motion, and incorporates the 2004 Motion by reference herein. The Committee also requests that the Debtor provide all documents, communications, electronically stored information, and responses to interrogatories to the Committee when the documents, communications, electronically stored information, and responses to interrogatories are provided to Saddleback.

V. DISCUSSION

9. In addition to the requests for production and interrogatories requested in the 2004 Motion, the Committee also seeks to depose the authorized representative of the Debtor, as well as the production of documents and communications as requested in Exhibit A attached hereto. Bankruptcy Rule 2004 permits any party-in-interest to obtain a court order requiring the "examination of any entity." FED. R. BANKR. P. 2004(a); *see also In re Fearn*, 96 B.R. 135, 138 (Bankr. S.D. Ohio 1989); *In re GHR Energy Corp.*, 35 B.R. 534, 537 (Bankr. D. Mass. 1983); *In re Maidman*, 2 B.R. 18, 18–19 (Bankr. S.D. Fla. 1979).

10. The scope of the Rule 2004 examination “may relate only to 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). “The purpose of a Rule 2004 examination is to determine the condition, extent, and location of the debtor’s estate in order to maximize distribution to unsecured creditors.” *In re Lufkin*, 255 B.R. 204, 208 (Bankr. E.D. Tenn. 2000).

11. “The scope of a [] Rule 2004 examination is ‘unfettered and broad.’ Its purpose is to facilitate the discovery of assets and unearthing of frauds and has been likened to a quick ‘fishing expedition’ into general matters and issues regarding the administration of the bankruptcy case.” *In re Bakalis*, 199 B.R. 443, 447 (Bankr. E.D.N.Y. 1996). The standard for granting a Rule 2004 examination is whether the movant has established “good cause.” *Bank One, Columbus, N.A. v. Hammond (In re Hammond)*, 140 B.R. 197, 201 (S.D. Ohio 1992).

12. Here, cause exists for ordering the Rule 2004 examination of the Debtor’s representative as well as the production of documents and communications. The Committee, in investigating the Debtor, is entitled to investigate all aspects of the Debtor’s financial condition which includes reviewing the internal affairs of the Debtor, and examining the historical events that lead to the Bankruptcy Case. There is cause to permit the Committee to examine the Debtor’s authorized representative to investigate the assets and liabilities of the Debtor, verify the veracity of information found on the Debtor’s schedules and statements, and obtain information on the prepetition acts and omissions of the Debtor’s officers and controllers because the Committee’s investigation of the Debtor’s affairs is central to the issues presented in this Bankruptcy Case. Likewise, the documents requested by the Committee in addition to the documents requested by Saddleback will aid the Committee in investigating the assets, liabilities, and disclosures of the

Debtor, as well as any claims that the Estate may hold against third parties. Accordingly, the Committee respectfully requests the entry of an order compelling the Debtor to produce documents and communications, and to select and designate a representative to appear for a Rule 2004 examination on or before June 6, 2025, to the extent the parties cannot agree otherwise, and that the examination be a total of seven (7) hours as provided by Federal Rule of Civil Procedure 30.

VI. PRAYER

WHEREFORE, PREMISES CONSIDERED, the Committee respectfully requests that the court enter an order: (i) granting the Joinder; (ii) ordering the examination of the Debtor's designated representative on or before June 6, 2025, to the extent the parties cannot agree; (iii) ordering the Debtor to produce documents and communications to the Committee in accordance with the 2004 Motion; (iv) ordering the Debtor to produce documents and communications in response to the Committee's additional requests in Exhibit A; and (v) granting the Committee such other and further relief to which it may be justly entitled at law or in equity.

RESPECTFULLY SUBMITTED this 21st day of April, 2025.

MUNSCH HARDT KOPF & HARR, P.C.

By: /s/ Thomas Berghman

Thomas D. Berghman

Texas Bar No. 24082683

Jacob J. King

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**PROPOSED COUNSEL FOR THE OFFICIAL
COMMITTEE OF UNSECURED CREDITORS OF
VISION2SYSTEMS LLC**

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that on April 18, 2025, he conferred with counsel for the Debtor at the electronic address listed below:

jkathman@spencerfane.com

The undersigned hereby certifies that the Committee and the Debtor were able to substantially resolve all outstanding issues with the Joinder and do not anticipate the Joinder will result in a contested matter before the Court.

/s/ Thomas Berghman
Thomas D. Berghman

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 21st, 2025, a true and correct copy of the foregoing document was served via ECF notification on all parties entitled to ECF notification in the Bankruptcy Case, and, on the same day, the undersigned caused to be electronically served, a true and correct copy of the foregoing Motion, together with Exhibit A, on all counsel of record for the Debtor.

/s/ Thomas Berghman
Thomas D. Berghman

EXHIBIT A

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

In re:	§	
	§	Chapter 11
VISION2SYSTEMS LLC,	§	
	§	Case No. 25-40583-mxm11
Debtor.	§	

**THE COMMITTEE'S REQUESTS FOR PRODUCTION
IN CONNECTION WITH 2004 MOTION**

To: Debtor Vision2Systems LLC, by and through its counsel of record, Jason P. Kathman,
Spencer Fane LLP, 5700 Granite Parkway, Suite 650, Plano, Texas 75024

Under Federal Rule of Bankruptcy Procedure 2004(a) and (b), the Official Committee of
Unsecured Creditors (the "Committee") hereby serves its *Requests for Production in Connection
with 2004 Motion* (the "Requests") together with its *Joinder to Saddleback Valley Community
Church's Motion for Rule 2004 Examination of the Debtor and its Officers and Request for
Deposition* (the "Joinder") and request that the following be produced:

RESPECTFULLY SUBMITTED on April 21st, 2025.

MUNSCH HARDT KOPF & HARR, P.C.

By: /s/ Thomas Berghman

Thomas D. Berghman
Texas Bar No. 24082683
Jacob J. King
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**PROPOSED COUNSEL FOR THE OFFICIAL
COMMITTEE OF UNSECURED CREDITORS
OF VISION2SYSTEMS LLC**

CERTIFICATE OF SERVICE

The undersigned certifies on April 21st, 2025, a true and correct copy of the foregoing document was electronically served on all counsel of record for the Debtor.

By: /s/ Thomas Berghman

Thomas D. Berghman

I. INSTRUCTIONS

These Requests are intended to govern all information, documents, and things in the Debtor's possession, custody, or control. A Document, ESI, or other real evidence is deemed to be in the Debtor's possession, custody, or control, if:

- a. it is in the Debtor's physical possession or control, or located on a server at the Debtor's facilities or otherwise owned by the Debtor;
- b. The Debtor has the right by contract, statute, or otherwise, to use, inspect, examine, or obtain a copy or sample of the document, ESI, or other real evidence on any terms; or
- c. The Debtor has, as a practical matter, been able to use, inspect, examine, or obtain a copy or sample of the document, ESI, or other real evidence when the Debtor has sought to do so.

Unless otherwise indicated, references in these requests to the Debtor or any party, business organization, or other legal entity, whether validly existing, forfeited, or dissolved, specifically includes all of the referenced entity's present or former employees, officers, directors, agents, representatives, members, attorneys, professionals, departments, sections, affiliates, subsidiaries, parents, and all other persons acting on the entity's behalf.

If any portion of any document, ESI, or real evidence is responsive to any Request, then the entire document, ESI, or real evidence must be produced. Documents and ESI must be produced in the order in which they are found in your files. Documents that are found stapled, clipped, or otherwise fastened must be produced in such form.

These Requests cover and include all electronically stored information, as that term is used in the Federal Rules of Civil Procedure and defined herein, including all means of communication such as Signal, Snapchat, e-mail, text messaging, WhatsApp, Viber, direct messaging on any social media application such as Facebook, Instagram, Kik, Twitter, Telegram, and all other similar electronic means of communication or recording of information.

ESI that is responsive to any Request shall be produced in native format such that the information produced is searchable and contains all metadata, including but not limited to, as follows:

- a. E-mail: E-mail and other electronic messages (e.g., instant messages and text messaging) should be produced in native format with attachments intact. For example, Outlook message files shall be produced in a .pst container. Other email files should be produced as .eml or in .mbox format.
- b. Electronic documents. This includes, but is not limited to, word processing documents, spreadsheets, presentations and all other electronic documents not specifically discussed elsewhere. Files should be produced with filepath information as kept in the normal course of business. All passwords and encryption must be removed from electronic documents prior to production. For example: (i) word documents shall be produced as .doc or .docx files, (ii) spreadsheets shall be produced as .xls or .xlsx files, (iii) presentations shall be produced as .ppt or .pptx files, and (iv) image-only files (e.g., non-searchable .pdfs, multi-page .tifs, Snipper Tool screenshots, etc.) shall be produced with associated OCR text.
- c. Electronic audio recordings, photographs and images: This includes but is not limited to images, such as photographs, videos, motion pictures, and audio recordings. Items falling within this category shall be produced in their native format, and shall include all associated metadata, such as date stamp and time stamp showing date and time of creation and any subsequent modifications or revisions.
- d. Alternatively, all ESI that is responsive to any Requests shall be produced in a near native format including: (i) multi-page PDF files and IPRO-ready OPT files, (ii) a Concordance DAT delimited file with boundaries, (iii) extracted full text, or OCR text for image-only native files, with text files provided on a document level, and (iv) all metadata fields associated with each electronic document including family relationship data. Files that are not usable in image format, such as spreadsheets created in Microsoft Excel or similar spreadsheet program, video and audio files must be produced in their native format. Other documents may be requested to be produced in their native format if necessary.

In the event that no document, electronically stored information, or tangible thing exists that is responsive to a particular Request, a written response indicating the same shall be provided.

If any document, ESI, or tangible thing is withheld on the basis of privilege, or any Request is objected to on the basis of privilege, you must nevertheless produce other responsive documents, ESI, or tangible things pursuant to such Request that are not subject to any privilege, and you must

produce a privilege log concerning documents, ESI, and tangible things withheld on the basis of privilege providing sufficient information to allow the Committee to evaluate and determine the propriety of such claim of privilege.

All usages of singular nouns shall include the plural

II. DEFINITIONS

“And” and “or” shall each be individually interpreted in every instance as meaning “and/or” and shall not be interpreted disjunctively to exclude any information otherwise within the scope of any specification.

“Communication” shall mean any contact or act by which any information is transmitted or conveyed between two or more persons, and shall include, without limitation, written contact by such means as letters, memoranda, telegrams, telexes, electronically transmitted messages, e-mails, or by any documents, and any oral contact by such means as face-to-face meetings or conversations and telephone conversations that are transcribed, notated, or in any other manner memorialized in written, typed, or recorded form.

“Computer data” means any documents, information, or data ever placed into or stored on any of your computers, including but not limited to the hard drive, laptop, disks, storage systems, retrieval systems and similar systems, e-mails, Internet transmissions, electronic bulletin boards, websites, diary systems, calendar systems, tickler systems, and any other programs.

“Debtor” means Vision2Systems LLC, and includes any agent thereof when acting on its behalf.

“Document” means all written, recorded, or graphic matter, whether in hard copy or generated or stored electronically or magnetically or by any other means, including without limitation, all papers, books, records, files, ESI, electronic information systems, electronic storage devices, computer data, letters, photographs, tangible things, correspondence, communications,

telegrams, cables, telex messages, memoranda, notes, notations, work papers, transcripts, minutes, reports, recordings of telephone or other conversations, interviews, conferences or other meetings, affidavits, statements, summaries, opinions, reports, studies, analyses, evaluations, instructions, charges, brochures, publications, schedules, lists, journals, statistical records or calculations, desk calendars, appointment books, diaries, tabulations, programs, data process input and output, microfilm, ledgers, journals or books of account, records and invoices reflecting business operations, records kept by electronic, photographic, or mechanical means, any notes or drafts relating to the foregoing, and all things similar to any of the foregoing, however denominated. “Document” or “documents” shall also mean and include the original, drafts of the original and each non-identical copy (whether different from the original because of marginal notes or in whatever respect), including translations, of any written or graphic matter, whether typed, printed, recorded filmed, produced by hand, or reproduced by any other mechanical process or means.

“Electronic Information System” refers to a computer system or network, cell phone, smart phone, tablet computer, PDA, cloud storage, online storage, or other similar system or device that contains electronic storage.

“Electronic Storage Device” refers to magnetic, optical, flash, or other storage media, such as hard drives, flash drives, thumb drives, DVDs, CDs, tapes, cartridges, floppy diskettes, cloud storage, internet storage, smart cards, integrated circuit cards (*e.g.*, SIM cards), cell phones, smartphone, tablet, PDA drives, and all other similar forms of storing or recording ESI.

“ESI” shall mean all electronically stored information or electronic files in an Electronic Information System or on an Electronic Storage Device, as defined herein. ESI includes, without limitation, voicemail messages, e-mail messages and their attachments, text messages and their attachments, instant-messaging messages and their attachments, direct messages and their

attachments, including all versions of these messages and recordings such as drafts, sent, received, deleted, archived, and saved messages. Electronic files such as word processing, spreadsheet, presentation, and other electronic files, including, draft, archived, and deleted versions of any kind of electronic file. ESI also includes temporary files, system history files, internet or web-browser-generated information stored in textual, graphical, or audio format, including caches, cookies, computer activity logs, metadata, all digital communications, accounting applications data, calendar and diary application data, presentations, network-access and server activity logs. ESI includes back-up or archival files of all of the aforementioned files, data, and recordings. ESI also specifically includes any metadata associated with ESI.

“File” means any collection or group of documents maintained, held, stored, or used together, including, without limitation, all collections of documents maintained, held, or stored in folders, notebooks, or other devices for separating or organizing documents.

“Including” means “including but not limited to” and is not restrictive or limiting.

“Person” means any natural person, firms, partnerships, associations, joint ventures, corporations, companies, and any other form of business organization or arrangement, as well as government or quasi-governmental agencies. If other than a natural person, including all natural persons associated with such entity.

“Relevant Period” means January 1, 2012 to present.

“You,” and “Your,” shall mean the Debtor as well as any agents, representatives, employees, attorneys, and any other person who has, presently or previously, acted on its behalf.

III. THE COMMITTEE'S FIRST REQUESTS FOR PRODUCTION

REQUEST NO. 1: All corporate governance Documents of the Debtor for the Relevant Period, including any amendments thereof, and including the Debtor's articles of incorporation and bylaws, membership agreements, management agreements, and any records of any meeting of the Debtor's members, managers, or controllers (including any minutes, resolutions, presentations made to the members, managers, or controllers, and any other Document by which any action or approval of the members, managers, or controllers was sought or made).

RESPONSE:

REQUEST NO. 2: All of the Debtor's employment agreements, executive compensation plans, director agreements, or any other similar Document between the Debtor and any person affiliated, controlling, or employed by the Debtor during the Relevant Period.

RESPONSE:

REQUEST NO. 3: The Debtor's tax returns filed during the Relevant Period.

RESPONSE:

REQUEST NO. 4: All internal management reports or budgets, including any supporting documents, drafts, and amendments thereto, prepared by the Debtor during the Relevant Period.

RESPONSE:

REQUEST NO. 5: A copy of the contract with YourGiving, Inc. that is referenced in the *United States Trustee's Motion to Convert to Chapter 7 under 11 U.S.C. § 1112(b)*, or in the *Alternative, for the Appointment of a Chapter 11 Trustee under 11 U.S.C. § 1104(a)* at page 6 paragraph 33.

RESPONSE:

REQUEST NO. 6: All Documents and Communications related to any internal analysis of alleged overpayment to churches, including, but not limited to, internal communications and memorandums explaining the factual bases for the overpayments, internal calculations and summaries of overpaid accounts, communications with churches to which the Debtor believes overpayments were made, and all documents demonstrating collection attempts of overpaid accounts.

RESPONSE: