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Counsel to the Chapter 7 Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

)	
In re:)	Chapter 7
)	
TRICOLOR HOLDINGS, LLC, <i>et al.</i> , ¹)	Case No. 25-33487 (MVL)
)	
Debtors.)	
)	

**CHAPTER 7 TRUSTEE’S MOTION FOR ENTRY OF AN ORDER
PURSUANT TO BANKRUPTCY RULE 2004 (I) DIRECTING EXAMINATION OF
GRANT THORNTON LLP AND CERTAIN AFFILIATES AND (II) DIRECTING THE
PRODUCTION OF DOCUMENTS**

¹ The Debtors in these Chapter 7 cases are as follows: Tricolor Holdings, LLC, TAG Intermediate Holding Company, LLC, Tricolor Auto Group, LLC, Tricolor Auto Acceptance, LLC, Tricolor Insurance Agency, LLC, Tricolor Home Loans LLC dba Tricolor Mortgage, Tricolor Real Estate Services, LLC, TAG California Holding Company, LLC, Flexi Compras Autos, LLC, TAG California Intermediate Holding Company, LLC, Tricolor California Auto Group, LLC, Tricolor California Auto Acceptance, LLC, Risk Analytics LLC, Tricolor Tax, LLC, Tricolor Financial, LLC, Tricolor Auto Receivables LLC, TAG Asset Funding, LLC, and Apoyo Financial, LLC.



NO HEARING WILL BE CONDUCTED HEREON UNLESS A WRITTEN RESPONSE IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT LOCATED IN THE EARLE CABELL FEDERAL BUILDING, 1100 COMMERCE STREET, ROOM 1254, DALLAS, TEXAS 75242, BEFORE CLOSE OF BUSINESS ON APRIL 16, 2026, WHICH IS AT LEAST 21 DAYS FROM THE DATE OF SERVICE HEREOF.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK, AND A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY PRIOR TO THE DATE AND TIME SET FORTH HEREIN. IF A RESPONSE IS FILED A HEARING MAY BE HELD WITH NOTICE ONLY TO THE OBJECTING PARTY.

IF NO HEARING ON SUCH NOTICE OR MOTION IS TIMELY REQUESTED, THE RELIEF REQUESTED SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT OR THE NOTICED ACTION MAY BE TAKEN.

Anne Elizabeth Burns, Chapter 7 Trustee for the above-referenced Chapter 7 bankruptcy case (“Trustee”), hereby submits this motion (the “Motion”) pursuant to Rules 2004 and 9016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Section 105(a) of Title 11 of the Bankruptcy Code (the “Bankruptcy Code”), and Local Rule 2004-1 of the Local Rules of the United States Bankruptcy Court for the Northern District of Texas (the “Local Rules”), for entry of an order, substantially in the form attached hereto as Exhibit A (the “Proposed Order”), authorizing the Trustee to issue discovery without the need for further relief from this Court in the form of the production of documents responsive to the document requests set forth on Exhibit B attached hereto (the “Requests”) from Grant Thornton LLP. In support of this Motion, the Trustee respectfully represents as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334 and the *Order of Reference of Bankruptcy Cases and Proceedings Nunc Pro Tunc* dated August 3, 1984, entered by the United States District Court for the Northern District of Texas. This

matter is a core proceeding under 28 U.S.C. § 157(b). Venue of these cases and the Motion in this District is proper under 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicates for the relief requested herein are Section 105(a) of the Bankruptcy Code, and Rules 2004 and 9016 of the Bankruptcy Rules.

BACKGROUND

I. The Chapter 7 Case

3. On September 10, 2025 (the “Petition Date”), Tricolor Holdings, LLC, TAG Intermediate Holding Company, LLC, Tricolor Auto Group, LLC, Tricolor Auto Acceptance, LLC, Tricolor Insurance Agency, LLC, Tricolor Home Loans LLC dba Tricolor Mortgage, Tricolor Real Estate Services, LLC, TAG California Holding Company, LLC, Flexi Compras Autos, LLC, TAG California Intermediate Holding Company, LLC, Tricolor California Auto Group, LLC, Tricolor California Auto Acceptance, LLC, Risk Analytics LLC, Tricolor Tax, LLC, Tricolor Financial, LLC, Tricolor Auto Receivables LLC, TAG Asset Funding, LLC, and Apoyo Financial, LLC (collectively, the “Debtor” or “Tricolor”), commenced a case (the “Chapter 7 Case”) in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division (the “Court”).

4. On the same day, a Notice of a Chapter 7 Bankruptcy Case was entered, appointing Anne Elizabeth Burns as the Chapter 7 trustee for Tricolor.

5. The Debtor’s petition indicated that it has more than 25,000 creditors and between \$1 and \$10 billion in liabilities.

6. Grant Thornton LLP was a prepetition auditor for the Debtor.

7. Pursuant to the Trustee’s duties under the Bankruptcy Code to preserve property of the estate and maximize value for all creditors and stakeholders, the Trustee seeks to obtain certain

documents, communications, and other materials Grant Thornton LLP concerning its relationship with the Debtors, their businesses, and other matters set forth herein as stated in the Requests.

BASIS FOR RELIEF REQUESTED

I. Discovery Under Rule 2004

8. Under Fifth Circuit law, a trustee or debtor-in-possession has a duty to investigate the financial affairs of the debtor and prepetition conduct. *See In re Red River Energy, Inc.*, 409 B.R. 163, 181 (Bankr. S.D. Tex. 2009). Bankruptcy Rule 2004 provides the Court with authority to order an examination of any entity or person if such examination relates “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 debtors’ estate ... [and to] any other matter relevant to the case or to the formulation of a plan.” Fed. R. Bankr. P. 2004(b).

9. “The purpose of a Rule 2004 examination is to assist a party in interest in determining the nature and extent of the bankruptcy estate, revealing assets, examining transactions and assessing whether wrongdoing has occurred.” *In re Recoton Corp.*, 307 B.R. 751, 755 (Bankr. S.D.N.Y. 2004); *In re Ionosphere Clubs, Inc.*, 156 B.R. 414, 432 (S.D.N.Y. 1993). The scope of a Rule 2004 examination is broad. *See, e.g., In re Kipp*, 86 B.R. 490, 491 (Bankr. W.D. Tex. 1988); *In re Enron Corp. Sec. Litig.*, No. H-01-3624, 2004 WL 613091, at *3 (S.D. Tex. Mar. 16, 2004); *In re Edic*, No. 05–41557, 2005 WL 6443541, at *1 (Bankr. N.D. Tex. Oct. 7, 2005) (“Rule 2004 is very broad in scope”). Indeed, any third party that has a relationship with a debtor may be subject to examination. *See e.g., Ionosphere Clubs*, 156 B.R. at 432; *Recoton Corp.*, 307 B.R. at 755; *In re Cousins Barricades & Metal Prods.*, No. Civ.A. 99-2035, 2000 WL 245860 at *3 (E.D. La. March 2, 2000).

10. Rule 2004 provides that, upon the motion of any party in interest, the Court may authorize the examination of any entity, through both document requests and depositions, relating “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.” Fed. R. Bankr. P. 2004(b).

11. Specifically, Rule 2004 enables a party in interest to:

obtain information about the debtor’s financial condition, matters that may affect the administration of the debtor’s estate, right to a discharge, or operation of a business and the desirability of its continuance, sources of, and consideration for, money or property or consummate a plan, and other matters relevant to the case or formulation of a plan.

In re Daisytek, Inc., 323 B.R. 180, 187 (N.D. Tex. 2005).

12. Rule 2004 is an investigatory tool and is extremely broad in scope. See *In re Correra*, 589 B.R. 76, 113 (Bankr. N.D. Tex. 2018); *In re Drexel Burnham Lambert Group, Inc.*, 123 B.R. 702, 711 (Bankr. S.D.N.Y. 1991) (same); see also *In re ECAM Publications, Inc.*, 131 B.R. 556, 559 (Bankr. S.D.N.Y. 1991).

13. In fact, courts repeatedly have compared Rule 2004 examinations to a “licensed fishing expedition.” *In re NE 40 Partners, Ltd. Partnership*, 440 B.R. 124, 129 (Bankr S.D. Tex. 2010); *In re French*, 145 B.R. 991, 992 (Bankr. D.S.D. 1992) (“Bankruptcy Rule 2004 is designed to be a quick ‘fishing expedition’ into general matters and issues regarding the administration of the bankruptcy case . . .”); *In re GHR Energy Corp.*, 33 B.R. 451, 453 (Bankr. D. Mass.1983) (“The scope of a Rule 2004 examination is broad. Indeed, some have compared it to a ‘fishing expedition.’”); *In re Duratech Industries, Inc.*, 241 B.R. 283, 289 (E.D.N.Y. 1999); *In re Bennett Funding Grp., Inc.*, 203 B.R. 24, 28 (Bankr. N.D.N.Y. 1996); see also *In re Kipp*, 86 B.R. 490, 491 (Bankr. W.D. Tex. 1988) (“Bankruptcy Rule 2004 authorizes examination of any entity and the scope of such examination is virtually unlimited.”).

14. To establish good cause for a Rule 2004 examination, the Trustee need only demonstrate that an examination is reasonably necessary to protect the estates' legitimate interests and if examination is necessary to establish a claim of the Trustee. *See In re McClain Feed Yard, Inc.*, 661 B.R. 136, 142 (Bankr. N.D. Tex. 2024).

II. Good Cause Exists for a Rule 2004 Examination

15. Good cause exists for a Rule 2004 examination and the production of documents because the documents and information requested in the Motion are essential to the Trustee's efforts to maximize the value of the Debtors' estates and investigate potential claims and causes of actions that may exist which may inure to the benefit of the Debtors' creditors and stakeholders.

16. The Trustee believes that important records, documents, communications and other materials which relate to the Debtors' business and dealings with third parties prepetition are in the possession, custody, or control of Grant Thornton LLP. Specifically, Grant Thornton LLP played a significant role in the Debtors' prepetition business activities, including the Debtors' financial affairs and accounting. Based on such prepetition involvement, Grant Thornton LLP, and those acting on its behalf, frequently corresponded with and engaged with the Debtors' management. The Trustee believes that the information sought in the Requests is pertinent to the Trustees' investigation of potential claims and causes of action belonging to the estate.

17. Accordingly, by this Motion, the Trustee seeks an order authorizing the Trustee to conduct a Rule 2004 examination of Grant Thornton LLP and directing Grant Thornton LLP to produce the documents listed in the Requests that will enable the Trustee to maximize the value of the estate and fully investigate potential claims and causes of action belonging thereto.

NOTICE

18. The Trustee will provide notice of the Motion to: (a) Grant Thornton LLP; (b) the U.S. Trustee; and (c) all parties entitled to notice pursuant to Bankruptcy Rule 2002. The Trustee submits that no other or further notice is required.

RESERVATION OF RIGHTS

19. This Motion is submitted without prejudice to, and with a full reservation of, the Trustee's rights to request and conduct any other or further discovery, pursuant to Rule 2004 or other applicable law, from any person or entity, including seeking additional and further discovery from Grant Thornton LLP.

CONCLUSION

WHEREFORE, for the reasons stated herein, the Trustee respectfully requests entry of the Proposed Order directing the examination of Grant Thornton LLP pursuant to Bankruptcy Rule 2004 and directing the production of documents as set forth in the Rule 2004 Requests and granting such other and further relief as the Court deems just and proper.

[Remainder of Page Intentionally Left Blank]

WHEREFORE, the Trustee respectfully requests that the Court enter the Proposed Order, substantially in the form attached hereto as **Exhibit A** granting the relief requested herein and such other and further relief as may be just and proper.

Dated: March 26, 2026
New York, New York

MCDERMOTT WILL & SCHULTE LLP

/s/ Julia M. Beskin

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Counsel to the Chapter 7 Trustee

CERTIFICATE OF SERVICE

I do hereby certify that on March 26, 2026, a true and correct copy of the foregoing motion was served (i) via CM/ECF for the United States Bankruptcy Court for the Northern District of Texas on all parties authorized to receive electronic notice in this case, and (ii) via Priority U.S. Mail and electronic mail on Grant Thornton LLP.

Dated: March 26, 2026
New York, New York

MCDERMOTT WILL & SCHULTE LLP

/s/ Julia M. Beskin

Julia M. Beskin

Grant Thornton LLP
c/o Ken Cunningham
171 N Clark St Ste 200
Chicago, IL 60601-3370

CERTIFICATE OF CONFERENCE

In accordance with Local Rule 2004-1(A), in an attempt to try and resolve this issue without need for court intervention, the Trustee's counsel has emailed Grant Thornton LLP's chief legal officer at his last known email address. Nonetheless, given Grant Thornton LLP's relationship with the Debtor, the Trustee has an urgent need for the information it has in its possession that necessitates resolution of this Motion. Further, the Trustee understands that if she was able to get in contact with Grant Thornton LLP they would not provide the requested information and that the Motion would have to be presented to the Court for determination.

Dated: March 26, 2026
New York, New York

MCDERMOTT WILL & SCHULTE LLP

/s/ Julia M. Beskin

Julia M. Beskin

Exhibit A

Proposed Order

157 and 1334 and the *Order of Reference of Bankruptcy Cases and Proceedings Nunc Pro Tunc* dated August 3, 1984, entered by the United States District Court for the Northern District of Texas; and the matter being a core proceeding within the meaning of 28 U.S.C. § 157(b)(2); and venue of this proceeding and the Motion in this District being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court being able to issue a final order consistent with Article III of the United States Constitution; and due and sufficient notice of the Motion having been given under the particular circumstances; and the Court having reviewed the Motion; and the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and it appearing that no other or further notice is necessary; and it appearing that the relief requested in the Motion is in the best interests of the Trustee, the bankruptcy estate, the creditors, and other parties in interest; and after due deliberation thereon; and good and sufficient cause appearing therefor; it is hereby:

ORDERED, ADJUDGED, AND DECREED that:

1. The Motion is GRANTED as set forth herein.
2. Grant Thornton LLP shall produce the documents and other information set forth in the Requests to the offices of McDermott Will & Schulte LLP, 2801 N Harwood St., Suite 2600, Dallas, TX 75201, no later than thirty (30) days after service of service of the Order or by such other date as may be reasonably agreed upon by the parties.
3. The Trustee is authorized to take all such actions as are necessary or appropriate to implement the terms of this Order.
4. This Court shall retain jurisdiction to resolve any disputes arising under or related to this Order, including any discovery disputes that may arise between or among the parties, and to interpret, implement, and enforce the provisions of this Order.

5. This Order is without prejudice to the rights of the Trustee to apply for other or further discovery from Grant Thornton LLP, any party in interest, or other entity or person.

END OF ORDER

Prepared and presented by

/s/ Julia M. Beskin

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-and-

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Counsel to the Chapter 7 Trustee

Exhibit B

Rule 2004 Requests For Production

other time agreed upon by the Trustee and Grant Thornton LLP, and in accordance with the Definitions and Instructions below (“Request(s)”).

DEFINITIONS

1. “Comfort Letter(s)” means a letter issued by Grant Thornton to assure a third party of the financial stability of Tricolor or a transaction contemplated by Tricolor.

2. “Communication(s)” means any written or oral Communication of any kind or character, including, by way of example and without limitation, e-mails, instant messages, text messages, voicemail or voice messages, audio recordings, recordings, transcripts or notes of in-person, video or telephone conversations, letters, meetings, memoranda, telegraphic and telex Communications or transmittals of Documents, whether such Communication was sent, received, or created, in final or in draft, and all Documents Concerning or memorializing such written or oral Communications.

3. “Concerning” means consisting of, reflecting, referring to, Concerning, related to, involving, evidencing, constituting, or having any legal, logical, evidential, or factual connection with (whether to support or rebut) the subject matter designated in any of these Requests. A request for Documents “Concerning” a specified subject matter always shall include Communications, notes, and memoranda (whenever prepared) Concerning the subject matter of the request.

4. “Document(s)” means, without limitation, the original and all copies, prior drafts, and translation of information in any written, typed, printed, recorded or graphic form, however produced or reproduced, of any type or description, regardless of origin or location, including without limitation, all ESI, Communications, records, tables, charts, analyses, graphs, schedules, reports, memoranda, notes, lists, calendar and diary entries, letters (sent or received), contracts, statements, bills, checks, vouchers, video tapes, photographs, tape recordings, other mechanical

records, transcripts or logs of any such recordings, and all other data compilations from which information can be obtained. The term “Document(s)” is intended to be at least as broad in meaning and scope as the usage of the term in or pursuant to the Federal Rules of Civil Procedure.

3. “Debtor” or “Tricolor” means Tricolor Holdings, LLC, TAG Intermediate Holding Company, LLC, Tricolor Auto Group, LLC, Tricolor Auto Acceptance, LLC, Tricolor Insurance Agency, LLC, Tricolor Home Loans LLC dba Tricolor Mortgage, Tricolor Real Estate Services, LLC, TAG California Holding Company, LLC, Flexi Compras Autos, LLC, TAG California Intermediate Holding Company, LLC, Tricolor California Auto Group, LLC, Tricolor California Auto Acceptance, LLC, Risk Analytics LLC, Tricolor Tax, LLC, Tricolor Financial, LLC, Tricolor Auto Receivables LLC, TAG Asset Funding, LLC, Apoyo Financial, LLC, and any direct or indirect predecessors or successors in interest, parents, subsidiaries or affiliates of any of them, and any and all officers, directors, executives, employees, representatives, agents, advisors, attorneys, and all other persons and entities acting or purporting to act on behalf of any of the foregoing.

5. “GAAP” means the generally accepted accounting principles in the United States.

6. “GAAS” means the generally accepted auditing standards in the United States.

7. “Grant Thornton” means Grant Thornton LLP and any of its affiliates and subsidiaries, and any direct or indirect predecessors or successors in interest, parents, subsidiaries or affiliates of any of them, and any and all officers, directors, executives, employees, representatives, agents, advisors, attorneys, and all other persons and entities acting or purporting to act on behalf of any of the foregoing.

8. “IDMS” means Integrated Dealer Management System.

9. “Inventory Procedures” means any audit procedures that You performed or planned to perform concerning Tricolor’s inventory and related internal controls.

10. “SPV” means special purpose vehicle created by or affiliated with Tricolor, including, but not limited to, Tricolor Funding SPV LLC, Tricolor Funding SPV 2 LLC, Tricolor Funding SPV 3 LLC, Tricolor Funding SPV 4 LLC, Tricolor Funding SPV 5 LLC, Tricolor Funding SPV 6 LLC, and Tricolor SPV 3 Holdings LLC.

11. “You” or “Your” means the entity or person responding to these Requests, and, if an entity, any direct or indirect predecessors or successors in interest, parents, subsidiaries or affiliates of any of any such entity, and any and all partners, officers, directors, executives, shareholders, members, employees, representatives, agents, advisors attorneys, and all other persons and entities acting or purporting to act on behalf of any of the foregoing.

INSTRUCTIONS

1. Unless otherwise indicated, all Documents shall be produced for the relevant time period, which shall be January 1, 2023, until the date of service of these Requests, including any Documents having an earlier origin, if in use during the relevant time period.

2. The obligation to produce Documents responsive to these Requests shall be continuing in nature, and a producing party is required promptly to produce any Documents requested herein that it locates or obtains after responding to these Requests, up to the conclusion of the above-captioned Chapter 7 case.

3. You are requested to produce not only those Documents in Your physical possession, but also those Documents as to which have the legal right and/or practical ability to obtain (and that are thus within Your custody and/or control), including, without limitation,

Documents in the possession of Your agents, employees, affiliates, advisors, or consultants and any other person or entity acting on Your behalf.

4. If You have no Documents responsive to a particular Request, or if for some other reason You are unable to produce responsive Documents, Your response to that Request should specifically state so. You must respond to each and every Request herein. Any objection to a Definition, Instruction or Request shall state with specificity all grounds for the objection. If You have certain Documents that are responsive to a Request, but believe that additional Documents not now available to You would also be responsive, You should provide the Documents You now have and specifically state when the remainder of the Documents will be provided.

5. Where a claim of privilege is asserted in objecting to the production of any Document and a Document called for by these Requests is withheld on the basis of such assertion, the objecting party shall identify the nature of the privilege (including work product) that is being claimed. In addition, the objecting party shall provide the following information with respect to any Document so withheld on its privilege log: (i) type of Document, e.g., letter or memorandum; (ii) general subject matter of the Document and basis for privilege; (iii) date of the Document; and (iv) author, addressee(s) or recipient(s) of the Document. Attachments to privileged emails shall be independently assessed for privilege claims and logged individually (i.e., separately from the email).

6. In the event that a requested Document has been lost, destroyed, discarded and/or otherwise disposed of, You shall identify the Document by identifying: (i) its author or preparer; (ii) all persons to whom it was distributed or shown; (iii) date; (iv) subject matter; (v) attachments or appendices; (vi) date, manner, and reason for destruction or other disposition; (vii) person

authorizing destruction or other disposition; and (viii) the Document request or requests to which the Document is responsive.

7. Instructions regarding the production of Documents and electronically stored information are attached as Appendix I.

8. The parties shall confer to develop search parameters, including custodians and search terms, to identify responsive Documents.

DOCUMENTS REQUESTED

1. All Documents and Communications concerning the engagement of Grant Thornton's services by Tricolor, including, but not limited to, engagement letters, internal Communications regarding the engagement, any pitches or other marketing materials provided to Tricolor by Grant Thornton in connection with the engagement.

2. All Documents and Communications Concerning any and all services provided by Grant Thornton to Tricolor, including, but not limited to:

- a. invoices issued by Grant Thornton to Tricolor;
- b. Documents and Communications Concerning any contemplated draft or final audits prepared by Grant Thornton on behalf of Tricolor;
- c. Documents and Communications Concerning suspected or actual red flags at Tricolor, including but not limited to inconsistencies within, between, or among Tricolor records, data, or Documents or the double pledging of collateral;
- d. Documents and Communications Concerning any Comfort Letter(s);
- e. Documents, analysis and Communications Concerning the tie-out or reconciliation of the general ledger to IDMS;

- f. Documents and Communications Concerning audit procedures, valuation analyses, audit & accounting standards group reviews, and Tricolor's fair value reporting of the loan portfolio;
 - g. Documents and Communications Concerning the SPVs;
 - h. Documents and Communications Concerning Tricolor's compliance with GAAP, and;
 - i. Documents and Communications Concerning any internal or external reviews, inspections, or other quality control procedures undertaken in connection with Your work on any audit performed for Tricolor, including, but not limited to, internal inspections, quality reviews, and peer reviews of Your work on the any such audit.
3. All Documents and Communications between Grant Thornton and Tricolor.
4. All Documents and Communications between Grant Thornton and any third party Concerning Tricolor, including but not limited to Communications between Grant Thornton and Tricolor's predecessor and/or successor auditor(s).
5. All Documents and Communications between or among Grant Thornton personnel Concerning Tricolor.
6. All Documents and Communications Concerning Grant Thornton's compliance with GAAS for work done on for Tricolor, including but not limited to any internal policies and procedures regarding any ethical obligations of Grant Thornton's accountants and business staff, and any other accounting obligations or policies in place during the relevant time period.
7. All Documents and Communications Concerning the use of Tricolor corporate credit cards by Tricolor personnel.

8. All Documents and Communications Concerning a potential public offering of Tricolor and the preparation of any financials for any such public offering.

9. All Documents and Communications Concerning Inventory Procedures in connection with any audit performed for Tricolor, including, but not limited to:

- a. any reporting instructions pertaining to the Inventory Procedures, including any discussions and communications relating thereto;
- b. planning and coordination for the Inventory Procedures;
- c. Your planned attendance at, or failure to attend, a Tricolor inventory count;
- d. any discovery of a failure to perform or adequately perform the Inventory Procedures specified in the reporting instructions;
- e. any proposed, planned, or performed procedures to redress the failure to perform or adequately perform the Inventory Procedures specified in the reporting instructions; and
- f. any analysis of the Inventory Procedures.

10. All insurance policies and indemnification agreements that cover or potentially apply to claims arising from Your service as accountants.

11. All Documents and Communications produced to any federal regulator, prosecutor, or administrative agency in connection with any civil or criminal investigation of Tricolor or any of its officers, executives, Board Members, or employees at any point during the relevant time period.

12. All Documents and Communications produced by You to any third party in response to any discovery request, including but not limited to a Rule 2004 request, subpoena, or request for production.

Dated: New York, New York
March 26, 2026

Respectfully submitted,

/s/ Julia M. Beskin

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Counsel to the Chapter 7 Trustee

APPENDIX I

TECHNICAL SPECIFICATIONS FOR PRODUCTION

PRODUCTION OF DOCUMENTS ORIGINATING AS PAPER

For documents that have originated in paper format, the following specifications should be used for their production.

- Images should be produced as single page TIFF group IV format imaged at 300dpi.
- Each filename must be unique and match the Bates number of the page. The filename should not contain any blank spaces and should be zero padded (for example ABC00000001).
- Media may be delivered on CDs, DVDs, or External USB hard drives. Each media volume should have its own unique name and a consistent naming convention (for example ZZZ001 or SMITH001).
- Each delivery should be accompanied by an image cross reference file that contains document breaks.
- A delimited text file that contains available fielded data should also be included and at a minimum include Beginning Bates Number, Ending Bates Number, Custodian, and Number of Pages. The delimiters for that file should be:

Field Separator, ASCII character 020: “`␠`”

Quote Character, ASCII character 254 “`␣`”

Multi-Entry Delimiter, ASCII character 059: “`;`”

- To the extent that documents have been run through an Optical Character Recognition (OCR) software in the course of reviewing the documents for production, full text should also be delivered for each document. Text should be delivered on a document level in an appropriately formatted text file (.txt) that is named to match the first Bates number of the document.
- A text cross reference load file should also be included with the production delivery that lists the beginning Bates number of the document and the relative path to the text file for that document on the production media.

PRODUCTION OF EMAIL AND ELECTRONIC DOCUMENTS

Electronic documents should be produced in such fashion as to identify the location (*i.e.*, the network file folder, hard drive, back-up tape or other location) where the documents are stored and, where applicable, the natural person in whose possession they were found (or on whose hardware device they reside or are stored). If the storage location was a file share or work group folder, that should be specified as well.

Attachments, enclosures, and/or exhibits to any parent documents should also be produced and proximately linked to the respective parent documents containing the attachments, enclosures, and/or exhibits.

For standard documents, emails, and presentations originating in electronic form, documents should be produced as tiff images using the same specifications above with the following exceptions:

- Provide a delimited text file (using the delimiters detailed above) containing the following extracted metadata fields where they exist in the file being produced:

Beginning Production
Number Ending Production
Number Beginning
Attachment Range Ending
Attachment Range Custodian

Custodian_ALL
Confidentiality
Designation Original
Location Path Email
Folder Path Document
Type Edoc_Author

Edoc_Title
Page Count
File Name
File
Extension
File Size
MD5 Hash

Date Last Modified
Time Last Modified
[HH:MM:SS] Date Created
Time Created [HH:MM:SS]
Date Last Accessed
Date Sent

Time Sent [HH:MM:SS]

Date Received

Time Received

[HH:MM:SS] From

Recipients

Copyees

Blind Copyees

Email Subject

Path to Native

File

Calendar Start Date

Calendar End Date

- Images shall be produced revealing any hidden text/content.
- Extracted full text (not OCR text) should also be delivered for each electronic document. The extracted full text should be delivered on a document level according to the specifications above similar to paper documents.
- Foreign language text files and metadata should be delivered with the correct encoding to enable the preservation of the documents' original language.
- All spreadsheets should be produced in their native format and in the order that they were stored in the ordinary course of business, *i.e.*, emails that attach spreadsheets should not be separated from each other and should be linked using the Attachment Range fields above. The extractable metadata and text should be produced in the same manner as other documents that originated in electronic form. A placeholder TIFF image shall be created, Bates numbered, and the produced Excel chart shall be renamed to match the Bates number on its corresponding placeholder page. The exception shall be for redacted spreadsheets which shall be produced in TIFF format. Images for the redacted spreadsheets shall display the content in the same manner as if it were printed. The parties agree to work out a future protocol governing the use and format of documents produced pursuant to this paragraph at trial, depositions, or hearings (such as converting to tiff images in accordance with the above protocol).
- Upon review, the requesting party may ask for certain other documents and/or databases that were initially produced in their tiff or pdf format to be produced in their native format in the event that the tiff or pdf version is not reasonably usable. If this is the case, the requesting party will submit a list of Bates numbers identifying the documents. The documents should be produced in their unaltered native format with an accompanying text delimited text file (using the delimiters above) that contains the following fields:

Beginning Production
Number Ending Production
Number Beginning
Attachment Range Ending
Attachment Range Path to
Native File
MD5 Hash Value

PRODUCTION OF DATABASES AND OTHER STRUCTURED DATA

Generally, databases should be produced in a mutually agreeable data exchange format. To determine the data that is relevant to the document requests, a list of databases and systems used to manage relevant data should be provided with the following information:

Database Name
Type of Database
Software Platform
Software Version
Business Purpose Users
Size in Records Size in Gigabytes
A List of Standard Reports
Database Owner or Administrator's Name Field List
Field Definitions (including field type, size, and use)

Upon review of the list, the parties agree to meet and confer regarding the data to be produced from each source, if any, and the form(s) of the production thereof.