

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
(Baltimore Division)

In re:

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The Law Offices of  
Jonathan S. Resnick, LLC

\* Case No: 20-12822-NVA  
Chapter 11

\*

The Law Offices of  
Perry A. Resnick, LLC

\* Case No: 20-14188-NVA  
Chapter 11

The Law Offices of  
Jonathan S. Resnick, PLLC

\* Case No: 20-14188-NVA  
Chapter 11

\*

Debtors

\* \* \* \* \*

(Jointly Administered under  
Case No.: 20-12822-NVA)

Zvi Guttman, Trustee

v.

The Law Offices of  
Jonathan S. Resnick, LLC

The Law Offices of  
Perry A. Resnick, LLC

CONTESTED MATTER

The Law Offices of  
Jonathan S. Resnick, PLLC

Jonathan S. Resnick

Perry A. Resnick

David B. Cohen

Joy Wise

Cindy Tokarski

Respondents

\* \* \* \* \*

**EMERGENCY MOTION FOR ORDER  
(A) DESIGNATING RESPONDENTS PURSUANT TO RULE 9001(5),  
(B) COMPELLING DEBTORS AND THOSE ACTING FOR OR IN CONCERT WITH  
THEM TO TURN OVER RECORDED INFORMATION TO TRUSTEE, (C) DIRECTING  
AN ACCOUNTING, AND (D) ENJOINING DEBTORS AND THOSE ACTING FOR OR  
IN CONCERT WITH THEM FROM FURTHER VIOLATING THE AUTOMATIC STAY**

Zvi Guttman, Esq. (the “Trustee”), chapter 11 trustee of The Law Offices of Jonathan S. Resnick, LLC (the “JSR LLC Debtor”) The Law Offices of Jonathan S. Resnick, PLLC (the “JSR PLLC Debtor”) and The Law Offices of Perry A. Resnick, LLC (the “PAR Debtor,” and together with the JSR LLC Debtor and the JSR PLLC Debtor, the “Debtors”), files this Emergency Motion, and states:

Jurisdiction and Venue

1. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. § 1334. This is a “core proceeding” pursuant to 28 U.S.C. § 157(b)(2)(A), (M) and (O).
2. Venue is proper in this Court pursuant to 28 U.S.C. § 1409(a).
3. The statutory basis for relief is 11 U.S.C. §§ 105, 362, 521, and 542 and Bankruptcy Rules 4002 and 9001.
4. This is a core proceeding and the Trustee consents to entry of final orders or judgments by the Bankruptcy Judge.

Background

5. The Debtors are Chapter 11 Debtors in the captioned jointly administered cases.
6. The Trustee is the chapter 11 trustee in all of the cases.
7. The Debtors, through their principals Jonathan and Perry Resnick, operated a law firm that administered a high volume of small dollar personal injury cases. David Cohen, a non-attorney, serves as CFO<sup>1</sup> of the law firm although he resides in Florida. Respondents, Joy Wise and Cindy Tokarski, were employees of the Debtors that exercised executive functions for and on behalf of the Debtors and in that capacity controlled and control recorded information belonging to the within estates.

Designation

8. The Bankruptcy Code requires that the Debtor cooperate with the Trustee as follows:

The debtor shall:

- (3) if a trustee is serving in the case, cooperate with the trustee as necessary to enable the trustee to perform the trustee's duties under this title;

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<sup>1</sup> The Court referred to Mr. Cohen as the CFO. The parties sometimes refer to him as the CRO.

(4) if a trustee is serving in the case, surrender to the trustee all property of the estate...

11 U.S.C. § 521(a)

9. The Rules sets forth similar duties, as follows:

[the debtor shall] cooperate with the trustee in the preparation of an inventory, the examination of proofs of claim, and the administration of the estate.

Federal Rule of Bankruptcy Procedure 4002

10. While the duties of the debtor are clear, in the instance of a debtor that is a chartered entity, the Rules provide a mechanism to insure that the debtor performs as required. Thus, the Rules further provide:

(5) "Debtor." When any act is required by these rules to be performed by a debtor or when it is necessary to compel attendance of a debtor for examination and the debtor is not a natural person:

(A) if the debtor is a corporation, "debtor" includes, if designated by the court, any or all of its officers, members of its board of directors or trustees or of a similar controlling body, a controlling stockholder or member, or any other person in control...

Federal Rule of Bankruptcy Procedure 9001(5).

11. Based upon the circumstances of in this case and the manner in which the business of the Debtor was operated,<sup>2</sup> each of the following should be designated as "the Debtor" at least for purposes of the relief sought in this Motion:

- a. Jonathan S. Resnick,
- b. Perry A. Resnick
- c. David B. Cohen
- d. Joy Wise
- e. Cindy Tokarski

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<sup>2</sup> Mr. Resnick professes total ignorance of all things technical and did not even have his own email account at the Firm. All of his emails were transmitted and received by employees including Joy Wise and Cindy Tokarski.

Recorded Information that Is Property of the Estates

12. In order to operate the Debtors' businesses and to generally fulfil his statutory duties as a chapter 11 trustee, the Trustee requires the books and records characteristic of any operating business. Ordinarily, these would consist of administrative level records such as bills and records of payments, check registers, historical banking information, bank statements, cancelled checks and copies of deposits. With respect to a law firm one would also expect case management systems and actual client files.

13. As is typical in a corporate case, upon appointment, the Trustee solicited the Debtor's cooperation to identify and access the Recorded Information necessary to operate and perform the investigative duties imposed by the Bankruptcy Code. In today's digitized world of electronically stored information, the Debtors' cooperation in this effort is more important than ever as Recorded Information is often stored in electronic medium inaccessible without login and password information to access the data stored on computers, hard-drives, thumb drives or even cell phones.

14. The Trustee's initial efforts to obtain this information from the Debtors were stonewalled. For instance, as early as April 3, 2020, the date of his initial appointment, the Trustee made inquiry regarding payment of the Debtor's malpractice insurance. **Exhibit A**. While he was initially told that it was due April 8, his follow up request for a copy of the invoice so that he could pay it has never been honored. Id.

15. As the Trustee began to operate, the list of inexplicably missing records and information began to mount. Over time, a list of the missing items (the "Withheld Property") was documented in a May 8, 2010, email (**Exhibit B**), and includes categories of property and information such as:

- a. Computers and external hard drives on which Recorded Information of the Debtors is stored;
- b. Check registers, copies of checks, copies of invoices, tax returns, and business records kept in the ordinary course of the Debtors' businesses;
- c. Client files and documents;

d. Any and all passwords, key codes, login information, security keys, or other similar types of information required to access any business records, documents, or information of the Debtors.

The Debtor's (In)Actions

16. The Trustee has repeatedly requested that the Debtors, the Resnicks, prior employees, and David Cohen turn over the Withheld Property to the Trustee. He has had little success.<sup>3</sup>

17. For instance, after multiple requests Mr. Cohen provided the Trustee with the login information necessary to access and preserve the Debtors' google hosted email at resnicklawgroup.org. However, this information was only provided after some users had deleted their emails in clear violation of the Bankruptcy Code. See, e.g., 11 U.S.C. § 362(a)(3).<sup>4</sup>

18. Mr. Cohen also (eventually) provided login information for other programs on which the Debtors' information is maintained. By and large, those logins did not work.

19. Similarly, the Trustee and Debtor's counsel had a conversation on April 27, 2020, memorialized in an email exchange on April 28. **Exhibit C**. That email states:

Following on our discussion yesterday and in addition to the answers to the questions below. **Jonathan Resnick has 1 banker box of client files that Joy Wise was working on.** He took possession when she was locked out of the office. Joy Wise has no other files and to Jonathan Resnick's knowledge there are no other files located offsite.

**Joy Wise does have a laptop computer in her possession that belongs to the law offices of Jonathan Resnick, LLC. She will be returning it.**

Emphasis supplied.

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<sup>3</sup> The Trustee does not seek the turnover of property, but rather the turnover of information pursuant to 11 U.S.C. §542 (e). Thus, even if the Respondents were not designated under Rule 9001(5), this Motion does not implicate Fed. R. Bankr. Proc. 7001 and does not require an adversary proceeding.

<sup>4</sup> Perhaps this conduct also runs afoul of 18 U.S.C. § 152(1), (8) or (9).

20. Under oath at the April 29, 2020, First Meeting of Creditors, Jonathan Resnick categorically denied that Joy Wise had a laptop belonging to the Debtor. Furthermore, neither the laptop nor the files identified in Counsel's April 28 email have been turned over to the Trustee.<sup>5</sup>

21. Aside from the Trustee's requests for information and files, Katherine Levin, Esq., counsel to the Office of the United States Trustee, repeatedly admonished the Debtors' and Mr. Cohen for not providing passwords, information and other Property to the Trustee and instructed the "Debtors" to cooperate with the Trustee and direct its prior and current employees to immediately disclose and turn over Withheld Property to the Trustee.

22. Notwithstanding these repeated requests and demands, the Debtor Respondents refuse to deliver the Property to the Trustee.

23. Counsel's statement that Joy Wise has possession of a laptop that is property of the estate aside, even if the laptop is Ms. Wise's she is duty-bound to turn over the "recorded information, including books, documents, records, and papers, relating to the debtor's property or financial affairs," residing thereon to the Trustee.<sup>6</sup> The same is true of each of the other Respondents.

#### Violations of the Automatic Stay

24. Refusal to deliver the Withheld Property to the Trustee is a willful violation of the automatic stay pursuant to Bankruptcy Code §362(a)(3), which prohibits any party from taking "any act to obtain possession of property of the state or of property from the estate or to exercise control over property of the estate." The Respondents are not only aware of the Debtors' pending chapter 11 proceedings, but have been expressly notified that continued refusal to deliver Property constitutes a violation of the automatic stay.

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<sup>5</sup> Eyewitness accounts attribute another laptop to Cindy Tokarski.

<sup>6</sup>

Subject to any applicable privilege, after notice and a hearing, the court may order an attorney, accountant, or other person that holds recorded information, including books, documents, records, and papers, relating to the -debtor's property or financial affairs, to turn over or disclose such recorded information to the trustee.

The continued refusal to deliver Property is a willful violation of the automatic stay and the Court may allow the Trustee to recover actual and punitive damages, pursuant to Bankruptcy Code §362(k).<sup>7</sup>

25. For these reasons, the Trustee seeks an Order finding that the continued refusal to deliver the Withheld Information to the Trustee is a willful violation of the automatic stay

Waiver of Memorandum of Law

26. Pursuant to Local Rule 9013-2 of the Local Rules, the Trustee states that, in lieu of submitting a memorandum in support of this Motion, he will rely solely upon the grounds and authorities set forth herein.

WHEREFORE, the Trustee requests that this Court:

- A. Designate each Jonathan S. Resnick, Perry A. Resnick, David B. Cohen, Joy Wise, and Cindy Tokarski pursuant to Bankruptcy Rule 9001(5) as the Debtors for purposes of complying with the Debtors' obligations under Bankruptcy Code 521 and Bankruptcy Rule 4002;
- B. Direct Respondents to provide a report and accounting to the Trustee, within five (5) days of entry of an Order granting this Motion, stating the location of any Withheld Property and further stating what of said property is (or was as of March 4, 2020), in their possession, custody or control, or previously delivered to the Trustee;
- C. Compel all Respondents in possession, custody or control of any Withheld Property since March 4, 2020, to immediately deliver same to the Trustee without the deletion, impairment, or destruction of data;

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<sup>7</sup> The Trustee is not pursuing actual or punitive damages at this time and thus has not filed an adversary proceeding seeking monetary payment in connection with the alleged violations. The Trustee reserves all rights with respect to any damages caused or losses suffered by the Debtors as a result of the willful violations of the automatic stay.

- D. Enter an Order finding that any Respondent who refuses to deliver property of the estate to the Trustee is in willful violation of the automatic stay;
- E. Enter an Order enjoining the Respondents from continuing to violate the automatic stay; and
- F. Grant such other and further relief as this Court deems just and appropriate.

Dated: May 14, 2020

/s/ Zvi Guttman  
Zvi Guttman (06902)  
The Law Offices of Zvi Guttman, P.A.  
Post Office Box 32308  
Baltimore, Maryland 21282  
(410) 580-0500  
[zvi@zviguttman.com](mailto:zvi@zviguttman.com)

**Counsel to the Trustee**

**NOTICE**

**MOVANT HAS ALSO FILED A MOTION TO SHORTEN THE TIME FOR RESPONSE AND/OR FOR AN EXPEDITED HEARING. IF THAT MOTION TO SHORTEN OR EXPEDITE IS GRANTED, THE TIME TO OBJECT AND/OR DATE FOR HEARING WILL BE CHANGED AS PROVIDED IN SUCH ORDER.**



CERTIFICATE OF SERVICE

I hereby certify that on 14<sup>th</sup> day of May, 2020, copies of the foregoing Emergency Motion were served by first class mail, postage prepaid, on:

Joy Wise  
39 Cougar Drive  
Hanover, PA 17331

Cindy Tokarski  
6630 Washington Blvd., Apt 1  
Elkridge, MD 21075

Jonathan Resnick, Esq.  
(Individually and as principal of JSR PLLC and JSR LLC)  
7483 Valencia Drive  
Boca Raton, FL 33433

Perry Resnick, Esq.  
(Individually and as principal of PAR LLC)  
7483 Valencia Drive  
Boca Raton, FL 33433

David Cohen  
ECP Capital  
8177 Glades Road  
Boca Raton, FL 33434

Via CM/ECF on:

Alan M. Grochal [agrochal@tydingslaw.com](mailto:agrochal@tydingslaw.com), [mfink@tydingslaw.com](mailto:mfink@tydingslaw.com),  
[jmurphy@tydingslaw.com](mailto:jmurphy@tydingslaw.com)

Catherine Keller Hopkin [chopkin@yvslaw.com](mailto:chopkin@yvslaw.com), [pgomez@yvslaw.com](mailto:pgomez@yvslaw.com),  
[yvslawcmecf@gmail.com](mailto:yvslawcmecf@gmail.com), [stevenslr39990@notify.bestcase.com](mailto:stevenslr39990@notify.bestcase.com),  
[hopkinr39990@notify.bestcase.com](mailto:hopkinr39990@notify.bestcase.com), [schroppjr39990@notify.bestcase.com](mailto:schroppjr39990@notify.bestcase.com)

Katherine A. (UST) Levin [Katherine.A.Levin@usdoj.gov](mailto:Katherine.A.Levin@usdoj.gov), [brenda.b.wilmore@usdoj.gov](mailto:brenda.b.wilmore@usdoj.gov)

Craig Palik [cpalik@mhlawyers.com](mailto:cpalik@mhlawyers.com),  
[dmoorehead@mhlawyers.com](mailto:dmoorehead@mhlawyers.com), [cpalik@ecf.inforuptcy.com](mailto:cpalik@ecf.inforuptcy.com),  
[kolivercross@mhlawyers.com](mailto:kolivercross@mhlawyers.com)

US Trustee - Baltimore [USTPRegion04.BA.ECF@USDOJ.GOV](mailto:USTPRegion04.BA.ECF@USDOJ.GOV)

Maurice Belmont VerStandig [mac@mbvesq.com](mailto:mac@mbvesq.com), [lisa@mbvesq.com](mailto:lisa@mbvesq.com)

Richard G. Hackerman [richard@richardhackerman.com](mailto:richard@richardhackerman.com)

Patricia B. Jefferson [pjefferson@milesstockbridge.com](mailto:pjefferson@milesstockbridge.com)

Via email on:

[Dcohen101@mac.com](mailto:Dcohen101@mac.com)

[joy.wise97@gmail.com](mailto:joy.wise97@gmail.com)

Via text message on:

Cindy Tokarski (443) xxx-5186)

/s/ Zvi Guttman



Zvi Guttman <zvi@zviguttman.com>

**RE: Resnick**

1 message

**Zvi Guttman** <zvi@zviguttman.com>  
To: David Cohen <dcohen101@mac.com>

Sun, Apr 5, 2020 at 3:12 PM

How much is it?

Please send me a copy of the bill.

Thank you.

Zvi Guttman

The Law Offices of Zvi Guttman, P.A.

Post Office Box 32308

Baltimore, Maryland 21282

(410) 580-0500 Phone

(410) 580-0700 Fax

(410) 302-1093 Cell

[www.Guttman.Law](http://www.Guttman.Law)

**From:** David Cohen [mailto:dcohen101@mac.com]  
**Sent:** Friday, April 03, 2020 5:44 PM  
**To:** Zvi Guttman <Zvi@zviguttman.com>  
**Subject:** Re: Resnick

April 8th

On Apr 3, 2020, at 3:57 PM, Zvi Guttman <Zvi@zviguttman.com> wrote:

When is the next malpractice premium due?

Zvi Guttman

The Law Offices of Zvi Guttman, P.A.

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Baltimore, Maryland 21282

(410) 580-0500 Phone

(410) 580-0700 Fax

(410) 302-1093 Cell

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EXHIBIT A



Zvi Guttman &lt;zvi@zviguttman.com&gt;

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**Resnick Case Nos.: 20-12822, 20-12822, and 20-14188**

1 message

Zvi Guttman &lt;zvi@zviguttman.com&gt;

Fri, May 8, 2020 at 4:27 PM

To: "Craig M. Palik" &lt;cpalik@mhlawyers.com&gt;, mac@mbvesq.com, David Cohen &lt;david@ecpcapitalpartners.com&gt;

Gentlemen:

The Trustee has repeatedly requested information and the location and return of property and client files from the principals and employees of the Debtors as necessary to operate the Debtors' business and service its clients with as little disruption as possible under the circumstances. In particular, many electrons have been spilled addressing the following:

1. Invoice for GL Insurance
2. Invoice Malpractice insurance
3. Administrative level access to Gmail (provided as to Resnicklawgroup.org\*)
4. Administrative level access to LawAlign
5. Administrative level access to CasePeer
6. Administrative level access to Quickbooks
7. Administrative level access to Dropbox account(s)
8. Administrative level access to Phone System/Star2Star (provided\*)
9. Administrative level access to Amazon Server
10. Administrative level access to Microsoft 365
11. Workstation logins
12. Missing computer(s)
13. Firm administrative records (e.g., banking records, open invoices, etc.)

The Debtors have alternatively (a) denied the existence of such property and records, (b) ignored the requests, or (c) provided delayed and/or incomplete responses. While it is possible that some of the requested items do not exist, it is not credible that the Debtors carried on their business without the most basic of business records and equipment. Moreover, the Debtors have provided conflicting answers in response to the whereabouts of records and equipment and have gone so far as to delete records before making them available to the Trustee.

Moreover, having had some additional time to review these cases, I have some additional concerns and additional requests. While specific requests are enumerated below, I do not mean to excuse you from providing all property and all records of the Debtors to the Trustee. Indeed, the obligation to provide all property and records to the Trustee stems not from the request but from basic and fundamental obligations imposed by the Bankruptcy Code. Obviously, all items are to be turned over without the deletion, impairment, or destruction of data.

For ease of reference these items are categorized as follows:

-

1. Computers and storage devices.

-

**EXHIBIT B**

- a. Bonnie's Bush Street computer
- b. 1 Surface Pro & 2 chargers
- c. External hard drives for many of the computers
- d. Cindy's laptop
- e. Joy's laptop

2. Business records:

- a. Checks registers for all IOLTA & Operating accounts
- b. Copies of checks for all IOLTA & Operating accounts
- c. Copies of deposit records for all IOLTA & Operating accounts
- d. All unpaid bills
- e. All 3<sup>rd</sup> party (not KrunchCash) loan documents
- f. All general business documents
- g. All tax returns since 2015

3. Client files.

- a. All client files.
- b. A record of all Debtors' client files transferred or referred to other attorneys since July 1, 2019.
- c. A record of all liens filed by the Debtor against other attorneys to protect the Debtors' attorney's lien on transferred files.
- d. All files and retainer letters for clients of the Debtors "signed up" by others including, without limitation, Jonathan or Perry Resnick as sole proprietors.

4. Estate property in the possession or control principals, officers and ex-employees

- a. All principals, officers and ex-employees should turn over (or be directed to turn over) all recorded information relating to the Debtors, in any format. This includes paper or ESI, including information stored on a computer, hard drive, thumb drive, in the cloud, in an email, etc.
- b. David Cohen, the Debtor's CFO/CRO and person in control of significant recorded information regarding the Debtor (and his agents and employees) should turn over all recorded information relating to the Debtors, in any format. This includes paper or ESI, including information stored on a computer, hard drive, thumb drive, in the cloud, in an email, etc..
- c. All principals, officers and ex-employees need to immediately return box(es) of files taken from the office, pre or post-petition.

As you know, the knowing refusal to deliver property to the Trustee is a willful violation of the automatic stay. See e.g., 11 U.S.C. Sec. 362(a)(3) which prohibits any party from taking "any act to obtain possession of property of the state or of property from the estate or to exercise control over property of the estate." A willful violation of the automatic stay is subject to actual and punitive damages. Sec. 362(k). The failure to voluntarily and immediately restore this property and information to the Trustee will result in the filing of an appropriate motion with the Bankruptcy Court.

Zvi Guttman

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Zvi Guttman &lt;zvi@zviguttman.com&gt;

**RE: Questions**

1 message

**Craig M. Palik** <cpalik@mhlawyers.com>

Tue, Apr 28, 2020 at 11:45 AM

To: Zvi Guttman &lt;zvi@zviguttman.com&gt;

Cc: "mac@mbvesq.com" &lt;mac@mbvesq.com&gt;, David Cohen &lt;david@ecpcapitalpartners.com&gt;

Zvi:

➤ Following on our discussion yesterday and in addition to the answers to the questions below. Jonathan Resnick has 1 banker box of client files that Joy Wise was working on. He took possession when she was locked out of the office. Joy Wise has no other files and to Jonathan Resnick's knowledge there are no other files located offsite.

➤ Joy wise does have a laptop computer in her possession that belongs to the law offices of Jonathan Resnick, LLC. She will be returning it.

➤ You referenced a filing cabinet in Joy Wise's office that appeared to have files removed. Any files that were in the filing cabinet you mention were transferred to Donna's office.

Craig

---

**From:** Craig M. Palik  
**Sent:** Tuesday, April 28, 2020 11:08 AM  
**To:** 'Zvi Guttman' <zvi@zviguttman.com>  
**Subject:** Questions

Zvi:

Answers to your questions about records from my discussion with Jonathan Resnick:

Tax returns with schedules, statements, and W2s for the past two years

➤ 2018 not filed. 2017 the last time returns were filed. Bonnie Norfolk handled and she may know what happened to these records. Jonathan Resnick was not able to locate or retrieve after she was fired in July 2019. Katz Abosh was the accounting firm that prepared the returns.

Year-to-date financial statements for the current year – balance sheet/profit &amp; loss statement;

➤ Not maintained.

Three most recent bank statements for all accounts open in any of the three months prior to the petition date

➤ May be in the office Jonathan Resnick does not know were. BB&T can provide copies.

**EXHIBIT C**

Proof of property and liability insurance.

➤ May be in then office, but Jonathan Resnick does not know where. Fairway Insurance can provide copies.

Craig



## Craig M. Palik

Principal\*

### McNamee Hosea

6411 Ivy Lane, Suite 200      ☎ 301.441.2420

Greenbelt, Maryland 20770      📠 301.982.9450

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\*Admitted in Maryland, Virginia, and the District of Columbia

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
(Baltimore Division)

In re:

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The Law Offices of  
Jonathan S. Resnick, LLC

\* Case No: 20-12822-NVA  
Chapter 11

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The Law Offices of  
Perry A. Resnick, LLC

\* Case No: 20-14188-NVA  
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The Law Offices of  
Jonathan S. Resnick, PLLC

\* Case No: 20-14188-NVA  
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\* Debtors \* \* \* \*

\* (Jointly Administered under  
Case No.: 20-12822-NVA)

Zvi Guttman, Trustee

v.

The Law Offices of  
Jonathan S. Resnick, LLC

The Law Offices of  
Perry A. Resnick, LLC

CONTESTED MATTER

The Law Offices of  
Jonathan S. Resnick, PLLC

Jonathan S. Resnick

Perry A. Resnick

David B. Cohen



Joy Wise

Cindy Tokarski

Respondents

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**ORDER GRANTING  
EMERGENCY MOTION FOR ORDER  
(A) DESIGNATING RESPONDENTS PURSUANT TO RULE 9001(5),  
(B) COMPELLING DEBTORS AND THOSE ACTING FOR OR IN CONCERT WITH  
THEM TO TURN OVER RECORDED INFORMATION TO TRUSTEE, (C) DIRECTING  
AN ACCOUNTING, AND (D) ENJOINING DEBTORS AND THOSE ACTING FOR OR  
IN CONCERT WITH THEM FROM FURTHER VIOLATING THE AUTOMATIC STAY**

UPON CONSIDERATION of the *Emergency Motion for Order (A) Designating Respondents Pursuant to Rule 9001(5), (B) Compelling Debtors and Those Acting for or in Concert with Them to Turn over Recorded Information to Trustee, (C) Directing an Accounting, and (D) Enjoining Debtors and Those Acting for or in Concert with Them from Further Violating the Automatic Stay* (the "Motion to Designate") filed by the Chapter 11 Trustee, and for good cause shown, it is by the United States Bankruptcy Court for the District of Maryland –

ORDERED, that:

- A. Pursuant to Bankruptcy Rule 9001(5), each Jonathan S. Resnick, Perry A. Resnick, David B. Cohen, Joy Wise, and Cindy Tokarski (collectively, the "Respondents") are hereby designated "as the Debtors" for the purposes of complying with the Debtors' obligations under Bankruptcy Code 521 and Bankruptcy Rule 4002 and this Order;
- B. Respondents are hereby directed to provide a report and accounting under oath, to the Trustee, within five (5) days of entry of this Order stating the location of any Withheld Property (as that term is defined in the Motion and enumerated in Exhibit B thereto) and further stating under penalties of perjury what of said Property or information is (or was as of March 4, 2020), in

their possession, custody or control, or previously delivered to the Trustee;

- C. Each and every Respondent in possession, custody or control of any Withheld Property since March 4, 2020, shall immediately deliver same to the Trustee without the deletion, impairment, or destruction of any data;
- D. Any Respondent who refuses to deliver the sworn statement required under this Order or to deliver such Property or information to the Trustee is hereby declared to be in willful violation of the automatic stay;
- E. Each of the Respondents is enjoined from any continued violation the automatic stay; and
- F. The Trustee may seek further relief to enforce the terms of this Order or seek actual and punitive damages as allowed by Statute or law.
- G. The deadlines set forth in this Order are not subject to or extended by the District Court's Standing Orders 2020-05 or 2020-07 or any subsequent Standing Orders and Administrative Orders.

**Suggested Distribution List:**

Joy Wise  
39 Cougar Drive  
Hanover, PA 17331

Cindy Tokarski  
6630 Washington Blvd., Apt 1  
Elkridge, MD 21075

Jonathan Resnick, Esq.  
(Individually and as principal of JSR PLLC and JSR LLC)  
7483 Valencia Drive  
Boca Raton, FL 33433

Perry Resnick, Esq.  
(Individually and as principal of PAR LLC)  
7483 Valencia Drive

Boca Raton, FL 33433

David Cohen  
ECP Capital  
8177 Glades Road  
Boca Raton, FL 33434

Zvi Guttman (06902)  
The Law Offices of Zvi Guttman, P.A.  
Post Office Box 32308  
Baltimore, Maryland 21282

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