UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

In re: Banco Master, S.A., Banco LetsBank, S.A., Banco Master de Investimentos, S.A., and Master S/A Corretora de Cambio, Titulos e Valores Mobiliarios, Debtors in a Foreign Proceeding

In re Banco Master · No. 25-24568-SMG · Decided April 6, 2026

SUMMARY

The United States Bankruptcy Court for the Southern District of Florida granted in part and denied in part Daniel Vorcaro's motions for protective orders challenging Rule 2004 examination subpoenas issued by the foreign representative of the Banco Master debtors. The court held that most of the subpoenas fell within the broad scope of Rule 2004 and the relief authorized under chapter 15, but applied the pending proceeding rule to four subpoenas concerning related adversary litigation. The court also quashed, without prejudice, the Bank of New York Mellon subpoena to the extent it violated Rule 45's 100-mile geographic limit.

CASE DETAILS

COURT	United States Bankruptcy Court for the Southern District of Florida
JURISDICTION	United States Bankruptcy Court for the Southern District of Florida, Fort Lauderdale Division
DECIDED	April 6, 2026
DOCKET	25-24568-SMG
DISPOSITION	other
PROCEDURAL POSTURE	Daniel Vorcaro moved for protective orders under Local Rule 2004-1(C) to limit or prohibit 28 Rule 2004 examination subpoenas duces tecum issued by the foreign representative in the debtors' chapter 15 case.
STANDARD OF REVIEW	The court applied the burdens prescribed by Local Rule 2004-1(C): the party seeking a Rule 2004 examination must first establish that the requested information falls within Rule 2004's permissible scope; after that threshold showing, the movant must demonstrate good cause for a protective order.
PRECEDENTIAL VALUE	Unknown

PARTIES	Daniel Vorcaro v. EFB Regimes Especiais de Empresas, Ltda., as foreign representative

TOPICS

bankruptcy discovery · discovery dispute · adversary proceedings · civil procedure · bankruptcy

PRACTICE AREAS

bankruptcy · cross-border insolvency · bankruptcy discovery · civil procedure · commercial litigation

QUESTIONS PRESENTED

1. Whether the foreign representative established that the requested discovery fell within the permissible scope of Federal Rule of Bankruptcy Procedure 2004.
2. Whether the pending proceeding rule required discovery concerning the subject matter of a later-filed adversary proceeding to proceed under Federal Rules of Civil Procedure 26 through 37 rather than Rule 2004, even though the subpoenas were issued before the adversary proceeding was filed.
3. Whether a subpoena seeking production more than 100 miles from the subpoenaed party's residence or regular place of business violated Federal Rule of Civil Procedure 45(c)(2)(A).
4. Whether Vorcaro's privacy, burden, or other asserted interests warranted a protective order as to the remaining subpoenas.

HOLDINGS

1. The foreign representative met its initial burden to show that the 28 subpoenas sought information within the broad scope of Rule 2004 because the requests concerned the debtors' assets, affairs, financial condition, transactions, and matters potentially affecting administration of the estates. Rule 2004 does not require a preliminary showing of misconduct or asset dissipation before discovery may begin.
2. When Rule 2004 discovery concerns the same subject matter as a pending adversary proceeding, the discovery must proceed under the more restrictive discovery rules applicable to that proceeding rather than under Rule 2004. The rule applies based on the existence of related litigation when the court is asked to enforce or limit the discovery, not merely on whether the subpoena was served before the litigation commenced.
3. A subpoena that commands production of documents, electronically stored information, or tangible things at a location more than 100 miles from the subpoenaed party's residence or regular place of business violates Federal Rule of Civil Procedure 45(c)(2)(A) and must be quashed to that extent.

KEY QUOTATIONS

> *“A Rule 2004 examination is commonly recognized as more in the nature of a fishing expedition.”* (at 50)

> *“One of the primary purposes of a Rule 2004 examination is as a pre-litigation device.”* (at 53)

> *"The mere pendency of litigation, however, does not necessarily bring all Rule 2004 discovery to a halt."* (at 54)

> *"The discovery sought in these subpoenas must instead be sought in Adversary Proceeding No. 26-1074, under Federal Rules of Civil Procedure 26–37, made applicable by Federal Rules of Bankruptcy Procedure 7026–7037."* (Conclusion)

FACTUAL BACKGROUND

The debtors are Brazilian financial institutions subject to an extrajudicial liquidation proceeding before the Central Bank of Brazil. The foreign representative issued 28 Rule 2004 subpoenas to art dealers, luxury retailers, banks, professionals, and other entities concerning assets and transactions of the debtors and sixteen asset-freeze parties, including Vorcaro. After the foreign representative filed an adversary proceeding concerning a Florida real-property transaction, four subpoenas sought discovery related to that litigation; two subpoenas also raised Federal Rule of Civil Procedure 45's geographic production limit.

PROCEDURAL HISTORY

The foreign representative filed a petition for recognition of the Brazilian extrajudicial liquidation proceeding on December 10, 2025. The court recognized the proceeding under 11 U.S.C. § 1517 on January 8, 2026, and authorized discovery under 11 U.S.C. § 1521(a)(4) and Bankruptcy Rule 2004. After 28 subpoenas were issued, Vorcaro sought protective orders; during the briefing and hearing, the foreign representative also filed an adversary proceeding concerning the Windermere property that was the subject of four subpoenas.

DISPOSITION

other

CASES CITED

- In re Bennett Funding Grp., Inc., 203 B.R. 24, 28-29 (Bankr. N.D.N.Y. 1996)
- Intercontinental Enters., Inc. v. Keller (In re Blinder, Robinson & Co., Inc.), 127 B.R. 267, 274-275 (D. Colo. 1991)
- In re Valley Forge Plaza Assocs., 109 B.R. 669, 674-675 (Bankr. E.D. Pa. 1990)
- In re Bakalis, 199 B.R. 443, 447-448 (Bankr. E.D.N.Y. 1996)
- In re Ecam Publ'ns, Inc., 131 B.R. 556, 559 (Bankr. S.D.N.Y. 1991)
- First Fin. Sav. Assoc. v. Kipp (In re Kipp), 86 B.R. 490, 491 (Bankr. W.D. Tex. 1988)
- In re Washington Mutual, Inc., 408 B.R. 45, 50-53 (Bankr. D. Del. 2009)
- In re GHR Energy Corp., 33 B.R. 451, 453 (Bankr. D. Mass. 1983)
- In re Foerst, 93 F. 190, 191 (S.D.N.Y. 1899)
- In re Table Talk, Inc., 51 B.R. 143, 145-146 (Bankr. D. Mass. 1985)
- In re Al Zawawi, 97 F.4th 1244, 1257-1277 (11th Cir. 2024)
- In re 2435 Plainfield Ave., Inc., 223 B.R. 440, 456 (Bankr. D.N.J. 1998)

- In re Drexel Burnham Lambert Grp., 123 B.R. 702, 708, 711 (Bankr. S.D.N.Y. 1991)
- In re Enron Corp., 281 B.R. 836, 841 (Bankr. S.D.N.Y. 2002)
- In re Buick, 174 B.R. 299, 305 (Bankr. D. Colo. 1994)
- In re Int'l Fibercom, Inc., 283 B.R. 290, 292 (Bankr. D. Ariz. 2002)
- In re M4 Enters., Inc., 190 B.R. 471, 475 n. 4 (Bankr. N.D. Ga. 1995)
- In re Wilcher, 56 B.R. 428, 434 (Bankr. N.D. Ill. 1985)
- In re Johns-Manville Corp., 42 B.R. 362, 364 (S.D.N.Y. 1984)
- In re Dinubilo, 177 B.R. 932, 940 n.12 (E.D. Cal. 1993)