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NOTICE OF DESIGNATION OF EXECUTORY CONTRACTS

PLEASE TAKE NOTICE that pursuant to paragraph 38 of the *Findings of Fact, Conclusions of Law, and Order Confirming Chapter 11 Plan of Plan Sponsors* entered in the above-captioned cases on April 7, 2023 [Docket No. 1393] (the “**Confirmation and Sale Order**”) and section 5.5 of the Asset Purchase Agreement (as defined by the Confirmation and Sale Order), Bay 9 Holdings LLC (“**Bay 9**”), as purchaser of substantially all of the Debtors’ assets, hereby designates each of the executory contracts listed on **Exhibit A** attached hereto, as an Assumed Contract consistent with the terms of the Asset Purchase Agreement and the Confirmation and Sale Order.

PLEASE TAKE FURTHER NOTICE that pursuant to the Asset Purchase Agreement, which has been approved by the Confirmation and Sale Order, after closing on the sale contemplated by the Asset Purchase Agreement, Bay 9 agrees to satisfy the cure amounts listed in Exhibit A, which are consistent with the amounts listed in the *Notice of Executory Contracts and Unexpired Leases that may be Assumed by Bay 9 Holdings LLC Pursuant to Sections 365 and 1123 of the Bankruptcy Code, in connection with the Plan and the Proposed Cure Amounts with respect thereto*, which was filed on February 17, 2023 at Docket No. 1233.¹

¹ Although the Provider Agreement between Edgemere and Blue Cross and Blue Shield of Texas (“**BCBS**”) was not included in the notice of executory contracts previously filed with the Court, out of an abundance of caution, on May 30, 2023, the Debtors filed a motion to assume this agreement. See Docket No. 1564. As of the filing hereof, no objections have been received or filed with respect to such motion.



Dated: June 13, 2023
Dallas, Texas

POLSINELLI PC

/s/ Trinitee G. Green

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Exhibit A

(CONTRACTS DESIGNATED FOR ASSUMPTION AND ASSIGNMENT)

Vendor	Contract or Agreement Description	Cure Amount
Access Systems	Office Equipment Lease	\$10,560.04
Augustine Management Texas, Inc.	Management Services Agreement	\$0.00
Dallas MD Associates, LLC/Dr. Kahn	Medical Director Agreement	\$0.00
Kim Fellman, MD	Medical Director Agreement	\$5,133.33
ThyssenKrupp Elevator	Elevator Maintenance Agreement	\$1,267.25
AT&T	Telecom/Internet	\$483.72
Atmos Energy	Natural Gas	\$0.00
City of Dallas	Water/Sewer	\$11,525.41 ¹
Community Waste Disposal LP	Waste	\$0.00
Direct Energy	Electric	\$54,261.29
Fusion LLC	Telecom/Internet	\$0.00
Spectrum (f/k/a Time Warner Cable)	Telecom/Internet	\$0.00
Verizon	Telecom/Internet	\$0.00
Novitas Solutions, LLC	Medicare Administrative Contractor	\$0.00
Management and Network Services, LLC	Provider Agreements	\$0.00
LeadingCare Network Texas, LLC (Aetna)	Provider Agreements	\$0.00
UnitedHealthcare Insurance Company	Provider Agreements	\$0.00
Centers for Medicare & Medicaid Service	Provider Agreements	\$0.00

¹ Upon information and belief this amount has been paid in full. Bay 9 agrees to pay this amount only to the extent the City of Dallas provides proof of nonpayment.

US Dept Health & Human Services Centers for Medicare & Medicaid Services	Medicare Provider Agreement	\$0.00
Blue Cross and Blue Shield of Texas	Provider Agreement	\$0.00