

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

GLOBAL WOUND CARE MEDICAL GROUP, a
Professional Corporation,¹

Debtor and Debtor in Possession.

Chapter 11

Case No. 24-34908 (CML)

**NOTICE OF FILING OF REVISED ORDER GRANTING DEBTOR’S EMERGENCY
MOTION FOR ENTRY OF AN ORDER AUTHORIZING PAYMENT OF CERTAIN
PREPETITION (I) WAGES, SALARIES, AND OTHER COMPENSATION; (II)
REIMBURSABLE EMPLOYEE EXPENSES; (III) EMPLOYEE BENEFITS; AND (IV)
RELATED COSTS**

PLEASE TAKE NOTICE that, on October 21, 2024, Global Wound Care Medical Group, a Professional Corporation, the debtor and debtor in possession in the above-captioned case, filed the *Debtor’s Emergency Motion For Entry Of An Order Authorizing Payment Of Certain Prepetition (I) Wages, Salaries, And Other Compensation; (II) Reimbursable Employee Expenses; (III) Employee Benefits; And (IV) Related Costs* [Docket No. 5] (the “Motion”) and a proposed order approving the Motion [Docket No. 5-1] (the “Proposed Order”).

PLEASE TAKE FURTHER NOTICE that on, October 24, 2024, the Court held a telephonic and video hearing (the “First Day Hearing”), to consider the relief requested in the Motion.

PLEASE TAKE FURTHER NOTICE that, in accordance with statements made on the record at the First Day Hearing, the Debtor, the United States of America and the U.S. Department of Health and Human Resources, through their respective counsel, have reached an agreement

¹ The last four digits of the Debtor’s tax identification number in the jurisdiction in which it operates is 3572.



regarding certain language related to biologic fees to be inserted into the Proposed Order. The agreed to language is reflected in the revised proposed *Order Granting Debtor's Emergency Motion For Entry Of An Order Authorizing Payment Of Certain Prepetition (I) Wages, Salaries, And Other Compensation; (II) Reimbursable Employee Expenses; (III) Employee Benefits; And (IV) Related Costs* (the "Revised Proposed Order"), attached hereto as **Exhibit "A."**

PLEASE TAKE FURTHER NOTICE that a redline of the Revised Proposed Order marked against the Proposed Order is attached hereto as **Exhibit "B."**

Dated: October 28, 2024

Respectfully submitted,

DENTONS US LLP

/s/ Casey W. Doherty Jr.
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*Proposed Counsel to the Debtor and
Debtor-in-Possession*

CERTIFICATE OF SERVICE

This is to certify that I have on October 28, 2024, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ Casey W. Doherty Jr. _____

Exhibit A

(Revised Proposed Order)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

GLOBAL WOUND CARE MEDICAL GROUP, a
Professional Corporation.¹

Debtor and Debtor in Possession.

Chapter 11

Case No. 24-34908

**ORDER GRANTING DEBTOR’S EMERGENCY MOTION FOR ENTRY OF AN
ORDER AUTHORIZING PAYMENT OF CERTAIN PREPETITION (I) WAGES,
SALARIES, AND OTHER COMPENSATION; (II) REIMBURSABLE EMPLOYEE
EXPENSES; (III) EMPLOYEE BENEFITS; AND (IV) RELATED COSTS**

Upon the emergency motion (the “Motion”)² of the above-captioned debtor and debtor in possession (the “Debtor”) for entry of this order (the “Order”) (A) authorizing, but not directing, the Debtor, in its discretion, to (i) pay or honor any outstanding prepetition wages, salaries, employee benefits, and other compensation; (ii) remit withholding obligations; (iii) maintain workers’ compensation and benefits programs, (iv) pay related administration obligations; and (v) pay reimbursable employee expenses, with payments to each employee and independent contractor not to exceed the statutory limit for priority claims of \$15,150.00; and (B) authorizing and directing applicable banks to pay all checks and electronic payment requests made by the Debtor relating to the foregoing, all as more fully set forth in the Motion; and upon the First Day Declaration; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this Court having found that (a) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (b) that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; (c)

¹ The last four digits of the Debtor’s tax identification number in the jurisdiction in which it operates is 3572.

² Capitalized terms not otherwise defined herein shall have the meaning afforded in the Motion.

that the relief requested in the Motion is in the best interests of the Debtor's estate, its creditors, and other parties in interest; and (d) that the Debtor's notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court, if any; and this Court having determined that the legal and factual bases set forth in support of the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion is granted subject to the terms of this Order.
2. The Debtor is authorized, in its sole discretion, to do the following:
 - a) To honor and pay any Employee Obligations for Employees and Medical Directors of the Debtor that are outstanding as of the Petition Date, including Compensation Obligations, Biologic Fees, Payroll Maintenance Fees and Employer Payroll Taxes, expense reimbursements, and PTO; *provided, however*, that no payment to any individual Employee or Medical Director of prepetition Employee Obligations shall exceed, in the aggregate for that individual Employee, the statutory cap of \$15,150.00 provided for under § 507(a)(4) of the Bankruptcy Code (the "Statutory Cap") unless otherwise required by applicable law or ordered by this Court;
 - b) To pay postpetition (when payable) any amounts that accrued prepetition for Continuation Health Coverage, and to continue to perform any obligations related thereto in the ordinary course of business;
 - c) To repay Wound Pros for any premiums, claims or administration fees paid

as of the Petition Date and to continue to repay Wound Pros, in its discretion and in the ordinary course of its business, for the administration fees, premiums for and claims under the Health Plans that are paid postpetition;

- d) To repay Wound Pros for prepetition premiums payments and related charges to maintain Employee Life Insurance and Workers' Compensation Insurance;
- f) To continue to honor, in its discretion and in the ordinary course of its business, miscellaneous employee retirement and benefit programs and to distribute to third-parties the payments for these programs in connection with the payment of Employee Compensation Obligations; and
- g) To continue to pay and honor, in its discretion and in the ordinary course of its business, all Employee-related expenses and obligations that accrue postpetition in the ordinary course of the Debtor's business.

3. Applicable banks shall honor and pay all checks and electronic payment requests made by the Debtor relating to the foregoing obligations.

4. The Debtor shall maintain a matrix/schedule of amounts that are over \$25,000 paid to a single clinician related to the Biologic Fees, made pursuant to this Order, including the following information: (a) the names of the payee; (b) the date and amount of the payment; (c) the category or type of payment, as further described and classified in the Motion; and (d) the Debtor that made the payment. The Debtor shall provide a copy of such matrix/schedule to the U.S. Trustee and any statutory committee appointed in this chapter 11 case every 30 days beginning upon entry of this Order.

5. Notwithstanding the relief granted in this Order, any payment of Biologic Fees shall

only be made to Employees of the Debtor, as the term Employee is used in 42 C.F.R. § 1001.952(i), who were Employees at the time the services related to the Biologic Fee were performed; if any Biologic Fees are paid to an independent contractor of the Debtor or other non-Employee, such fees shall be returned to the Debtor's estate. The United States reserves all rights to challenge the legality of any such Biologic Fees, or other remuneration, paid to an independent contractor or non-Employee of the Debtor.

6. Notwithstanding the relief granted in this Order and any actions taken pursuant to such relief, nothing in this Order shall be deemed: (a) an admission as to the validity of any claim against the Debtor; (b) a waiver of the Debtor's right to dispute any claim on any grounds; (c) a promise or requirement to pay any claim; (d) an implication or admission that any particular claim is of a type specified or defined in this Order, or the Motion; (e) a request or authorization to assume any agreement, contract, or lease pursuant to § 365 of the Bankruptcy Code; (f) a waiver or limitation of the Debtor's rights under the Bankruptcy Code or any other applicable law; or (g) a concession by the Debtor that any liens (contractual, common law, statutory, or otherwise) satisfied pursuant to the Motion are valid, and the Debtor expressly reserves its rights to contest the extent, validity, or perfection or seek avoidance of any or all such liens.

7. Nothing in this Order or any action taken by the Debtor in furtherance of the implementation hereof shall be deemed to constitute an assumption or rejection of any executory contract or unexpired lease pursuant to § 365 of the Bankruptcy Code, and all of the Debtor's rights with respect to such matters are expressly reserved.

8. Notwithstanding the relief granted herein and any actions taken hereunder, nothing contained herein shall (a) create, nor is it intended to create, any rights in favor of, or enhance the status of any claim held by, any person or entity, or (b) be deemed to convert the priority of any

claim from a prepetition claim into an administrative expense claim.

9. Notice of the Motion as provided therein shall be deemed good and sufficient notice, and the requirements of Bankruptcy Rules 2002 and 6004(a), and BLR 9013-1(b) are waived and/or satisfied by such notice.

10. The Debtor is authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

11. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: _____, 2024

Christopher M. Lopez
United States Bankruptcy Judge

Exhibit B

(Redline of the Revised Proposed Order)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

GLOBAL WOUND CARE MEDICAL GROUP, a
Professional Corporation.¹

Debtor and Debtor in Possession.

Chapter 11

Case No. 24-34908

~~(Emergency Hearing Requested)~~

**ORDER GRANTING DEBTOR’S EMERGENCY MOTION FOR ENTRY OF AN
ORDER AUTHORIZING PAYMENT OF CERTAIN PREPETITION (I) WAGES,
SALARIES, AND OTHER COMPENSATION; (II) REIMBURSABLE EMPLOYEE
EXPENSES; (III) EMPLOYEE BENEFITS; AND (IV) RELATED COSTS**

Upon the emergency motion (the “Motion”)² of the above-captioned debtor and debtor in possession (the “Debtor”) for entry of this order (the “Order”) (A) authorizing, but not directing, the Debtor, in its discretion, to (i) pay or honor any outstanding prepetition wages, salaries, employee benefits, and other compensation; (ii) remit withholding obligations; (iii) maintain workers’ compensation and benefits programs, (iv) pay related administration obligations; and (v) pay reimbursable employee expenses, with payments to each employee and independent contractor not to exceed the statutory limit for priority claims of \$15,150.00; and (B) authorizing and directing applicable banks to pay all checks and electronic payment requests made by the Debtor relating to the foregoing, all as more fully set forth in the Motion; and upon the First Day Declaration; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334;

¹ The last four digits of the Debtor’s tax identification number in the jurisdiction in which it operates is 3572.

² Capitalized terms not otherwise defined herein shall have the meaning afforded in the Motion.

and this Court having found that (a) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (b) that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; (c) that the relief requested in the Motion is in the best interests of the Debtor's estate, its creditors, and other parties in interest; and (d) that the Debtor's notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court, if any; and this Court having determined that the legal and factual bases set forth in support of the Motion establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Motion is granted subject to the terms of this Order.
2. The Debtor is authorized, in its sole discretion, to do the following:
 - a) To honor and pay any Employee Obligations for Employees and Medical Directors of the Debtor that are outstanding as of the Petition Date, including Compensation Obligations, Biologic Fees, Payroll Maintenance Fees and Employer Payroll Taxes, expense reimbursements, and PTO; *provided, however,* that no payment to any individual Employee or Medical Director of prepetition Employee Obligations shall exceed, in the aggregate for that individual Employee, the statutory cap of \$15,150.00 provided for under § 507(a)(4) of the Bankruptcy Code (the "Statutory Cap") unless otherwise required by applicable law or ordered by this Court;

- b) To pay postpetition (when payable) any amounts that accrued prepetition for Continuation Health Coverage, and to continue to perform any obligations related thereto in the ordinary course of business;
- c) To repay Wound Pros for any premiums, claims or administration fees paid as of the Petition Date and to continue to repay Wound Pros, in its discretion and in the ordinary course of its business, for the administration fees, premiums for and claims under the Health Plans that are paid postpetition;
- d) To repay Wound Pros for prepetition premiums payments and related charges to maintain Employee Life Insurance and Workers' Compensation Insurance;
- f) To continue to honor, in its discretion and in the ordinary course of its business, miscellaneous employee retirement and benefit programs and to distribute to third-parties the payments for these programs in connection with the payment of Employee Compensation Obligations; and
- g) To continue to pay and honor, in its discretion and in the ordinary course of its business, all Employee-related expenses and obligations that accrue postpetition in the ordinary course of the Debtor's business.

3. Applicable banks shall honor and pay all checks and electronic payment requests made by the Debtor relating to the foregoing obligations.

4. The Debtor shall maintain a matrix/schedule of amounts that are over \$25,000 paid to a single clinician related to the Biologic Fees, made pursuant to this Order, including the following information: (a) the names of the payee; (b) the date and amount of the payment; (c)

the category or type of payment, as further described and classified in the Motion; and (d) the Debtor that made the payment. The Debtor shall provide a copy of such matrix/schedule to the U.S. Trustee and any statutory committee appointed in this chapter 11 case every 30 days beginning upon entry of this Order.

5. Notwithstanding the relief granted in this Order, any payment of Biologic Fees shall only be made to Employees of the Debtor, as the term Employee is used in 42 C.F.R. § 1001.952(i), who were Employees at the time the services related to the Biologic Fee were performed; if any Biologic Fees are paid to an independent contractor of the Debtor or other non-Employee, such fees shall be returned to the Debtor's estate. The United States reserves all rights to challenge the legality of any such Biologic Fees, or other remuneration, paid to an independent contractor or non-Employee of the Debtor.

56. Notwithstanding the relief granted in this Order and any actions taken pursuant to such relief, nothing in this Order shall be deemed: (a) an admission as to the validity of any claim against the Debtor; (b) a waiver of the Debtor's right to dispute any claim on any grounds; (c) a promise or requirement to pay any claim; (d) an implication or admission that any particular claim is of a type specified or defined in this Order, or the Motion; (e) a request or authorization to assume any agreement, contract, or lease pursuant to § 365 of the Bankruptcy Code; (f) a waiver or limitation of the Debtor's rights under the Bankruptcy Code or any other applicable law; or (g) a concession by the Debtor that any liens (contractual, common law, statutory, or otherwise) satisfied pursuant to the Motion are valid, and the Debtor expressly reserves its rights to contest the extent, validity, or perfection or seek avoidance of any or all such liens.

67. Nothing in this Order or any action taken by the Debtor in furtherance of the implementation hereof shall be deemed to constitute an assumption or rejection of any executory

contract or unexpired lease pursuant to § 365 of the Bankruptcy Code, and all of the Debtor's rights with respect to such matters are expressly reserved.

78. Notwithstanding the relief granted herein and any actions taken hereunder, nothing contained herein shall (a) create, nor is it intended to create, any rights in favor of, or enhance the status of any claim held by, any person or entity, or (b) be deemed to convert the priority of any claim from a prepetition claim into an administrative expense claim.

89. Notice of the Motion as provided therein shall be deemed good and sufficient notice, and the requirements of Bankruptcy Rules 2002 and 6004(a), and BLR 9013-1(b) are waived and/or satisfied by such notice.

910. The Debtor is authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

1011. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Dated: _____, 2024

~~[Name of Judge]~~ Christopher M. Lopez
United States Bankruptcy Judge

Summary report:	
Litera Compare for Word 11.4.0.111 Document comparison done on 10/28/2024 1:08:33 PM	
Style name: Underline Strikethrough	
Intelligent Table Comparison: Active	
Original DMS: iw://worksite.us.dentons.com/US_ACTIVE/128179359/1	
Modified DMS: iw://worksite.us.dentons.com/US_ACTIVE/128179359/3	
Changes:	
<u>Add</u>	10
Delete	12
Move From	0
<u>Move To</u>	0
<u>Table Insert</u>	0
Table Delete	0
<u>Table moves to</u>	0
Table moves from	0
Embedded Graphics (Visio, ChemDraw, Images etc.)	0
Embedded Excel	0
Format changes	0
Total Changes:	22