



IT IS ORDERED as set forth below:

Date: June 5, 2024

Paul Baisier

**Paul Baisier
U.S. Bankruptcy Court Judge**

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

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In re:)))))
LAVIE CARE CENTERS, LLC, <i>et al.</i> ¹)))))
Debtors.)))))
)))))

**INTERIM ORDER (I) AUTHORIZING THE
IMPLEMENTATION OF PROCEDURES TO MAINTAIN AND
PROTECT CONFIDENTIAL HEALTH INFORMATION AS REQUIRED
BY APPLICABLE PRIVACY RULES, (II) SCHEDULING A FINAL HEARING,
AND (III) GRANTING RELATED RELIEF**

¹ The last four digits of LaVie Care Centers, LLC’s federal tax identification number are 5592. There are 282 Debtors in these chapter 11 cases, which are being jointly administered for procedural purposes only. A complete list of the Debtors and the last four digits of their federal tax identification numbers are not provided herein. A complete list of such information may be obtained on the website of the Debtors’ proposed claims and noticing agent at <https://www.kcellc.net/LaVie>. The location of LaVie Care Centers, LLC’s corporate headquarters and the Debtors’ service address is 1040 Crown Pointe Parkway, Suite 600, Atlanta, GA 30338.



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Upon the motion (the “Motion”)² of the Debtors for entry of an interim order (this “Order”) and a Final Order, authorizing the Debtors to establish procedures to maintain and protect the confidentiality of health information as required by HIPAA, all as more fully set forth in the Motion; and upon consideration of the First Day Declaration; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; 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 having heard the statements in support of the relief requested therein at a hearing before this Court (the “Hearing”); and the Court having determined that the legal and factual bases set forth in the Motion and at the Hearing 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 Debtors, their estates, their 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 on an interim basis as set forth herein.
2. The final hearing (the “Final Hearing”)³ on the Motion shall be held on June 27, 2024, at 9:30 a.m. (prevailing Eastern Time). Any objections or responses to the entry of the

² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

³ Parties may attend the Final Hearing in **Courtroom 1202 in the Richard B. Russell Federal Building and United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303** or virtually via **Judge Baisier’s Virtual Hearing Room**. The link for the Virtual Hearing Room can be found on Judge Baisier’s webpage at <https://www.ganb.uscourts.gov/content/honorable-paul-m-baisier> and is best used on a desktop or laptop computer but may be used on a phone or tablet. Participants’ devices must have a camera and audio. You may

proposed Final Order shall be filed with the Court and served on the following no later 4:00 p.m. (prevailing Eastern Time) on June 21, 2024: (a) LaVie Care Centers, LLC, c/o Ankura Consulting Group, LLC, 485 Lexington Avenue, 10th Floor, New York, NY 10017 (Attn: M. Benjamin Jones); (b) proposed counsel to the Debtors, McDermott Will & Emery LLP, 1180 Peachtree St. NE, Suite 3350, Atlanta, GA 30309 (Attn: Daniel M. Simon), and 444 West Lake Street, Suite 4000, Chicago, IL 60606 (Attn: Emily C. Keil); (c) counsel to the Prepetition Omega Secured Parties and proposed DIP Lenders, Scroggins & Williamson, P.C., 4401 Northside Parkway, Suite 450, Atlanta, GA 30327 (Attn: Matthew W. Levin), and Goodwin Proctor LLP, The New York Times Building, 620 Eighth Avenue, New York, NY 10018 (Attn: Robert J. Lemons), and Ferguson Braswell Fraser Kubasta PC, 2500 Dallas Parkway, Suite 600, Plano, TX 75093 (Attn: Leighton Aiken); (d) counsel to the Debtors' prepetition ABL lender, Proskauer LLP, One International Place, Boston, MA 02110 (Attn: Charles A. Dale) and Vedder Price LLP, 222 North LaSalle Street, Chicago, IL 60601 (Attn: Kathryn L. Stevens); (e) counsel to the Debtors' proposed DIP Lenders, DLA Piper LLP, 1900 N. Pearl St., Suite 2200, Dallas, TX 75201 (Attn: James Muenker) and 1251 Avenue of the Americas, New York, NY 10020 (Attn: Kira Mineroff); (f) the Office of the United States Trustee Region 21, 362 Richard Russell Building & U.S. Courthouse, 75 Ted Turner Drive, S.W., Room 362, Atlanta, GA 30303 (Attn: Jonathan S. Adams); (g) counsel to the official committee of unsecured creditors (if any) appointed in these Chapter 11 Cases; and (h) any party that has requested notice pursuant to Bankruptcy Rule 2002. If no objections to entry

also join the Virtual Hearing Room through the "Dial-In and Virtual Bankruptcy Hearing Information" link at the top of the homepage of the Court's website, www.ganb.uscourts.gov. Please review "Instructions for Appearing by Telephone and Video Conference" located under the "Hearing Information" tab on the judge's webpage prior to the hearing. You should be prepared to appear at the hearing via video, but you may leave your camera in the off position unless you are speaking or until the Court instructs otherwise. Unrepresented persons who do not have video capability may use the telephone dial-in information on the judge's webpage.

of the Final Order are filed and served, the Court may enter such Final Order without further notice or hearing.

3. The following privacy procedures (collectively, the “Confidentiality Procedures”) shall apply in the Chapter 11 Cases:

- a. the Debtors shall omit any reference to current and former residents of their facilities for whom the Debtors may have health information from the matrix of creditors and from any certificate of service, subject to section (e) below;
- b. the Debtors shall identify current and former residents for whom the Debtors may have health information in the schedules of assets and liabilities and statements of financial affairs (collectively, the “Schedules and Statements”) solely by a code number, such as “Resident 1,” “Resident 2,” and so forth, and shall make an unredacted copy of the Schedules and Statements available to (i) the Court and to the U.S. Trustee upon request; (ii) the DIP Lenders; and (iii) any other party-in-interest only after the Court has entered an order, after notice and a hearing, authorizing the Debtors to do so;
- c. the Debtors and/or their proposed claims and noticing agent shall maintain a list of all current and former residents for whom the Debtors may have health information (the “Confidentiality List”) and shall make the Confidentiality List, or any portion thereof, available to any party-in-interest only after the Court has entered an order, after notice and a hearing, directing the Debtors to do so;
- d. the proposed claims and noticing agent shall process proofs of claims of the Debtors’ current and former residents and, upon request, make available a summary of the total number and amount of all claims filed by the Debtors’ current and former residents against the Debtors, which summary shall exclude any information subject to HIPAA, its associated regulations, and other privacy requirements;
- e. when the Debtors serve any paper upon any person listed on the Confidentiality List, the Debtors shall note in the respective certificate of service that the parties served include persons listed on the Confidentiality List; and
- f. nothing herein shall preclude the Debtors from disclosing the identity of any person who has voluntarily disclosed their own identity as an individual for whom the Debtors may have health information.

4. The Debtors’ compliance with foregoing Confidentiality Procedures shall constitute compliance with Bankruptcy Code section 521, Bankruptcy Rule 1007(a), the Local Rules, and the Complex Case Procedures.

5. Nothing in the Motion or this Order or the relief granted (including any actions taken or payments made by the Debtors pursuant thereto) shall be construed as (a) authority to assume or reject any executory contract or unexpired lease of real property, or as a request for the same; (b) an admission as to the validity, priority, or character of any claim or other asserted right or obligation, or a waiver or other limitation on the Debtors' ability to contest the same on any ground permitted by bankruptcy or applicable non-bankruptcy law; (c) a promise or requirement to pay any claim or other obligation; or (d) granting third-party-beneficiary status, bestowing any additional rights on any third party, or being otherwise enforceable by any third party.

6. The Court finds and determines that the requirements of Bankruptcy Rule 6003 are satisfied and that the relief requested in the Motion is necessary to avoid immediate and irreparable harm.

7. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of Bankruptcy Rule 6004(a), the Local Rules, and the Complex Case Procedures are satisfied by such notice.

8. All time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).

9. The Debtors are authorized to take all actions necessary to implement the relief granted in this Order.

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

END OF ORDER

Prepared and presented by:

/s/ Daniel M. Simon

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