

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

)	
In re:)	Chapter 11
)	
LAVIE CARE CENTERS, LLC, <i>et al.</i> ¹)	Case No. 24-55507 (PMB)
)	
Debtors.)	(Jointly Administered)
)	
)	Related to Docket Nos. 7, 44

**NOTICE OF FILING OF MODIFIED PROPOSED FINAL ORDER
(I) AUTHORIZING THE IMPLEMENTATION OF PROCEDURES TO MAINTAIN
AND PROTECT CONFIDENTIAL HEALTH INFORMATION AS REQUIRED BY
APPLICABLE PRIVACY RULES AND (II) GRANTING RELATED RELIEF**

PLEASE TAKE NOTICE that, on June 2, 2024, the above-captioned debtors and debtors-in-possession (collectively, the “Debtors”) filed the *Debtors’ Emergency Motion for Entry of Interim and Final Orders (I) Authorizing the Implementation of Procedures to Maintain and Protect Confidential Health Information as Required by Applicable Privacy Rules and (II) Granting Related Relief* [Docket No. 7] (the “Motion”). A proposed form of final order was attached to the Motion as Exhibit B (the “Initial Proposed Final Order”).

PLEASE TAKE FURTHER NOTICE that on June 5, 2024, the United States Bankruptcy Court for the Northern District of Georgia (the “Court”) entered the *Interim Order (I) Authorizing the Implementation of Procedures to Maintain and Protect Confidential Health Information as Required by Applicable Privacy Rules and (II) Granting Related Relief* [Docket No. 44].

PLEASE TAKE FURTHER NOTICE that the Debtors hereby file a modified version of the Initial Proposed Final Order (the “Modified Proposed Final Order”), attached hereto as **Exhibit A**.

PLEASE TAKE FURTHER NOTICE that a redline reflecting the modifications between the Initial Proposed Final Order and the Modified Proposed Final Order is attached hereto as **Exhibit B**.

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’ claims and noticing agent at <https://www.kccllc.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.



PLEASE TAKE FURTHER NOTICE that the hearing to consider the Motion will be held before the Honorable Paul M. Baisier, United States Bankruptcy Judge, Courtroom 1202, 75 Ted Turner Drive, SW, Atlanta, Georgia, 30303 on **June 27, 2024 at 9:30 a.m. (prevailing Eastern Time)**.

PLEASE TAKE FURTHER NOTICE that a copy of each document filed in the above captioned chapter 11 cases can be viewed on the Court's website at www.ganb.uscourts.gov and the website of the Debtors' claims and noticing agent, Kurtzman Carson Consultants LLC, at <https://www.kccllc.net/LaVie>. Further information may be obtained by using the "Submit an Inquiry" function at <https://www.kccllc.net/LaVie/inquiry>.

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Dated: Atlanta, Georgia
June 26, 2024

MCDERMOTT WILL & EMERY LLP

/s/ Daniel M. Simon

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*Proposed Counsel for the Debtors and
Debtors-in-Possession*

CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2024, all ECF participants registered in this case were served electronically with the foregoing notice through the Court's ECF system at their respective email addresses registered with this Court.

Dated: Atlanta, Georgia
June 26, 2024

MCDERMOTT WILL & EMERY LLP

/s/ Daniel M. Simon

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*Proposed Counsel for the Debtors and
Debtors-in-Possession*

EXHIBIT A

Modified Proposed Final Order

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

)	
In re:)	Chapter 11
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LAVIE CARE CENTERS, LLC, <i>et al.</i> ¹)	Case No. 24-55507 (PMB)
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Debtors.)	(Jointly Administered)
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)	Related to Docket Nos. 7, 44

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

Upon the motion (the "Motion")² of the Debtors for entry of an Interim Order and a final order (this "Order") authorizing procedures to maintain and protect the confidentiality of health

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’ claims and noticing agent at <https://www.kccllc.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.

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

information as required by HIPAA, all as more fully set forth in the Motion; and upon consideration of the First Day Declaration and the Interim Order entered on June 5, 2024; 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 a final basis as set forth herein.
2. 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; (iii) the Committee; and

(iv) 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. Notwithstanding Bankruptcy Rule 6004(h), this Order shall be effective and enforceable immediately upon entry hereof.

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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EXHIBIT B

Redline

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

In re:)	
)	Chapter 11
LAVIE CARE CENTERS, LLC, <i>et al.</i> ¹)	Case No. 24-55507 (PMB)
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Debtors.)	(Jointly Administered)
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)	Related to Docket No <u>Nos.</u> — <u>7, 44</u>

**FINAL ORDER (I) AUTHORIZING THE
IMPLEMENTATION OF PROCEDURES TO MAINTAIN AND
PROTECT CONFIDENTIAL HEALTH INFORMATION AS REQUIRED
BY APPLICABLE PRIVACY RULES AND (II) 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, ~~for which the Debtors have requested joint administration~~ 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.kccllc.net/LaVie~~https://www.kccllc.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.

Upon the motion (the “Motion”)² of the Debtors for entry of an Interim Order and a final order (this “Order”) authorizing 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 Interim Order entered on ~~—~~June 5, 2024; 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 a final basis as set forth herein.

2. ~~1.~~—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 (~~d~~e) below;

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

- 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; (iii) the Committee; and ~~(iii)~~(iv) 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.

3. ~~2.~~ 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.

4. ~~3.~~ 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.

5. ~~4.~~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.

6. ~~5.~~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.

7. ~~6.~~Notwithstanding Bankruptcy Rule 6004(h), this Order shall be effective and enforceable immediately upon entry hereof.

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

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

10. ~~9.~~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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