



IT IS ORDERED as set forth below:

Date: June 27, 2024

Paul Baisier

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

**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 (<u>PMB</u>)
)	
Debtors.)	(Jointly Administered)
)	
)	Related to Docket Nos. 13 and 46

FINAL ORDER AUTHORIZING DEBTORS TO (I) PAY PREPETITION WAGES, COMPENSATION, AND EMPLOYEE BENEFITS, (II) CONTINUE CERTAIN EMPLOYEE BENEFIT PROGRAMS IN THE ORDINARY COURSE, AND (III) GRANTING RELATED RELIEF

Upon the motion (the "Motion")² of the Debtors for entry of an Interim Order and a final order (this "Order") (a) authorizing, but not directing, the Debtors (i) to pay, perform, and/or honor,

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.



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as applicable, the Employee Compensation Claims and the prepetition claims of the Employment Agencies, the Employee Benefit Obligations, the Employee Expense Obligations, the Employee Tax Obligations, the Workers' Compensation Obligations, the Union Obligations, the 401(k) Obligations, the Employee Bonus Obligations, and the Employee Severance Obligations, and (ii) to honor and continue their Employee benefit plans, programs, policies, and procedures in the ordinary course of business in accordance with prepetition practices, 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 Debtors are authorized, but not directed, in their sole discretion, to pay, perform, and/or honor, as applicable, the Employee Compensation Claims and the prepetition

claims of the Employment Agencies, the Employee Benefit Obligations, the Employee Expense Obligations, the Employee Tax Obligations, the Workers' Compensation Obligations, the Union Obligations, the 401(k) Obligations, the Employee Bonus Obligations, and the Employee Severance Obligations (collectively, the "Prepetition Employee Obligations"), including payment to any third parties that provide or aid in the monitoring, processing, or administration of the Prepetition Employee Obligations, as and when such obligations are due; *provided, however*, no Employee shall be paid in excess of \$15,150 on account of prepetition Employee Compensation; *provided, further, however*, that this final aggregate amount shall not apply to or include payments on account of the Workers' Compensation Obligations.

3. The Debtors are authorized to pay prepetition amounts owed to Independent Contractors.

4. The Debtors are authorized, but not directed, in their sole discretion, to pay the prepetition claims of the Employment Agencies.

5. The Debtors are authorized, but not directed, to continue the Debtors' Time Off Benefits, including Holiday Time, PTO, Medical Leave, Other Time Off Policies, and Military Leave policies.

6. The Debtors are authorized, but not directed, in their sole discretion, to pay any and all Workers' Compensation Obligations, as and when such obligations are due, arising from their Workers' Compensation Program. For the avoidance of doubt, the term Workers' Compensation Program includes all workers' compensation insurance policies issued or providing coverage at any time to the Debtors or their predecessors, whether expired, current or prospective, and any agreements related thereto, and the term Workers' Compensation Obligations includes, but is not limited to, all premiums, all deductibles, all self-insured retentions, expenses, assessments,

surcharges, service fees, broker fees and all other amounts (including any collateral) arising under or in connection with the Workers' Compensation Program, whether arising prepetition or postpetition.

7. The automatic stay of Bankruptcy Code section 362(a), if and to the extent applicable, is hereby lifted without further order of the Court to authorize (a) claimants to proceed with (i) their claims under the Workers' Compensation Program and/or (ii) direct action claims against insurers solely in accordance with applicable non-bankruptcy law, in each case whether arising prior to, on, or after the Petition Date, in the appropriate judicial or administrative forum, and with all of the Debtors' and insurers' respective rights with respect to any payment or reimbursement of claims fully reserved and preserved; (b) any insurers and third party administrators to handle, administer, defend, settle and/or pay workers' compensation claims and direct action claims; and (c) any insurers and third party administrators providing coverage for or handling any workers' compensation claims or direct action claims to draw on and apply any and all collateral provided by or on behalf of the Debtors therefor without further order of the Court if and when the Debtors fail to pay and/or reimburse any insurers and third party administrators for any amounts in relation thereto. The Debtors are authorized, but not directed, to continue the Workers' Compensation Program and pay all amounts relating thereto in the ordinary course. This modification of the automatic stay pertains solely to claims under the Workers' Compensation Program and direct-action claims.

8. The Debtors are authorized, but not directed, in their sole discretion, (a) to continue their Employee benefit plans, programs, policies, and procedures, including, without limitation, the Workers' Compensation Program, in the ordinary course of business and in accordance with prepetition practices, and (b) to modify or discontinue such plans, programs, policies, and

procedures as necessary or prudent in the Debtors' business judgment, subject to the terms of such plans, programs, and policies and applicable law.

9. The Debtors are authorized, but not directed, to forward any unpaid amounts on account of Payroll Taxes to the appropriate third-party recipients or taxing authorities in accordance with the Debtors' prepetition policies and practices. The Debtors are authorized, but not directed, to reimburse CMC III for the ADP Processing Fees.

10. The Debtors (including through ADP and CMC III, as applicable) may pay any and all withholdings, including social security, FICA, federal, state and local income taxes, garnishments, health care premiums, retirement fund withholding, and other types of withholdings, whether or not these relate to the period prior to the Petition Date.

11. The Debtors are authorized, but not directed, to remit the Union Obligations in the ordinary course of business consistent with past practice and to continue collecting and remitting the Union Obligations in the ordinary course of business on a postpetition basis.

12. The Debtors are authorized, but not directed, to maintain the Employee Severance Program in the ordinary course of business and consistent with past practice.

13. The Debtors are authorized, but not directed, to maintain the Employee Bonus Programs in the ordinary course of business and consistent with past practice and to pay the Employee Bonus Obligations associated therewith.

14. Notwithstanding anything to the contrary contained in the Motion or this Order, any payment to be made and any relief or authorization granted hereunder shall be limited by, and shall be subject to, the requirements imposed on the Debtors in the Final DIP Order, including, for the avoidance of doubt, the Approved DIP Budget. To the extent of any conflict (but solely to the

extent of such conflict) between the terms of this Order and the terms of the Final DIP Order, the terms of the Final DIP Order will govern.

15. The Banks on which checks were drawn or electronic payment requests made for payment of the prepetition obligations approved herein are authorized to receive, process, honor, and pay all such checks and electronic payment requests when presented for payment, and all such Banks are authorized to rely on the Debtors' designation of any particular check or electronic payment request as approved by this Order without any duty of further inquiry and without liability for following the Debtors' instructions.

16. The Debtors are authorized to issue postpetition checks, or to effect postpetition electronic fund transfer requests, in replacement of any checks or fund transfer requests that are dishonored as a consequence of the Chapter 11 Cases with respect to payments authorized pursuant to this Order.

17. Nothing in the Motion or this Order or the relief granted alters or amends the terms and conditions of the Workers' Compensation Program and/or any of the rights and obligations under the Workers' Compensation Program including, without limitation, the right, if any, of any insurer or third party administrator to draw on and apply any collateral in accordance with the terms of the Workers' Compensation Program.

18. 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.

19. 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.

20. 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.

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

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

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

24. 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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