

than governmental units,³ holding a claim against the Debtors arising (or deemed to arise) on or before the Petition Date (as defined herein), including claims arising under Bankruptcy Code section 503(b)(9), to file proofs of claim in the Chapter 11 Cases;

- (b) establishing **November 29, 2024 at 5:00 p.m. (prevailing Eastern Time)** (the “Governmental Bar Date”), as the deadline for governmental units holding a claim against the Debtors arising (or deemed to arise) on or before the Petition Date to file proofs of claim in the Chapter 11 Cases;
- (c) establishing 30 days after the effective date of rejection of any unexpired lease or executory contract of the Debtors as provided by an order of the Court or pursuant to a notice under procedures approved by the Court, (the “Rejection Bar Date” and, collectively with the General Bar Date, and the Governmental Bar Date, the “Bar Dates”), as the deadline for filing a proof of claim for any rejection damages arising from the rejection of any unexpired lease or executory contract of the Debtors; and
- (d) granting related relief.

JURISDICTION AND VENUE

2. The United States Bankruptcy Court for the Northern District of Georgia, Atlanta Division (the “Court”) has jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b). Venue of these cases and the Motion in this District is proper under 28 U.S.C. §§ 1408 and 1409.

3. The legal predicates for the relief requested herein are sections 105(a), 501, 502, 503, and 1111(a) of title 11 of the United States Code (the “Bankruptcy Code”) and Rules 2002 and 3003(c)(3) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”).

BACKGROUND

I. The Chapter 11 Cases

1. On June 2, 2024 and June 3, 2024 (the “Petition Date”), each Debtor commenced a case by filing with the Court a petition for relief under chapter 11 of the Bankruptcy Code

³ As used herein, the term “governmental unit” shall have the meaning ascribed to such term in Bankruptcy Code section 101(27).

(collectively, the “Chapter 11 Cases”), which are being jointly administered for procedural purposes only. The Debtors continue to operate their business and manage their property as debtors and debtors-in-possession pursuant to Bankruptcy Code sections 1107(a) and 1108.

2. On June 4, 2024, the Court entered the *Interim Order (I) Authorizing the Debtors to (A) Obtain Postpetition Financing and (B) Utilize Cash Collateral, (II) Granting Adequate Protection to Prepetition Secured Parties, (III) Modifying the Automatic Stay, (IV) Scheduling a Final Hearing for June 27, 2024, and (V) Granting Related Relief* [Docket No. 49] (the “Interim DIP Order”).

3. On June 13, 2024, the Office of the United States Trustee for Region 21, Atlanta Division (the “U.S. Trustee”) appointed an official committee of unsecured creditors (the “Committee”), consisting of the following nine members: (a) Healthcare Services Group, Inc., (b) Omnicare, Inc., (c) Twin Med, LLC, (d) ShiftMed, LLC, (e) CBD Services USA, LLC, (f) Amidon Nurse Staffing, (g) Healthcare Negligence Settlement Recovery Corp., (h) the Estate of Nancy Walsh, and (i) Theodore Horrobin. *See* Docket No. 112. To date, no chapter 11 trustee or examiner has been appointed in the Chapter 11 Cases.

4. Additional information regarding the Debtors and these Chapter 11 Cases, including the Debtors’ business operations, capital structure, financial condition, and the reasons for and objectives of these Chapter 11 Cases, is set forth in the *Declaration of M. Benjamin Jones in Support of Chapter 11 Petitions and First Day Pleadings* [Docket No. 17].

ESTABLISHMENT OF THE BAR DATES

5. Bankruptcy Rule 3003(c)(3) generally governs the filing of proofs of claim in chapter 11 cases and provides in relevant part that: “[t]he court shall fix and for cause shown may extend the time within which proofs of claim . . . may be filed.” Fed. R. Bankr. P. 3003(c)(3).

Although Bankruptcy Rule 2002(a)(7) generally provides that all parties-in-interest must receive, at a minimum, 21 days' notice of the time fixed for filing proofs of claim pursuant to Bankruptcy Rule 3003(c), neither the Bankruptcy Code, the Bankruptcy Rules, nor the Bankruptcy Local Rules for the Northern District of Georgia specify a time by which proofs of claim must be filed in chapter 11 cases (other than Bankruptcy Code section 502(b)(9), which provides that governmental units shall have a minimum of 180 days after the entry of the order for relief to file proofs of claim). The Court has authority to grant the relief requested in this Motion in furtherance of Bankruptcy Rule 3003 and under Bankruptcy Code section 105(a), which empowers bankruptcy courts to enter "any order, process, or judgment that is necessary or appropriate" to carry out the provisions of the Bankruptcy Code. 11 U.S.C. § 105(a).

6. The Debtors respectfully submit that the proposed timeline will give all parties-in-interest adequate notice of the Bar Dates and an opportunity to respond. Pursuant to the Final DIP Order, the Debtors must file a chapter 11 plan and accompanying disclosure statement by July 17, 2024. *See* Final DIP Order, Ex. A, at § 4.12. To facilitate consummation of a chapter 11 plan, the Debtors will require complete and accurate information regarding the nature, validity, amount, and status of all claims that will be asserted in the Chapter 11 Cases. Consequently, the Bar Dates and the form and manner of notice proposed in the Motion are necessary and appropriate.

I. General Bar Date

7. The Debtors request that the Court establish **August 30, 2024 at 5:00 p.m. (prevailing Eastern Time)** as the General Bar Date. The Debtors intend to give notice of the General Bar Date on or before July 8, 2024 by sending a copy of the Bar Date Order, together with

a proof of claim form and related instructions (collectively, the “Proof of Claim Form”),⁴ to all known persons and entities holding potential claims against the Debtors.

8. The General Bar Date would be the date by which all persons and entities, excluding governmental units, holding or asserting prepetition claims against the Debtors must file a Proof of Claim Form unless they fall within one of the exceptions set forth in this Motion. Subject to these exceptions, the General Bar Date would apply to all persons or entities, including without limitation general unsecured creditors and creditors holding claims under Bankruptcy Code section 503(b)(9), that assert a claim against the Debtors that arose or is deemed to have arisen on or prior to the Petition Date.

II. Inclusion of Section 503(b)(9) Claims in the General Bar Date

9. The Debtors also propose that the filing of a Proof of Claim be deemed to satisfy the procedural requirements for the assertion of administrative priority claims under Bankruptcy Code section 503(b)(9) (which, despite the administrative priority status, are prepetition claims).

10. Any claimant asserting a claim pursuant to Bankruptcy Code section 503(b)(9) (each, a “503(b)(9) Claim”) must (i) complete the appropriate box in the Proof of Claim Form and, thereby, identify the amount of such claim believed to be entitled to administrative expense priority treatment under Bankruptcy Code section 503(b)(9) and (ii) attach documentation supporting such claim. To the extent that a claimant fails to identify the existence and amount of its 503(b)(9) Claim on the Proof of Claim Form, the claim will not be regarded as a 503(b)(9) Claim, and the claim will not be entitled to priority treatment under Bankruptcy Code section 503(b)(9).

⁴ The Proof of Claim Form is substantially in the form of Official Bankruptcy Form 410, but has been modified, and may be further modified in certain limited respects, to accommodate the claims process in the Chapter 11 Case.

III. Governmental Bar Date

11. Bankruptcy Code section 502(b)(9) provides, in relevant part, that “a claim of a governmental unit shall be timely filed if it is filed before 180 days after the date of the order for relief or such later time as the [Bankruptcy Rules] may provide” 11 U.S.C. § 502(b)(9).

12. The Debtors propose to establish **November 29, 2024 at 5:00 p.m. (prevailing Eastern Time)**, as the Governmental Bar Date. Pursuant to Bankruptcy Rule 3003(c) and Bankruptcy Code section 502(b)(9), the Debtors request that any governmental units that are creditors holding or wishing to assert claims arising (or deemed to arise) on or before the Petition Date against the Debtors be required to file, on or before the Governmental Bar Date, a Proof of Claim Form on account of any such claims in accordance with the procedures set forth herein.

IV. Rejection Bar Date

13. In the event that the Debtors reject any executory contracts or unexpired leases (each, an “Agreement”) prior to the confirmation of a chapter 11 plan, the Debtors anticipate that certain persons or entities may assert claims (“Rejection Damages Claims”) in connection with the Debtors’ rejection of such Agreements. The Debtors propose establishing the deadline for filing Proofs of Claim for any Rejection Damages Claims as **30 days after the effective date of rejection of any unexpired lease or executory contract of the Debtors as provided by an order of the Court or pursuant to a notice under procedures approved by the Court.**

PROPOSED PROCEDURES FOR SUBMITTING PROOFS OF CLAIM

I. Parties Required to Submit a Proof of Claim

14. Except as otherwise set forth herein, the Debtors propose that the following entities holding claims against the Debtors arising prior to the Petition Date be required to file Proofs of Claim on or before the applicable Bar Date:

- (a) any entity whose claim against the Debtors is not listed in the Debtors' schedules of assets and liabilities (the "Schedules") or is listed as "contingent," "unliquidated," or "disputed" and if such entity desires to participate in these chapter 11 cases or share in any distribution in this chapter 11 case;
- (b) any entity that believes that its claim is improperly classified in the Schedules or is listed in an incorrect amount and who desires to have its claim allowed in a different classification or amount other than that identified in the Schedules;
- (c) any entity that asserts an administrative priority claim under Bankruptcy Code section 503(b)(9);
- (d) any person or entity who asserts a claim arising from the rejection of an executory contract or unexpired lease of the Debtors and has not previously filed any such claim;
- (e) any person or entity who asserts a priority claim under Bankruptcy Code section 502(f); and
- (f) any person or entity who asserts a claim arising from or relating to pending or threatened litigation against the Debtors.

15. Each Proof of Claim Form must be *actually received* on or before the applicable Bar Date associated with such claim by Kurtzman Carson Consultants LLC, the Court-approved claims and noticing agent in the Chapter 11 Cases (the "Claims Agent" or "KCC"). Proofs of claim must be filed by: (a) mailing the original Proof of Claim by regular mail to LaVie Care Centers, LLC Claims Processing Center, c/o KCC, 222 N. Pacific Coast Hwy., Ste. 300, El Segundo, CA 90245; or (ii) completing the electronic Proof of Claim Form (an "Electronic Proof

of Claim”) available at <https://epoc.kccllc.net/LaVie>. **Proof of Claim Forms will be deemed timely filed only if actually received by KCC on or before the applicable Bar Date.**

16. For the avoidance of doubt, all persons and entities asserting a claim against more than one Debtor must file a separate claim for each such Debtor on or before the applicable Bar Date associated with such claim.

II. Consequences of Failure to File a Proof of Claim

17. The Debtors propose that any person or entity that is required to file a Proof of Claim Form in the form and manner specified in the Bar Date Order that fails to do so on or before the applicable Bar Date: (a) will be forever barred, estopped, and enjoined from asserting such claim against the Debtors, their estates, or the property of the estates, or thereafter filing a Proof of Claim Form with respect thereto in the Chapter 11 Cases; (b) will not, with respect to such claim, be treated as a creditor of the Debtors for the purpose of voting upon any plan in these proceedings; and (c) will not receive or be entitled to receive any payment or distribution of property from the Debtors or their successors or assigns with respect to such claim.

III. Parties Not Required to Submit a Proof of Claim

18. The Debtors propose that the following entities whose claims otherwise would be subject to a Bar Date need not file Proofs of Claim:

- (a) any entity that already has filed a signed Proof of Claim against the Debtors with the Clerk of the Court or with the Claims Agent in a form substantially similar to Official Form 410;
- (b) any entity whose claim is listed in the Debtors’ Schedules filed with the Court, or in any supplements or amendments to the Schedules, (i) that is *not* identified as “contingent,” “unliquidated,” or “disputed”; and (ii) with respect to which the claimant agrees with the amount, nature, classification, and characterization of the claim as set forth in the Schedules;
- (c) any entity whose claim previously has been allowed by order of the Court;

- (d) any entity whose claim has been paid in full by the Debtors in accordance with an order of the Court;
- (e) any non-Debtor subsidiary having a claim against the Debtors;
- (f) any holder of an equity interest in the Debtors (each, an “Interest Holder”), which interest is based solely upon the ownership of membership interests, common or preferred stock, warrants, options, or rights to purchase, sell, or subscribe to such a security or interest of the Debtors (an “Interest”); *provided, however*, that any Interest Holder who wishes to assert a claim against the Debtors, including a claim relating to such equity interest or the purchase, sale, issuance, or distribution of such interest, must file a proof of claim asserting such claim on or prior to the General Bar Date pursuant to procedures set forth herein;
- (g) any holder of an administrative expense claim for post-petition fees and expenses incurred by any professional allowable under Bankruptcy Code sections 330, 331, 503(b)(1)-(8), and 507(a)(2);
- (h) any claims held by current managers, officers, and employees of the Debtors for indemnification, contribution, or reimbursement; and
- (i) any contract or lease counterparty whose contract or lease has been assumed or assumed and assigned by the Debtors.

IV. Requirements for Preparing and Submitting Proofs of Claim

19. The Debtors propose that each Proof of Claim be required to be consistent with the following:

- (a) Contents. Each Proof of Claim must: (i) be legible and written in English; (ii) be denominated in lawful currency of the United States; (iii) conform substantially with the Proof of Claim Form or Official Form 410; and (iv) be signed by the claimant or by an authorized agent or legal representative of the claimant.
- (b) Original Signatures Required. Each Proof of Claim other than an electronically submitted Proof of Claim must contain an original signature of the claimant or the claimant’s authorized agent or legal representative.
- (c) Supporting Documentation. Each Proof of Claim must include supporting documentation in accordance with Bankruptcy Rules 3001(c) and 3001(d).
- (d) Section 503(b)(9) Claim. Any Proof of Claim asserting a claim entitled to priority under Bankruptcy Code section 503(b)(9) must also: (i) include the

value of the goods delivered to and received by the Debtors in the 20 days prior to the Petition Date; (ii) attach any documentation identifying the particular invoices for which the 503(b)(9) claim is being asserted; and (iii) attach documentation of any reclamation demand made to the Debtors under Bankruptcy Code section 546(c) (if applicable).

- (e) Timely Filing. Each Proof of Claim (including supporting documentation) must be filed so as to be actually received, on or before the applicable Bar Date by either: (i) filing an Electronic Proof of Claim via the electronic interface on the Claims Agent's website at <https://epoc.kccllc.net/LaVie>; or (ii) mailing the original Proof of Claim by regular mail to LaVie Care Centers, LLC Claims Processing Center, c/o KCC, 222 N. Pacific Coast Hwy., Ste. 300, El Segundo, CA 90245.
- (f) No Facsimile or E-mail. Copies of Proofs of Claim or Proofs of Claim sent by facsimile or electronic mail will not be accepted.
- (g) Receipt of Service. Claimants wishing to receive acknowledgment that their Proofs of Claim were timely received by the Claims Agent must submit (i) a copy of the Proof of Claim (in addition to the original Proof of Claim) and (ii) a self-addressed, stamped envelope.

PROPOSED PROCEDURES FOR PROVIDING NOTICE OF BAR DATES

20. The Debtors intend to mail a copy of the Bar Date Order, together with a proof of claim form (the "Proof of Claim Form"), by first-class mail to all known persons and entities holding potential prepetition claims against the Debtors.⁵ In addition, the Debtors intend to provide notice of the Bar Dates to unknown creditors by causing notice of the Bar Dates to be published one time in the national edition of either *The Wall Street Journal*, *The New York Times*, or *USA Today*, no later than five business days after entry of the Bar Date Order and may, in the Debtors' discretion, supplement such publication in relevant local newspapers. In the Debtors' judgment, the proposed publication is likely to reach the widest possible audience of creditors who may not otherwise have notice of the Chapter 11 Cases.

⁵ The Bar Date Order and Proof of Claim Form also will be accessible on the Debtors' case website: <https://www.kccllc.net/LaVie>.

21. The Bar Date Order will: (a) set forth the Bar Dates; (b) advise creditors under what circumstances they must file a Proof Claim Form; (c) alert creditors to the consequences of failing to timely file a Proof of Claim Form, as set forth in Bankruptcy Rule 3003(c)(2) or an order of the Court, as applicable; and (d) set forth the addresses to which Proof of Claim Forms must be sent for filing; and (v) notify creditors that Proof of Claim Forms (i) must be filed with original signatures, (ii) must be written in English, (iii) must be denominated in lawful currency of the United States, (iv) must attach any documents on which the claim is based or an explanation as to why such documents are not available, and (v) must not be transmitted by facsimile, telecopy, e-mail, or other electronic means (except for an Electronic Proof of Claim), or such forms will not be deemed timely filed. The Debtors submit that the Bar Date Order will provide creditors with sufficient information to file properly prepared and executed Proof of Claim Forms in a timely manner.

BASIS FOR RELIEF REQUESTED AND APPLICABLE AUTHORITY

I. Ample Authority Exists to Approve the Bar Dates and the Proposed Procedures for Filing Proofs of Claim in these Chapter 11 Cases

22. It is well recognized that a claims bar date plays an essential role in the twin goals of bankruptcy—preserving a debtor’s going-concern value and maximizing property available to satisfy creditors. *See Bank of Am. Nat’l Trust & Sav. Ass’n v. 203 N. LaSalle St. P’ship*, 526 U.S. 434, 453 (1999). A claims bar date allows the debtor and parties-in-interest to expeditiously determine and evaluate the liabilities of the estates. The absence of such a deadline, in contrast, would prolong creditor uncertainty, increase the costs and expenses incurred by debtors in connection with the claims reconciliation process, and delay or even derail the claims process, thus undercutting one of the principal purposes of bankruptcy law—“secur[ing] within a limited period

the prompt and effectual administration and settlement of the debtor's estate." *Chemetron Corp. v. Jones*, 72 F.3d 341, 346 (3d Cir. 1995).

23. The procedures described herein provide creditors with ample notice and opportunity and a clear process for filing Proofs of Claim and achieve administrative and judicial efficiency. Indeed, the proposed procedures will provide comprehensive notice and clear instructions to creditors, on the one hand, and allow these Chapter 11 Cases to move forward quickly with a minimum of administrative expense and delay, on the other hand. The proposed procedures also provide clear instructions that will help avoid confusion or uncertainty among creditors that might lead them to file unnecessary protective Proofs of Claim or multiple Proofs of Claim that would cause expense and delay in the claims process for all parties. The proposed procedures are designed to comply with the Bankruptcy Code and provide the Debtors with flexibility in case of the need for supplemental bar dates or situations in which a creditor's claim status may change during these Chapter 11 Cases (such as in the event of contract rejections).

II. The Proposed Procedures are Reasonable and Appropriate

24. Bankruptcy Rule 2002(a)(7) requires that the Debtors provide claimants at least 21 days' notice by mail of the Bar Dates pursuant to Bankruptcy Rule 3003(c). *See* Fed. R. Bankr. P. 2002(a)(7). In conjunction with setting the Bar Dates, the Debtors must ensure that interested parties receive appropriate notice of such Bar Dates. To determine the adequacy of notice given to a creditor, bankruptcy law distinguishes between "known" and "unknown" creditors. *See Chemetron Corp. v. Jones*, 72 F.3d 341, 345-46 (3d Cir. 1995). Generally speaking, the former is a creditor (or potential creditor) whose identity is either known or is "reasonably ascertainable by the debtor," while the latter is one whose identity, although potentially discoverable upon investigation, does not come to the knowledge of the debtor in the ordinary course of business.

See Tulsa Prof'l Collection Serv., Inc. v. Pope, 485 U.S. 478, 490 (1988) (holding that notice is required to parties whose name and address are “reasonably ascertainable”); *In re Chemetron Corp. v. Jones*, 72 F.3d at 346 (indicating that an “unknown” creditor is one whose “interests are either conjectural or future or, although they could be discovered upon investigation, do not in due course of business come to knowledge [of the debtor.]”); *In re Taylor, Bean & Whitaker Mortgage Corp.*, No. 3:09-bk-07047 (JAF), 2011 WL 6014109, at *11 (Bankr. M.D. Fla. Oct. 11, 2011) (holding creditors were “unknown” because (a) their identities are neither known nor reasonably ascertainable by the debtors through reasonably diligent efforts or, alternatively, (b) the debtors neither knew nor should have known it was reasonably foreseeable that such borrowers have claims against the debtors); *In re Charter Co.*, 125 B.R. 650, 655 (M.D. Fla. 1991) (“Unknown creditors include those whose identities or claims are not ‘reasonably ascertainable’ and those who have merely conceivable, conjectural, or speculative claims.”).

25. Where a creditor is known to the debtor, due process requires that the debtor must take reasonable steps, such as direct mailing, to provide actual notice of the deadline for filing a proof of claim. A creditor’s identity is “reasonably ascertainable” if that creditor can be identified through “reasonably diligent efforts.” *Mennonite Bd. of Missions v. Adams*, 462 U.S. 791, 798 n.4 (1983). But this does not require the debtor to engage in “impracticable and extended searches . . . in the name of due process.” *See Mullane*, 339 U.S. at 317. Rather, the required search is limited to a debtor’s “books and records.” *See, e.g., Chemetron*, 72 F.3d at 347. As the Third Circuit explained in *Chemetron*, “[k]nown creditors must be provided with actual written notice of a debtor’s bankruptcy filing and claims bar date.

26. For unknown claimants, notification by publication will generally suffice.” *Id.* at 346 (citations omitted); *Mullane v. Cent. Hanover Bank & Trust Co.*, 339 U.S. 306, 317 (1950)

(publication is acceptable where it is not “reasonably possible or practicable to give more adequate warning,” whereas when names and addresses are available, notice must be mailed); *In re Taylor, Bean & Whitaker Mortgage Corp.*, 2011 WL 6014109, at *11 (“The notice by publication of the Bar Date was reasonably calculated to reach all unknown [c]reditors.”); *In re Anchor Glass Container Corp.*, 325 B.R. 892, 895 (Bankr. M.D. Fla. 2005) (citing *Matter of GAC Corp.*, 681 F.2d 1295, 1300 (11th Cir. 1982)) (“The Eleventh Circuit has recognized that publication notice is legally adequate notice to unknown creditors.”); *In re Charter Co.*, 125 B.R. at 655 (“[P]ublication notice is sufficient for those creditors whom the debtor can reasonably assume to have abandoned their property interest.”); *In re XO Commc’ns*, 301 B.R. 782, 793 (Bankr. S.D.N.Y. 2003) (finding that if a creditor is unknown constructive notice is generally sufficient); *DePippo v. Kmart Corp.*, 335 B.R. 290, 296 (S.D.N.Y. 2005) (“It is well-settled that when a creditor is ‘unknown’ to the debtor, publication notice of the claims bar date is adequate constructive notice sufficient to satisfy due process requirements . . .”). Furthermore, debtors are not required to publish notice in an excessive number of publications. *See In re Best Prods. Co., Inc.*, 140 B.R. 353 (Bankr. S.D.N.Y. 1992) (finding it impracticable to expect a debtor to publish notice in every newspaper that an unknown creditor possibly may read).

27. The Debtors submit that the relief requested herein provides for clear notice of the Bar Dates in satisfaction of the requirements of the Bankruptcy Rules and consistent with the underlying policies of the Bankruptcy Code. The Debtors have identified those persons and entities that are known to the Debtors to hold claims against the Debtors or are likely to be potential holders of claims, and all such persons and entities will be served with notice of the Bar Date Order as set forth herein. Additionally, given the nature of the Debtors’ business, the Debtors believe it necessary to apprise unknown creditors, particularly their former residents, of the General Bar

Date via publication and intend to publish notice of the Bar Dates in *The Wall Street Journal*, *The New York Times*, or *USA Today* within five business days of entry of the Bar Date Order and may, in the Debtors' discretion, supplement such publication in relevant local newspapers. The procedures described herein provide creditors with both sufficient notice and opportunity to file a Proof of Claim Form. Indeed, the proposed procedures are designed to achieve the twin goals of providing comprehensive notice and clear instructions to creditors on the one hand, and allowing the Chapter 11 Cases to move forward promptly and efficiently on the other hand.

28. In addition, requiring entities asserting claims pursuant to Bankruptcy Code section 503(b)(9) to assert such claims by filing a Proof of Claim on or prior to the General Bar Date will ensure that the Debtors have complete information regarding the nature, validity, and amount of such section 503(b)(9) claims while affording parties asserting section 503(b)(9) claims appropriate and adequate notice. This approach facilitates a more cost-effective and efficient claims process for such creditors and helps conserve estate resources to the benefit of the Debtors' creditors.

29. Accordingly, the Debtors submit that approval of the Bar Dates and the proposed procedures for filing Proof of Claim Forms and the form, manner, and sufficiency of notice of such procedures is proper and in the best interests of the Debtors, their estates, and all parties-in-interest.

RESERVATION OF RIGHTS

30. Nothing contained in this Motion or any actions taken by the Debtors pursuant to any order granting the relief requested by this Motion is intended or should be construed as: (a) an admission as to the validity, priority, or amount of any particular claim against the Debtors; (b) a waiver of the Debtors' right to dispute any particular claim on any grounds; (c) a promise or requirement to pay any particular claim; (d) an implication or admission that any particular claim

is of a type specified or defined in this Motion or any order granting the relief requested by this Motion; (e) a waiver or limitation of the Debtors' rights under the Bankruptcy Code or any other applicable law; or (f) a concession by the Debtors or any other party-in-interest that any liens (contractual, common law, statutory, or otherwise) satisfied pursuant to this Motion are valid and the Debtors and all other parties-in-interest expressly reserve their rights to contest the extent, validity, or perfection, or to seek avoidance of all such liens.

NOTICE

31. The Debtors will provide notice of the Motion to: (a) the U.S. Trustee; (b) the Internal Revenue Service; (c) the United States Attorney for the Northern District of Georgia; (d) the Attorney General for the State of Georgia; (e) the Georgia Department of Revenue; (f) the Centers for Medicare and Medicaid Services; (g) the states attorneys general for states in which the Debtors conduct business; (h) proposed counsel to the Committee; (i) counsel to the Debtors' prepetition lenders; (j) counsel to the DIP Lenders; and (k) all parties entitled to notice pursuant to Bankruptcy Rule 2002. The Debtors submit that no other or further notice is required.

NO PRIOR REQUEST

32. No previous request for the relief sought herein has been made to this or any other court.

[Remainder of page intentionally left blank]

WHEREFORE, the Debtors respectfully request that the Court enter the Bar Date Order, substantially in the form attached hereto as **Exhibit A**, granting the relief requested herein and such other and further relief as may be just and proper.

Dated: Atlanta, Georgia
July 1, 2024

MCDERMOTT WILL & EMERY LLP

/s/ Daniel M. Simon

Daniel M. Simon (Georgia Bar No. 690075)
1180 Peachtree St. NE, Suite 3350
Atlanta, Georgia 30309
Telephone: (404) 260-8535
Facsimile: (404) 393-5260
Email: dsimon@mwe.com

- and -

Emily C. Keil (admitted *pro hac vice*)
Jake Jumbeck (admitted *pro hac vice*)
Catherine Lee (admitted *pro hac vice*)
444 West Lake Street, Suite 4000
Chicago, Illinois 60606
Telephone: (312) 372-2000
Facsimile: (312) 984-7700
Email: ekeil@mwe.com
jjumbeck@mwe.com
clee@mwe.com

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

EXHIBIT A

Bar Date Order

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 No. ____
)	

ORDER (I) ESTABLISHING BAR DATES FOR FILING CLAIMS AGAINST THE DEBTORS; AND (II) GRANTING RELATED RELIEF

The Debtors named above commenced these chapter 11 cases on June 2, 2024 (the “Filing Date”), and filed the *Debtors’ Motion for Entry of an Order (I) Establishing Bar Dates for Filing Claims Against the Debtors; and (II) Granting Related Relief* (the “Motion”) on July 1, 2024 (the “Motion”) [Docket No. ____]. Upon review of same, it is

ORDERED that the Motion be, and the same hereby is, **GRANTED** as follows, and it is

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.

ORDERED AND NOTICE IS HEREBY GIVEN that each creditor and party-in-interest who seeks to prove a claim² arising on or prior to the Filing Date (a “Prepetition Claim”) against Debtors, the Debtors’ property, or the Debtors’ estates including, but not limited to, any Prepetition Claim secured by a lien, security interest, or encumbrance against the Debtors’ property, and any Prepetition Claim arising from the rejection of an executory contract or unexpired lease as provided herein, which is required under the Bankruptcy Code to be filed in this case, **SHALL FILE A PROOF OF CLAIM BY (A) SUBMITTING A PROOF OF CLAIM ELECTRONICALLY BY COMPLETING THE PROOF OF CLAIM FORM ON KCC’S WEBSITE <https://epoc.kccllc.net/LaVie>, OR (B) SENDING A COMPLETED PROOF OF CLAIM FORM TO:**

**LaVie Care Centers, LLC
Claims Processing Center
c/o KCC
222 N. Pacific Coast Hwy., Ste. 300
El Segundo, CA 90245**

on or before AUGUST 30, 2024 at 5:00 p.m. (prevailing Eastern Time) (hereinafter, the “General Bar Date”) for all persons or entities, other than governmental units,³ **and NOVEMBER 29, 2024 at 5:00 p.m. (prevailing Eastern Time)** for governmental units holding a claim against the Debtors arising (or deemed to arise) on or before the Filing Date. Proof of Claims shall **NOT** be submitted by facsimile, telecopy, e-mail, or other electronic means (except for an electronic Proof of Claim), and Proofs of Claim submitted by such means shall not be deemed timely filed.

² “Claim” shall have the meaning ascribed to such term in 11 U.S.C. § 101(5).

³ “Governmental unit” shall have the meaning ascribed to such term in 11 U.S.C. § 101(27).

The Bankruptcy Code, 11 U.S.C. § 1111, provides that a proof of claim is deemed filed for any Prepetition Claim that appears in the Debtors' Schedules **EXCEPT** any such claim that is scheduled as disputed, contingent, or unliquidated as to amount. The Debtors' Schedules may be examined at the Office of the Clerk, U.S. Bankruptcy Court, and may also be examined online at <http://ecf.ganb.uscourts.gov> (for registered users) or at <http://pacer.psc.uscourts.gov> (for unregistered users). Any creditor and any party-in-interest whose Prepetition Claim is set forth in the Schedules in the correct amount and is not shown as disputed, contingent, or unliquidated as to amount, **MAY, BUT NEED NOT**, file a proof of claim in these Chapter 11 Cases. For the avoidance of doubt, all persons and entities asserting a claim against more than one Debtor must file a separate claim for each such Debtor on or before the applicable Bar Date associated with such claim.

Unless barred by previous order of the Bankruptcy Court, **creditors and parties-in-interest whose Prepetition Claims are not scheduled, are scheduled in an incorrect amount, or are scheduled as disputed, contingent, or unliquidated** and who desire to participate in the case and share in any distribution **must file proofs of claim ON OR BEFORE THE APPLICABLE BAR DATE**. If it is unclear from the Schedules whether your Prepetition Claim is disputed, contingent, unliquidated or incorrect as to amount, or is otherwise improperly scheduled, you must file a proof of claim **ON OR BEFORE THE APPLICABLE BAR DATE**. Any creditor and any party-in-interest who desires to rely on the Schedules has the duty to determine whether their Prepetition Claim is accurately listed.

All Proof of Claims, other than those filed electronically, must be filed with **original signatures**, be written in English, and be denominated in lawful currency of the United States.

You should attach to your completed Proof of Claim copies of any documents on which the claim is based or an explanation as to why such documents are not available.

YOU ARE HEREBY FURTHER NOTIFIED THAT, PURSUANT TO THE TERMS OF THIS ORDER, ANY CREDITOR AND ANY PARTY-IN-INTEREST REQUIRED TO FILE A PROOF OF CLAIM WHO FAILS TO DO SO BY THE APPLICABLE BAR DATE SHALL BE FOREVER BARRED, ESTOPPED, AND ENJOINED FROM ASSERTING THE PREPETITION CLAIM AGAINST THE DEBTORS AND THE DEBTORS' ESTATES AND SHALL BE BARRED FROM PARTICIPATING IN ANY PLAN OF REORGANIZATION AS MAY BE CONFIRMED IN THESE CHAPTER 11 CASES WITH REGARD TO SUCH PREPETITION CLAIM.

Any creditor whose Prepetition Claim arises from the rejection of an executory contract or unexpired lease after the date of this Order, but prior to the entry of an Order by the Bankruptcy Court confirming the plan of reorganization for the Debtors, **MUST FILE** a Proof of Claim within thirty (30) days from the date of entry of the Order rejecting the contract or lease; however, in no event shall the deadline set forth in this paragraph be **EARLIER THAN THE GENERAL BAR DATE**.

For clarity, this Order does not apply to claims arising after the Filing Date, including claims under 11 U.S.C. § 503; *provided, however*, any claimant asserting a claim pursuant to Bankruptcy Code section 503(b)(9) (each, a "503(b)(9) Claim") must (i) complete the appropriate box in the Proof of Claim Form and, thereby, identify the amount of such claim believed to be entitled to administrative expense priority treatment under Bankruptcy Code section 503(b)(9); (ii) attach documentation supporting such claim; and (iii) **MUST FILE** a Proof of Claim form **IN ADVANCE OF THE GENERAL BAR DATE**. To the extent that a claimant fails to identify

the existence and amount of its 503(b)(9) Claim on the Proof of Claim Form, the claim will not be regarded as a 503(b)(9) Claim, and the claim will not be entitled to priority treatment under Bankruptcy Code section 503(b)(9).

Counsel for the Debtors is hereby directed to serve a copy of this Order and Notice upon all creditors and parties-in-interest within five (5) business days of entry, and to file the appropriate certificate of service with this Court within three (3) business days thereafter. The Debtors are also authorized to publish a notice one time in the national edition of *The Wall Street Journal*, *The New York Times*, or *USA Today*, no later than five business days after entry of this Order and may, in the Debtors' discretion, supplement such publication in relevant local newspapers to apprise unknown creditors, specifically their former residents, of the General Bar Date. Such notice by publication provides due and proper notice to such potential claimants under the circumstances of these Chapter 11 Cases.

END OF DOCUMENT

Prepared and presented by:

/s/ Daniel M. Simon

Daniel M. Simon (Georgia Bar No. 690075)

MCDERMOTT WILL & EMERY LLP

1180 Peachtree Street NE, Suite 3350

Atlanta, Georgia 30309

Telephone: (404) 260-8535

Facsimile: (404) 393-5260

Email: dsimon@mwe.com

- and -

Emily C. Keil (admitted *pro hac vice*)

Jake Jumbeck (admitted *pro hac vice*)

Catherine Lee (admitted *pro hac vice*)

MCDERMOTT WILL & EMERY LLP

444 West Lake Street, Suite 4000

Chicago, Illinois 60606

Telephone: (312) 372-2000

Facsimile: (312) 984-7700

Email: ekeil@mwe.com

jjumbeck@mwe.com

clee@mwe.com

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

Distribution List

LaVie Care Centers, LLC
c/o Ankura Consulting Group, LLC,
485 Lexington Avenue, 10th Floor,
New York, NY 10017
Attn: M. Benjamin Jones

Daniel M. Simon
McDermott Will & Emery LLP
1180 Peachtree Street NE, Suite 3350
Atlanta, GA 30309

Emily C. Keil
McDermott Will & Emery LLP
444 West Lake Street, Suite 4000
Chicago, IL 60606

Kurtzman Carson Consultants LLC
222 N. Pacific Coast Highway, 3rd Floor
El Segundo, CA 90245

Jonathan S. Adams
Office of the United States Trustee
362 Richard Russell Federal Building
75 Ted Turner Drive, SW
Atlanta, GA 30303