

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

IN RE	:	CHAPTER 11
	:	
LAVIE CARE CENTERS, LLC,	:	CASE NO. 24-55507-PMB
	:	
Debtor.	:	
	:	
_____ ANA ALMONTE,	:	_____
	:	
Movant,	:	
	:	
v.	:	CONTESTED MATTER
	:	
LAVIE CARE CENTERS, LLC, Debtor,	:	
	:	
Respondent.	:	
	:	
	:	
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	:	
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NOTICE OF HEARING

PLEASE TAKE NOTICE that **Ana Almonte** has filed a Motion for Relief from Automatic Stay and related papers with the Court seeking an order of relief from the Automatic Stay.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion for Relief from Automatic Stay, at **1:00 p.m. on September 30, 2024 in Courtroom 1202, The Richard B. Russell Federal Building, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303** which may be attended in person or via the Court's Virtual Hearing Room. You may 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, or the link on the judge's webpage, which can also be found on the Court's website. Please also review the "Hearing information" tab on the judge's webpage for further information about the hearing. You should be prepared to appear at the hearing via video, but you may leave your camera in the off position 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.

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in these pleadings, or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleadings with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk before the hearing. The address of the Clerk's Office is Clerk, U.S. Bankruptcy Court, Room 1340, U.S. Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

If a hearing on the Motion cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the motion and agrees to a hearing on the earliest possible date. Movant consents to the automatic stay remaining in effect until the Court orders otherwise.

Dated: September 11, 2024 Signature: /s/Philip L. Rubin

Philip L. Rubin
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Suite 900
Atlanta, Georgia 30342
(404) 869-6900
prubin@lrglaw.com
Bar Number 618525

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Debtor.	:	
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ANA ALMONTE,	:	
	:	
Movant,	:	
	:	
v.	:	CONTESTED MATTER
	:	
702 SOUTH KINGS AVENUE	:	
OPERATIONS, LLC D/B/A CENTRAL	:	
PARK HEALTHCARE AND	:	
REHABILITATION CENTER,	:	
	:	
Respondent.	:	
	:	

MOTION FOR RELIEF FROM AUTOMATIC STAY

NOW COMES Ana Almonte (the "Movant") and moves this Court for relief from the automatic stay and shows the Court as follows:

1.

On June 2, 2024, LaVie Care Centers, LLC ("Debtor") filed a Voluntary Petition pursuant to 11 U.S.C. Chapter 11, and said case is pending before this Court.

2.

Movant was injured at a premises owned/operated by 702 South Kings Avenue Operations, LLC d/b/a Central Park Healthcare and Rehabilitation Center ("Respondent"), which is one of Debtor's Affiliates and Subsidiaries as listed on page 7 of Debtor's Voluntary Petition (DE 1), on November 2, 2022.

3.

Movant has received proof of insurance coverage through Greenwich Insurance

Company, Lloyds of London, XL Specialty Insurance, and Midwest Insurance Group (the “Insurers”).

4.

Movant seeks relief from the automatic stay in order to proceed in a possible personal injury suit to pursue recovery from the Insurers to the extent of the respective coverages.

5.

Movant requests that Bankruptcy Rule 4001(a)(3) be waived.

WHEREFORE, Movant prays that this Court:

(a) Hold a hearing pursuant to this Motion within thirty (30) days as is required under 11 U.S.C. Section 362(e);

(b) Grant Movant relief from the automatic stay under 11 U.S.C. Section 362(d) so as to allow Movant to proceed in a personal injury suit against Respondent and pursue recovery from the Insurers to the extent of the respective coverages;

(c) Rule 4001(a)(3) be waived; and

(d) Grant such other and further relief as the Court deems to be just and proper.

This September 11, 2024.

The Law Office of
LEFKOFF, RUBIN, GLEASON, RUSSO & WILLIAMS, P.C.
Attorneys for Movant

By: /s/ Philip L. Rubin
Philip L. Rubin
Georgia State Bar No. 618525

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v.	:	CONTESTED MATTER
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LAVIE CARE CENTERS, LLC, Debtor,	:	
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Respondent.	:	
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CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2024, I electronically filed the foregoing MOTION FOR RELIEF FROM AUTOMATIC STAY and NOTICE OF HEARING using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

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

Office of the United States Trustee
362 Richard Russell Building
75 Ted Turner Drive, SW
Atlanta, GA 30303

I further certify that on this day I caused a copy of this document to be served via United States First Class Mail, with adequate postage prepaid on the following parties at the address shown for each:

LaVie Care Centers, LLC
1040 Crown Pointe Pkwy
Atlanta, GA 30338

*and attached Creditor Matrix

Dated: September 11, 2024.

The Law Office of
LEFKOFF, RUBIN, GLEASON, RUSSO & WILLIAMS, P.C.
Attorneys for Movant

By: /s/ Philip L. Rubin
Philip L. Rubin
Georgia State Bar No. 618525

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Atlanta, Georgia 30342
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Label Matrix for local noticing
113E-1
Case 24-55507-pmb
Northern District of Georgia
Atlanta
Mon Sep 9 18:08:38 EDT 2024

Healthcare Negligence Settlement
Recovery Corp. LLC
Anthony and Partners, LLC
100 S. Ashley Dr., Suite 1600
Tampa, FL 33602-5318

Internal Revenue Service
PO Box 7346
2970 Market St
Philadelphia, PA 19104-5002

Mr. Lewis Glass
c/o Wilkes & Associates
3550 Buschwood Park Dr. Suite 230
Tampa, FL 33618-4437

ODP Business Solutions LLC
6600 N Military Tr.
Boca Raton, FL 33496-2434

The Estate of Linda Mele
c/o Wilkes & Associates
3550 Buschwood Park Dr. Suite 230
Tampa, FL 33618-4437

The Estate of Peter Vithoulkas
c/o Wilkes & Associates
3550 Buschwood Park Dr. Suite 230
Tampa, FL 33618-4437

The Estate of Roderick Lavallee
c/o Wilkes & Associates
3550 Buschwood Park Dr. Suite 230
Tampa, FL 33618-4437

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(d)Healthcare Negligence Settlement Recovery
Anthony and Partners, LLC
100 S. Ashley Dr., Suite 1600
Tampa, FL 33602-5318

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Anthony and Partners, LLC
100 S. Ashley Dr., Suite 1600
Tampa, FL 33602-5318

(d)Healthcare Negligence Settlement Recovery
Anthony and Partners, LLC
100 S. Ashley Dr., Suite 1600
Tampa, FL 33602-5318

End of Label Matrix
Mailable recipients 7
Bypassed recipients 3
Total 10