

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

In re:)
LaVIE CARE CENTERS, LLC, *et al.*¹) Case No. 24-55507 (PMB)
) Chapter 11
Debtor.) Cases Jointly Administered

NOTICE OF HEARING

PLEASE TAKE NOTICE that Office Business Solutions has filed a Motion for Relief from the 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 Motion for Relief from the Automatic Stay at **1:00 p.m. on October 21, 2024** in Courtroom **1202**, United States Courthouse, 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, Suite 1340, 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

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.veritaglobal.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.



on the earliest possible date. Movant consents to the automatic stay remaining in effect until the Court orders otherwise.

Dated: 09/20/2024

Respectfully submitted,

CHINNERY EVANS & NAIL, P.C.

/s/ Elizabeth S. Lynch

Elizabeth S. Lynch, MO 57502

800 NE Vanderbilt Lane

Lee's Summit, MO 64064

816.525.2050 office

blynch@chinnery.com

ATTORNEY FOR CREDITOR

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2024, I caused a true and correct copy of the foregoing *Motion for Relief from the Automatic Stay* to be served electronically via the Court's CM/ECF electronic noticing system on all parties registered to receive electronic service in the above cases and via email and first class mail to the parties set forth below:

The Debtors

LaVie Care Centers, LLC
c/o Ankura Consulting Group, LLC
485 Lexington Ave.
10th Floor, New York, NY 10017
Attn: M. Benjamin Jones
ben.jones@ankura.com

Counsel to the Debtors

Daniel M. Simon, Esq.
MCDERMOTT WILL & EMERY LLP
1180 Peachtree St. NE, Suite 3350
Atlanta, GA 30309
dsimon@mwe.com

Emily C. Keil, Esq.
MCDERMOTT WILL & EMERY LLP
444 West Lake Street, Suite 4000
Chicago, IL 60606
ekeil@mwe.com

U.S. Trustee

The Office of the United States Trustee for
Region 21
75 Ted Turner Drive, S.W., Room 362
Atlanta, GA 30303
Attn: Jonathan S. Adams
Lindsay P. Kolba
jonathan.s.adams@usdoj.gov
lindsay.p.kolba@usdoj.gov

Counsel to the Committee

Pierce E. Rigney, Esq.
**TROUTMAN PEPPER HAMILTON
SANDERS LLP**
600 Peachtree St. NE, Suite 3000
Atlanta, GA 30308
pierce.rigney@troutman.com

Francis J. Lawall, Esq.
**TROUTMAN PEPPER HAMILTON
SANDERS LLP**
3000 Two Logan Square 18th and Arch Street
Philadelphia, PA 19103-2799
francis.lawall@troutman.com

Deborah Kovsky-Apap, Esq.
**TROUTMAN PEPPER HAMILTON
SANDERS LLP**
875 Third Avenue
New York, NY 10022
deborah.kovsky@troutman.com

Counsel to the DIP Lenders

Liza L. Burton, Esq.
Robert Lemons, Esq.
GOODWIN PROCTER LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018
lburton@goodwinlaw.com
rlemons@goodwinlaw.com

James Muenker, Esq.
Erik Stier, Esq.
DLA PIPER LLP (US)
1900 N. Pearl St, Suite 2200
Dallas, TX 75201
james.muenker@us.dlapiper.com
erik.stier@us.dlapiper.com

Leighton Aiken, Esq.
**FERGUSON BRASWELL FRASER
KUBASTA PC**
2500 Dallas Parkway, Suite 600
Plano, TX 75093
laiken@fbfk.law

Dated: 09/20/2024

Respectfully submitted,

CHINNERY EVANS & NAIL, P.C.

/s/ Elizabeth S. Lynch
Elizabeth S. Lynch, MO 57502
800 NE Vanderbilt Lane
Lee's Summit, MO 64064
816.525.2050 office
blynch@chinnery.com
ATTORNEY FOR CREDITOR

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

In re:)
LaVIE CARE CENTERS, LLC, *et al.*¹) Case No. 24-55507 (PMB)
) Chapter 11
) Cases Jointly Administered
Debtor.)

OFFICE BUSINESS SOLUTIONS, LLC'S
MOTION FOR RELIEF FROM THE AUTOMATIC STAY

COMES NOW, Creditor, Office Business Solutions, LLC (hereinafter referred to as “Creditor”), by and through counsel Elizabeth S. Lynch, and in support of this Motion for Relief From Automatic Stay states as follows:

1. Creditor is the Lessor on a number of equipment leases held by the Debtor which fail to be listed on the Debtors Schedules nor are they included in the Debtors *Notice to Contract Parties to Potentially Assumed Executory Contracts and Unexpired Leases* dated July 23, 2024 [Docket No. 274] (the “Original Contract Assumption Notice”) or in the *Notice of Revised List of Potentially Assumed Executory Contracts and Unexpired Leases and Related Cure Costs* dated August 28, 2024 [Docket No. 356]. Such Lease, itemization of the property and anticipated location of such property are outlined in Exhibits A and B, which are incorporated herein by reference.

2. Debtor remains in possession of Creditors property and collection of such property is stayed by 11 U.S.C. §362(a).

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.veritaglobal.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.

3. Debtor is in default on the Lease, has not outlined assumption or rejection of the Lease, and Creditor respectfully requests relief from the automatic stay to take possession of its equipment due to such pre- and post-petition default, which leaves Creditor inadequately protected under 11 U.S.C. §361.

4. The assets are not property of the estate nor are they necessary for an effective reorganization of the Debtor.

5. Creditor has filed both a general unsecured claim for the amount of the pre-petition default and an administrative claim for the post-petition default while Debtor remains in possession of the property and unless and until such Lease is assumed or rejected.

5. Movant requests that any order modifying the stay be effective immediately as allowed under Federal Bankruptcy Rule 4001(a)(3).

WHEREFORE, for the foregoing reasons, Creditor respectfully requests that this Court enter an Order granting relief from the automatic stay to enable Creditor to proceed with replevin of the equipment outlined in Exhibit B, that any order modifying the stay be effective immediately as allowed under Federal Bankruptcy Rule 4001(a)(3), and for such other and further relief as is just and appropriate under the circumstances.

Dated: 09/20/2024

Respectfully submitted,

CHINNERY EVANS & NAIL, P.C.

/s/ Elizabeth S. Lynch

Elizabeth S. Lynch, MO 57502

800 NE Vanderbilt Lane

Lee's Summit, MO 64064

816.525.2050 office

blynch@chinnery.com

ATTORNEY FOR CREDITOR

CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2024, I caused a true and correct copy of the foregoing *Motion for Relief from the Automatic Stay* to be served electronically via the Court's CM/ECF electronic noticing system on all parties registered to receive electronic service in the above cases and via email and first class mail to the parties set forth below:

The Debtors

LaVie Care Centers, LLC
c/o Ankura Consulting Group, LLC
485 Lexington Ave.
10th Floor, New York, NY 10017
Attn: M. Benjamin Jones
ben.jones@ankura.com

Francis J. Lawall, Esq.
**TROUTMAN PEPPER HAMILTON
SANDERS LLP**
3000 Two Logan Square 18th and Arch Street
Philadelphia, PA 19103-2799
francis.lawall@troutman.com

Counsel to the Debtors

Daniel M. Simon, Esq.
MCDERMOTT WILL & EMERY LLP
1180 Peachtree St. NE, Suite 3350
Atlanta, GA 30309
dsimon@mwe.com

Deborah Kovsky-Apap, Esq.
**TROUTMAN PEPPER HAMILTON
SANDERS LLP**
875 Third Avenue
New York, NY 10022
deborah.kovsky@troutman.com

Emily C. Keil, Esq.
MCDERMOTT WILL & EMERY LLP
444 West Lake Street, Suite 4000
Chicago, IL 60606
ekeil@mwe.com

Counsel to the DIP Lenders
Liza L. Burton, Esq.
Robert Lemons, Esq.
GOODWIN PROCTER LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018
lburton@goodwinlaw.com
rlemons@goodwinlaw.com

U.S. Trustee

The Office of the United States Trustee for
Region 21
75 Ted Turner Drive, S.W., Room 362
Atlanta, GA 30303
Attn: Jonathan S. Adams
Lindsay P. Kolba
jonathan.s.adams@usdoj.gov
lindsay.p.kolba@usdoj.gov

James Muenker, Esq.
Erik Stier, Esq.
DLA PIPER LLP (US)
1900 N. Pearl St, Suite 2200
Dallas, TX 75201
james.muenker@us.dlapiper.com
erik.stier@us.dlapiper.com

Counsel to the Committee

Pierce E. Rigney, Esq.
**TROUTMAN PEPPER HAMILTON
SANDERS LLP**
600 Peachtree St. NE, Suite 3000
Atlanta, GA 30308
pierce.rigney@troutman.com

Leighton Aiken, Esq.
**FERGUSON BRASWELL FRASER
KUBASTA PC**
2500 Dallas Parkway, Suite 600
Plano, TX 75093
laiken@fbfk.law

Dated: 09/20/2024

Respectfully submitted,

CHINNERY EVANS & NAIL, P.C.

/s/ Elizabeth S. Lynch

Elizabeth S. Lynch, MO 57502

800 NE Vanderbilt Lane

Lee's Summit, MO 64064

816.525.2050 office

blynch@chinnery.com

ATTORNEY FOR CREDITOR