

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

In re:	)	Chapter 11
LAVIE CARE CENTERS, LLC, <i>et al.</i> ,	)	Case No. 24-55507 (PMB)
Debtors. <sup>1</sup>	)	(Jointly Administered)
	)	Related to Docket No. 405 and No. 429

**DEBTORS’ (A) MOTION TO STRIKE,  
(B) CROSS-MOTION TO COMPEL, AND (C) OPPOSITION  
TO RECOVERY CORP.’S MOTION TO COMPEL DISCOVERY RESPONSES**

LaVie Care Centers, LLC (“LaVie”) and certain of its affiliates and subsidiaries, as debtors and debtors-in-possession (collectively, the “Debtors”) in the above-captioned chapter 11 cases (the “Chapter 11 Cases” or the “Bankruptcy Proceedings”), hereby submit (A) their Motion to Strike All Pleadings, Claims, Motions, Objections, and Discovery filed or served by Healthcare Negligence Settlement Recovery Corp. (“Recovery Corp.”) in these Chapter 11 Cases for Lack of Standing pursuant to Bankruptcy Code sections 105 and 1109; (B) their Cross-Motion to Compel standing-related discovery pursuant to Rule 37 of the Federal Rules of Civil Procedure, as incorporated under Rule 9014 and Rule 7037 of the Federal Rules of Bankruptcy Procedure, and (C) their Opposition to *Recovery Corp.’s Motion to Compel Discovery Responses* [Docket No. 405] (the “Motion to Compel”) and *Recovery Corp.’s Supplement to Motion to Compel Discovery Responses* [Docket No. 429] (the “Supplemental Motion”).

<sup>1</sup> 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.



## **PRELIMINARY STATEMENT**

1. Recovery Corp. has no standing to participate in these Bankruptcy Proceedings. It purportedly acquired rights (the “Assignments”) from individual tort claimants (the “Florida Claimants”) to structured settlement payments with the Debtors, but Recovery Corp. did so in blatant violation of Florida law. That law, Florida’s Structured Settlement Protection Act (Fla. Stat. § 626.99296 *et seq.*) (the “SSPA”), was promulgated for the specific purpose of protecting against precisely the sort of action taken by Recovery Corp. here—and expressly requires prior court approval for the assignment of tort claims to be valid. Recovery Corp. has admitted that it did not seek or obtain court approval for the Assignments. The Assignments are thus invalid and ineffective, and without a valid assignment, it is axiomatic that Recovery Corp. has no right, title, or interest in or to the settlement agreements and judgments it seeks to enforce against the Debtors.

2. In response to this existential defect with its case, Recovery Corp. has offered only deflections and handwaving. Recovery Corp. contends that the Florida statute does not apply to the Assignments, but has not provided any precedent or authority whatsoever for that argument. Rather than provide any support, Recovery Corp. told the Debtors that the statute has no application “for reasons that we will not belabor,” and further stated that “the issue you have raised is of no consequence.” [Ex. C at 2]. Recovery Corp.’s failure to hazard any meaningful defense is a telling concession and only confirms that the Assignments are invalid.

3. Equally telling is Recovery Corp.’s stonewalling in response to discovery served by the Debtors seeking documents and information relating to the validity of the Assignments. Recovery Corp. has not produced, and has confirmed that it does not intend to produce, a single

document. Recovery Corp. also has not provided, and has confirmed that it does not intend to provide, a single response to the Debtors' written discovery on this issue.

4. Focused and narrow discovery on the topic of whether Recovery Corp. properly received the assignment of tort settlement claims from the Florida Claimants, pursuant to a Florida law that specifically governs the assignment of tort settlement claims, is clearly relevant to the issues at hand. Recovery Corp.'s refusal to respond to the Debtors' standing-related discovery requests is inexplicable and improper, and Recovery Corp. should be ordered to immediately produce documents and responses to written discovery.

5. Notwithstanding its refusal to comply with its own discovery obligations, Recovery Corp., through its Supplemental Motion, seeks the imposition of the "severe sanction" against the Debtors of a waiver of their objections because the Debtors served responses to interrogatories *one day* after the deadline (and mere minutes after the filing of the Motion to Compel).

6. Recovery Corp.'s Motion to Compel and Supplemental Motion were filed in flagrant disregard of the Federal Rules of Civil Procedure (the "Federal Rules"), the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Northern District of Georgia (the "Local Rules"), and the Court's Individual Rules and Practices (the "Court's Rules") (collectively, the "Rules"), including by failing to include a Rule 37 certification—which Recovery Corp. could not have provided because it prematurely filed the motions without the requisite meet and confer. Indeed, had it complied with the Rules, Recovery Corp. likely would not have filed the Motion to Compel (because it was immediately mooted) or the Supplemental Motion (as the parties likely could have resolved Recovery Corp.'s quibbles in a meet and confer). Unfortunately, Recovery

Corp. did not follow the Rules (or the law), and now persists in burdening the Court and the Debtors with its unnecessary motion practice.

7. In any event, Recovery Corp. has not mustered any legal authority supporting its disproportionate demand. The Debtors, on the other hand, have good cause to preclude any waiver, including because Recovery Corp. rope-a-doped the Debtors by delaying its response to their request for a reasonable extension for Recovery Corp.'s overly burdensome discovery requests. All the while, the Debtors worked diligently and in good faith to provide thousands of documents to Recovery Corp. in advance of the deadline while also addressing Recovery Corp.'s inundation of motion practice and discovery requests.

8. Accordingly, the Debtors respectfully request that the Court enter the Proposed Order attached hereto as Exhibit A: (A) ordering that all of Recovery Corp.'s pleadings, motions, objections, and discovery in these Chapter 11 Cases should be stricken, and summarily denying any and all pending requests for discovery and other relief by Recovery Corp., (B) compelling Recovery Corp. to respond to the Debtors' standing-related discovery, and (C) denying Recovery Corp.'s Motion to Compel and Supplemental Motion.<sup>2</sup>

### **BACKGROUND**

#### **A. The Miami Action And Purported Assignment Of Claims To Recovery Corp.**

9. On April 22, 2024, Recovery Corp. commenced an action in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida Civil Division, against forty-nine Debtors (collectively, the "Debtor Defendants") and nine non-Debtor entities (collectively, the "Non-Debtor Defendants"), captioned *Healthcare Negligence Settlement Recovery Corp. v.*

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<sup>2</sup> The Debtors reserve the right to seek appropriate sanctions under Federal Rule 11 and Bankruptcy Rule 9011 for Recovery Corp.'s misconduct in this Bankruptcy Proceeding, as set forth more fully in their Reservation of Rights.



5405 Babcock Street Operations, LLC, et al., No. 2024-007342-CA01 (the “Miami Action”). In the Miami Action, Recovery Corp. asserts claims for intentional and constructive fraudulent transfers, successor liability, de facto merger, veil piercing, unfair and deceptive trade practices, civil conspiracy, breach of fiduciary duty, and unjust enrichment. [See Docket No. 310-6 ¶¶ 32-113.]

10. Recovery Corp.’s standing in the Miami Action is based on the purported Assignment and transfer of claims to Recovery Corp. from the ninety-seven (97) Florida Claimants, each of whom had entered into a structured settlement with one or more of the Debtor Defendants in connection with various tort claims brought against them. [See Docket No. 405 (“Mot.”) ¶¶ 3-7.] These Assignments are governed by Florida law, including the SSPA, which requires court approval for the transfer and assignment of such claims be valid. However, Recovery Corp. has conceded that it did not obtain court approval or comply with any of the statute’s other requirements necessary for the Assignments to be effective under Florida law.

**B. Recovery Corp.’s Counsel Improperly Files Hundreds Of Duplicative Proofs Of Claim On Behalf Of Recovery Corp. And The Florida Claimants**

11. On June 28, 2024, Recovery Corp. filed a Proof of Claim signed by its counsel for an aggregate amount of \$8,616,376.96 in these Chapter 11 Cases. [See Claim No. 68.] An attachment to the claim states that it is “based upon the relief sought in the Complaint [filed in the Miami Action],” which it attaches as an exhibit. [*Id.* Att. at 1.] The attachment goes on to state that Recovery Corp.’s claims were originally held by the Florida Claimants and “were all reduced to Settlement Documents...which provided for the payment by applicable Debtors of settlement payments over time to the Claimants on account of their respective Claims.” [*Id.* Att. at 2.] It further states that “[i]n connection with the formation of Recovery Corp., the Claimants

executed an assignment...that assigned the Claims to Recovery Corp...[which] now stands in the Claimants' shoes as successor." [*Id.* Att. at 2.]

12. Recovery Corp.'s counsel subsequently filed an Amended Proof of Claim, dated August 19, 2024, on Recovery Corp.'s behalf seeking \$9,330,376.96 after "minor adjustments to calculation of the Aggregate Claim Amount." [*See* Claim No. 1454, Att. at 1, 5.] The Amended Proof of Claim, which is also signed by Recovery Corp.'s counsel, did not check the box indicating the filer's capacity or authority to file the proof of claim as required under Rule 9011(b) of the Federal Rules of Bankruptcy Procedure. [*See id.* at Part 3.]

13. Like its initial Proof of Claim, Recovery Corp.'s Amended Proof of Claim includes an attachment stating that "[t]he Aggregate Claim Amount is based on the relief sought in the Complaint [filed in the Miami Action]," which is again attached as an exhibit. [*Id.* Att. at 1.] The attachment also contains a similar recitation of the purported basis for Recovery Corp.'s claims with respect to the purported assignment of the Florida Claimants' claims and rights to settlement payments to Recovery Corp., and similarly asserts that Recovery Corp. "stands in the Claimants' shoes" as a creditor of the Debtors based on those Assignments. [*Id.* Att. at 3-5.]

14. In addition to Recovery Corp.'s Proof of Claim, Recovery Corp.'s counsel filed and signed at least one hundred proofs of claim on behalf of each Florida Claimant. Notably, the proofs of claim that Recovery Corp. filed on behalf of the Florida Claimants seek recovery for the same tort settlements and judgments that were purportedly assigned by the Florida Claimants to Recovery Corp. through the Assignments. These proofs of claim are not only entirely duplicative of Recovery Corp.'s Proofs of Claim, but Recovery Corp.'s counsel verified that these claims had not been filed by anyone else. [*See* Claim Nos. 1649, 3687, and 4558 at Part 1, Form Question No. 5.] These statements appear to be knowingly false, since Recovery Corp.'s counsel also

submitted Recovery Corp.'s Proof of Claim and took the position that the Assignments to Recovery Corp. were irrevocable.

### **C. Recovery Corp. Objects To The Stay Motion**

15. On June 30, 2024, the Debtors commenced an adversary proceeding to extend the automatic stay to the Miami Action (Case No. 24-05127) (the "Adversary Proceeding"), and filed their *Motion for Entry of Order (I) Extending the Automatic Stay and/or Enjoining Claims and Causes of Action Against Non-Debtor Defendants and (II) Expedition* (the "Stay Motion"). [Adv. Docket No. 1 and No. 2.] In their adversary papers, the Debtors reserved all arguments and defenses with respect to Recovery Corp.'s standing to assert claims against the Debtors, including whether the purported assignment of claims was valid. [Adv. Docket No. 1 ¶ 55 n.2 and No. 3 ¶ 10 n.4.]

16. The Court granted the Stay Motion on July 24, 2024 over Recovery Corp.'s objection, and issued an order extending the automatic stay to Recovery Corp.'s claims against the Non-Debtor Defendants and enjoining Recovery Corp. from proceeding with the Miami Action until the Debtors' Chapter 11 Plan was confirmed or the case dismissed, unless determined otherwise at a hearing scheduled for September 30, 2024 (the "September 30 Hearing"). [Adv. Docket No. 16].

### **D. Recovery Corp.'s Motion To Dismiss And Discovery Requests**

17. On August 6, 2024, Recovery Corp. filed its *Motion to Dismiss or Convert Florida DivestCo Reorganizations* [Docket No. 310] in the Bankruptcy Proceedings, and served its first set of discovery requests on the Debtors (the "Discovery Requests").

18. The Discovery Requests are sweeping and seek an extremely broad range of documents and information. They include thirty-eight (38) requests for the production of

documents (the “Document Requests”), twenty-three (23) interrogatories (the “Interrogatories”), and thirty-seven (37) requests for admission (the “Requests for Admission”).

19. Those numbers do not capture the burden the Discovery Requests impose on the Debtors, since many of the Interrogatories and Requests for Admission seek responses relating to each of the fifty (50) Debtors and ninety-seven (97) Florida Claimants, effectively amounting to hundreds of requests for written discovery (well exceeding the 25 Interrogatory cap imposed by Rule 33 of the Federal Rules of Civil Procedure). Making matters worse, many of the Interrogatories and Requests for Admission are drafted in a convoluted, argumentative and confusing manner, and are facially improper.<sup>3</sup>

**E. The Debtors Work Expeditiously And In Good Faith To Respond To The Discovery Requests**

20. After receiving the Discovery Requests, and while reserving all rights and objections, the Debtors worked in good faith to respond, including by producing nearly 5,000 documents on a rolling basis before the September 5, 2024 deadline to serve formal responses and objections. Debtors met and conferred with Recovery Corp. on multiple occasions to discuss custodians, search terms and timing in an effort to comply with Recovery Corp.’s stated preference to receive a targeted production, despite the Document Requests expressly seeking “all Documents” on thirty-eight topics.

21. In light of the amount of written discovery (the Interrogatories and Requests for Admission) and other motion practice submitted by Recovery Corp., on August 27, 2024, the

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<sup>3</sup> In addition, on September 17, 2024, Recovery Corp. also sent expansive (and often vague, ambiguous, and convoluted) document requests on forty-one non-Debtor new operator parties [Docket No. 437]. This came after Recovery Corp. incorrectly served each of these requests on certain Debtors (naming them as “Florida SNF Transferees”) on September 4, 2024 [Docket No. 382].

Debtors' counsel requested a reasonable 30-day extension to respond while it prioritized the production of documents.

22. Despite multiple follow-ups by the Debtors' counsel, Recovery Corp. slow-rolled and refused to provide a response to the extension request. Finally, after a week of delays, Recovery Corp. agreed to conduct a meet and confer on September 3, 2024. On that call, the Debtors' counsel stated objections to the scope, breadth and subject matter of the Discovery Requests, and reiterated their request for a 30 day-extension. Recovery Corp. rejected the request on the basis that it needed responses to the written discovery in advance of the September 30 Hearing. This basis, which Recovery Corp. articulated for the first time on this telephone call, was surprising, including because (1) none of the discovery was served in connection with the adversary proceeding, and (2) none of the discovery was tailored to any issues in that matter, which relates solely to the extension of the automatic stay to the Miami Action.

23. Nonetheless, the Debtors' counsel suggested a two-week extension, which would accommodate Recovery Corp.'s stated reason and provide it with responses to the written discovery well in advance of the hearing. Recovery Corp. summarily rejected this request, too, without explanation.

24. The following day, on September 4, 2024, the Debtors' counsel advised Recovery Corp. that, in light of Recovery Corp.'s position, the Debtors were working diligently to respond to the written discovery (in addition to producing documents), and would do so by the end of the week (*i.e.*, September 6, 2024). Recovery Corp. did not respond to this email.

25. On September 5, 2024, the Debtors produced an additional 1,195 documents to Recovery Corp. (totaling nearly 5,000 documents produced to date at the time), and served their Responses and Objections to Recovery Corp.'s Requests for Admission. The Debtors' counsel

also advised Recovery Corp. that responses to the Document Requests and Interrogatories were forthcoming. Recovery Corp. did not respond to this email either.

**F. Recovery Corp.’s Motion To Compel And Supplemental Motion**

26. On September 6, 2024, Recovery Corp. filed its Motion to Compel without prior notice. [Docket No. 405.] Ten minutes later, the Debtors served their Responses and Objections to the Interrogatories and Document Requests (“the “Responses”).<sup>4</sup> Notwithstanding that its Motion was now moot, Recovery Corp. refused to withdraw it.

27. Recovery Corp.’s Motion violated Rule 37(a)(1) of the Federal Rules and Local Rule 7037-1(a), which require a certification of a good faith conference prior to seeking court intervention. The Motion also violated the Court’s Rules for Discovery Disputes, which, in addition to requiring a good faith conference certification under Federal Rule 37(a)(1) and Local Rule 7037-1(a), require a party to submit a letter or email informing the Court about the dispute and providing the opposing party with an opportunity to respond, so that the Court can schedule a telephonic conference with the parties. The Court’s Rules further state that “[a] Discovery Motion that does not comply with Fed.R.Civ.P. 37, as incorporated by Fed.R.Bankr.P. 7037, or that precedes an initial conference with the Court as required by these procedures, will be denied without a hearing.”

28. On September 13, 2024, Recovery Corp. filed its Supplemental Motion [Docket No. 429], which suffers from the same fatal defects as the Motion, including mootness and its failure to comply with the Rules.

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<sup>4</sup> The Debtors served Supplemental Responses to Recovery Corp.’s Interrogatories on September 12, 2024.

**G. Recovery Corp. Confirms That It Has Not Complied With The SSPA And Refuses To Comply With The Debtors' Discovery Requests**

29. On September 11, 2024, the Debtors' counsel advised Recovery Corp. that the Debtors had concerns that the Assignments were not made in compliance with the SSPA as required to be effective under Florida law. In that conversation, Recovery Corp. conceded that no court approval had been sought or obtained for the Assignments.

30. On September 10 and September 13, 2024, the Debtors served their first sets of interrogatories, requests for admission, and document requests on Recovery Corp. (collectively, the "Standing Discovery"). [See Exs. D-H.] The Standing Discovery, which consists of two (2) requests for production, four (4) interrogatories and ninety-seven (97) requests for admission (the same request for admission for every purported assignment by each of the 97 Florida Claimants), is narrowly targeted and seeks documents and information regarding whether the Assignments complied with the SSPA. [See Ex. D-F.] In addition, the Standing Discovery seeks documents and information relating to the proofs of claim filed on behalf of Recovery Corp. and the Florida Claimants based on the same claims and rights arising out of the settlement agreements that were purportedly assigned to Recovery Corp. [See Exs. G-H.]

31. On September 15, 2024, counsel for the Debtors sent a letter informing Recovery Corp. that the Assignments appeared to be invalid under Florida law, including because Recovery Corp.'s counsel had admitted that no court approval had been obtained for the Assignments (the "September 15 Letter"). [See Ex. B.] Accordingly, the Debtors advised Recovery Corp. that it lacks standing to pursue claims against the Debtors as either a creditor in the Bankruptcy Proceeding or a plaintiff in the Miami Action, and requested that Recovery Corp. withdraw its proofs of claim and all motions and objections filed in the Chapter 11 proceedings. [*Id.* at 2-3.]

The September 15 Letter also invited Recovery Corp. to provide any evidence or argument in support of a position that the Assignments were valid and that Recovery Corp. had standing. [*Id.*]

32. On September 19, 2024, counsel for the parties met and conferred regarding Recovery Corp.'s discovery requests, the Debtors' discovery requests, and the issues raised in the Debtors' September 15 Letter. Recovery Corp. again confirmed that it had not obtained court approval for the Assignments purportedly made by the Florida Claimants to Recovery Corp. The Debtors asked Recovery Corp. to explain why it believed the Assignments were valid without court approval, and whether it had any basis to assert that the SSPA did not apply to its Assignments. Recovery Corp.'s counsel stated that Recovery Corp. would explain its position in a forthcoming letter, which the Debtors received later that day (the "September 19 Letter"). [*See* Ex. C.] Recovery Corp. also stated that it would not respond to the Standing Discovery.

33. Notably, the September 19 Letter does not provide any evidence that Recovery Corp. complied with the SSPA, nor does it provide any legal authority for its failure to do so. Rather, Recovery Corp. cursorily advanced three arguments: (1) "[t]he statute referenced has no application to the assignment by the Florida Claimants to Recovery Corp., for reasons that we will not belabor," (2) "there are some judicial estoppel issues inherent in raising this argument at this time," and (3) "the issue you have raised is of no consequence." [*Id.* at 2-3.] The Debtors address these "arguments" below.

## **ARGUMENT**

### **I. THE MOTION TO STRIKE SHOULD BE GRANTED FOR LACK OF STANDING**

#### **A. Recovery Corp. Lacks Standing In These Chapter 11 Cases**

34. Recovery Corp. has no standing to participate in the Bankruptcy Proceedings. Recovery Corp.'s supposed standing to pursue claims in the Bankruptcy Proceeding is predicated



on the Assignments. [See Proof of Claim No. 68 and Claim No. 1454; Docket No. 433 at 7.] These Assignments are governed by Florida law,<sup>5</sup> including the SSPA, which requires court approval for the transfer and assignment of such claims be valid. Recovery Corp. has admitted that it did not obtain court approval, and therefore the Assignments are ineffective and Recovery Corp. lacks standing.

35. *First*, Section 3(a) of the SSPA requires court approval for an assignment of structured settlement payment rights relating to tort claims: “[a] direct or indirect transfer of structured settlement payment rights is not effective and a structured settlement obligor or annuity issuer is not required to make a payment directly or indirectly to a transferee or assignee of structured settlement payment rights ***unless the transfer is authorized in advance in a final order by a court of competent jurisdiction***[.]” Fla. Stat. § 626.99296 (3)(a) (emphasis added). Failure to comply with this and other statutory requirements may subject the putative transferee (here, Recovery Corp.) to penalties and injunctive relief under the SSPA. *See* Fla. Stat. § 626.99296 (6)(e) (providing that if “any interested party has reason to believe that any transferee has violated this section, any interested party may bring a civil action for injunctive relief, penalties, and any other relief that is appropriate to secure compliance with this section.”).

36. *Second*, the assignment and transfer of the Florida Claimants’ right to settlement payments are subject to the SSPA. The SSPA expressly states that its purpose “is to protect recipients of structured settlements who are involved in the process of transferring structured settlement payment rights.” Fla. Stat. § 626.99296 (1). The SSPA defines “structured settlement” as “an arrangement for periodic payment of damages for personal injuries established by settlement

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<sup>5</sup> The exemplar Assignment of Claim and Corporate Proxy attached to the Miami Complaint provides: “Any dispute regarding the negotiation, execution, performance, or breach of this Assignment shall be adjudicated, under Florida law, in the Thirteenth Judicial Circuit, in and for Hillsborough County, Florida.” [Ex. I, Section 10.]

or judgment in resolution of a tort claim,” and defines “structured settlement payment rights” as the “rights to receive periodic payments, including lump-sum payments under a structured settlement...from the structured settlement obligor[.]” Fla. Stat. § 626.99296 (2) (m), (p). As noted above, the Assignments are governed by Florida law [*see* Ex. I, Section 10], and each Assignment purported to transfer rights arising out of a structured settlement that resolved tort claims for damages that were brought against the Debtors under Florida law and are “predicated upon payments made over time.” [Docket No. 310 at 6; *see also* Claim No. 68, Att. at 1-2, and No. 1454, Att. at 1-5.]

37. Accordingly, the Assignments are subject to the SSPA—which was enacted to address and safeguard against the very actions Recovery Corp. took here—and require court approval. *See First Providian, LLC v. Evans*, 852 So. 2d 908, 908 (Fla. Dist. Ct. App. 2003) (holding that attempted assignment of structured settlement of personal injury claims was regulated by statute and required court approval to be valid) (citing Fla. Stat. § 626.99296 (4)).

38. *Third*, Recovery Corp. concedes that it never sought or obtained court approval for the Assignments. The Assignments are thus invalid and without effect under Florida law. *See, e.g., First Providian*, 852 So. 2d at 908; *Talcott Resol. Life Ins. Co. v. Novation Cap. LLC*, 261 So. 3d 580, 584 (Fla. Dist. Ct. App. 2018) (“Transfer of settlement payment rights are regulated by statute and court approval is required before a transfer may go forward”) (citing Fla. Stat. § 626.99296 (3)); *R & Q Reinsurance Co. v. Rapid Settlements, Ltd.*, No. 06-14329-CIV-MOORE, 2007 WL 2330899, at \*3 (S.D. Fla. Aug. 13, 2007) (holding that enforcing arbitration award premised on unauthorized transfer of rights to settlement claims “would violate the applicable Florida Protection Act, and therefore the award is unenforceable against Plaintiff.”) (citing Fla. Stat. § 626.99296(3)).

39. Accordingly, Recovery Corp has no right, title, or interest in or to the settlement agreements and judgments it seeks to enforce against the Debtors. *See Fid. & Guar. Life Ins. Co. v. Harrod*, No. 05-CV-02732, 2007 WL 2781932, at \*1 (D. Md. Mar. 6, 2007) (“Rapid did not obtain court approval for [] the transfer contemplated by the Rapid Agreement...and therefore, Rapid has no right, title or interest whatsoever in or to the subject Settlement Agreement”) (citing Fl. Stat. § 626.99296, *et seq.*”).

40. Recovery Corp thus lacks standing to pursue claims as a creditor or plaintiff in this proceeding, *i.e.*, it has no claims and cannot show injury-in-fact, and cannot participate in the Bankruptcy as a “Party-in-Interest” under 11 U.S.C.A. § 1109. *See, e.g., In re Morris Pub. Grp. LLC*, No. 10-10134, 2010 WL 599393, at \*4 (Bankr. S.D. Ga. Feb. 10, 2010) (“[A]n entity without some kind of direct relationship with the debtor, the debtor’s property, or the administration of the bankruptcy estate—an entity that is a stranger to the bankruptcy case—is [] not a party in interest under § 1109(b)”); *In re Gerard*, No. 18-67328-BEM, 2020 WL 272756, at \*6 n.6 (Bankr. N.D. Ga. Jan. 17, 2020) (“To establish constitutional standing, a creditor must clear the relatively low hurdle of demonstrating injury in fact, causation, and redressability.”); *In re Vega*, No. 6:10-AP-00299-KSJ, 2014 WL 2621118, at \*4, 6 (Bankr. M.D. Fla. June 12, 2014) (holding that creditor did not have standing to assert claims for a debt he was not owed); *In re Micron Devices, LLC*, No. 20-23359-LMI, 2021 WL 2021468, at \*15 (Bankr. S.D. Fla. May 20, 2021) (“[Claimant] is not a creditor of the estate, and has no standing to object to the [] Motion”).

#### **B. Recovery Corp. Has No Defense To Its Lack Of Standing**

41. Despite numerous requests from the Debtors for an explanation, Recovery Corp. has not even attempted to put forth any meaningful argument, let alone identify any legal authority, to explain away the Assignments’ fatal deficiencies under Florida law. Instead, Recovery Corp.

has offered just three half-hearted “arguments” in its September 19 Letter that do not come close to salvaging its standing.

42. *First*, Recovery Corp. argues that “[t]he statute referenced has no application to the assignment by the Florida Claimants to Recovery Corp., for reasons that we will not belabor.” [Ex. C at 2.] It is long past time for Recovery Corp. to explain its reasons for not complying with the SSPA, and its failure to do so makes clear that there is no justification.

43. *Second*, Recovery Corp. vaguely proffered that there are “some judicial estoppel issues inherent in raising this argument at this time.” [Ex. C at 3.] Not so. The Supreme Court has recognized that the doctrine of judicial estoppel may be implicated where (1) the party’s present position is “clearly inconsistent” with an earlier position; (2) the party “succeeded in persuading a court to accept the earlier position, so that judicial acceptance of the inconsistent position in a later proceeding would create the perception that either the first or second court was misled;” and (3) “the party advancing the inconsistent position would derive an unfair advantage.” *See New Hampshire v. Maine*, 532 U.S. 742, 750-51 (2001)). In *Burnes v. Pemco Aeroplex, Inc.*, the seminal case in the Eleventh Circuit addressing judicial estoppel, the court incorporated the Supreme Court’s factors in setting forth a non-exhaustive two prong test for invoking the doctrine: “First, it must be shown that the allegedly inconsistent positions were made under oath in a prior proceeding. Second, such inconsistencies must be shown to have been calculated to make a mockery of the judicial system.” *See Robinson v. Tyson Foods, Inc.*, 595 F.3d 1269, 1273 (11th Cir. 2010) (quoting *Burnes*, 291 F.3d 1282, 1285 (11th Cir. 2002)). Neither prong is satisfied here: Recovery Corp. has not identified any “inconsistent positions” taken by the Debtors, let alone “under oath in a prior proceeding,” and therefore the doctrine is entirely inapplicable.

44. To the extent that Recovery Corp. is suggesting that the Debtors have somehow waived the right to challenge its standing, Recovery Corp. is wrong. To the contrary, the Debtors expressly reserved all arguments and defenses regarding the purported Assignment of these claims and Recovery Corp.'s standing in these Chapter 11 Cases. [See Adv. Docket No. 1 ¶ 55 n.2 and No. 3 ¶ 10 n.4.] And even if the Debtors had waived these arguments (which they clearly did not), it is axiomatic that “standing arguments are not subject to waiver.” *Majesko v. Nationwide Mut. Ins. Co.*, 736 F. App'x 240, 241 (11th Cir. 2018) (citing *United States v. Hays*, 515 U.S. 737, 742 (1995)). “Standing may be raised at any time by either the parties or the Court,” *Insect Sci. Res., LLC v. Timberline Fisheries Corp.*, No. CIV.A. 107CV2662-JEC, 2010 WL 431233, at \*3 (N.D. Ga. Feb. 4, 2010) (citing *Bats v. Cobb County*, 495 F. Supp. 2d 1311, 1314 (N.D. Ga. 2007)), and “every court has an independent duty to review standing as a basis for jurisdiction at any time, for every case it adjudicates.” *In re Edelson*, No. 08-77595-BEM, 2013 WL 5145714, at \*1 (Bankr. N.D. Ga. July 3, 2013) (quoting *Florida Ass'n of Med. Equip. Dealers v. Apfel*, 194 F.3d 1227, 1230 (11th Cir. 1999)).

45. *Third*, Recovery Corp. appears to suggest that, since Recovery Corp.'s counsel also filed proofs of claim for the individual Florida Claimants, its own lack of standing “is of no consequence.” [Ex. C at 2-3]. This argument only underscores Recovery Corp.'s gamesmanship and abuse of the judicial system, which is highly consequential given Recovery Corp.'s role and actions in these Chapter 11 Cases. It is Recovery Corp. that has swamped the Debtors with motion practice and discovery. Moreover, its lack of standing is dispositive, including for Recovery

Corp.'s own recent motion seeking to *establish standing* to challenge the Final DIP Financing Order.<sup>6</sup> [See Docket No. 433].

**C. All of Recovery Corp.'s Pleadings, Motions, Objections, and Discovery Should Be Stricken**

46. Under Bankruptcy Code section 105, “the Court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” *In re Milani*, No. 15-54748, 2019 WL 4555987, at \*1 (Bankr. N.D. Ga. Sept. 19, 2019) (quoting 11 U.S.C. § 105(a)).

47. The Court is thus empowered to strike any and all pleadings, motions, objections, and discovery filed or served by Recovery Corp. in these Chapter 11 Cases, as well as grant any other relief that it deems just and improper. *See In re Mayhew*, No. 90-60141, 1994 WL 16006013, at \*3 (Bankr. S.D. Ga. July 25, 1994); *In re Edwards*, No. 91-10637, 1991 WL 11002468, at \*2 (Bankr. S.D. Ga. Oct. 23, 1991) (“The court may strike a creditor’s proof of claim in its entirety as a sanction for the creditor’s failure to comply with the local rules.”); *see also United States v. \$11,320.00 in U.S. Currency*, 880 F. Supp. 2d 1310, 1327 (N.D. Ga. 2012) (granting motion to strike claim “for lack of statutory standing and lack of Article III standing.”).

48. Due to Recovery Corp.’s lack of standing, and flagrant disregard for the Rules, the Debtors respectfully submit that all of Recovery Corp.’s pleadings, motions, objections, and discovery in these Chapter 11 Cases should be stricken, and all pending requests for relief, including its Motion to Compel, should be summarily denied.

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<sup>6</sup> The potential consequences of Recovery Corp. filing false and duplicative proofs of claims also cannot be ignored. These consequences include not only the disallowance of such claims, but also potential sanctions. *See, e.g., In re Feggins*, 535 B.R. 862, 869 (Bankr. M.D. Ala. 2015) (“the bankruptcy court may disallow an unenforceable proof of claim under § 502(b)(1) [and] Bankruptcy Rule 9011 authorizes the bankruptcy court to impose sanctions on creditors who file proofs of claim ‘for any improper purpose’ or who make claims or legal contentions that are not ‘warranted by existing law[.]’”) (quoting Bankruptcy Rule 9011(b)(1)-(2)). The Debtors reserve all rights to pursue any and all appropriate relief in connection with Recovery Corp.’s false and/or duplicative Proof of Claim.

**II. THE COURT SHOULD COMPEL RECOVERY CORP. TO RESPOND TO THE STANDING DISCOVERY IF IT DOES NOT GRANT THE MOTION TO STRIKE**

49. Recovery Corp. should be ordered to respond to the Debtors' Standing Discovery pursuant to Rules 9014 and 7037 of the Federal Rules of Bankruptcy Procedure, which incorporate Rule 37 of the Federal Rules of Civil Procedure.

50. The Standing Discovery served by the Debtors on Recovery Corp., which consists of document requests, requests for admission and interrogatories, is proportional and narrowly targeted in seeking information that would be helpful in ascertaining Recovery Corp.'s standing and the validity of the proofs of claim executed and filed by Recovery Corp.'s counsel on behalf of the Florida Claimants (including its authority to do so). The Debtors have met and conferred in good faith with Recovery Corp. regarding the Standing Discovery in accordance with Rule 37's requirements. Recovery Corp. has confirmed, in writing and in statements by its counsel in such meet-and-confers, that it will not respond to the Standing Discovery, yet has provided no justification for its failure to comply with its discovery obligations.

51. Accordingly, Recovery Corp. should be ordered to immediately produce documents and written responses to the Standing Discovery.

**III. RECOVERY CORP.'S MOTION TO COMPEL SHOULD BE DENIED**

**A. Recovery Corp. Failed To Comply With Numerous Rules**

52. To the extent that Recovery Corp.'s Motion to Compel is not stricken and denied for lack of standing, it should be rejected because Recovery Corp. failed to comply with the Federal Rules of Civil Procedure, the Local Rules, and the Court's Rules.

53. *First*, Recovery Corp.'s Motion does not comply with Federal Rule 37 and Local Rule 7037-1 because it "does not include a good faith certification... 'that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or

discovery in an effort to obtain it without court action.” *Caliber Auto. Liquidators, Inc. v. Premier Chrysler, Jeep, Dodge, LLC*, No. 1:07-CV-0556-CC, 2008 WL 11407323, at \*1 (N.D. Ga. Sept. 30, 2008) (denying motion to compel). Recovery Corp.’s failure to include a certification is unsurprising, as Recovery Corp. did *not* meet and confer with the Debtors prior to filing either the Motion or the Supplemental Motion. The Motion should be denied for this reason alone.

54. *Second*, Recovery Corp. did not comply with the Court’s Rules for Discovery Disputes. Those Rules require a party to (1) submit a letter or email informing the Court about the dispute, (2) provide the opposing party with an opportunity to respond, so that (3) the Court can schedule a telephonic conference with the parties. Once again, Recovery Corp. decided to ignore these Rules in filing both its Motion and the Supplemental Motion. According to the Court’s Rules, the sanction for noncompliance is denial without a hearing: “[a] Discovery Motion that does not comply with Fed.R.Civ.P. 37, as incorporated by Fed.R.Bankr.P. 7037, or that precedes an initial conference with the Court as required by these procedures, *will be denied without a hearing.*” (Emphasis added).

55. *Third*, Recovery Corp. also failed to comply with Local Rule 7026-3’s requirement that “[t]he party responsible for service of the discovery material must...file a certificate with the Bankruptcy Clerk indicating the date of service.” This Court has denied requests for a waiver of objections on this basis. *See, e.g., Price v. Gwinnett Fam. Dental Care, LLC*, No. 1:06-CV-2659-BBM-GGB, 2007 WL 9702229, at \*3 (N.D. Ga. Apr. 26, 2007).

**B. The Debtors’ One-Day Delay In Serving Responses Does Not Warrant Total Waiver**

56. Recovery Corp.’s Motion should be denied for the additional reason that the Debtors acted in good faith and did not unreasonably delay in formally responding to Recovery



Corp.'s Interrogatories and Document Requests one day after the deadline, and mere minutes after the filing of the Motion.

57. *First*, “the Federal Rules of Civil Procedure do not ‘mandate waiver of objections not timely or properly made.’” *Jones v. Am. Gen. Life & Accident Ins. Co.*, No. CV 101-003, 2002 WL 32073037, at \*6 (S.D. Ga. Dec. 4, 2002) (citation omitted). Indeed, Rule 33(b)(4) of the Federal Rules of Civil Procedure states that: “Any ground not stated in a timely objection is waived ***unless the party’s failure to object is excused by the court for good cause shown.***” (Emphasis added). In addition, this Court has noted that “Rule 34, unlike Rule 33, which deals with interrogatories, does ***not*** specify that a failure to respond within the time provided will result in a waiver of any objections.” *In re RDM Sports Grp., Inc.*, 277 B.R. 415, 424 (Bankr. N.D. Ga. 2002) (emphasis added).

58. *Second*, the Debtors have shown good cause for their brief delay in serving formal responses to those Discovery Requests. The Debtors (i) met and conferred in good faith with Recovery Corp. multiple times; (ii) produced thousands of documents on a rolling basis before they were required to do so in order to accommodate Recovery Corp.’s request to expedite discovery; (iii) requested a reasonable extension in light of the Discovery Requests’ general incoherence and overly broad scope, effectively spanning *hundreds* of requests for written discovery; (iv) timely served Responses to the Requests for Admission and clearly communicated that the Debtors were working on the additional Responses that were shortly forthcoming; and (v) served those Responses the next day.

59. Recovery Corp., in contrast, engaged in gamesmanship, including by inexplicably delaying for a week until the eve of the deadline before responding to (and summarily rejecting) the Debtors’ request for a reasonable extension, and failing to respond to multiple subsequent

communications by the Debtors that they intended to complete their Responses shortly after the deadline. And when the Debtors served their Responses to within minutes of the filing of the Motion to Compel, the Debtors requested that Recovery Corp. withdraw the Motion as moot, but again, Recovery Corp. flatly refused without justification in an apparent bid for tactical advantage.

60. This Court has made clear that “minor procedural violations, good faith attempts at compliance, and other mitigating circumstances will militate against finding waiver.” *See Chellis v. Fleet Cap. Corp.*, No. 1:04-CV-1072-CAP, 2006 WL 8431643, at \*7 (N.D. Ga. July 17, 2006); *United Steelworkers of Am., AFL-CIO-CLC v. Ivaco*, No. 1:01-CV-0426-CAP, 2002 WL 31932875, at \*4 (N.D. Ga. Jan. 13, 2003). Indeed, this Court has rejected requests for waiver in similar and less compelling circumstances. *See, e.g., RDM Sports*, 277 B.R. at 425 (finding no waiver where responses were served twenty days late); *Coker v. Duke & Co.*, 177 F.R.D. 682 (M.D. Ala. 1998) (good cause shown where “some documents have been produced” and oral objections were made to other documents, despite not filing any formal response or seeking an extension).

61. *Third*, a complete waiver is a “severe sanction,” *RDM Sports*, 277 B.R. at 425, that this Court has found appropriate only in extreme circumstances, including where responses are never provided, or where other facts demonstrate “unjustifiable delay, inexcusable conduct, or bad faith in responding to discovery requests.” *United Steelworkers*, No. 1:01-CV-0426-CAP, 2002 WL 31932875, at \*5. There are no such extreme circumstances present here to warrant the imposition of such a “severe sanction.”

62. The few authorities relied on by Recovery Corp. are inapposite and demonstrate why the Motion should be denied. In *Friday v. Sallie Mae, Inc.*, the plaintiff “failed to provide any responses or objections to Defendant’s discovery requests,” and did not respond after the defendant moved to compel. No. 1:14-CV-558-TCB-ECS, 2014 WL 12860394, at \*1-2 (N.D. Ga. Nov. 20, 2014). Similarly, in *In re Sanibel Beach Front Condos LLC v. Sanibel Arms Condo. Ass’n, Inc.*, the plaintiff failed to respond to the defendants’ discovery requests even after receiving an extension, and also failed to provide a substantive response to the motion to compel. No. 2:19-CV-557FTM29NPM, 2020 WL 4741101, at \*\*1-2 (M.D. Fla. Jan. 8, 2020).

63. *Finally*, Recovery Corp. was not prejudiced by the one-day delay. Recovery Corp. has not identified any harm, nor can it, by receiving the discovery responses on September 6, rather than September 5, 2024. *See RDM Sports*, 277 B.R. at 425 (“The Court does not believe that the failure of the Plaintiff to more formally assert these [objections] has seriously prejudiced the SGR Defendants...waiver in this situation [is] too severe a sanction for the Plaintiff’s late responses”).

### **C. Recovery Corp.’s Remaining Arguments Are Unavailing**

64. Recovery Corp. points to a hodgepodge of so-called “aggravating factors” that supposedly support a finding of waiver, most of which consist of irrelevant commentary about how the Debtors have conducted the bankruptcy proceeding. [Docket No. 429 at 4-8.] Recovery Corp. also contends that “the Debtors have delayed discovery,” which is utterly false for the reasons explained above. Finally, Recovery Corp. complains that some of the responses to the Interrogatories refer to documents that have been produced by the Debtors. This objection is not

only unfounded,<sup>7</sup> it is precisely the kind of dispute that the Rules require to be aired in a meet and confer *prior* to filing the Motion.

### CONCLUSION

For the foregoing reasons, the Debtors respectfully request that the Court find and enter the Proposed Order attached hereto as Exhibit A: (A) striking all of the claims, pleadings, motions, notices, objections, and discovery that Recovery Corp. has filed or served to date in these Chapter 11 Cases, and summarily denying any and all pending requests for discovery or other relief by Recovery Corp.; (B) compelling Recovery Corp. to respond to the Debtors' Standing Discovery; and (C) denying Recovery Corp.'s Motion to Compel, including its request for an order determining that the objections asserted in response to Recovery Corp.'s Interrogatories and Document Requests are waived; and (D) granting any other and further relief as the Court deems just and proper.

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<sup>7</sup> See, e.g., *Lang v. DePuy Orthopaedics*, 1:05-CV-700-WBH, 2005 WL 8155416, at \*4 (N.D. Ga. Nov. 18, 2005) (permitting interrogatory answers referring to documents that “will be produced in response to Plaintiffs’ Requests for Production of Documents” under FRCP 33(d)); *Bailey v. Trans Union LLC*, 1:20-CV-173-AT-JKL, 2020 WL 10056271, at \*4 (N.D. Ga. Dec. 16, 2020) (denying motion to compel where interrogatory was “facially overbroad” and defendant had produced “a subset of the requested information that is relevant to the time period in this case” in its initial disclosures and other discovery responses.); *Chellis*, No. 1:04-CV-1072-CAP, 2006 WL 8431643, at \*2 (allowing defendants to refer to documents, so long as they “provide the plaintiff with the Bates Numbers”).

**RESERVATION OF RIGHTS**

The Debtors reserve all rights with respect to the (A) Motion to Strike; (B) Cross-Motion to Compel; and (C) Opposition to Recovery Corp.'s Motion to Compel, including, without limitation, with respect to any and all arguments that Recovery Corp. may raise in response or reply or at any hearing on any of the foregoing, and with respect to any and all further appropriate relief the Debtors may be entitled to by law or under the applicable rules in connection with the conduct of Recovery Corp. and/or its counsel in these Chapter 11 Cases, including, without limitation, costs, sanctions, and penalties under Federal Rule 11 and Bankruptcy Rule 9011.

In addition, to the extent the Court does not grant any of the relief sought herein, the Debtors expressly reserve the right to request a conference with the Court to determine the appropriate scope of discovery going forward in these Chapter 11 Cases, including, without limitation, in connection with the Plan Confirmation Hearing.

*[Remainder of Page Intentionally Left Blank]*

Dated: Miami, Florida

**MCDERMOTT WILL & EMERY LLP**

September 27, 2024

/s/ Daniel M. Simon

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

**CERTIFICATE OF COMPLIANCE**

I hereby certify that the undersigned counsel for the Debtors conferred with counsel for Recovery Corp. in good faith on several occasions, including a teleconference on September 19, 2024, in an effort to resolve the issues subject to the Debtors' Cross-Motion to Compel Responses to the Standing Discovery without court action, as required pursuant to Rule 37(a)(1) Federal Rule of Civil Procedure and Local Rule 7037-1(a). On September 19, 2024, Recovery Corp.'s counsel confirmed that it would not respond to the Debtors' discovery requests, and suggested that the Debtors should file a motion to compel.

Dated: Miami, Florida

**MCDERMOTT WILL & EMERY LLP**

September 27, 2024

/s/ Nathan M. Bull

Nathan M. Bull (admitted *pro hac vice*)

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Miami, FL 33131

Telephone: (305) 358-3500

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**CERTIFICATE OF SERVICE**

I hereby certify that on this date a true and correct copy of the foregoing Brief was served by the Court's CM/ECF system on all counsel of record registered in these Chapter 11 Cases through CM/ECF. The Debtors' claims and noticing agent, Kurtzman Carson Consultants LLC, will be filing a supplemental certificate of service on the docket to reflect any additional service of the foregoing Brief, including on the Limited Service List.

Dated: Atlanta, Georgia  
September 27, 2024

**MCDERMOTT WILL & EMERY LLP**

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



**EXHIBIT A**

**Proposed 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> ,	)	Case No. 24-55507 (PMB)
Debtors. <sup>1</sup>	)	(Jointly Administered)
	)	
	)	<b>Related to Docket No. 405 and 429</b>
	)	

**ORDER GRANTING DEBTORS’ (A) MOTION TO STRIKE,  
(B) CROSS-MOTION TO COMPEL, AND (C) OPPOSITION TO  
RECOVERY CORP.’S MOTION TO COMPEL DISCOVERY RESPONSES**

Upon consideration of the Motion to Strike All Pleadings, Claims, Motions, Objections, and Discovery filed or served by Healthcare Negligence Settlement Recovery Corp. (“Recovery Corp.”) in these Chapter 11 Cases for Lack of Standing pursuant to Bankruptcy Code sections 105

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<sup>1</sup> 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.

and 1109; (B) the Cross-Motion to Compel standing-related discovery pursuant to Rule 37 of the Federal Rules of Civil Procedure, as incorporated under Rule 9014 and Rule 7037 of the Federal Rules of Bankruptcy Procedure, and (C) the Opposition to *Recovery Corp.’s Motion to Compel Discovery Responses* [Docket No. 405] and *Recovery Corp.’s Supplement to Motion to Compel Discovery Responses* [Docket No. 429] filed on September 27, 2024 at Docket No. \_\_\_ (collectively, the Motions)<sup>2</sup> by the above-captioned debtors and debtors-in-possession (collectively, the “Debtors”), seeking entry of an order (this “Order”) (A) striking all of the claims, pleadings, motions, notices, objections, and discovery that Recovery Corp. has filed or served to date in these Chapter 11 Cases, (B) compelling Recovery Corp. to respond to the Debtors’ Standing Discovery; (C) denying Recovery Corp.’s motion to compel, including its request for an order determining that the objections asserted in response to Recovery Corp.’s Interrogatories and Document Requests are waived; and (D) granting any other and further relief as the Court deems just and proper, as set forth more fully therein; 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 Motions 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 Motions having been given under the particular circumstances; and the Court having considered the Motions and all other matters of record; and the Court having determined that the legal and factual bases set forth in the Motions 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 Motions is in the best interests of the Debtors, their estates, their creditors, and other parties-

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<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

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 as set forth herein.
2. All of the claims, pleadings, motions, notices, objections, and discovery filed or served by Recovery Corp. in these Chapter 11 Cases are hereby STRICKEN from the record, and all pending requests for relief by Recovery Corp. are hereby DENIED as moot and for lack of standing;
3. The Debtors' Cross-Motion to Compel Recovery Corp. to respond to the Standing Discovery is hereby GRANTED;
4. The Motion to Compel and Supplement to the Motion to Compel filed by Recovery Corp. are hereby DENIED in accordance with the foregoing;
5. The Debtors are authorized to take all actions necessary to implement the relief granted in this Order.
6. This Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.
7. Counsel to the Debtors shall, within three days of the entry of this Order, cause a copy of this Order to be served by electronic mail or first-class mail, as applicable, on all parties served with the Motion and the attached distribution list, and shall, via their claims and noticing agent, promptly file a certificate of service reflecting the same.

END OF ORDER

Prepared and presented by:

/s/ Daniel M. Simon

**MCDERMOTT WILL & EMERY LLP**

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Healthcare Negligence Settlement Recovery Corp.  
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**EXHIBIT B**

**September 15, 2024 Letter to Recovery Corp.**



mwe.com

Nathan Bull  
Attorney at Law  
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September 15, 2024

**VIA EMAIL**

John A. Anthony, Partner  
Anthony & Partners, LLC  
100 South Ashley Drive, Suite 1600  
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janthony@anthonyandpartners.com

Re: *In re LaVie Care Centers, LLC, et al.*, Case No. 24-55507 (PMB) (Bankr. N.D. Ga.)

Dear John:

As you know, we represent the Debtors in the above-captioned Chapter 11 proceedings. As we advised you earlier this week, we believe that the assignments of rights purportedly made by the Florida Claimants<sup>1</sup> to Recovery Corp were not made in compliance with Florida law, and thus are invalid and without effect. The invalidity of the assignments raises serious questions regarding Recovery Corp's conduct in these proceedings, and its standing to proceed here and in the Miami Action.

*First*, assignments or transfers of structured settlement payment rights under Florida law are governed by Florida's Structured Settlement Protection Act (the "SSPA"), Fla. Stat. § 626.99296 *et seq.*, which imposes certain requirements for any assignment or transfer to be valid, including required disclosures and court approval. Specifically, Section 3(a) of the SSPA provides that "[a] direct or indirect transfer of structured settlement payment rights is not effective and a structured settlement obligor or annuity issuer is not required to make a payment directly or indirectly to a transferee or assignee of structured settlement payment rights unless the transfer is authorized in advance in a final order by a court of competent jurisdiction[.]" Any transfer not made in compliance with the SSPA renders the transfer ineffective and subjects the transferee to injunctive relief, penalties, and any other remedies determined by the court.

*Second*, the assignment and transfer of the Florida Claimants' right to settlement payments are clearly subject to the SSPA. The exemplar Assignment of Claim and Corporate Proxy attached to the Complaint in the Miami Action is governed by Florida law, and the SSPA defines "structured settlement" as "an arrangement for periodic payment of damages for personal injuries established by settlement or

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<sup>1</sup> For ease of reference, capitalized terms used but not otherwise defined herein have the meanings given to them in the various pleadings filed by Healthcare Negligence Settlement Recovery Corp. in the chapter 11 cases.



Page 2

judgment in resolution of a tort claim,” and defines “structured settlement payment rights” to mean “rights to receive periodic payments, including lump-sum payments under a structured settlement . . . from the structured settlement obligor[.]”

*Third*, the Debtors have not seen any evidence that the assignments received the required court approval. In our conversation this week, you conceded that no such court approval had been sought or obtained. The disclosures in the exemplar Assignment Agreement attached to the Complaint in the Miami Action are also inadequate and could not satisfy the SSPA even if Recovery Corp had sought court approval. Accordingly, all of the purported assignments of settlement payment rights by the Florida Claimants to Recovery Corp are invalid and without effect. *See, e.g., First Providian, LLC v. Evans*, 852 So. 2d 908, 908 (Fla. Dist. Ct. App. 2003); *Talcott Resol. Life Ins. Co. v. Novation Cap. LLC*, 261 So. 3d 580, 584 (Fla. Dist. Ct. App. 2018); *R & Q Reinsurance Co. v. Rapid Settlements, Ltd.*, No. 06-CV-14329, 2007 WL 2330899, at \*3 (S.D. Fla. Aug. 13, 2007); *Fid. & Guar. Life Ins. Co. v. Harrod*, No. 05-CV-02732, 2007 WL 2781932, at \*1 (D. Md. Mar. 6, 2007).

*Fourth*, Recovery Corp’s standing to pursue claims in the Bankruptcy Proceeding and the Miami Action is predicated on the valid assignment of the Florida Claimant’s claims and rights to payment from their settlement agreements with the Debtors. Because those Assignments are invalid and ineffective under Florida law, Recovery Corp has no right, title, or interest in or to the settlement agreements and judgments it seeks to enforce against the Debtors. *See In re Approval of Transfer of Structured Settlement Payment Rts.*, 2005 WL 3963846, at \*2; *Harrod*, No. 05-CV-02732, 2007 WL 2781932, at \*1. Accordingly, Recovery Corp lacks standing to pursue claims as a creditor or plaintiff in either action, and cannot participate in the Bankruptcy as a “Party-in-Interest” under 11 U.S.C.A. § 1109. *See, e.g., In re Gerard*, No. 18-67328-BEM, 2020 WL 272756, at \*6 n.6 (Bankr. N.D. Ga. Jan. 17, 2020); *In re Alpha Nat. Res. Inc.*, 544 B.R. 848, 854-56 (Bankr. E.D. Va. 2016); *In re Vega*, No. 6:10-AP-00299-KSJ, 2014 WL 2621118, at \*4, 6 (Bankr. M.D. Fla. June 12, 2014); *In re Micron Devices, LLC*, No. 20-23359-LMI, 2021 WL 2021468, at \*15 (Bankr. S.D. Fla. May 20, 2021).

*Fifth*, it has come to our attention that Anthony & Partners filed proof of claims on behalf of both Recovery Corp and the Florida Claimants with respect to the same underlying liability arising from the settlement agreements and judgments that were purportedly assigned by the Florida Claimants to Recovery Corp. The Debtors have serious concerns that these filings constitute knowingly false proof of claims, as clearly it cannot be the case that the purported assignors and assignees have equally valid interests to the purportedly assigned settlement payment rights. The Debtors also have concerns regarding the authority by Anthony & Partners to file such proof of claims on behalf of the Florida Claimants, and have propounded discovery that bears on this issue.

In light of the foregoing, we hereby demand that Recovery Corp withdraw the following by no later than **5:00 p.m. Eastern Daylight Time on September 17, 2024**: (1) any proof of claim filed on behalf of Recovery Corp in these proceedings, (2) all motions, objections and discovery filed or served in this proceeding by Recovery Corp and (3) the Complaint filed in the Miami Action. We also believe that Recovery Corp must immediately withdraw from its position on the Unsecured Creditors Committee.

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If you believe that any of our conclusions above are mistaken, please advise us of that prior to the September 17, 2024 deadline and we will make ourselves available. Otherwise, to the extent that Recovery Corp fails to make the required withdrawals, the Debtors will take all appropriate action. That may include, without limitation, obtaining appropriate redress before the Court and seeking sanctions.

We look forward to your prompt response.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan Bull", with a long horizontal flourish extending to the right.

Nathan Bull

cc: Daniel Simon, counsel to the Debtors  
Emily Keil, counsel to the Debtors  
Timothy Cramton, counsel to the Debtors  
Larry Halperin, counsel to the Debtors, through the Independent Manager  
Jonathan Adams, Office of the United States Trustee  
Jeanene Trace, Office of the United States Trustee  
Francis Lawall, counsel to the Committee  
Deb Kovsky-Apap, counsel to the Committee  
Leighton Aiken, counsel to DIP Lender and Omega  
Rob Lemons, counsel to DIP Lender and Omega  
Matthew Levin, counsel to DIP Lender and Omega  
James Muenker, counsel to DIP Lender  
Nicholas Lafalce, counsel to Recovery Corp  
Cameryn Lackey, counsel to Recovery Corp  
Ellen Uzonwanne, counsel to Recovery Corp

**EXHIBIT C**

**September 19, 2024 Letter to the Debtors**

# ANTHONY & PARTNERS

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September 19, 2024

**VIA E-MAIL: Nbull@mwe.com**

Nathan M. Bull, Esquire  
McDermott Will & Emery LLP  
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**Re: In re LaVie Care Centers, LLC, et al.  
Bank. N.D. Ga., Chapter 11, lead case no. 24-55507-PMB  
(the “Reorganizations”)**

Dear Nathan:

This letter is written on behalf of Healthcare Negligence Settlement Recovery Corp. (“Recovery Corp.”), and as such acknowledges receipt of (a) your letter dated September 15, 2024 (the “Standing Letter”), and (b) Debtors’ First Set of Requests for Production of Documents to Healthcare Negligence Settlement Recovery Corp., dated September 10, 2024, (c) Debtors’ First Set of Interrogatories to Healthcare Negligence Settlement Recovery Corp., dated September 10, 2024, (d) Debtors’ First Set of Requests for Admission to Healthcare Negligence Settlement Recovery Corp., dated September 10, 2024, (e) Debtors’ Second Set of Request for Production of Documents to Healthcare Negligence Settlement Recovery Corp., dated September 13, 2024, and (f) Debtors’ Second Set of Interrogatories to Healthcare Negligence Settlement Recovery Corp., dated September 13, 2024 (collectively, the “Standing Discovery”). You, Dan Simon, and I discussed the issue raised in the Standing Letter at (but outside of) mediation last Wednesday, September 11, 2024. Nicholas Lafalce and I discussed the Standing Discovery with you and Dan again earlier today. As previously promised, this letter provides our summary of our good-faith position regarding the arguments raised in the Standing Letter and the proper response to the Standing Discovery, all enclosed herewith for easy reference of both you and copied parties below.

## **A. Background Facts**

A bit of factual background is worth covering. A total of 100 nursing home negligence Florida Claimants (the “Florida Claimants”) reached a set of settlements with a total of 50 of the Debtors (the “Florida Debtors”), most of which operated nursing home facilities (the “Florida Transferred SNFs”) at the time that the settlements were reached. The aggregate amount of the settlements exceeded \$11,000,000, and about \$2,000,000 on the settlement agreements was paid in aggregate before the Florida Debtors joined with 232 other Debtors to initiate the pending Reorganizations.

Before the Reorganizations were initiated on June 2 and 3, the Florida Debtors formed Recovery Corp. to facilitate recovery of a set of claims against not only the Florida Debtors but also individuals and entities involved in fraudulently transferring the Florida Transferred SNFs so that the Florida Debtors would be unable to perform on their settlement obligations. A lawsuit in Miami (the

**ANTHONY & PARTNERS**

Nathan M. Bull, Esquire  
September 19, 2024  
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“Miami Action”) was brought pre-petition as a central venue to pursue all such claims, rather than asserting virtually identical claims against the same parties in 100 separate lawsuits tied to each of the Florida Claimants. This was a matter of convenience for all involved, and the Florida Claimants received an identical position in Recovery Corp. commensurate in all respects with their positions as claimants. For that reason, they were able to continue pursuing their direct claims in their separate lawsuits to liquidate judgments for the benefit of all involved, and as expressly contemplated at the time of formation. You may recall that you and Mr. Simon were frustrated about that back in May.

When the Reorganizations were commenced, the Florida Debtors joined with their parent debtor to initiate an adversary proceeding (the “105(a) Proceeding”) against Recovery Corp. As their counsel, you filed pleadings and papers seeking relief under Bankruptcy Code §§362(a) and 105(a) against Recovery Corp., acknowledging that Recovery Corp. is the assignee of the Florida Claimants. Ultimately, limited relief was granted, as you requested. Early in these Reorganizations, a bar date was set and an esoteric rubric was proposed and then implemented for filing proofs of claim. The deadline for filing was fixed at August 30.

Ten days after the bar date expired, you took the position for the first time that Recovery Corp. did not have standing to assert claims on behalf of the Florida Claimants, with the presumed intent that Recovery Corp.’s proof of claim would be disallowed. But you have not filed an objection to Recovery Corp.’s proof of claim, which is therefore presumptively valid. Separately, we have advised you that we were expressly authorized and directed by separate counsel for the Florida Claimants to take the prophylactic step of filing proofs of claim for each of them in an agency capacity, very similar to our involvement in the various Florida actions that each of them had initiated. To this, I generally understand that there have been some grumblings from your camp about whether the proofs of claim of Recovery Corp. and/or the Florida Claimants are compliant. All of this brackets how you describe Recovery Corp. and the Florida Claimants in other filings now of record in the Reorganizations, including the Ben Jones Declaration. In the original iteration of the Debtors “de facto consolidation” plan, the Debtors express concern that Recovery Corp. not obtain a better result than other creditors. Of course, this once again is a tacit admission that Recovery Corp. holds the single aggregate claim.

**B. Specific Response to Standing Canard**

In the Standing Letter, you take the position that Recovery Corp. lacks standing because the claim assignments of the Florida Claimants have not been approved by the Courts presiding over the various lawsuits brought by the Florida Claimants prior to formation of Recovery Corp. and commencement of the Miami Action. The basis for your contention is Florida Statutes §626.99296, and a litany of case law that you seem to believe supports the contention that a condition precedent to the effectiveness of the assignment has not occurred. Although any single response below to your canard would suffice, I offer all of them so that you will hopefully either put your argument in the form of a motion or objection (rather than a letter), or withdraw the Standing Discovery as not tied to any pending request for relief. And to be clear, we have previously asked you to do one or the other prior to writing this letter in good-faith discussions:

1. The statute referenced has no application to the assignment by the Florida Claimants to Recovery Corp., for reasons that we will not belabor.

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2. Presumably because you either thought up this issue late or intentionally disclosed it late, there are some judicial estoppel issues inherent in raising this argument at this time.

3. In a manner keeping with the scope of authority of Recovery Corp. and our firm, and the filing both for the Florida Claimants and for Recovery Corp., the issue you have raised is of no consequence.

4. Sending a letter and five (5) pieces of discovery to our little firm in an attempt to develop issues that distract us from more important endeavors, like reading your midnight filing from Tuesday night, strikes us as not entirely proper. We all know that Mr. Dias negotiated each one of these deals, while he was aware of the machinations with the Florida Transferred SNFs, so we really do question the bona fides of the Debtors in making these arguments and inundating us with this material at a time that the Debtors contend to be so sensitive to the outcome of the case.

I need to head to a Creditors' Committee meeting in this case right now, but hope that the foregoing will suffice in responding to both the Standing Letter and the Standing Discovery. If not, please file (presumably at midnight) a motion to compel the Standing Discovery, an objection to one or more of the claims we filed, or some other paper that makes the Standing Discovery relevant to something other than the Standing Letter. But in closing, I would simply invite you to focus on the more crucial matters involved in these Reorganizations.

Sincerely,



John A. Anthony

JAA/eu  
Enclosures

cc: Recovery Corp.  
Andrew J. Ghekas, Esquire  
Nicholas Lafalce, Esquire  
Cameryn R. Lackey, Esquire  
Francis Lawall, Esquire (e-mail: Francis.Lawall@troutman.com)  
Deborah Kovsky-Apap (e-mail: Deborah.Kovsky@troutman.com)  
Jonathan Adams, Office of the United States Trustee (e-mail: jonathan.s.adams@usdoj.gov)  
Jeanene Treace, Office of the United States Trustee (e-mail: jeneane.treace@usdoj.gov)

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

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

**DEBTORS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO  
HEALTHCARE NEGLIGENCE SETTLEMENT RECOVERY CORP.**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Rule 7034 of the Federal Rules of Bankruptcy Procedure, LaVie Care Centers, LLC (“LaVie”) and certain of its affiliates and subsidiaries, as debtors and debtors-in-possession (collectively, the “Debtors”) in the above-captioned chapter 11 cases (the “Chapter 11 Cases”), hereby requests that Healthcare Negligence Settlement Recovery Corp. produce for inspection and copying all of the documents, writings, electronically stored information, and things specified herein in its possession, custody of control, in accordance with the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, and the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Northern District of Georgia (collectively, the “Rules”), and consistent with the Definitions and Instructions set forth below, within thirty (30) days after service of these Requests or as otherwise agreed by the parties.

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<sup>1</sup> 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.



In light of the Debtors' ongoing good faith efforts to respond to the discovery requests made by Recovery Corp. and provide fulsome responses and document productions in advance of the hearing currently scheduled for September 30, 2024, the Debtors request that Recovery Corp. similarly provide responses to these and the Debtors' other discovery requests prior to that date.

### **DEFINITIONS**

1. "You" or "Recovery Corp." means and refers to Healthcare Negligence Settlement Recovery Corp., together with any past or present shareholders, officers, directors, employees, accountants, attorneys, or other agents of Recovery Corp.

2. "Assignment" means and refers to any purported assignment of Claims by any of the Florida Claimants to Recovery Corp., including, without limitation, the purported assignment of Claims described in Paragraph 14 of the Complaint filed in the Miami Action.

3. "Authorization" means and refers to the authorization of a direct or indirect transfer of structured settlement payment rights in a final order by a court of competent jurisdiction pursuant to and accordance with Florida's Structured Settlement Protection Act, Florida Statute § 626.99296, *et seq.*

4. "Claims" means and refers to any and all claims, causes of action, and/or other rights, including, without limitation, the rights to any payments or amounts owing under a settlement agreement, that any individual Florida Claimant, or their authorized representative acting on their behalf under power of attorney or on behalf of their probate estate, purportedly assigned or transferred to Recovery Corp., including, without limitation, the Claims described in Paragraph 11 of the Complaint filed in the Miami Action.



5. “Claimant Register” means and refers to the schedule attached as Exhibit C to the Complaint filed in the Miami Action, which lists the name of each Florida Claimant, the name of the Florida Claimant or their personal representative or person authorized by Power of Attorney as Releasor of their Claims, the Defendant Entity, Settlement Date and Amount, and Outstanding Amount, numbered 1-97. A true and correct copy of the Claimant Registrar is attached hereto as **Exhibit A.**

6. “Florida Claimants” means and refers to the Florida-based claimants who assigned their Claims to Recovery Corp. as listed in the Claimant Registrar and as defined as the “Claimants” in Paragraph 11 of the Complaint filed in the Miami Action.

7. “Document” or “document” shall be construed in the most comprehensive and inclusive sense permitted by Rule 34 of the Federal Rules of Civil Procedure, and shall include the original and any copy of any and all writings as that term is defined in Federal Rule of Evidence 1001, and including, without limitation, letters, minutes, correspondence, social media messages, telegrams, bulletins, instructions, charts, literature, work assignments, reports, memoranda, notes, contracts, agreements, inter-office communications, notebooks, drafts, studies, notices, summaries, books, graphs, photographs, data sheets, data compilations, tapes, sound recordings, telephone messages, including “text” messages, e-mails and all data stored in electronic form or accessible through computer or other electronic information retrieval systems, including all metadata, together with instructions and all other materials to use or interpret such data. The term “Document(s)” also includes any message sent electronically, including, without limitation, any message sent via cell phone (including, without limitation, smart phones, iPhones, or Android phones), electronic tablet (including, without limitation, iPads or Android tablets), text, Blackberry Messenger, Facebook messenger, Google Chat, Google Talk, GroupMe, Jabber, Line, iMessage,

Skype, Slack, Snapchat, Telegram, Viber, WeChat, or WhatsApp. This definition covers both external and internal communications.

8. “Miami Action” means and refers to the legal action Recovery Corp. brought against certain Debtors and other defendants in the Civil Division of the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, on April 22, 2024, captioned *Healthcare Negligence Settlement Recovery Corp. v. 5405 Babcock Street Operations, LLC et al.*, No 2024-0007342-CA-01.

9. “Settlement” or “Settlements” mean and refer to any settlement memorialized by the Settlement Documents (as defined in Paragraph 13 of the Complaint filed in the Miami Action) and reflected in the Claimant Register. Each particular Settlement may be identified in the Requests as “Settlement No. \_\_\_” based on the corresponding number listed in the Claimant Register.

### **INSTRUCTIONS**

1. You must produce responsive, non-privileged Documents in response to the Requests below in accordance with Your obligations under the Rules, including, specifically, under Rule 34 of the Federal Rules of Civil Procedure.

2. Except as stated otherwise, in responding to the Requests You must furnish all responsive Documents in Your possession, custody, or control, including Documents in the possession, custody, or control of any affiliated entities, officers, directors, employees, agents, representatives, attorneys, investigators, auditors, consultants, accounts, and other persons acting or purporting to act on Your behalf.

3. The Requests seek production of all responsive Documents in their entirety, along with any attachments, drafts and non-identical copies, including, without limitation, copies that differ by virtue of handwritten or other notes or markings.

4. If, for any Request, no responsive information or Documents are in Your possession, custody, or control, You must expressly and specifically state so in Your response to any such Request.

5. If any Document responsive to the Requests was, but is no longer, in Your possession, custody, or control, or is no longer in existence, state whether it is: (i) missing or lost; (ii) destroyed; (iii) transferred voluntarily or involuntarily to others, and, if so, to whom; or (iv) otherwise disposed of to the extent reasonably possible and appropriate.

6. If any Document that is potentially responsive to any Request is withheld under any claim(s) of privilege or work product protection, please provide a written list describing the Document so withheld to include, without limitation, the following information: (i) date; (ii) name of the person or other entity who or which drafted, authored or prepared it; (iii) title; (iv) name of the person or other entity to whom the Document was addressed; (v) name of each person or entity to whom the Document, or any copy, was either directed, addressed, sent, delivered, mailed, given or in any other manner disclosed; (vi) a statement of the ground or grounds on which each such Document is considered to be privileged from production; and (vii) a brief description of the subject matter of the document—unless otherwise specified by mutual agreement of the Parties or as directed by the Court.

7. If a portion of an otherwise responsive Document contains information subject to a claim of privilege, such portion of the Document subject to a claim of privilege may be redacted from the Document so that the rest of the Document can be produced. Any such Documents shall

bear notations reflecting where portions were redacted. If Documents requested below are produced in a redacted version, identify each Document that has been redacted and set forth the basis or grounds for the redaction in sufficient detail.

8. For standard Documents, emails, and presentations originating in electronic form, Documents should be produced as TIFF images for paper Documents, with a delimited text file containing the following extracted metadata fields: (i) Beginning Production (or Bates) Number; (ii) Ending Production Number; (iii) Beginning Attachment Range; (iv) Ending Attachment Range; (v) Custodian; (vi) Original Location Path; (vii) Email Folder Path; (viii) Document Type; (ix) Author; (x) Title; (xi) File Name; (xii) File Ext; (xiii) File Size; (xiv) MD5 Hash; (xv) Date Last Modified; (xvi) Date Created; (xvii) Date Sent; (xviii) Time Sent [HH:MM:SS]; (xix) MessageID; (xx) Date Received; (xxi) From; (xxii) Recipients; (xxiii) Copyees; (xxiv) Blind Copyees; (xxv) Pages; (xxvi) Email Subject; (xxvii) Calendar Start Date; (xxviii) Calendar End Date; (xxix) Native link path; and (xxx) Extracted Text (not OCR Text) produced as separate .TXT files.

9. Additional special processing of certain electronically stored information will be as follows: Microsoft Excel spreadsheet fields will not be converted to TIFF files and will be produced in native format. A placeholder TIFF image will be created, Bates numbered, and the produced Excel file will be renamed to match the Bates number on its corresponding placeholder page. The exception will be for redacted spreadsheets which will be produced in TIFF format. Images for the redacted spreadsheets will display the content in the same manner as if it were printed. The extractable metadata and text will be provided for native files, and OCR will be provided for the un-redacted portions of the Documents.

10. Whenever appropriate, the singular form of a word shall be considered to include within its meaning the plural form of the word, and vice versa; the neuter form of a pronoun shall be considered to include within its meaning the masculine and feminine forms of the pronoun and vice versa; and the use of any tense of any verb shall be considered to include within its meaning all other tenses of the verb. In each such instance, the Request shall be construed so as to furnish the most complete and inclusive response.

11. If You object to any Request, in whole or in part, You must with specificity the reason for that objection.

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Documents sufficient to show any and all Assignments of Claims by any Florida Claimant to Recovery Corp.

2. Documents sufficient to show the Authorization received, if any, in connection with any Assignment.

Dated: Miami, Florida  
September 10, 2024

**MCDERMOTT WILL & EMERY LLP**

/s/ Nathan M. Bull

Nathan M. Bull (*pro hac vice*)  
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- and -

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- and -

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- and -

Timothy C. Cramton (*pro hac vice application forthcoming*)  
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Telephone: (212) 547-5400  
Email: tcramton@mwe.com

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

**EXHIBIT A**

## CLAIMANT REGISTER

	Claimant/Plaintiff Name	Claimant PR/PoA/ Releasor	Defendant Entity	Settlement Date	Settlement Amount	Outstanding Amount
1	Stacey <b>Abel</b> , as Personal Representative of the Estate of Bebee <b>Abel</b>	Abel, PR	5405 Babcock Street Operations, LLC; Epsilon Health Care Properties, LLC; CMC II, LLC; Lavie Care Centers, LLC	09/21/22	\$ 125,000	\$ 32,875
2	Sharon <b>Acevedo</b>	Acevedo, Releasor	1120 West Donegan Avenue Operations, LLC	07/09/22	\$140,000	\$ 81,667
3	Jacqueline D. <b>Aker</b> , as Personal Representative of the Estate of Kevin R. <b>Aker</b>	Aker, PR	6700 N.W. 10th Place Operations, LLC	03/02/23	\$ 75,000	\$ 75,000
4	Marie <b>Cherisier</b> , as Personal Representative of the Estate of Philomene A. <b>Antoine</b>	Cherisier, PR	4200 Washington Street Operations, LLC	02/14/23	\$ 75,000	\$ 75,000
5	Nancy <b>Roarck</b> , as Personal Representative of the Estate of Mary <b>Ashley</b>	Roarck, PR	777 Ninth Street North Operations, LLC	06/23/22	\$ 150,000	\$ 150,000
6	Harry Barrett	Barrett, Releasor	11565 Harts Road Operations, LLC	07/06/22	\$ 140,000	\$ 81,667
7	Norma <b>Barry</b> , as Power of Attorney for John <b>Barry</b>	Barry, PoA	2826 Cleveland Avenue Operations, LLC	07/09/21	\$ 50,000	\$ 50,000
8	Jechiel <b>Bershadski</b> , as Power of Attorney for Nelia <b>Bershadski</b>	Bershadski, PoA	777 Ninth Street North Operations, LLC	11/21/23	\$ 85,000	\$ 85,000
9	Connie Blair as Personal Representative of the Estate of Bobby Blair	Blair, PR	3001 Palm Coast Parkway Operations, LLC	05/31/22	\$ 140,000	\$ 81,667
10	Corrado <b>Burdieri</b> , as Personal Representative of the Estate of Theresa Mary <b>Burdieri</b>	Burdieri, PR	North Fort Myers Facility Operations, LLC; Consulate Facility Leasing, LLC	09/07/21	\$ 250,000	\$ 250,000
11	Gerard <b>Celestin</b> , as Personal Representative of the Estate of Sylvia <b>Celestin</b>	Celestin, PR	Miami Facility Operations, LLC	11/08/22	\$ 175,000	\$ 175,000
12	Michelle <b>Stawicki</b> , as Personal Representative of the Estate of Nancy A. <b>Cherba</b>	Stawicki, PR	710 North Sun Drive Operations, LLC; Lavie Care Centers, LLC	09/12/23	\$ 85,000	\$ 85,000



	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
13	Jennifer <b>Varela</b> , a Personal Representative of the Estate of Rosenda <b>Clavijo</b>	Varela	Kissimmee Facility Operations, LLC	04/18/24	\$ 150,000	\$ 150,000
14	Gwendolyn <b>Cage</b> , as Personal Representative of the Estate of Doneatha <b>Cobb</b>	Cage, PR	1010 Carpenters Way Operations, LLC	05/18/22	\$ 140,000	\$ 81,667
15	Joseph <b>Cunningham</b> , as Power of Attorney for Jeffrey J. <b>Cunningham</b>	Cunningham, PoA	741 South Beneva Road Operations, LLC	09/21/23	\$ 75,000	\$ 75,000
16	Jill R. <b>Davis</b> , as Personal Representative of the Estate of Larry R. <b>Davis</b>	Davis, PR	777 Ninth Street North Operations, LLC	06/29/23	\$ 65,000	\$ 65,000
17	Jill R. <b>Davis</b> , as Personal Representative of the Estate of Larry R. <b>Davis</b>	Davis, PR	North Fort Myers Facility Operations, LLC	04/13/23	\$ 85,000	\$ 85,000
18	Jose R. <b>Diaz</b> , as Personal Representative of the Estate of Jose Rafael <b>Diaz</b>	Diaz, PR	518 West Fletcher Avenue Operations, LLC; Epsilon Health Care Properties, LLC; Lidenskab LLC	07/26/23	\$ 100,000	\$ 100,000
19	Quenita L. <b>Donald</b> , as Personal Representative or the Estate of Charles <b>Donald</b>	Donald, PR	Jacksonville Facility Operations, LLC	04/05/24	\$ 75,000	\$ 75,000
20	Tracy Lynn <b>Druelle</b> , as Power of Attorney for Catherine <b>Druelle</b>	Druelle, PoA	6305 Cortez Road West Operations, LLC	07/13/22	\$ 140,000	\$ 81,667
21	Linda <b>Solash-Reed</b> , as Personal Representative of the Estate of Billy Joe <b>Early</b>	Solash-Reed, PR	710 North Sun Drive Operations, LLC; Epsilon Health Care Properties, LLC	11/24/20	\$ 125,000	\$ 125,000
22	Lesia A. <b>Rucker</b> , as Personal Representative of the Estate of Mildred G. <b>Fluellen</b>	Rucker, PR	3735 Evans Avenue Operations, LLC	03/09/23	\$ 50,000	\$ 50,000
23	Pamela <b>Foster</b> , as Personal Representative of the Estate of Mary <b>Foster</b>	Foster, PR	3001 Palm Coast Parkway Operations, LLC	03/01/23	\$ 75,000	\$ 75,000
24	Nola <b>Gager</b> , as Personal Representative of the Estate of Ehud <b>Gager</b>	Gager, PR	Kissimmee Facility Operations, LLC	07/13/22	\$ 140,000	\$ 81,667
25	Donald <b>Garrett</b>	Garrett [Releasor]	6700 N.W. 10th Place Operations, LLC	09/29/23	\$ 75,000	\$ 75,000

	Claimant/Plaintiff Name	Claimant PR/PoA/ Releasor	Defendant Entity	Settlement Date	Settlement Amount	Outstanding Amount
26	Albert J. <b>Gates</b> , III, as Personal Representative of the Estate of Shirley <b>Gates</b>	Gates, PR	9311 South Orange Blossom Trail Operations, LLC	02/03/23	\$ 75,000	\$ 75,000
27	Benny <b>Gibson</b>	Gibson [Releasor]	4641 Old Canoe Creek Road Operations, LLC	08/12/23	\$ 75,000	\$ 75,000
28	Thomas <b>Graham</b> , as Personal Representative of the Estate of Madeline <b>Graham</b>	Graham	Jacksonville Facility Operations, LLC	09/27/22	\$ 150,000	\$ 150,000
29	Mindy <b>Stoltz</b> , as Power of Attorney for John M. <b>Griffin</b>	Stoltz, PoA	3920 Rosewood Way Operations, LLC	04/03/23	\$ 75,000	\$ 75,000
30	Janelle J. <b>Guelich</b> , as Personal Representative of the Estate of Judy <b>Guelich</b>	Guelich, PR	2333 North Brentwood Circle Operations, LLC; Josera, LLC; Tosturi, LLC; Epsilon Health Care Properties, LLC	07/24/23	\$ 100,000	\$ 100,000
31	Tyler Hall <b>Eagleson</b> , as Personal Representative of the Estate of James Edward <b>Hall</b>	Eagleson, PR	Jacksonville Facility Operations, LLC	09/22/23	\$ 75,000	\$ 75,000
32	Constance A.M. <b>Brandt</b> , as Power of Attorney for Mary J. <b>Hause</b>	Brandt, PoA	Melbourne Facility Operations, LLC	07/11/22	\$ 140,000	\$ 81,667
33	Cheryl <b>Waggoner</b> , as Personal Representative of the Estate of Joan Kay <b>Higgins</b>	Waggoner, PR	777 Ninth Street North Operations, LLC	04/08/24	\$ 75,000	\$ 75,000
34	Geraldine <b>Hill</b> , as Personal Representative of the Estate of Roosevelt <b>Hill</b>	Hill, PR	518 West Fletcher Avenue Operations, LLC	04/11/22	\$ 140,000	\$ 81,667
35	Teresa <b>Margraf</b> , as Personal Representative of the Estate of Mary <b>Holt</b>	Margraf, PR	6305 Cortez Road West Operations, LLC	10/13/20	\$ 225,000	\$ 225,000
36	Don <b>Howard</b> , Jr., as Personal Representative of the Estate of Don <b>Howard</b> [Case Style: Luthenia Hayes, PR . . . ]	Howard, Jr., PR	710 North Sun Drive Operations, LLC	08/24/21	\$ 175,000	\$ 25,000
37	Johnnie Mae Jones <b>Smith</b> , as Personal Representative of the Estate of Juanita <b>Jones</b>	Smith, PR	Port Charlotte Facility Operations, LLC	07/27/23	\$ 75,000	\$ 75,000

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
38	Danielle <b>Anglade</b> , as Personal Representative of the Estate of Maria <b>Joseph</b>	Anglade, PR	4200 Washington Street Operations, LLC; CMC II, LLC		\$ 100,000	\$ 100,000
39	Laura <b>Knicley</b> , as Personal Representative of the Estate of Peggy <b>Knicley</b>	Knicley, PR	195 Mattie M. Kelly Boulevard Operations, LLC; Epsilon Health Care Properties, LLC	10/18/22	\$ 140,000	\$ 14,000
40	Angela <b>Pinkney</b> , as Personal Representative of the Estate of Mae Liza <b>Knight</b>	Pinkney, PR	1615 Miami Road Operations, LLC	04/11/23	\$ 75,000	\$ 75,000
41	Yvonne <b>Kolbe</b> , as Personal Representative of the Estate of Richard <b>Kolbe</b>	Kolbe, PR	1851 Elcam Boulevard Operations, LLC; Epsilon Health Care Properties, LLC; Lavie Care Centers, LLC	10/07/22	\$ 100,000	\$ 37,500
42	Kendra Mae <b>Mize</b> , as Personal Representative of the Estate of Ingrid K. <b>Lane</b>	Mize	1550 Jess Parrish Court Operations, LLC; Epsilon Health Care Properties, LLC; LV CHC Holdings I, LLC; Concourse Partners, LLC; Lavie Care Centers, LLC; Concurrent Partners, LLLP	04/18/24	\$ 100,000	\$ 100,000
43	Gloria <b>Mackey</b>	Mackey [Releasor]	1120 West Donegan Avenue Operations, LLC	04/11/22	\$ 140,000	\$ 81,667
44	Diane <b>Malcomb</b> , as Personal Representative of the Estate of Buddy R. <b>Malcomb</b>	Malcomb, PR	3735 Evans Avenue Operations, LLC	03/07/22	\$ 100,000	\$ 100,000
45	Billy <b>Manuel</b> , as Personal Representative of the Estate of Anthony <b>Manuel</b>	Manuel, PR	4200 Washington Street Operations, LLC	10/12/23	\$ 75,000	\$ 75,000
46	Lydia <b>Martinez</b> , as Personal Representative of the Estate of Luz M. <b>Martinez</b>	Martinez, PR	New Port Richey Facility Operations, LLC	06/06/23	\$ 75,000	\$ 75,000
47	Charles <b>Mazza</b> , as Personal Representative of the Estate of Alfonso <b>Mazza</b>	Mazza, PR	12170 Cortez Boulevard Operations, LLC; Epsilon Health Care Properties, LLC; Tosturi, LLC	09/01/23	\$ 100,000	\$ 100,000
48	Alberta <b>Walls</b> , as Personal Representative of the Estate of Gwendolyn <b>McCray</b>	Walls, PR	6700 N.W. 10th Place Operations, LLC	04/07/24	\$ 75,000	\$ 75,000

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
49	Darlene Yvette <b>Cuves</b> , as Personal Representative of the Estate of David McGhee	Cuves, PR	3735 Evans Avenue Operations, LLC	06/23/23	\$ 65,000	\$ 65,000
50	Vickie <b>McHenry</b>	McHenry, Releasor	11565 Harts Road Operations, LLC	04/16/24	\$ 35,000	\$ 35,000
51	Donald <b>McKenzie</b> , as Personal Representative of the Estate of Stanley <b>McKenzie</b>	McKenzie, PR	9311 South Orange Blossom Trail Operations, LLC	05/10/22	\$ 140,000	\$ 81,667
52	Melissa <b>Smith</b> , as Personal Representative of the Estate of Nettie P. <b>McKinnon-Murphy</b>	Smith, PR	1120 West Donegan Avenue Operations, LLC	05/23/22	\$ 140,000	\$ 81,667
53	Shannon <b>Castro</b> , as Power of Attorney for Vernon Lee <b>Meyer</b>	Castro, PoA	Baya Nursing and Rehabilitation, LLC	07/14/23	\$ 75,000	\$ 75,000
54	Eileen <b>Miller</b>	Miller [Releasor]	9400 SW 137th Avenue Operations LLC; NSPRMC, LLC	08/30/23	\$ 62,500	\$ 62,500
55	Carmen <b>Millsap</b> , as Personal Representative of the Estate of James <b>Millsap</b>	Millsap, PR	3001 Palm Coast Parkway Operations, LLC; CMC II, LLC	12/01/20	\$ 200,000	\$ 200,000
56	Anna <b>Hollins</b> , as Personal Representative of the Estate of Doris <b>Mitchell</b>	Hollins, PR	Brandon Facility Operations, LLC	06/23/22	\$ 140,000	\$ 81,667
57	Julienne <b>Joseph</b> , as Power of Attorney for Juliette <b>Mompoint</b>	Joseph, PoA	4200 Washington Street Operations, LLC	09/26/23	\$ 75,000	\$ 75,000
58	Donald <b>Moran</b> , as Power of Attorney for Doris <b>Moran</b>	Moran, PoA	3735 Evans Avenue Operations, LLC	05/19/22	\$ 140,000	\$ 81,667
59	Darlene L. <b>Murison</b> , as Personal Representative of the Estate of David G. <b>Murison</b>	Murison, PR	Port Charlotte Facility Operations, LLC	01/11/21	\$ 75,000	\$ 75,000
60	Howard <b>Williams</b> , as Personal Representative of the Estate of <b>Nessa</b>	Williams, PR	9311 South Orange Blossom Trail Operations, LLC	08/01/22	\$ 150,000	\$ 60,000
61	Joshua R. <b>Nielsen</b> , as Personal Representative of the Estate of Martin <b>Nielsen</b>	Nielsen, PR	West Altamonte Facility Operations, LLC	04/06/24	\$ 75,000	\$ 75,000
62	Margaret <b>Jones-Frison</b> , as Personal Representative of the Estate of Dorothy Johnson <b>Norris</b>	Jones-Frison, PR	710 North Sun Drive Operations, LLC; Lidenskab, LLC	06/20/23	\$ 125,000	\$ 125,000

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
63	David <b>O'Berry</b> , as Personal Representative of the Estate of Barbara <b>O'Berry</b>	O'Berry, PR	7950 Lake Underhill Road Operations, LLC	04/18/24	\$ 175,000	\$ 175,000
64	Avram S. <b>Oegar</b> , as Personal Representative of the Estate of Avram <b>Oegar</b>	Oegar, PR	4200 Washington Street Operations, LLC	02/23/23	\$ 75,000	\$ 75,000
65	Orlando <b>Ortiz</b> , as Personal Representative of the Estate of Crispin D. <b>Ortiz</b>	Ortiz, PR	216 Santa Barbara Boulevard Operations, LLC	10/10/23	\$ 65,000	\$ 65,000
66	Jerri <b>Owens</b> , as Power of Attorney for Lular <b>Owens</b>	Owens, PoA	Kissimmee Facility Operations, LLC; Laive Care Centers, LLC	09/19/22	\$ 100,000	\$ 37,500
67	Gonzalo <b>Padron</b> , as Personal Representative of the Estate of Marina <b>Padron</b>	Padron, PR	Floridian Facility Operations, LLC	04/19/23	\$ 75,000	\$ 75,000
68	John <b>Paul</b> , as Personal Representative of the Estate of Karen <b>Paul-Bennett</b>	Paul, PR	Baya Nursing and Rehabilitation, LLC	05/18/22	\$ 140,000	\$ 81,667
69	Karel S. <b>Bennett</b> , as Personal Representative of the Estate of Suzanne <b>Perez</b>	Bennett, PR	1465 Oakfield Drive Operations, LLC	01/11/24	\$ 75,000	\$ 75,000
70	Elizenda Pina <b>Torres</b> , as Personal Representative of the Estate of Mirelle <b>Pina</b>	Torres, PR	4200 Washington Street Operations, LLC	08/04/23	\$ 75,000	\$ 75,000
71	Tiffany <b>Bivins</b> , as Personal Representative of the Estate of Tereather <b>Powell</b>	Bivins, PR	3101 Ginger Drive Operations, LLC; Tallahassee Facility Operations, LLC; Joseira, LLC; Tosturi, LLC; Epsilon Health Care Properties, LLC	03/26/24	\$ 75,000	\$ 75,000
72	Brett <b>Rigas</b> , as Personal Representative of the Estate of Gail <b>Rigas</b>	Rigas, PR	7950 Lake Underhill Road Operations, LLC	10/19/22	\$ 160,000	\$ 16,000
73	Laura <b>Reyes</b> , as Power of Attorney for Delia <b>Rodriguez</b>	Reyes, PoA	6414 13th Road South Operations, LLC	11/06/23	\$ 75,000	\$ 75,000
74	Maria <b>Herrera</b> , as Personal Representative of the Estate of Aldemaro <b>Rojas</b>	Herrera, PR	Miami Facility Operations, LLC	07/28/23	\$ 75,000	\$ 75,000
75	Annabelle <b>Rios</b> , as Power of Attorney for Gloria <b>Rojas</b>	Rios, PoA	7950 Lake Underhill Road Operations, LLC	10/21/22	\$ 125,000	\$ 12,500
76	Daniel <b>Rousseau</b> , as Personal Representative of the Estate of Gertrude <b>Rousseau</b>	Rousseau, PR	West Altamonte Facility Operations, LLC	10/06/20	\$ 145,000	\$ 145,000

	Claimant/Plaintiff Name	Claimant PR/PoA/ Releasor	Defendant Entity	Settlement Date	Settlement Amount	Outstanding Amount
77	Dennis <b>Sampson</b> , as Personal Representative of the Estate of Marguerite <b>Sampson</b>	Sampson, PR	710 North Sun Drive Operations, LLC; Florida Health Care Properties, LLC; Genoa Healthcare Group, LLC	04/10/21	\$ 210,000	\$ 210,000
78	Sharon <b>Scott</b> , as Personal Representative of the Estate of Moses <b>Scott</b> , III	Scott, PR	9355 San Jose Boulevard Operations, LLC	05/13/22	\$ 140,000	\$ 81,667
79	Rita <b>Baar</b> , as Power of Attorney for Delano <b>Skow</b>	Baar, PoA	2826 Cleveland Avenue Operations, LLC	04/03/23	\$ 90,000	\$ 90,000
80	Qiana <b>Watson</b> , as Personal Representative of the Estate of Anna Marie Brown <b>Smith</b>	Watson, PR	Miami Facility Operations, LLC	04/07/23	\$ 75,000	\$ 75,000
81	Alilla <b>Stover</b> , as Personal Representative of the Estate of Machrell <b>Stover</b>	Stover, PR	9311 South Orange Blossom Trail Operations, LLC	03/06/23	\$ 75,000	\$ 75,000
82	Lashell <b>Taylor</b> , as Personal Representative of the Estate of Catherine <b>Taylor</b>	Taylor, PR	West Altamonte Facility Operations, LLC	08/11/23	\$ 125,000	\$ 125,000
83	Emma <b>Foster</b> , as Plenary Guardian of the Ward Levi Foster	Foster, Plenary Guardian	15204 West Colonial Drive Operations, LLC	10/27/22	\$ 140,000	\$ 81,667
84	Marie C. <b>Louine</b> , as Personal Representative of the Estate of Rosita <b>Thenor</b>	Louine, PR	6414 13th Road South Operations, LLC	09/26/23	\$ 75,000	\$ 75,000
85	Erin <b>Poarch</b> , Individually and as Personal Representative of the Estate of William A. <b>Thompson</b>	Poarch, PR	1851 Elkcarn Boulevard Operations, LLC	05/20/21	\$ 125,000	\$ 125,000
86	Michael D. <b>Thompson</b> , as Personal Representative of the Estate of Christine <b>Thompson</b>	Thompson, PR	North Fort Myers Facility Operations, LLC	08/03/23	\$ 206,000	\$ 206,000
87	Linda <b>Tillman</b> , as Personal Representative of the Estate of Bertha <b>Tillman</b>	Tillman, PR	4200 Washington Street Operations, LLC	02/17/23	\$ 100,000	\$ 100,000
88	Jennie <b>Zayas</b> , as Personal Representative of the Estate of Edwin A. Zayas <b>Torres</b>	Zayas, PR	7950 Lake Underhill Road Operations, LLC	01/09/23	\$ 75,000	\$ 75,000
89	Rodney Christopher <b>Vargas</b> , as Personal Representative of the Estate of Gerardo <b>Vargas</b>	Vargas, PR	4200 Washington Street Operations, LLC	09/21/23	\$ 75,000	\$ 75,000
90	Juanita <b>Davila</b> , as Power of Attorney for Rafael <b>Vega</b>	Davila, PoA	7950 Lake Underhill Road Operations, LLC	04/14/22	\$ 140,000	\$ 81,667
91	James <b>Walker</b> , as Personal Representative of the Estate of Louise <b>Walker</b>	Walker, PR	Miami Facility Operations, LLC	06/21/22	\$ 140,000	\$ 81,667

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
92	Dennis W. <b>Walker</b> , Jr., as Personal Representative of the Estate of Lula Mae <b>Walker</b>	Walker, Jr., PR	1615 Miami Road Operations, LLC	05/18/22	\$ 140,000	\$ 81,667
93	Rebecca <b>Barrow</b> , as Personal Representative of the Estate of Carolyn <b>Wayt</b>	Barrow, PR	Baya Nursing and Rehabilitation, LLC	12/16/21	\$ 250,000	\$ 250,000
94	Susan Whitcomb	Whitcomb	702 South Kings Avenue Operations, LLC	07/08/22	\$ 140,000	\$ 81,667
95	Stephania <b>Redding</b> , as Personal Representative of the Estate of Jessie <b>White</b>	Redding, PR	Orange Park Facility Operations, LLC	06/22/22	\$ 140,000	\$ 81,667
96	Anna Wendolyn <b>Wilkie</b> , as Personal Representative of the Estate of Barbara <b>Wilkie</b>	Wilkie, PR	6700 N.W. 10th Place Operations, LLC	07/06/23	\$ 75,000	\$ 75,000
97	Teresa R. <b>Woodard</b> , as Power of Attorney for Chester L. <b>Woodard</b> , Jr.	Woodard, PoA	2826 Cleveland Avenue Operations, LLC	07/10/20	<u>\$ 50,000</u>	<u>\$ 30,000</u>
			<b>TOTALS:</b>		<b>\$ 10,763,500</b>	<b>\$ 8,678,877</b>

**CERTIFICATE OF SERVICE**

I hereby certify that on this date a true and correct copy of the foregoing was served via email on the below as counsel for Recovery Corp. in the above-captioned Chapter 11 Cases:

JOHN A. ANTHONY, ESQUIRE  
Florida Bar Number: 0731013  
janthony@anthonyandpartners.com  
ANTHONY & PARTNERS, LLC  
100 S. Ashley Drive, Suite 1600  
Tampa, Florida 33602  
Tel.: (813) 273-5616 | Fax: (813) 221-4113

Dated: New York, New York  
September 10, 2024

**MCDERMOTT WILL & EMERY LLP**

*/s/ Timothy C. Cramton*

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Timothy C. Cramton (*pro hac vice application forthcoming*)

One Vanderbilt Avenue  
New York, New York 10017  
Telephone: (212) 547-5400  
Email: tcramton@mwe.com

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



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

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

**DEBTORS' FIRST SET OF INTERROGATORIES TO  
HEALTHCARE NEGLIGENCE SETTLEMENT RECOVERY CORP.**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 7033 of the Federal Rules of Bankruptcy Procedure, LaVie Care Centers, LLC (“LaVie”) and certain of its affiliates and subsidiaries, as debtors and debtors-in-possession (collectively, the “Debtors”) in the above-captioned chapter 11 cases (the “Chapter 11 Cases”), hereby requests that Healthcare Negligence Settlement Recovery Corp. respond to the following Interrogatories in accordance with the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, and the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Northern District of Georgia (collectively, the “Rules”), and consistent with the Definitions and Instructions set forth below, within thirty (30) days after service of these Interrogatories, or as otherwise agreed by the parties.

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<sup>1</sup> 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.

In light of the Debtors' ongoing good faith efforts to respond to the discovery requests made by Recovery Corp. and provide fulsome responses and document productions in advance of the hearing currently scheduled for September 30, 2024, the Debtors request that Recovery Corp. similarly provide responses to these Interrogatories and the Debtors' other discovery requests prior to that date.

### **DEFINITIONS**

1. "You" or "Recovery Corp." means and refers to Healthcare Negligence Settlement Recovery Corp., together with any past or present shareholders, officers, directors, employees, accountants, attorneys, or other agents of Recovery Corp.

2. "Assignment" means and refers to any purported assignment of Claims by any of the Florida Claimants to Recovery Corp., including, without limitation, the purported assignment of Claims described in Paragraph 14 of the Complaint filed in the Miami Action.

3. "Authorization" means and refers to the authorization of a direct or indirect transfer of structured settlement payment rights in a final order by a court of competent jurisdiction pursuant to and accordance with Florida's Structured Settlement Protection Act, Florida Statute § 626.99296, *et seq.*

4. "Claims" means and refers to any and all claims, causes of action, and/or other rights, including, without limitation, the rights to any payments or amounts owing under a settlement agreement, that any individual Florida Claimant, or their authorized representative acting on their behalf under power of attorney or on behalf of their probate estate, purportedly assigned or transferred to Recovery Corp., including, without limitation, the Claims described in Paragraph 11 of the Complaint filed in the Miami Action.

5. “Claimant Register” means and refers to the schedule attached as Exhibit C to the Complaint filed in the Miami Action, which lists the name of each Florida Claimant, the name of the Florida Claimant or their personal representative or person authorized by Power of Attorney as Releasor of their Claims, the Defendant Entity, Settlement Date and Amount, and Outstanding Amount, numbered 1-97. A true and correct copy of the Claimant Registrar is attached hereto as **Exhibit A**.

6. “Florida Claimants” means and refers to the Florida-based claimants who assigned their Claims to Recovery Corp. as listed in the Claimant Registrar and as defined as the “Claimants” in Paragraph 11 of the Complaint filed in the Miami Action.

7. “Miami Action” means and refers to the legal action Recovery Corp. brought against certain Debtors and other defendants in the Civil Division of the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, on April 22, 2024, captioned *Healthcare Negligence Settlement Recovery Corp. v. 5405 Babcock Street Operations, LLC et al.*, No 2024-0007342-CA-01.

8. “Settlement” or “Settlements” mean and refer to any settlement memorialized by the Settlement Documents (as defined in Paragraph 13 of the Complaint filed in the Miami Action) and reflected in the Claimant Register.

## INSTRUCTIONS

1. You must respond to the Interrogatories below in accordance with Your obligations under the Rules, including, specifically, under Rule 33 of the Federal Rules of Civil Procedure, based upon documents and information known to You, in Your possession, custody, or control.

2. To the extent you cannot completely answer any Interrogatory after making diligent efforts to do so, You must describe all efforts made to answer the interrogatory, and identify every person involved in such efforts.

3. Whenever appropriate, the singular form of a word shall be considered to include within its meaning the plural form of the word, and vice versa; the neuter form of a pronoun shall be considered to include within its meaning the masculine and feminine forms of the pronoun, and vice versa; and the use of any tense of any verb shall be considered to include within its meaning all other tenses of the verb. In each such instance, the Interrogatory shall be construed so as to furnish the most complete and inclusive response.

4. The responses to these Interrogatories must be signed by the officer or other authorized person for Recovery Corp that provided the responses to these Interrogatories.

5. These Interrogatories are continuing, and any response that is discovered to be inaccurate, incomplete, or otherwise in need of supplementation after service of the responses to these Interrogatories shall be corrected, amended or supplemented as soon as reasonably practicable.

6. To the extent the Interrogatories call for you to identify or refer to any particular Settlement, You shall identify such Settlement as "Settlement No. \_\_\_" based on the corresponding number listed in the Claimant Register.

**INTERROGATORIES**

1. For each and every Assignment that received Authorization, if any, explain the circumstances under which such Authorization was obtained pursuant to and in accordance with Florida Statute § 626.99296, *et seq.*, including, without limitation, identifying each such Assignment and any relevant court filings, applications, and/or related orders.

2. For each and every Assignment that did not receive Authorization, if any, explain the circumstances under which such Authorization was not sought or obtained by Recovery Corp. pursuant to and in accordance with Florida Statute § 626.99296, *et seq.*, including, without limitation, identifying each such Assignment and the reason(s) why Recovery Corp. believed that Authorization was not required, or that otherwise explain why Recovery Corp. did not seek and/or obtain such Authorization.

Dated: Miami, Florida  
September 10, 2024

**MCDERMOTT WILL & EMERY LLP**

/s/ Nathan M. Bull

Nathan M. Bull (*pro hac vice*)  
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- and -

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- and -

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- and -

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

**EXHIBIT A**

## CLAIMANT REGISTER

	Claimant/Plaintiff Name	Claimant PR/PoA/ Releasor	Defendant Entity	Settlement Date	Settlement Amount	Outstanding Amount
1	Stacey <b>Abel</b> , as Personal Representative of the Estate of Bebee <b>Abel</b>	Abel, PR	5405 Babcock Street Operations, LLC; Epsilon Health Care Properties, LLC; CMC II, LLC; Lavie Care Centers, LLC	09/21/22	\$ 125,000	\$ 32,875
2	Sharon <b>Acevedo</b>	Acevedo, Releasor	1120 West Donegan Avenue Operations, LLC	07/09/22	\$140,000	\$ 81,667
3	Jacqueline D. <b>Aker</b> , as Personal Representative of the Estate of Kevin R. <b>Aker</b>	Aker, PR	6700 N.W. 10th Place Operations, LLC	03/02/23	\$ 75,000	\$ 75,000
4	Marie <b>Cherisier</b> , as Personal Representative of the Estate of Philomene A. <b>Antoine</b>	Cherisier, PR	4200 Washington Street Operations, LLC	02/14/23	\$ 75,000	\$ 75,000
5	Nancy <b>Roarck</b> , as Personal Representative of the Estate of Mary <b>Ashley</b>	Roarck, PR	777 Ninth Street North Operations, LLC	06/23/22	\$ 150,000	\$ 150,000
6	Harry Barrett	Barrett, Releasor	11565 Harts Road Operations, LLC	07/06/22	\$ 140,000	\$ 81,667
7	Norma <b>Barry</b> , as Power of Attorney for John <b>Barry</b>	Barry, PoA	2826 Cleveland Avenue Operations, LLC	07/09/21	\$ 50,000	\$ 50,000
8	Jechiel <b>Bershadski</b> , as Power of Attorney for Nelia <b>Bershadski</b>	Bershadski, PoA	777 Ninth Street North Operations, LLC	11/21/23	\$ 85,000	\$ 85,000
9	Connie Blair as Personal Representative of the Estate of Bobby Blair	Blair, PR	3001 Palm Coast Parkway Operations, LLC	05/31/22	\$ 140,000	\$ 81,667
10	Corrado <b>Burdieri</b> , as Personal Representative of the Estate of Theresa Mary <b>Burdieri</b>	Burdieri, PR	North Fort Myers Facility Operations, LLC; Consulate Facility Leasing, LLC	09/07/21	\$ 250,000	\$ 250,000
11	Gerard <b>Celestin</b> , as Personal Representative of the Estate of Sylvia <b>Celestin</b>	Celestin, PR	Miami Facility Operations, LLC	11/08/22	\$ 175,000	\$ 175,000
12	Michelle <b>Stawicki</b> , as Personal Representative of the Estate of Nancy A. <b>Cherba</b>	Stawicki, PR	710 North Sun Drive Operations, LLC; Lavie Care Centers, LLC	09/12/23	\$ 85,000	\$ 85,000



	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
13	Jennifer <b>Varela</b> , a Personal Representative of the Estate of Rosenda <b>Clavijo</b>	Varela	Kissimmee Facility Operations, LLC	04/18/24	\$ 150,000	\$ 150,000
14	Gwendolyn <b>Cage</b> , as Personal Representative of the Estate of Doneatha <b>Cobb</b>	Cage, PR	1010 Carpenters Way Operations, LLC	05/18/22	\$ 140,000	\$ 81,667
15	Joseph <b>Cunningham</b> , as Power of Attorney for Jeffrey J. <b>Cunningham</b>	Cunningham, PoA	741 South Beneva Road Operations, LLC	09/21/23	\$ 75,000	\$ 75,000
16	Jill R. <b>Davis</b> , as Personal Representative of the Estate of Larry R. <b>Davis</b>	Davis, PR	777 Ninth Street North Operations, LLC	06/29/23	\$ 65,000	\$ 65,000
17	Jill R. <b>Davis</b> , as Personal Representative of the Estate of Larry R. <b>Davis</b>	Davis, PR	North Fort Myers Facility Operations, LLC	04/13/23	\$ 85,000	\$ 85,000
18	Jose R. <b>Diaz</b> , as Personal Representative of the Estate of Jose Rafael <b>Diaz</b>	Diaz, PR	518 West Fletcher Avenue Operations, LLC; Epsilon Health Care Properties, LLC; Lidenskab LLC	07/26/23	\$ 100,000	\$ 100,000
19	Quenita L. <b>Donald</b> , as Personal Representative or the Estate of Charles <b>Donald</b>	Donald, PR	Jacksonville Facility Operations, LLC	04/05/24	\$ 75,000	\$ 75,000
20	Tracy Lynn <b>Druelle</b> , as Power of Attorney for Catherine <b>Druelle</b>	Druelle, PoA	6305 Cortez Road West Operations, LLC	07/13/22	\$ 140,000	\$ 81,667
21	Linda <b>Solash-Reed</b> , as Personal Representative of the Estate of Billy Joe <b>Early</b>	Solash-Reed, PR	710 North Sun Drive Operations, LLC; Epsilon Health Care Properties, LLC	11/24/20	\$ 125,000	\$ 125,000
22	Lesia A. <b>Rucker</b> , as Personal Representative of the Estate of Mildred G. <b>Fluellen</b>	Rucker, PR	3735 Evans Avenue Operations, LLC	03/09/23	\$ 50,000	\$ 50,000
23	Pamela <b>Foster</b> , as Personal Representative of the Estate of Mary <b>Foster</b>	Foster, PR	3001 Palm Coast Parkway Operations, LLC	03/01/23	\$ 75,000	\$ 75,000
24	Nola <b>Gager</b> , as Personal Representative of the Estate of Ehud <b>Gager</b>	Gager, PR	Kissimmee Facility Operations, LLC	07/13/22	\$ 140,000	\$ 81,667
25	Donald <b>Garrett</b>	Garrett [Releasor]	6700 N.W. 10th Place Operations, LLC	09/29/23	\$ 75,000	\$ 75,000

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
26	Albert J. <b>Gates</b> , III, as Personal Representative of the Estate of Shirley <b>Gates</b>	Gates, PR	9311 South Orange Blossom Trail Operations, LLC	02/03/23	\$ 75,000	\$ 75,000
27	<b>Benny Gibson</b>	Gibson [Releasor]	4641 Old Canoe Creek Road Operations, LLC	08/12/23	\$ 75,000	\$ 75,000
28	Thomas <b>Graham</b> , as Personal Representative of the Estate of Madeline <b>Graham</b>	Graham	Jacksonville Facility Operations, LLC	09/27/22	\$ 150,000	\$ 150,000
29	Mindy <b>Stoltz</b> , as Power of Attorney for John M. <b>Griffin</b>	Stoltz, PoA	3920 Rosewood Way Operations, LLC	04/03/23	\$ 75,000	\$ 75,000
30	Janelle J. <b>Guelich</b> , as Personal Representative of the Estate of Judy <b>Guelich</b>	Guelich, PR	2333 North Brentwood Circle Operations, LLC; Josera, LLC; Tosturi, LLC; Epsilon Health Care Properties, LLC	07/24/23	\$ 100,000	\$ 100,000
31	Tyler Hall <b>Eagleson</b> , as Personal Representative of the Estate of James Edward <b>Hall</b>	Eagleson, PR	Jacksonville Facility Operations, LLC	09/22/23	\$ 75,000	\$ 75,000
32	Constance A.M. <b>Brandt</b> , as Power of Attorney for Mary J. <b>Hause</b>	Brandt, PoA	Melbourne Facility Operations, LLC	07/11/22	\$ 140,000	\$ 81,667
33	Cheryl <b>Waggoner</b> , as Personal Representative of the Estate of Joan Kay <b>Higgins</b>	Waggoner, PR	777 Ninth Street North Operations, LLC	04/08/24	\$ 75,000	\$ 75,000
34	Geraldine <b>Hill</b> , as Personal Representative of the Estate of Roosevelt <b>Hill</b>	Hill, PR	518 West Fletcher Avenue Operations, LLC	04/11/22	\$ 140,000	\$ 81,667
35	Teresa <b>Margraf</b> , as Personal Representative of the Estate of Mary <b>Holt</b>	Margraf, PR	6305 Cortez Road West Operations, LLC	10/13/20	\$ 225,000	\$ 225,000
36	Don <b>Howard</b> , Jr., as Personal Representative of the Estate of Don <b>Howard</b> [Case Style: Luthenia Hayes, PR . . . ]	Howard, Jr., PR	710 North Sun Drive Operations, LLC	08/24/21	\$ 175,000	\$ 25,000
37	Johnnie Mae Jones <b>Smith</b> , as Personal Representative of the Estate of Juanita <b>Jones</b>	Smith, PR	Port Charlotte Facility Operations, LLC	07/27/23	\$ 75,000	\$ 75,000

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
38	Danielle <b>Anglade</b> , as Personal Representative of the Estate of Maria <b>Joseph</b>	Anglade, PR	4200 Washington Street Operations, LLC; CMC II, LLC		\$ 100,000	\$ 100,000
39	Laura <b>Knicley</b> , as Personal Representative of the Estate of Peggy <b>Knicley</b>	Knicley, PR	195 Mattie M. Kelly Boulevard Operations, LLC; Epsilon Health Care Properties, LLC	10/18/22	\$ 140,000	\$ 14,000
40	Angela <b>Pinkney</b> , as Personal Representative of the Estate of Mae Liza <b>Knight</b>	Pinkney, PR	1615 Miami Road Operations, LLC	04/11/23	\$ 75,000	\$ 75,000
41	Yvonne <b>Kolbe</b> , as Personal Representative of the Estate of Richard <b>Kolbe</b>	Kolbe, PR	1851 Elcam Boulevard Operations, LLC; Epsilon Health Care Properties, LLC; Lavie Care Centers, LLC	10/07/22	\$ 100,000	\$ 37,500
42	Kendra Mae <b>Mize</b> , as Personal Representative of the Estate of Ingrid K. <b>Lane</b>	Mize	1550 Jess Parrish Court Operations, LLC; Epsilon Health Care Properties, LLC; LV CHC Holdings I, LLC; Concourse Partners, LLC; Lavie Care Centers, LLC; Concurrent Partners, LLLP	04/18/24	\$ 100,000	\$ 100,000
43	Gloria <b>Mackey</b>	Mackey [Releasor]	1120 West Donegan Avenue Operations, LLC	04/11/22	\$ 140,000	\$ 81,667
44	Diane <b>Malcomb</b> , as Personal Representative of the Estate of Buddy R. <b>Malcomb</b>	Malcomb, PR	3735 Evans Avenue Operations, LLC	03/07/22	\$ 100,000	\$ 100,000
45	Billy <b>Manuel</b> , as Personal Representative of the Estate of Anthony <b>Manuel</b>	Manuel, PR	4200 Washington Street Operations, LLC	10/12/23	\$ 75,000	\$ 75,000
46	Lydia <b>Martinez</b> , as Personal Representative of the Estate of Luz M. <b>Martinez</b>	Martinez, PR	New Port Richey Facility Operations, LLC	06/06/23	\$ 75,000	\$ 75,000
47	Charles <b>Mazza</b> , as Personal Representative of the Estate of Alfonso <b>Mazza</b>	Mazza, PR	12170 Cortez Boulevard Operations, LLC; Epsilon Health Care Properties, LLC; Tosturi, LLC	09/01/23	\$ 100,000	\$ 100,000
48	Alberta <b>Walls</b> , as Personal Representative of the Estate of Gwendolyn <b>McCray</b>	Walls, PR	6700 N.W. 10th Place Operations, LLC	04/07/24	\$ 75,000	\$ 75,000

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
49	Darlene Yvette <b>Cuves</b> , as Personal Representative of the Estate of David McGhee	Cuves, PR	3735 Evans Avenue Operations, LLC	06/23/23	\$ 65,000	\$ 65,000
50	Vickie <b>McHenry</b>	McHenry, Releasor	11565 Harts Road Operations, LLC	04/16/24	\$ 35,000	\$ 35,000
51	Donald <b>McKenzie</b> , as Personal Representative of the Estate of Stanley <b>McKenzie</b>	McKenzie, PR	9311 South Orange Blossom Trail Operations, LLC	05/10/22	\$ 140,000	\$ 81,667
52	Melissa <b>Smith</b> , as Personal Representative of the Estate of Nettie P. <b>McKinnon-Murphy</b>	Smith, PR	1120 West Donegan Avenue Operations, LLC	05/23/22	\$ 140,000	\$ 81,667
53	Shannon <b>Castro</b> , as Power of Attorney for Vernon Lee <b>Meyer</b>	Castro, PoA	Baya Nursing and Rehabilitation, LLC	07/14/23	\$ 75,000	\$ 75,000
54	Eileen <b>Miller</b>	Miller [Releasor]	9400 SW 137th Avenue Operations LLC; NSPRMC, LLC	08/30/23	\$ 62,500	\$ 62,500
55	Carmen <b>Millsap</b> , as Personal Representative of the Estate of James <b>Millsap</b>	Millsap, PR	3001 Palm Coast Parkway Operations, LLC; CMC II, LLC	12/01/20	\$ 200,000	\$ 200,000
56	Anna <b>Hollins</b> , as Personal Representative of the Estate of Doris <b>Mitchell</b>	Hollins, PR	Brandon Facility Operations, LLC	06/23/22	\$ 140,000	\$ 81,667
57	Julienne <b>Joseph</b> , as Power of Attorney for Juliette <b>Mompoint</b>	Joseph, PoA	4200 Washington Street Operations, LLC	09/26/23	\$ 75,000	\$ 75,000
58	Donald <b>Moran</b> , as Power of Attorney for Doris <b>Moran</b>	Moran, PoA	3735 Evans Avenue Operations, LLC	05/19/22	\$ 140,000	\$ 81,667
59	Darlene L. <b>Murison</b> , as Personal Representative of the Estate of David G. <b>Murison</b>	Murison, PR	Port Charlotte Facility Operations, LLC	01/11/21	\$ 75,000	\$ 75,000
60	Howard <b>Williams</b> , as Personal Representative of the Estate of <b>Nessa</b>	Williams, PR	9311 South Orange Blossom Trail Operations, LLC	08/01/22	\$ 150,000	\$ 60,000
61	Joshua R. <b>Nielsen</b> , as Personal Representative of the Estate of Martin <b>Nielsen</b>	Nielsen, PR	West Altamonte Facility Operations, LLC	04/06/24	\$ 75,000	\$ 75,000
62	Margaret <b>Jones-Frison</b> , as Personal Representative of the Estate of Dorothy Johnson <b>Norris</b>	Jones-Frison, PR	710 North Sun Drive Operations, LLC; Lidenskab, LLC	06/20/23	\$ 125,000	\$ 125,000

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
63	David <b>O'Berry</b> , as Personal Representative of the Estate of Barbara <b>O'Berry</b>	O'Berry, PR	7950 Lake Underhill Road Operations, LLC	04/18/24	\$ 175,000	\$ 175,000
64	Avram S. <b>Oegar</b> , as Personal Representative of the Estate of Avram <b>Oegar</b>	Oegar, PR	4200 Washington Street Operations, LLC	02/23/23	\$ 75,000	\$ 75,000
65	Orlando <b>Ortiz</b> , as Personal Representative of the Estate of Crispin D. <b>Ortiz</b>	Ortiz, PR	216 Santa Barbara Boulevard Operations, LLC	10/10/23	\$ 65,000	\$ 65,000
66	Jerri <b>Owens</b> , as Power of Attorney for Lular <b>Owens</b>	Owens, PoA	Kissimmee Facility Operations, LLC; Laive Care Centers, LLC	09/19/22	\$ 100,000	\$ 37,500
67	Gonzalo <b>Padron</b> , as Personal Representative of the Estate of Marina <b>Padron</b>	Padron, PR	Floridian Facility Operations, LLC	04/19/23	\$ 75,000	\$ 75,000
68	John <b>Paul</b> , as Personal Representative of the Estate of Karen <b>Paul-Bennett</b>	Paul, PR	Baya Nursing and Rehabilitation, LLC	05/18/22	\$ 140,000	\$ 81,667
69	Karel S. <b>Bennett</b> , as Personal Representative of the Estate of Suzanne <b>Perez</b>	Bennett, PR	1465 Oakfield Drive Operations, LLC	01/11/24	\$ 75,000	\$ 75,000
70	Elizenda Pina <b>Torres</b> , as Personal Representative of the Estate of Mirelle <b>Pina</b>	Torres, PR	4200 Washington Street Operations, LLC	08/04/23	\$ 75,000	\$ 75,000
71	Tiffany <b>Bivins</b> , as Personal Representative of the Estate of Tereather <b>Powell</b>	Bivins, PR	3101 Ginger Drive Operations, LLC; Tallahassee Facility Operations, LLC; Joseira, LLC; Tosturi, LLC; Epsilon Health Care Properties, LLC	03/26/24	\$ 75,000	\$ 75,000
72	Brett <b>Rigas</b> , as Personal Representative of the Estate of Gail <b>Rigas</b>	Rigas, PR	7950 Lake Underhill Road Operations, LLC	10/19/22	\$ 160,000	\$ 16,000
73	Laura <b>Reyes</b> , as Power of Attorney for Delia <b>Rodriguez</b>	Reyes, PoA	6414 13th Road South Operations, LLC	11/06/23	\$ 75,000	\$ 75,000
74	Maria <b>Herrera</b> , as Personal Representative of the Estate of Aldemaro <b>Rojas</b>	Herrera, PR	Miami Facility Operations, LLC	07/28/23	\$ 75,000	\$ 75,000
75	Annabelle <b>Rios</b> , as Power of Attorney for Gloria <b>Rojas</b>	Rios, PoA	7950 Lake Underhill Road Operations, LLC	10/21/22	\$ 125,000	\$ 12,500
76	Daniel <b>Rousseau</b> , as Personal Representative of the Estate of Gertrude <b>Rousseau</b>	Rousseau, PR	West Altamonte Facility Operations, LLC	10/06/20	\$ 145,000	\$ 145,000

	Claimant/Plaintiff Name	Claimant PR/PoA/ Releasor	Defendant Entity	Settlement Date	Settlement Amount	Outstanding Amount
77	Dennis <b>Sampson</b> , as Personal Representative of the Estate of Marguerite <b>Sampson</b>	Sampson, PR	710 North Sun Drive Operations, LLC; Florida Health Care Properties, LLC; Genoa Healthcare Group, LLC	04/10/21	\$ 210,000	\$ 210,000
78	Sharon <b>Scott</b> , as Personal Representative of the Estate of Moses <b>Scott</b> , III	Scott, PR	9355 San Jose Boulevard Operations, LLC	05/13/22	\$ 140,000	\$ 81,667
79	Rita <b>Baar</b> , as Power of Attorney for Delano <b>Skow</b>	Baar, PoA	2826 Cleveland Avenue Operations, LLC	04/03/23	\$ 90,000	\$ 90,000
80	Qiana <b>Watson</b> , as Personal Representative of the Estate of Anna Marie Brown <b>Smith</b>	Watson, PR	Miami Facility Operations, LLC	04/07/23	\$ 75,000	\$ 75,000
81	Alilla <b>Stover</b> , as Personal Representative of the Estate of Machrell <b>Stover</b>	Stover, PR	9311 South Orange Blossom Trail Operations, LLC	03/06/23	\$ 75,000	\$ 75,000
82	Lashell <b>Taylor</b> , as Personal Representative of the Estate of Catherine <b>Taylor</b>	Taylor, PR	West Altamonte Facility Operations, LLC	08/11/23	\$ 125,000	\$ 125,000
83	Emma <b>Foster</b> , as Plenary Guardian of the Ward Levi Foster	Foster, Plenary Guardian	15204 West Colonial Drive Operations, LLC	10/27/22	\$ 140,000	\$ 81,667
84	Marie C. <b>Louine</b> , as Personal Representative of the Estate of Rosita <b>Thenor</b>	Louine, PR	6414 13th Road South Operations, LLC	09/26/23	\$ 75,000	\$ 75,000
85	Erin <b>Poarch</b> , Individually and as Personal Representative of the Estate of William A. <b>Thompson</b>	Poarch, PR	1851 Elkcarn Boulevard Operations, LLC	05/20/21	\$ 125,000	\$ 125,000
86	Michael D. <b>Thompson</b> , as Personal Representative of the Estate of Christine <b>Thompson</b>	Thompson, PR	North Fort Myers Facility Operations, LLC	08/03/23	\$ 206,000	\$ 206,000
87	Linda <b>Tillman</b> , as Personal Representative of the Estate of Bertha <b>Tillman</b>	Tillman, PR	4200 Washington Street Operations, LLC	02/17/23	\$ 100,000	\$ 100,000
88	Jennie <b>Zayas</b> , as Personal Representative of the Estate of Edwin A. Zayas <b>Torres</b>	Zayas, PR	7950 Lake Underhill Road Operations, LLC	01/09/23	\$ 75,000	\$ 75,000
89	Rodney Christopher <b>Vargas</b> , as Personal Representative of the Estate of Gerardo <b>Vargas</b>	Vargas, PR	4200 Washington Street Operations, LLC	09/21/23	\$ 75,000	\$ 75,000
90	Juanita <b>Davila</b> , as Power of Attorney for Rafael <b>Vega</b>	Davila, PoA	7950 Lake Underhill Road Operations, LLC	04/14/22	\$ 140,000	\$ 81,667
91	James <b>Walker</b> , as Personal Representative of the Estate of Louise <b>Walker</b>	Walker, PR	Miami Facility Operations, LLC	06/21/22	\$ 140,000	\$ 81,667

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
92	Dennis W. <b>Walker</b> , Jr., as Personal Representative of the Estate of Lula Mae <b>Walker</b>	Walker, Jr., PR	1615 Miami Road Operations, LLC	05/18/22	\$ 140,000	\$ 81,667
93	Rebecca <b>Barrow</b> , as Personal Representative of the Estate of Carolyn <b>Wayt</b>	Barrow, PR	Baya Nursing and Rehabilitation, LLC	12/16/21	\$ 250,000	\$ 250,000
94	Susan Whitcomb	Whitcomb	702 South Kings Avenue Operations, LLC	07/08/22	\$ 140,000	\$ 81,667
95	Stephania <b>Redding</b> , as Personal Representative of the Estate of Jessie <b>White</b>	Redding, PR	Orange Park Facility Operations, LLC	06/22/22	\$ 140,000	\$ 81,667
96	Anna Wendolyn <b>Wilkie</b> , as Personal Representative of the Estate of Barbara <b>Wilkie</b>	Wilkie, PR	6700 N.W. 10th Place Operations, LLC	07/06/23	\$ 75,000	\$ 75,000
97	Teresa R. <b>Woodard</b> , as Power of Attorney for Chester L. <b>Woodard</b> , Jr.	Woodard, PoA	2826 Cleveland Avenue Operations, LLC	07/10/20	<u>\$ 50,000</u>	<u>\$ 30,000</u>
			<b>TOTALS:</b>		<b>\$ 10,763,500</b>	<b>\$ 8,678,877</b>

**CERTIFICATE OF SERVICE**

I hereby certify that on this date a true and correct copy of the foregoing was served via email on the below as counsel for Recovery Corp. in the above-captioned Chapter 11 Cases:

JOHN A. ANTHONY, ESQUIRE  
Florida Bar Number: 0731013  
janthony@anthonyandpartners.com  
ANTHONY & PARTNERS, LLC  
100 S. Ashley Drive, Suite 1600  
Tampa, Florida 33602  
Tel.: (813) 273-5616 | Fax: (813) 221-4113

Dated: New York, New York  
September 10, 2024

**MCDERMOTT WILL & EMERY LLP**

*/s/ Timothy C. Cramton*

\_\_\_\_\_  
Timothy C. Cramton (*pro hac vice application forthcoming*)

One Vanderbilt Avenue  
New York, New York 10017  
Telephone: (212) 547-5400  
Email: tcramton@mwe.com

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



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

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

**DEBTORS’ FIRST SET OF REQUESTS FOR ADMISSION TO  
HEALTHCARE NEGLIGENCE SETTLEMENT RECOVERY CORP.**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and Rule 7036 of the Federal Rules of Bankruptcy Procedure, LaVie Care Centers, LLC (“LaVie”) and certain of its affiliates and subsidiaries, as debtors and debtors-in-possession (collectively, the “Debtors”) in the above-captioned chapter 11 cases (the “Chapter 11 Cases”), hereby requests that Healthcare Negligence Settlement Recovery Corp. admit the following facts in accordance with the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, and the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Northern District of Georgia (collectively, the “Rules”), consistent with the Definitions set forth below, within thirty (30) days after service of these Requests, or as otherwise agreed by the parties.

In light of the Debtors’ ongoing good faith efforts to respond to the discovery requests made by Recovery Corp. and provide fulsome responses and document productions in advance of

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<sup>1</sup> 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.

the hearing currently scheduled for September 30, 2024, the Debtors request that Recovery Corp. similarly provide responses to these and the Debtors' other discovery requests prior to that date.

### **DEFINITIONS**

1. "You" or "Recovery Corp." means and refers to Healthcare Negligence Settlement Recovery Corp., together with any past or present shareholders, officers, directors, employees, accountants, attorneys, or other agents of Recovery Corp.

2. "Assignment" means and refers to any purported assignment of Claims by any of the Florida Claimants to Recovery Corp., including without limitation the purported assignment of Claims described in Paragraph 14 of the Complaint filed in the Miami Action.

3. "Authorization" means and refers to the authorization of a direct or indirect transfer of structured settlement payment rights in a final order by a court of competent jurisdiction pursuant to and accordance with Florida's Structured Settlement Protection Act, Florida Statute § 626.99296, *et seq.*

4. "Claims" means and refers to any and all claims, causes of action, and/or other rights, including, without limitation, the rights to any payments or amounts owing under a settlement agreement, that any individual Florida Claimant, or their authorized representative acting on their behalf under power of attorney or on behalf of their probate estate, purportedly assigned or transferred to Recovery Corp., including, without limitation, the Claims described in Paragraph 11 of the Complaint filed in the Miami Action.

5. "Claimant Register" means and refers to the schedule attached as Exhibit C to the Complaint filed in the Miami Action, which lists the name of each Florida Claimant, the name of the Florida Claimant or their personal representative or person authorized by Power of Attorney as Releasor of their Claims, the Defendant Entity, Settlement Date and Amount, and Outstanding

Amount, numbered 1-97. A true and correct copy of the Claimant Registrar is attached hereto as **Exhibit A.**

6. “Florida Claimants” means and refers to the Florida-based claimants who assigned their Claims to Recovery Corp. as listed in the Claimant Registrar and as defined as the “Claimants” in Paragraph 11 of the Complaint filed in the Miami Action.

7. “Miami Action” means and refers to the legal action Recovery Corp. brought against certain Debtors and other defendants in the Civil Division of the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, on April 22, 2024, captioned *Healthcare Negligence Settlement Recovery Corp. v. 5405 Babcock Street Operations, LLC et al.*, No 2024-0007342-CA-01.

8. “Settlement” means and refers to any settlement memorialized by the Settlement Documents (as defined in Paragraph 13 of the Complaint filed in the Miami Action) and reflected in the Claimant Register. Each particular Settlement may be identified in the Requests as “Settlement No. \_\_\_” based on the corresponding number listed in the Claimant Register.

### **REQUESTS FOR ADMISSION**

1. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Stacey Abel, as Personal Representative of the Estate of Bebee Abel, in connection with Settlement No. 1 listed in the Claimant Register.

2. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Sharon Acevedo in connection with Settlement No. 2 listed in the Claimant Register.

3. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Jacqueline D. Aker, as Personal Representative of the Estate of Kevin R. Aker, in connection with Settlement No. 3 listed in the Claimant Register.

4. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Marie Cherisier, as Personal Representative of the Estate of Philomene A. Antoine, in connection with Settlement No. 4 listed in the Claimant Register.

5. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Nancy Roarck, as Personal Representative of the Estate of Mary Ashley, in connection with Settlement No. 5 listed in the Claimant Register.

6. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Harry Barrett in connection with Settlement No. 6 listed in the Claimant Register.

7. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Norma Barry, as Personal Representative of the Estate of John Barry, in connection with Settlement No. 7 listed in the Claimant Register.

8. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Jechiel Bershanski, as Power of Attorney for Nelia Bershanski, in connection with Settlement No. 8 listed in the Claimant Register.

9. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Connie Blair, as Personal Representative of the Estate Bobby Blair, in connection with Settlement No. 9 listed in the Claimant Register.

10. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Corrado Burdieri, as Personal Representative of the Estate of Theresa Mary Burdieri, in connection with Settlement No. 10 listed in the Claimant Register.

11. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Gerard Celestin, as Personal Representative of the Estate of Sylvia Celestin, in connection with Settlement No. 11 listed in the Claimant Register.

12. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Michelle Stawicki, as Personal Representative of the Estate of Nancy A. Cherba, in connection with Settlement No. 12 listed in the Claimant Register.

13. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Jennifer Varela, as Personal Representative of the Estate of Rosenda Clavijo, in connection with Settlement No. 13 listed in the Claimant Register.

14. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Gwendolyn Cage, as Personal Representative of the Estate of Doneatha Cobb, in connection with Settlement No. 14 listed in the Claimant Register.

15. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Jospheh Cunningham, as Power of Attorney for Jeffrey J. Cunningham, in connection with Settlement No. 15 listed in the Claimant Register.

16. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Jill R. Davis, as Personal Representative of the Estate of Larry R. Davis, in connection with Settlement No. 16 listed in the Claimant Register.

17. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Jill R. Davis, as Personal Representative of the Estate of Larry R. Davis, in connection with Settlement No. 17 listed in the Claimant Register.

18. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Jose R. Diaz, as Personal Representative of the Estate of Jose Rafael Diaz, in connection with Settlement No. 18 listed in the Claimant Register.

19. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Quenita L. Donald, as Personal Representative of the Estate of Charles Donald, in connection with Settlement No. 19 listed in the Claimant Register.

20. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Tracy Lynn Druelle, as Power of Attorney for Catherine Druelle, in connection with Settlement No. 20 listed in the Claimant Register.

21. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Linda Solash-Reed, as Personal Representative of the Estate of Billy Joe Early, in connection with Settlement No. 21 listed in the Claimant Register.

22. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Lesia A. Rucker, as Personal Representative of the Estate of Mildred G. Fluellen, in connection with Settlement No. 22 listed in the Claimant Register.

23. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Pamela Foster, as Personal Representative of the Estate of Mary Foster, in connection with Settlement No. 23 listed in the Claimant Register.

24. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Nola Gager, as Personal Representative of the Estate of Ehud Gager, in connection with Settlement No. 24 listed in the Claimant Register.

25. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Donald Garrett in connection with Settlement No. 25 listed in the Claimant Register.

26. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Albert Gates III, as Personal Representative of the Estate of Shirley Gates, in connection with Settlement No. 26 listed in the Claimant Register.

27. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Benny Gibson in connection with Settlement No. 27 listed in the Claimant Register.

28. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Thomas Graham, as Personal Representative of the Estate of Madeline Graham, in connection with Settlement No. 28 listed in the Claimant Register.

29. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Mindy Stoltz, as Power of Attorney for John M. Griffin, in connection with Settlement No. 29 listed in the Claimant Register.

30. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Janelle J. Guelich, as Personal Representative of the Estate of Judy Guelich, in connection with Settlement No. 30 listed in the Claimant Register.

31. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Tyler Hall Eagleson, as Personal Representative of the Estate of James Edward Hall, in connection with Settlement No. 31 listed in the Claimant Register.

32. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Constance A.M. Brandt, as Power of Attorney for Mary J. Hause, in connection with Settlement No. 32 listed in the Claimant Register.

33. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Cheryl Waggoner, as Personal Representative of the Estate of Joan Kay Higgins, in connection with Settlement No. 33 listed in the Claimant Register.

34. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Geraldine Hill, as Personal Representative of the Estate of Roosevelt Hill, in connection with Settlement No. 34 listed in the Claimant Register.

35. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Teresa Margraf, as Personal Representative of the Estate of Mary Holt, in connection with Settlement No. 35 listed in the Claimant Register.

36. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Don Howard Jr., as Personal Representative of the Estate of Don Howard, in connection with Settlement No. 36 listed in the Claimant Register.

37. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Johnnie Mae Jones Smith, as Personal Representative of the Estate of Juanita Jones, in connection with Settlement No. 37 listed in the Claimant Register.

38. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Danielle Anglade, as Personal Representative of the Estate of Maria Joseph, in connection with Settlement No. 38 listed in the Claimant Register.

39. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Laura Knicley, as Personal Representative of the Estate of Peggy Knicley, in connection with Settlement No. 39 listed in the Claimant Register.

40. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Angela Pinkney, as Personal Representative of the Estate of Mae Liza Knight, in connection with Settlement No. 40 listed in the Claimant Register.

41. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Yvonne Kolbe, as Personal Representative of the Estate of Richard Kolbe, in connection with Settlement No. 41 listed in the Claimant Register.



42. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Kendra Mae Mize, as Personal Representative of the Estate of Ingrid K. Lane, in connection with Settlement No. 42 listed in the Claimant Register.

43. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Gloria Mackey in connection with Settlement No. 43 listed in the Claimant Register.

44. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Diane Malcomb, as Personal Representative of the Estate of Buddy R. Malcomb, in connection with Settlement No. 44 listed in the Claimant Register.

45. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Billy Manuel, as Personal Representative of the Estate of Anthony Manuel, in connection with Settlement No. 45 listed in the Claimant Register.

46. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Lydia Martinez, as Personal Representative of the Estate of Luz M. Martinez, in connection with Settlement No. 46 listed in the Claimant Register.

47. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Charles Mazza, as Personal Representative of the Estate of Alfonso Mazza, in connection with Settlement No. 47 listed in the Claimant Register.

48. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Alberta Walls, as Personal Representative of the Estate of Gwendolyn McCray, in connection with Settlement No. 48 listed in the Claimant Register.

49. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Darlene Yvette Cuves, as Personal Representative of the Estate of David McGhee, in connection with Settlement No. 49 listed in the Claimant Register.

50. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Vickie Henry in connection with Settlement No. 50 listed in the Claimant Register.

51. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Donald McKenzie, as Personal Representative of the Estate of Stanley McKenzie, in connection with Settlement No. 51 listed in the Claimant Register.

52. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Melissa Smith, as Personal Representative of the Estate of Nettie P. McKinnon-Murphy, in connection with Settlement No. 52 listed in the Claimant Register.

53. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Shannon Castro, as Power of Attorney for Vernon Lee Meyer, in connection with Settlement No. 53 listed in the Claimant Register.

54. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Eileen Miller in connection with Settlement No. 54 listed in the Claimant Register.

55. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Carmen Millsap, as Personal Representative of the Estate of James Millsap, in connection with Settlement No. 55 listed in the Claimant Register.

56. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Anna Hollins, as Personal Representative of the Estate of Doris Mitchell, in connection with Settlement No. 56 listed in the Claimant Register.

57. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Julienne Joseph, as Power of Attorney for Juliette Mompont, in connection with Settlement No. 57 listed in the Claimant Register.

58. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Donald Moran, as Power of Attorney for Doris Moran, in connection with Settlement No. 58 listed in the Claimant Register.

59. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Darlene L. Murison, as Personal Representative of the Estate of David G. Murison, in connection with Settlement No. 59 listed in the Claimant Register.

60. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Howard Williams, as Personal Representative of the Estate of Nessa, in connection with Settlement No. 60 listed in the Claimant Register.

61. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Joshua R. Nielsen, as Personal Representative of the Estate of Martin Nielsen, in connection with Settlement No. 61 listed in the Claimant Register.

62. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Margaret Jones-Frison, as Personal Representative of the Estate of Dorothy Johnson Norris, in connection with Settlement No. 62 listed in the Claimant Register.

63. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of David O'Berry, as Personal Representative of the Estate of Barbara O'Berry, in connection with Settlement No. 63 listed in the Claimant Register.

64. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Avram S. Oegar, as Personal Representative of the Estate of Avram Oegar, in connection with Settlement No. 64 listed in the Claimant Register.

65. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Orlando Ortiz, as Personal Representative of the Estate of Crispin D. Ortiz, in connection with Settlement No. 65 listed in the Claimant Register.

66. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Jerri Owens, as Power of Attorney for Lular Owens, in connection with Settlement No. 66 listed in the Claimant Register.

67. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Gonzalo Padron, as Personal Representative of the Estate of Marina Padron, in connection with Settlement No. 67 listed in the Claimant Register.

68. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of John Paul, as Personal Representative of the Estate of Karen Paul-Bennett, in connection with Settlement No. 68 listed in the Claimant Register.

69. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Karel S. Bennett, as Personal Representative of the Estate of Suzanne Perez, in connection with Settlement No. 69 listed in the Claimant Register.

70. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Elizenda Pina Torres, as Personal Representative of the Estate of Mirelle Pina, in connection with Settlement No. 70 listed in the Claimant Register.

71. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Tiffany Bivins, as Personal Representative of the Estate of Tereather Powell, in connection with Settlement No. 71 listed in the Claimant Register.

72. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Brett Rigas, as Personal Representative of the Estate of Gail Rigas, in connection with Settlement No. 72 listed in the Claimant Register.

73. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Laura Reyes, as Power of Attorney for Delia Rodriguez, in connection with Settlement No. 73 listed in the Claimant Register.

74. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Maria Herrera, as Personal Representative of the Estate of Aldemaro Rojas, in connection with Settlement No. 74 listed in the Claimant Register.

75. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Annabelle Rios, as Power of Attorney for Gloria Rojas, in connection with Settlement No. 75 listed in the Claimant Register.

76. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Daniel Rousseau, as Personal Representative of the Estate Gertrude Rousseau, in connection with Settlement No. 76 listed in the Claimant Register.

77. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Dennis Sampson, as Personal Representative of the Estate of Marguerite Sampson, in connection with Settlement No. 77 listed in the Claimant Register.

78. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Sharon Scott, as Personal Representative of the Estate of Moses Scott III, in connection with Settlement No. 78 listed in the Claimant Register.

79. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Rita Baar, as Power of Attorney for Delano Skow, in connection with Settlement No. 79 listed in the Claimant Register.

80. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Qiana Watson, as Personal Representative of the Estate of Anna Marie Brown Smith, in connection with Settlement No. 80 listed in the Claimant Register.

81. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Alilla Stover, as Personal Representative of the Estate of Machrell Stover, in connection with Settlement No. 81 listed in the Claimant Register.

82. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Lashell Taaylor, as Personal Representative of the Estate of Catherine Taylor, in connection with Settlement No. 82 listed in the Claimant Register.

83. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Emma Foster, as Plenary Guardian of the Ward Levi Foster, in connection with Settlement No. 83 listed in the Claimant Register.

84. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Marie C. Louine, as Personal Representative of the Estate of Rosita Thenor, in connection with Settlement No. 84 listed in the Claimant Register.

85. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Erin Poarch, as Individually and as Personal Representative of the Estate of William A. Thompson, in connection with Settlement No. 85 listed in the Claimant Register.

86. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Michael D. Thompson, as Personal Representative of the Estate of Christine Thompson, in connection with Settlement No. 86 listed in the Claimant Register.

87. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Linda Tillman, as Personal Representative of the Estate of Bertha Tillman, in connection with Settlement No. 87 listed in the Claimant Register.

88. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Jennie Zayas, as Personal Representative of the Estate of Edwin A. Zayas Torres, in connection with Settlement No. 88 listed in the Claimant Register.

89. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Rodney Christopher Vargas, as Personal Representative of the Estate of Gerardo Vargas, in connection with Settlement No. 89 listed in the Claimant Register.

90. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Juanita Davila, as Power of Attorney for Rafael Vega, in connection with Settlement No. 90 listed in the Claimant Register.

91. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of James Walker, as Personal Representative of the Estate of Louise Walker, in connection with Settlement No. 91 listed in the Claimant Register.

92. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Dennis W. Walker, Jr., as Personal Representative of the Estate of Lula Mae Walker, in connection with Settlement No. 92 listed in the Claimant Register.

93. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Rebecca Barrow, as Personal Representative of the Estate of Carolyn Wayt, in connection with Settlement No. 93 listed in the Claimant Register.

94. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Susan Whitcomb in connection with Settlement No. 94 listed in the Claimant Register.

95. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Stephania Redding, as Personal Representative of the Estate of Jessie White, in connection with Settlement No. 95 listed in the Claimant Register.

96. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Anna Wendolyn Wilkie, as Personal Representative of the Estate of Barbara Wilkie, in connection with Settlement No. 96 listed in the Claimant Register.

97. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Teresa R. Woodard, as Power of Attorney for Chester L. Woodard Jr., in connection with Settlement No. 97 listed in the Claimant Register.

Dated: Miami, Florida  
September 10, 2024

**MCDERMOTT WILL & EMERY LLP**

/s/ Nathan M. Bull

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Email: tcramton@mwe.com

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

**EXHIBIT A**

## CLAIMANT REGISTER

	Claimant/Plaintiff Name	Claimant PR/PoA/ Releasor	Defendant Entity	Settlement Date	Settlement Amount	Outstanding Amount
1	Stacey <b>Abel</b> , as Personal Representative of the Estate of Bebee <b>Abel</b>	Abel, PR	5405 Babcock Street Operations, LLC; Epsilon Health Care Properties, LLC; CMC II, LLC; Lavie Care Centers, LLC	09/21/22	\$ 125,000	\$ 32,875
2	Sharon <b>Acevedo</b>	Acevedo, Releasor	1120 West Donegan Avenue Operations, LLC	07/09/22	\$140,000	\$ 81,667
3	Jacqueline D. <b>Aker</b> , as Personal Representative of the Estate of Kevin R. <b>Aker</b>	Aker, PR	6700 N.W. 10th Place Operations, LLC	03/02/23	\$ 75,000	\$ 75,000
4	Marie <b>Cherisier</b> , as Personal Representative of the Estate of Philomene A. <b>Antoine</b>	Cherisier, PR	4200 Washington Street Operations, LLC	02/14/23	\$ 75,000	\$ 75,000
5	Nancy <b>Roarck</b> , as Personal Representative of the Estate of Mary <b>Ashley</b>	Roarck, PR	777 Ninth Street North Operations, LLC	06/23/22	\$ 150,000	\$ 150,000
6	Harry Barrett	Barrett, Releasor	11565 Harts Road Operations, LLC	07/06/22	\$ 140,000	\$ 81,667
7	Norma <b>Barry</b> , as Power of Attorney for John <b>Barry</b>	Barry, PoA	2826 Cleveland Avenue Operations, LLC	07/09/21	\$ 50,000	\$ 50,000
8	Jechiel <b>Bershadski</b> , as Power of Attorney for Nelia <b>Bershadski</b>	Bershadski, PoA	777 Ninth Street North Operations, LLC	11/21/23	\$ 85,000	\$ 85,000
9	Connie Blair as Personal Representative of the Estate of Bobby Blair	Blair, PR	3001 Palm Coast Parkway Operations, LLC	05/31/22	\$ 140,000	\$ 81,667
10	Corrado <b>Burdieri</b> , as Personal Representative of the Estate of Theresa Mary <b>Burdieri</b>	Burdieri, PR	North Fort Myers Facility Operations, LLC; Consulate Facility Leasing, LLC	09/07/21	\$ 250,000	\$ 250,000
11	Gerard <b>Celestin</b> , as Personal Representative of the Estate of Sylvia <b>Celestin</b>	Celestin, PR	Miami Facility Operations, LLC	11/08/22	\$ 175,000	\$ 175,000
12	Michelle <b>Stawicki</b> , as Personal Representative of the Estate of Nancy A. <b>Cherba</b>	Stawicki, PR	710 North Sun Drive Operations, LLC; Lavie Care Centers, LLC	09/12/23	\$ 85,000	\$ 85,000

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
13	Jennifer <b>Varela</b> , a Personal Representative of the Estate of Rosenda <b>Clavijo</b>	Varela	Kissimmee Facility Operations, LLC	04/18/24	\$ 150,000	\$ 150,000
14	Gwendolyn <b>Cage</b> , as Personal Representative of the Estate of Doneatha <b>Cobb</b>	Cage, PR	1010 Carpenters Way Operations, LLC	05/18/22	\$ 140,000	\$ 81,667
15	Joseph <b>Cunningham</b> , as Power of Attorney for Jeffrey J. <b>Cunningham</b>	Cunningham, PoA	741 South Beneva Road Operations, LLC	09/21/23	\$ 75,000	\$ 75,000
16	Jill R. <b>Davis</b> , as Personal Representative of the Estate of Larry R. <b>Davis</b>	Davis, PR	777 Ninth Street North Operations, LLC	06/29/23	\$ 65,000	\$ 65,000
17	Jill R. <b>Davis</b> , as Personal Representative of the Estate of Larry R. <b>Davis</b>	Davis, PR	North Fort Myers Facility Operations, LLC	04/13/23	\$ 85,000	\$ 85,000
18	Jose R. <b>Diaz</b> , as Personal Representative of the Estate of Jose Rafael <b>Diaz</b>	Diaz, PR	518 West Fletcher Avenue Operations, LLC; Epsilon Health Care Properties, LLC; Lidenskab LLC	07/26/23	\$ 100,000	\$ 100,000
19	Quenita L. <b>Donald</b> , as Personal Representative or the Estate of Charles <b>Donald</b>	Donald, PR	Jacksonville Facility Operations, LLC	04/05/24	\$ 75,000	\$ 75,000
20	Tracy Lynn <b>Druelle</b> , as Power of Attorney for Catherine <b>Druelle</b>	Druelle, PoA	6305 Cortez Road West Operations, LLC	07/13/22	\$ 140,000	\$ 81,667
21	Linda <b>Solash-Reed</b> , as Personal Representative of the Estate of Billy Joe <b>Early</b>	Solash-Reed, PR	710 North Sun Drive Operations, LLC; Epsilon Health Care Properties, LLC	11/24/20	\$ 125,000	\$ 125,000
22	Lesia A. <b>Rucker</b> , as Personal Representative of the Estate of Mildred G. <b>Fluellen</b>	Rucker, PR	3735 Evans Avenue Operations, LLC	03/09/23	\$ 50,000	\$ 50,000
23	Pamela <b>Foster</b> , as Personal Representative of the Estate of Mary <b>Foster</b>	Foster, PR	3001 Palm Coast Parkway Operations, LLC	03/01/23	\$ 75,000	\$ 75,000
24	Nola <b>Gager</b> , as Personal Representative of the Estate of Ehud <b>Gager</b>	Gager, PR	Kissimmee Facility Operations, LLC	07/13/22	\$ 140,000	\$ 81,667
25	Donald <b>Garrett</b>	Garrett [Releasor]	6700 N.W. 10th Place Operations, LLC	09/29/23	\$ 75,000	\$ 75,000

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
26	Albert J. <b>Gates</b> , III, as Personal Representative of the Estate of Shirley <b>Gates</b>	Gates, PR	9311 South Orange Blossom Trail Operations, LLC	02/03/23	\$ 75,000	\$ 75,000
27	<b>Benny Gibson</b>	Gibson [Releasor]	4641 Old Canoe Creek Road Operations, LLC	08/12/23	\$ 75,000	\$ 75,000
28	Thomas <b>Graham</b> , as Personal Representative of the Estate of Madeline <b>Graham</b>	Graham	Jacksonville Facility Operations, LLC	09/27/22	\$ 150,000	\$ 150,000
29	Mindy <b>Stoltz</b> , as Power of Attorney for John M. <b>Griffin</b>	Stoltz, PoA	3920 Rosewood Way Operations, LLC	04/03/23	\$ 75,000	\$ 75,000
30	Janelle J. <b>Guelich</b> , as Personal Representative of the Estate of Judy <b>Guelich</b>	Guelich, PR	2333 North Brentwood Circle Operations, LLC; Josera, LLC; Tosturi, LLC; Epsilon Health Care Properties, LLC	07/24/23	\$ 100,000	\$ 100,000
31	Tyler Hall <b>Eagleson</b> , as Personal Representative of the Estate of James Edward <b>Hall</b>	Eagleson, PR	Jacksonville Facility Operations, LLC	09/22/23	\$ 75,000	\$ 75,000
32	Constance A.M. <b>Brandt</b> , as Power of Attorney for Mary J. <b>Hause</b>	Brandt, PoA	Melbourne Facility Operations, LLC	07/11/22	\$ 140,000	\$ 81,667
33	Cheryl <b>Waggoner</b> , as Personal Representative of the Estate of Joan Kay <b>Higgins</b>	Waggoner, PR	777 Ninth Street North Operations, LLC	04/08/24	\$ 75,000	\$ 75,000
34	Geraldine <b>Hill</b> , as Personal Representative of the Estate of Roosevelt <b>Hill</b>	Hill, PR	518 West Fletcher Avenue Operations, LLC	04/11/22	\$ 140,000	\$ 81,667
35	Teresa <b>Margraf</b> , as Personal Representative of the Estate of Mary <b>Holt</b>	Margraf, PR	6305 Cortez Road West Operations, LLC	10/13/20	\$ 225,000	\$ 225,000
36	Don <b>Howard</b> , Jr., as Personal Representative of the Estate of Don <b>Howard</b> [Case Style: Luthenia Hayes, PR . . . ]	Howard, Jr., PR	710 North Sun Drive Operations, LLC	08/24/21	\$ 175,000	\$ 25,000
37	Johnnie Mae Jones <b>Smith</b> , as Personal Representative of the Estate of Juanita <b>Jones</b>	Smith, PR	Port Charlotte Facility Operations, LLC	07/27/23	\$ 75,000	\$ 75,000

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
38	Danielle <b>Anglade</b> , as Personal Representative of the Estate of Maria <b>Joseph</b>	Anglade, PR	4200 Washington Street Operations, LLC; CMC II, LLC		\$ 100,000	\$ 100,000
39	Laura <b>Knicley</b> , as Personal Representative of the Estate of Peggy <b>Knicley</b>	Knicley, PR	195 Mattie M. Kelly Boulevard Operations, LLC; Epsilon Health Care Properties, LLC	10/18/22	\$ 140,000	\$ 14,000
40	Angela <b>Pinkney</b> , as Personal Representative of the Estate of Mae Liza <b>Knight</b>	Pinkney, PR	1615 Miami Road Operations, LLC	04/11/23	\$ 75,000	\$ 75,000
41	Yvonne <b>Kolbe</b> , as Personal Representative of the Estate of Richard <b>Kolbe</b>	Kolbe, PR	1851 Elcam Boulevard Operations, LLC; Epsilon Health Care Properties, LLC; Lavie Care Centers, LLC	10/07/22	\$ 100,000	\$ 37,500
42	Kendra Mae <b>Mize</b> , as Personal Representative of the Estate of Ingrid K. <b>Lane</b>	Mize	1550 Jess Parrish Court Operations, LLC; Epsilon Health Care Properties, LLC; LV CHC Holdings I, LLC; Concourse Partners, LLC; Lavie Care Centers, LLC; Concurrent Partners, LLLP	04/18/24	\$ 100,000	\$ 100,000
43	Gloria <b>Mackey</b>	Mackey [Releasor]	1120 West Donegan Avenue Operations, LLC	04/11/22	\$ 140,000	\$ 81,667
44	Diane <b>Malcomb</b> , as Personal Representative of the Estate of Buddy R. <b>Malcomb</b>	Malcomb, PR	3735 Evans Avenue Operations, LLC	03/07/22	\$ 100,000	\$ 100,000
45	Billy <b>Manuel</b> , as Personal Representative of the Estate of Anthony <b>Manuel</b>	Manuel, PR	4200 Washington Street Operations, LLC	10/12/23	\$ 75,000	\$ 75,000
46	Lydia <b>Martinez</b> , as Personal Representative of the Estate of Luz M. <b>Martinez</b>	Martinez, PR	New Port Richey Facility Operations, LLC	06/06/23	\$ 75,000	\$ 75,000
47	Charles <b>Mazza</b> , as Personal Representative of the Estate of Alfonso <b>Mazza</b>	Mazza, PR	12170 Cortez Boulevard Operations, LLC; Epsilon Health Care Properties, LLC; Tosturi, LLC	09/01/23	\$ 100,000	\$ 100,000
48	Alberta <b>Walls</b> , as Personal Representative of the Estate of Gwendolyn <b>McCray</b>	Walls, PR	6700 N.W. 10th Place Operations, LLC	04/07/24	\$ 75,000	\$ 75,000

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
49	Darlene Yvette <b>Cuves</b> , as Personal Representative of the Estate of David McGhee	Cuves, PR	3735 Evans Avenue Operations, LLC	06/23/23	\$ 65,000	\$ 65,000
50	Vickie <b>McHenry</b>	McHenry, Releasor	11565 Harts Road Operations, LLC	04/16/24	\$ 35,000	\$ 35,000
51	Donald <b>McKenzie</b> , as Personal Representative of the Estate of Stanley <b>McKenzie</b>	McKenzie, PR	9311 South Orange Blossom Trail Operations, LLC	05/10/22	\$ 140,000	\$ 81,667
52	Melissa <b>Smith</b> , as Personal Representative of the Estate of Nettie P. <b>McKinnon-Murphy</b>	Smith, PR	1120 West Donegan Avenue Operations, LLC	05/23/22	\$ 140,000	\$ 81,667
53	Shannon <b>Castro</b> , as Power of Attorney for Vernon Lee <b>Meyer</b>	Castro, PoA	Baya Nursing and Rehabilitation, LLC	07/14/23	\$ 75,000	\$ 75,000
54	Eileen <b>Miller</b>	Miller [Releasor]	9400 SW 137th Avenue Operations LLC; NSPRMC, LLC	08/30/23	\$ 62,500	\$ 62,500
55	Carmen <b>Millsap</b> , as Personal Representative of the Estate of James <b>Millsap</b>	Millsap, PR	3001 Palm Coast Parkway Operations, LLC; CMC II, LLC	12/01/20	\$ 200,000	\$ 200,000
56	Anna <b>Hollins</b> , as Personal Representative of the Estate of Doris <b>Mitchell</b>	Hollins, PR	Brandon Facility Operations, LLC	06/23/22	\$ 140,000	\$ 81,667
57	Julienne <b>Joseph</b> , as Power of Attorney for Juliette <b>Mompoint</b>	Joseph, PoA	4200 Washington Street Operations, LLC	09/26/23	\$ 75,000	\$ 75,000
58	Donald <b>Moran</b> , as Power of Attorney for Doris <b>Moran</b>	Moran, PoA	3735 Evans Avenue Operations, LLC	05/19/22	\$ 140,000	\$ 81,667
59	Darlene L. <b>Murison</b> , as Personal Representative of the Estate of David G. <b>Murison</b>	Murison, PR	Port Charlotte Facility Operations, LLC	01/11/21	\$ 75,000	\$ 75,000
60	Howard <b>Williams</b> , as Personal Representative of the Estate of <b>Nessa</b>	Williams, PR	9311 South Orange Blossom Trail Operations, LLC	08/01/22	\$ 150,000	\$ 60,000
61	Joshua R. <b>Nielsen</b> , as Personal Representative of the Estate of Martin <b>Nielsen</b>	Nielsen, PR	West Altamonte Facility Operations, LLC	04/06/24	\$ 75,000	\$ 75,000
62	Margaret <b>Jones-Frison</b> , as Personal Representative of the Estate of Dorothy Johnson <b>Norris</b>	Jones-Frison, PR	710 North Sun Drive Operations, LLC; Lidenskab, LLC	06/20/23	\$ 125,000	\$ 125,000

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
63	David <b>O'Berry</b> , as Personal Representative of the Estate of Barbara <b>O'Berry</b>	O'Berry, PR	7950 Lake Underhill Road Operations, LLC	04/18/24	\$ 175,000	\$ 175,000
64	Avram S. <b>Oegar</b> , as Personal Representative of the Estate of Avram <b>Oegar</b>	Oegar, PR	4200 Washington Street Operations, LLC	02/23/23	\$ 75,000	\$ 75,000
65	Orlando <b>Ortiz</b> , as Personal Representative of the Estate of Crispin D. <b>Ortiz</b>	Ortiz, PR	216 Santa Barbara Boulevard Operations, LLC	10/10/23	\$ 65,000	\$ 65,000
66	Jerri <b>Owens</b> , as Power of Attorney for Lular <b>Owens</b>	Owens, PoA	Kissimmee Facility Operations, LLC; Laive Care Centers, LLC	09/19/22	\$ 100,000	\$ 37,500
67	Gonzalo <b>Padron</b> , as Personal Representative of the Estate of Marina <b>Padron</b>	Padron, PR	Floridian Facility Operations, LLC	04/19/23	\$ 75,000	\$ 75,000
68	John <b>Paul</b> , as Personal Representative of the Estate of Karen <b>Paul-Bennett</b>	Paul, PR	Baya Nursing and Rehabilitation, LLC	05/18/22	\$ 140,000	\$ 81,667
69	Karel S. <b>Bennett</b> , as Personal Representative of the Estate of Suzanne <b>Perez</b>	Bennett, PR	1465 Oakfield Drive Operations, LLC	01/11/24	\$ 75,000	\$ 75,000
70	Elizenda Pina <b>Torres</b> , as Personal Representative of the Estate of Mirelle <b>Pina</b>	Torres, PR	4200 Washington Street Operations, LLC	08/04/23	\$ 75,000	\$ 75,000
71	Tiffany <b>Bivins</b> , as Personal Representative of the Estate of Tereather <b>Powell</b>	Bivins, PR	3101 Ginger Drive Operations, LLC; Tallahassee Facility Operations, LLC; Joseira, LLC; Tosturi, LLC; Epsilon Health Care Properties, LLC	03/26/24	\$ 75,000	\$ 75,000
72	Brett <b>Rigas</b> , as Personal Representative of the Estate of Gail <b>Rigas</b>	Rigas, PR	7950 Lake Underhill Road Operations, LLC	10/19/22	\$ 160,000	\$ 16,000
73	Laura <b>Reyes</b> , as Power of Attorney for Delia <b>Rodriguez</b>	Reyes, PoA	6414 13th Road South Operations, LLC	11/06/23	\$ 75,000	\$ 75,000
74	Maria <b>Herrera</b> , as Personal Representative of the Estate of Aldemaro <b>Rojas</b>	Herrera, PR	Miami Facility Operations, LLC	07/28/23	\$ 75,000	\$ 75,000
75	Annabelle <b>Rios</b> , as Power of Attorney for Gloria <b>Rojas</b>	Rios, PoA	7950 Lake Underhill Road Operations, LLC	10/21/22	\$ 125,000	\$ 12,500
76	Daniel <b>Rousseau</b> , as Personal Representative of the Estate of Gertrude <b>Rousseau</b>	Rousseau, PR	West Altamonte Facility Operations, LLC	10/06/20	\$ 145,000	\$ 145,000



	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
77	Dennis <b>Sampson</b> , as Personal Representative of the Estate of Marguerite <b>Sampson</b>	Sampson, PR	710 North Sun Drive Operations, LLC; Florida Health Care Properties, LLC; Genoa Healthcare Group, LLC	04/10/21	\$ 210,000	\$ 210,000
78	Sharon <b>Scott</b> , as Personal Representative of the Estate of Moses <b>Scott</b> , III	Scott, PR	9355 San Jose Boulevard Operations, LLC	05/13/22	\$ 140,000	\$ 81,667
79	Rita <b>Baar</b> , as Power of Attorney for Delano <b>Skow</b>	Baar, PoA	2826 Cleveland Avenue Operations, LLC	04/03/23	\$ 90,000	\$ 90,000
80	Qiana <b>Watson</b> , as Personal Representative of the Estate of Anna Marie Brown <b>Smith</b>	Watson, PR	Miami Facility Operations, LLC	04/07/23	\$ 75,000	\$ 75,000
81	Alilla <b>Stover</b> , as Personal Representative of the Estate of Machrell <b>Stover</b>	Stover, PR	9311 South Orange Blossom Trail Operations, LLC	03/06/23	\$ 75,000	\$ 75,000
82	Lashell <b>Taylor</b> , as Personal Representative of the Estate of Catherine <b>Taylor</b>	Taylor, PR	West Altamonte Facility Operations, LLC	08/11/23	\$ 125,000	\$ 125,000
83	Emma <b>Foster</b> , as Plenary Guardian of the Ward Levi Foster	Foster, Plenary Guardian	15204 West Colonial Drive Operations, LLC	10/27/22	\$ 140,000	\$ 81,667
84	Marie C. <b>Louine</b> , as Personal Representative of the Estate of Rosita <b>Thenor</b>	Louine, PR	6414 13th Road South Operations, LLC	09/26/23	\$ 75,000	\$ 75,000
85	Erin <b>Poarch</b> , Individually and as Personal Representative of the Estate of William A. <b>Thompson</b>	Poarch, PR	1851 Elkcarn Boulevard Operations, LLC	05/20/21	\$ 125,000	\$ 125,000
86	Michael D. <b>Thompson</b> , as Personal Representative of the Estate of Christine <b>Thompson</b>	Thompson, PR	North Fort Myers Facility Operations, LLC	08/03/23	\$ 206,000	\$ 206,000
87	Linda <b>Tillman</b> , as Personal Representative of the Estate of Bertha <b>Tillman</b>	Tillman, PR	4200 Washington Street Operations, LLC	02/17/23	\$ 100,000	\$ 100,000
88	Jennie <b>Zayas</b> , as Personal Representative of the Estate of Edwin A. Zayas <b>Torres</b>	Zayas, PR	7950 Lake Underhill Road Operations, LLC	01/09/23	\$ 75,000	\$ 75,000
89	Rodney Christopher <b>Vargas</b> , as Personal Representative of the Estate of Gerardo <b>Vargas</b>	Vargas, PR	4200 Washington Street Operations, LLC	09/21/23	\$ 75,000	\$ 75,000
90	Juanita <b>Davila</b> , as Power of Attorney for Rafael <b>Vega</b>	Davila, PoA	7950 Lake Underhill Road Operations, LLC	04/14/22	\$ 140,000	\$ 81,667
91	James <b>Walker</b> , as Personal Representative of the Estate of Louise <b>Walker</b>	Walker, PR	Miami Facility Operations, LLC	06/21/22	\$ 140,000	\$ 81,667

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
92	Dennis W. <b>Walker</b> , Jr., as Personal Representative of the Estate of Lula Mae <b>Walker</b>	Walker, Jr., PR	1615 Miami Road Operations, LLC	05/18/22	\$ 140,000	\$ 81,667
93	Rebecca <b>Barrow</b> , as Personal Representative of the Estate of Carolyn <b>Wayt</b>	Barrow, PR	Baya Nursing and Rehabilitation, LLC	12/16/21	\$ 250,000	\$ 250,000
94	Susan Whitcomb	Whitcomb	702 South Kings Avenue Operations, LLC	07/08/22	\$ 140,000	\$ 81,667
95	Stephania <b>Redding</b> , as Personal Representative of the Estate of Jessie <b>White</b>	Redding, PR	Orange Park Facility Operations, LLC	06/22/22	\$ 140,000	\$ 81,667
96	Anna Wendolyn <b>Wilkie</b> , as Personal Representative of the Estate of Barbara <b>Wilkie</b>	Wilkie, PR	6700 N.W. 10th Place Operations, LLC	07/06/23	\$ 75,000	\$ 75,000
97	Teresa R. <b>Woodard</b> , as Power of Attorney for Chester L. <b>Woodard</b> , Jr.	Woodard, PoA	2826 Cleveland Avenue Operations, LLC	07/10/20	<u>\$ 50,000</u>	<u>\$ 30,000</u>
			<b>TOTALS:</b>		<b>\$ 10,763,500</b>	<b>\$ 8,678,877</b>

**CERTIFICATE OF SERVICE**

I hereby certify that on this date a true and correct copy of the foregoing was served via email on the below as counsel for Recovery Corp. in the above-captioned Chapter 11 Cases:

JOHN A. ANTHONY, ESQUIRE  
Florida Bar Number: 0731013  
janthony@anthonyandpartners.com  
ANTHONY & PARTNERS, LLC  
100 S. Ashley Drive, Suite 1600  
Tampa, Florida 33602  
Tel.: (813) 273-5616 | Fax: (813) 221-4113

Dated: New York, New York  
September 10, 2024

**MCDERMOTT WILL & EMERY LLP**

*/s/ Timothy C. Cramton*

---

Timothy C. Cramton (*pro hac vice application forthcoming*)

One Vanderbilt Avenue  
New York, New York 10017  
Telephone: (212) 547-5400  
Email: tcramton@mwe.com

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

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

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

**DEBTORS’ SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO  
HEALTHCARE NEGLIGENCE SETTLEMENT RECOVERY CORP.**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Rule 7034 of the Federal Rules of Bankruptcy Procedure, LaVie Care Centers, LLC (“LaVie”) and certain of its affiliates and subsidiaries, as debtors and debtors-in-possession (collectively, the “Debtors”) in the above-captioned chapter 11 cases (the “Chapter 11 Cases”), hereby requests that Healthcare Negligence Settlement Recovery Corp. produce for inspection and copying all of the documents, writings, electronically stored information, and things specified herein in its possession, custody of control, in accordance with the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, and the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Northern District of Georgia (collectively, the “Rules”), and consistent with the Definitions and Instructions set forth below, within thirty (30) days after service of these Requests or as otherwise agreed by the parties.

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<sup>1</sup> 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.

In light of the Debtors' ongoing good faith efforts to respond to the discovery requests made by Recovery Corp. and provide fulsome responses and document productions in advance of the hearing currently scheduled for September 30, 2024, the Debtors request that Recovery Corp. similarly provide responses to these and the Debtors' other discovery requests prior to that date.

### **DEFINITIONS**

1. "You" or "Recovery Corp." means and refers to Healthcare Negligence Settlement Recovery Corp., together with any past or present shareholders, officers, directors, employees, accountants, attorneys, or other agents of Recovery Corp.

2. "Anthony & Partners" means and refers to Anthony & Partners, LLC, and any of its attorneys, members, partners, shareholders, managers, associates, analysts, employees, agents, or other representatives.

3. "Assignment" means and refers to any purported assignment of Claims by any of the Florida Claimants to Recovery Corp., including, without limitation, the purported assignment of Claims described in Paragraph 14 of the Complaint filed in the Miami Action.

4. "Authorization" means and refers to the authorization of a direct or indirect transfer of structured settlement payment rights in a final order by a court of competent jurisdiction pursuant to and accordance with Florida's Structured Settlement Protection Act, Florida Statute § 626.99296, *et seq.*

5. "Claims" means and refers to any and all claims, causes of action, and/or other rights, including, without limitation, the rights to any payments or amounts owing under a settlement agreement, that any individual Florida Claimant, or their authorized representative acting on their behalf under power of attorney or on behalf of their probate estate, purportedly

assigned or transferred to Recovery Corp., including, without limitation, the Claims described in Paragraph 11 of the Complaint filed in the Miami Action.

6. “Claimant Register” means and refers to the schedule attached as Exhibit C to the Complaint filed in the Miami Action, which lists the name of each Florida Claimant, the name of the Florida Claimant or their personal representative or person authorized by Power of Attorney as Releasor of their Claims, the Defendant Entity, Settlement Date and Amount, and Outstanding Amount, numbered 1-97.

7. “Florida Claimants” means and refers to the Florida-based claimants who assigned their Claims to Recovery Corp. as listed in the Claimant Registrar and as defined as the “Claimants” in Paragraph 11 of the Complaint filed in the Miami Action.

8. “Document” or “document” shall be construed in the most comprehensive and inclusive sense permitted by Rule 34 of the Federal Rules of Civil Procedure, and shall include the original and any copy of any and all writings as that term is defined in Federal Rule of Evidence 1001, and including, without limitation, letters, minutes, correspondence, social media messages, telegrams, bulletins, instructions, charts, literature, work assignments, reports, memoranda, notes, contracts, agreements, inter-office communications, notebooks, drafts, studies, notices, summaries, books, graphs, photographs, data sheets, data compilations, tapes, sound recordings, telephone messages, including “text” messages, e-mails and all data stored in electronic form or accessible through computer or other electronic information retrieval systems, including all metadata, together with instructions and all other materials to use or interpret such data. The term “Document(s)” also includes any message sent electronically, including, without limitation, any message sent via cell phone (including, without limitation, smart phones, iPhones, or Android phones), electronic tablet (including, without limitation, iPads or Android tablets), text, Blackberry

Messenger, Facebook messenger, Google Chat, Google Talk, GroupMe, Jabber, Line, iMessage, Skype, Slack, Snapchat, Telegram, Viber, WeChat, or WhatsApp. This definition covers both external and internal communications.

9. “Miami Action” means and refers to the legal action Recovery Corp. brought against certain Debtors and other defendants in the Civil Division of the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, on April 22, 2024, captioned *Healthcare Negligence Settlement Recovery Corp. v. 5405 Babcock Street Operations, LLC et al.*, No 2024-0007342-CA-01.

10. “Proof of Claim” means and refers to any proof of claim filed or submitted in these Chapter 11 Cases, including, without limitation, any filed by or on behalf of Recovery Corp. and/or the Florida Claimants.

11. “Settlement” or “Settlements” mean and refer to any settlement memorialized by the Settlement Documents (as defined in Paragraph 13 of the Complaint filed in the Miami Action) and reflected in the Claimant Register. Each particular Settlement may be identified in the Requests as “Settlement No. \_\_\_” based on the corresponding number listed in the Claimant Register.

### **INSTRUCTIONS**

1. You must produce responsive, non-privileged Documents in response to the Requests below in accordance with Your obligations under the Rules, including, specifically, under Rule 34 of the Federal Rules of Civil Procedure.

2. Except as stated otherwise, in responding to the Requests You must furnish all responsive Documents in Your possession, custody, or control, including Documents in the possession, custody, or control of any affiliated entities, officers, directors, employees, agents,

representatives, attorneys, investigators, auditors, consultants, accounts, and other persons acting or purporting to act on Your behalf.

3. The Requests seek production of all responsive Documents in their entirety, along with any attachments, drafts and non-identical copies, including, without limitation, copies that differ by virtue of handwritten or other notes or markings.

4. If, for any Request, no responsive information or Documents are in Your possession, custody, or control, You must expressly and specifically state so in Your response to any such Request.

5. If any Document responsive to the Requests was, but is no longer, in Your possession, custody, or control, or is no longer in existence, state whether it is: (i) missing or lost; (ii) destroyed; (iii) transferred voluntarily or involuntarily to others, and, if so, to whom; or (iv) otherwise disposed of to the extent reasonably possible and appropriate.

6. If any Document that is potentially responsive to any Request is withheld under any claim(s) of privilege or work product protection, please provide a written list describing the Document so withheld to include, without limitation, the following information: (i) date; (ii) name of the person or other entity who or which drafted, authored or prepared it; (iii) title; (iv) name of the person or other entity to whom the Document was addressed; (v) name of each person or entity to whom the Document, or any copy, was either directed, addressed, sent, delivered, mailed, given or in any other manner disclosed; (vi) a statement of the ground or grounds on which each such Document is considered to be privileged from production; and (vii) a brief description of the subject matter of the document—unless otherwise specified by mutual agreement of the Parties or as directed by the Court.



7. If a portion of an otherwise responsive Document contains information subject to a claim of privilege, such portion of the Document subject to a claim of privilege may be redacted from the Document so that the rest of the Document can be produced. Any such Documents shall bear notations reflecting where portions were redacted. If Documents requested below are produced in a redacted version, identify each Document that has been redacted and set forth the basis or grounds for the redaction in sufficient detail.

8. For standard Documents, emails, and presentations originating in electronic form, Documents should be produced as TIFF images for paper Documents, with a delimited text file containing the following extracted metadata fields: (i) Beginning Production (or Bates) Number; (ii) Ending Production Number; (iii) Beginning Attachment Range; (iv) Ending Attachment Range; (v) Custodian; (vi) Original Location Path; (vii) Email Folder Path; (viii) Document Type; (ix) Author; (x) Title; (xi) File Name; (xii) File Ext; (xiii) File Size; (xiv) MD5 Hash; (xv) Date Last Modified; (xvi) Date Created; (xvii) Date Sent; (xviii) Time Sent [HH:MM:SS]; (xix) MessageID; (xx) Date Received; (xxi) From; (xxii) Recipients; (xxiii) Copyees; (xxiv) Blind Copyees; (xxv) Pages; (xxvi) Email Subject; (xxvii) Calendar Start Date; (xxviii) Calendar End Date; (xxix) Native link path; and (xxx) Extracted Text (not OCR Text) produced as separate .TXT files.

9. Additional special processing of certain electronically stored information will be as follows: Microsoft Excel spreadsheet fields will not be converted to TIFF files and will be produced in native format. A placeholder TIFF image will be created, Bates numbered, and the produced Excel file will be renamed to match the Bates number on its corresponding placeholder page. The exception will be for redacted spreadsheets which will be produced in TIFF format. Images for the redacted spreadsheets will display the content in the same manner as if it were

printed. The extractable metadata and text will be provided for native files, and OCR will be provided for the un-redacted portions of the Documents.

10. Whenever appropriate, the singular form of a word shall be considered to include within its meaning the plural form of the word, and vice versa; the neuter form of a pronoun shall be considered to include within its meaning the masculine and feminine forms of the pronoun and vice versa; and the use of any tense of any verb shall be considered to include within its meaning all other tenses of the verb. In each such instance, the Request shall be construed so as to furnish the most complete and inclusive response.

11. If You object to any Request, in whole or in part, You must with specificity the reason for that objection.

#### **REQUESTS FOR PRODUCTION OF DOCUMENTS**

3. Documents sufficient to show Anthony & Partners' authority, if any, to file Proof of Claims for or on behalf of any person or entity other than Recovery Corp. in these Chapter 11 Cases, including, without limitation, with respect to the Florida Claimants.

4. Documents sufficient to show the name and address of each and every current stockholder, shareholder, member, and/or any other person or entity holding an equity interest and/or any beneficial ownership in Recovery Corp., and the respective share, stockholding and/or ownership of each such person or entity.

5. All organizational and corporate Documents of Recovery Corp., including, without limitation, articles of incorporation, certificate of formation, bylaws, corporate minutes, stock ledger, and current organizational charts.

Dated: Miami, Florida  
September 13, 2024

**MCDERMOTT WILL & EMERY LLP**

/s/ Nathan M. Bull

Nathan M. Bull (*pro hac vice*)  
333 SE 2nd Avenue, Suite 4500  
Miami, FL 33131  
Telephone: (305) 358-3500  
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- and -

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- and -

Emily C. Keil (*admitted pro hac vice*)  
Jake Jumbeck (*admitted pro hac vice*)  
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- and -

Timothy C. Cramton (*pro hac vice pending*)  
One Vanderbilt Avenue  
New York, New York 10017  
Telephone: (212) 547-5400  
Email: tcramton@mwe.com

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

**CERTIFICATE OF SERVICE**

I hereby certify that on this date a true and correct copy of the foregoing was served via email on the below as counsel for Recovery Corp. in the above-captioned Chapter 11 Cases:

JOHN A. ANTHONY, ESQUIRE  
Florida Bar Number: 0731013  
janthony@anthonyandpartners.com  
ANTHONY & PARTNERS, LLC  
100 S. Ashley Drive, Suite 1600  
Tampa, Florida 33602  
Tel.: (813) 273-5616 | Fax: (813) 221-4113

Dated: New York, New York  
September 13, 2024

**MCDERMOTT WILL & EMERY LLP**

*/s/ Timothy C. Cramton*  
\_\_\_\_\_  
Timothy C. Cramton (*pro hac vice* pending)  
One Vanderbilt Avenue  
New York, New York 10017  
Telephone: (212) 547-5400  
Email: tcramton@mwe.com

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

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

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

**DEBTORS’ SECOND SET OF INTERROGATORIES TO  
HEALTHCARE NEGLIGENCE SETTLEMENT RECOVERY CORP.**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 7033 of the Federal Rules of Bankruptcy Procedure, LaVie Care Centers, LLC (“LaVie”) and certain of its affiliates and subsidiaries, as debtors and debtors-in-possession (collectively, the “Debtors”) in the above-captioned chapter 11 cases (the “Chapter 11 Cases”), hereby requests that Healthcare Negligence Settlement Recovery Corp. respond to the following Interrogatories in accordance with the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, and the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Northern District of Georgia (collectively, the “Rules”), and consistent with the Definitions and Instructions set forth below, within thirty (30) days after service of these Interrogatories, or as otherwise agreed by the parties.

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<sup>1</sup> 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.

In light of the Debtors' ongoing good faith efforts to respond to the discovery requests made by Recovery Corp. and provide fulsome responses and document productions in advance of the hearing currently scheduled for September 30, 2024, the Debtors request that Recovery Corp. similarly provide responses to these Interrogatories and the Debtors' other discovery requests prior to that date.

### **DEFINITIONS**

1. "You" or "Recovery Corp." means and refers to Healthcare Negligence Settlement Recovery Corp., together with any past or present shareholders, officers, directors, employees, accountants, attorneys, or other agents of Recovery Corp.

2. "Anthony & Partners" means and refers to Anthony & Partners, LLC, and any of its attorneys, members, partners, shareholders, managers, associates, analysts, employees, agents, or other representatives.

3. "Assignment" means and refers to any purported assignment of Claims by any of the Florida Claimants to Recovery Corp., including, without limitation, the purported assignment of Claims described in Paragraph 14 of the Complaint filed in the Miami Action.

4. "Authorization" means and refers to the authorization of a direct or indirect transfer of structured settlement payment rights in a final order by a court of competent jurisdiction pursuant to and accordance with Florida's Structured Settlement Protection Act, Florida Statute § 626.99296, *et seq.*

5. "Claims" means and refers to any and all claims, causes of action, and/or other rights, including, without limitation, the rights to any payments or amounts owing under a settlement agreement, that any individual Florida Claimant, or their authorized representative acting on their behalf under power of attorney or on behalf of their probate estate, purportedly

assigned or transferred to Recovery Corp., including, without limitation, the Claims described in Paragraph 11 of the Complaint filed in the Miami Action.

6. “Claimant Register” means and refers to the schedule attached as Exhibit C to the Complaint filed in the Miami Action, which lists the name of each Florida Claimant, the name of the Florida Claimant or their personal representative or person authorized by Power of Attorney as Releasor of their Claims, the Defendant Entity, Settlement Date and Amount, and Outstanding Amount, numbered 1-97.

7. “Florida Claimants” means and refers to the Florida-based claimants who assigned their Claims to Recovery Corp. as listed in the Claimant Registrar and as defined as the “Claimants” in Paragraph 11 of the Complaint filed in the Miami Action.

8. “Miami Action” means and refers to the legal action Recovery Corp. brought against certain Debtors and other defendants in the Civil Division of the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, on April 22, 2024, captioned *Healthcare Negligence Settlement Recovery Corp. v. 5405 Babcock Street Operations, LLC et al.*, No 2024-0007342-CA-01.

9. “Proof of Claim” means and refers to any proof of claim filed or submitted in these Chapter 11 Cases, including, without limitation, any filed by or on behalf of Recovery Corp. and/or the Florida Claimants.

10. “Settlement” or “Settlements” mean and refer to any settlement memorialized by the Settlement Documents (as defined in Paragraph 13 of the Complaint filed in the Miami Action) and reflected in the Claimant Register.

### **INSTRUCTIONS**

1. You must respond to the Interrogatories below in accordance with Your obligations under the Rules, including, specifically, under Rule 33 of the Federal Rules of Civil Procedure, based upon documents and information known to You and in Your possession, custody, or control.

2. To the extent you cannot completely answer any Interrogatory after making diligent efforts to do so, You must describe all efforts made to answer the interrogatory, and identify every person involved in such efforts.

3. Whenever appropriate, the singular form of a word shall be considered to include within its meaning the plural form of the word, and vice versa; the neuter form of a pronoun shall be considered to include within its meaning the masculine and feminine forms of the pronoun, and vice versa; and the use of any tense of any verb shall be considered to include within its meaning all other tenses of the verb. In each such instance, the Interrogatory shall be construed so as to furnish the most complete and inclusive response.

4. The responses to these Interrogatories must be signed by the officer or other authorized person for Recovery Corp that provided the responses to these Interrogatories.

5. These Interrogatories are continuing, and any response that is discovered to be inaccurate, incomplete, or otherwise in need of supplementation after service of the responses to these Interrogatories shall be corrected, amended or supplemented as soon as reasonably practicable.

6. To the extent the Interrogatories call for you to identify or refer to any particular Settlement, You shall identify such Settlement as “Settlement No. \_\_\_” based on the corresponding number listed in the Claimant Register.



**INTERROGATORIES**

3. Identify each and every Proof of Claim filed in these Chapter 11 Cases that You know or have reason to believe is a Claim that was purportedly assigned or transferred to Recovery Corp, including, without limitation, those filed by or on behalf of any Florida Claimant, and, for each such Claim, (i) describe the reason or basis for Your knowledge or belief; and (ii) explain Your understanding of the circumstances under which such Proof of Claim could be filed or asserted by anyone other than Recovery Corp.

4. For each and every Proof of Claim that Anthony & Partners filed for or on behalf of any other person or entity other than Recovery Corp. in these Chapter 11 Cases, including, without limitation, the Florida Claimants, explain whether You knew or had reason to believe that Anthony & Partners was authorized to file such Proof of Claim, and, in each such instance, describe the reason or basis for Your knowledge, including, without limitation, identifying any Documents that support or reflect such knowledge or belief.

Dated: Miami, Florida  
September 13, 2024

**MCDERMOTT WILL & EMERY LLP**

/s/ Nathan M. Bull

Nathan M. Bull (*pro hac vice*)  
333 SE 2nd Avenue, Suite 4500  
Miami, FL 33131  
Telephone: (305) 358-3500  
Email: nbull@mwe.com

- and -

Daniel M. Simon (Georgia Bar No. 690075)  
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- and -

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

**CERTIFICATE OF SERVICE**

I hereby certify that on this date a true and correct copy of the foregoing was served via email on the below as counsel for Recovery Corp. in the above-captioned Chapter 11 Cases:

JOHN A. ANTHONY, ESQUIRE  
Florida Bar Number: 0731013  
janthony@anthonyandpartners.com  
ANTHONY & PARTNERS, LLC  
100 S. Ashley Drive, Suite 1600  
Tampa, Florida 33602  
Tel.: (813) 273-5616 | Fax: (813) 221-4113

Dated: New York, New York  
September 13, 2024

**MCDERMOTT WILL & EMERY LLP**

*/s/ Timothy C. Cramton*  
\_\_\_\_\_  
Timothy C. Cramton (*pro hac vice* pending)  
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Telephone: (212) 547-5400  
Email: tcramton@mwe.com

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

**EXHIBIT D**

**Debtors' First Set of Requests for Production of Documents to Recovery Corp.,  
dated September 10, 2024**



In light of the Debtors' ongoing good faith efforts to respond to the discovery requests made by Recovery Corp. and provide fulsome responses and document productions in advance of the hearing currently scheduled for September 30, 2024, the Debtors request that Recovery Corp. similarly provide responses to these and the Debtors' other discovery requests prior to that date.

### **DEFINITIONS**

1. "You" or "Recovery Corp." means and refers to Healthcare Negligence Settlement Recovery Corp., together with any past or present shareholders, officers, directors, employees, accountants, attorneys, or other agents of Recovery Corp.

2. "Assignment" means and refers to any purported assignment of Claims by any of the Florida Claimants to Recovery Corp., including, without limitation, the purported assignment of Claims described in Paragraph 14 of the Complaint filed in the Miami Action.

3. "Authorization" means and refers to the authorization of a direct or indirect transfer of structured settlement payment rights in a final order by a court of competent jurisdiction pursuant to and accordance with Florida's Structured Settlement Protection Act, Florida Statute § 626.99296, *et seq.*

4. "Claims" means and refers to any and all claims, causes of action, and/or other rights, including, without limitation, the rights to any payments or amounts owing under a settlement agreement, that any individual Florida Claimant, or their authorized representative acting on their behalf under power of attorney or on behalf of their probate estate, purportedly assigned or transferred to Recovery Corp., including, without limitation, the Claims described in Paragraph 11 of the Complaint filed in the Miami Action.

5. “Claimant Register” means and refers to the schedule attached as Exhibit C to the Complaint filed in the Miami Action, which lists the name of each Florida Claimant, the name of the Florida Claimant or their personal representative or person authorized by Power of Attorney as Releasor of their Claims, the Defendant Entity, Settlement Date and Amount, and Outstanding Amount, numbered 1-97. A true and correct copy of the Claimant Registrar is attached hereto as **Exhibit A**.

6. “Florida Claimants” means and refers to the Florida-based claimants who assigned their Claims to Recovery Corp. as listed in the Claimant Registrar and as defined as the “Claimants” in Paragraph 11 of the Complaint filed in the Miami Action.

7. “Document” or “document” shall be construed in the most comprehensive and inclusive sense permitted by Rule 34 of the Federal Rules of Civil Procedure, and shall include the original and any copy of any and all writings as that term is defined in Federal Rule of Evidence 1001, and including, without limitation, letters, minutes, correspondence, social media messages, telegrams, bulletins, instructions, charts, literature, work assignments, reports, memoranda, notes, contracts, agreements, inter-office communications, notebooks, drafts, studies, notices, summaries, books, graphs, photographs, data sheets, data compilations, tapes, sound recordings, telephone messages, including “text” messages, e-mails and all data stored in electronic form or accessible through computer or other electronic information retrieval systems, including all metadata, together with instructions and all other materials to use or interpret such data. The term “Document(s)” also includes any message sent electronically, including, without limitation, any message sent via cell phone (including, without limitation, smart phones, iPhones, or Android phones), electronic tablet (including, without limitation, iPads or Android tablets), text, Blackberry Messenger, Facebook messenger, Google Chat, Google Talk, GroupMe, Jabber, Line, iMessage,

Skype, Slack, Snapchat, Telegram, Viber, WeChat, or WhatsApp. This definition covers both external and internal communications.

8. “Miami Action” means and refers to the legal action Recovery Corp. brought against certain Debtors and other defendants in the Civil Division of the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, on April 22, 2024, captioned *Healthcare Negligence Settlement Recovery Corp. v. 5405 Babcock Street Operations, LLC et al.*, No 2024-0007342-CA-01.

9. “Settlement” or “Settlements” mean and refer to any settlement memorialized by the Settlement Documents (as defined in Paragraph 13 of the Complaint filed in the Miami Action) and reflected in the Claimant Register. Each particular Settlement may be identified in the Requests as “Settlement No. \_\_\_” based on the corresponding number listed in the Claimant Register.

### **INSTRUCTIONS**

1. You must produce responsive, non-privileged Documents in response to the Requests below in accordance with Your obligations under the Rules, including, specifically, under Rule 34 of the Federal Rules of Civil Procedure.

2. Except as stated otherwise, in responding to the Requests You must furnish all responsive Documents in Your possession, custody, or control, including Documents in the possession, custody, or control of any affiliated entities, officers, directors, employees, agents, representatives, attorneys, investigators, auditors, consultants, accounts, and other persons acting or purporting to act on Your behalf.



3. The Requests seek production of all responsive Documents in their entirety, along with any attachments, drafts and non-identical copies, including, without limitation, copies that differ by virtue of handwritten or other notes or markings.

4. If, for any Request, no responsive information or Documents are in Your possession, custody, or control, You must expressly and specifically state so in Your response to any such Request.

5. If any Document responsive to the Requests was, but is no longer, in Your possession, custody, or control, or is no longer in existence, state whether it is: (i) missing or lost; (ii) destroyed; (iii) transferred voluntarily or involuntarily to others, and, if so, to whom; or (iv) otherwise disposed of to the extent reasonably possible and appropriate.

6. If any Document that is potentially responsive to any Request is withheld under any claim(s) of privilege or work product protection, please provide a written list describing the Document so withheld to include, without limitation, the following information: (i) date; (ii) name of the person or other entity who or which drafted, authored or prepared it; (iii) title; (iv) name of the person or other entity to whom the Document was addressed; (v) name of each person or entity to whom the Document, or any copy, was either directed, addressed, sent, delivered, mailed, given or in any other manner disclosed; (vi) a statement of the ground or grounds on which each such Document is considered to be privileged from production; and (vii) a brief description of the subject matter of the document—unless otherwise specified by mutual agreement of the Parties or as directed by the Court.

7. If a portion of an otherwise responsive Document contains information subject to a claim of privilege, such portion of the Document subject to a claim of privilege may be redacted from the Document so that the rest of the Document can be produced. Any such Documents shall

bear notations reflecting where portions were redacted. If Documents requested below are produced in a redacted version, identify each Document that has been redacted and set forth the basis or grounds for the redaction in sufficient detail.

8. For standard Documents, emails, and presentations originating in electronic form, Documents should be produced as TIFF images for paper Documents, with a delimited text file containing the following extracted metadata fields: (i) Beginning Production (or Bates) Number; (ii) Ending Production Number; (iii) Beginning Attachment Range; (iv) Ending Attachment Range; (v) Custodian; (vi) Original Location Path; (vii) Email Folder Path; (viii) Document Type; (ix) Author; (x) Title; (xi) File Name; (xii) File Ext; (xiii) File Size; (xiv) MD5 Hash; (xv) Date Last Modified; (xvi) Date Created; (xvii) Date Sent; (xviii) Time Sent [HH:MM:SS]; (xix) MessageID; (xx) Date Received; (xxi) From; (xxii) Recipients; (xxiii) Copyees; (xxiv) Blind Copyees; (xxv) Pages; (xxvi) Email Subject; (xxvii) Calendar Start Date; (xxviii) Calendar End Date; (xxix) Native link path; and (xxx) Extracted Text (not OCR Text) produced as separate .TXT files.

9. Additional special processing of certain electronically stored information will be as follows: Microsoft Excel spreadsheet fields will not be converted to TIFF files and will be produced in native format. A placeholder TIFF image will be created, Bates numbered, and the produced Excel file will be renamed to match the Bates number on its corresponding placeholder page. The exception will be for redacted spreadsheets which will be produced in TIFF format. Images for the redacted spreadsheets will display the content in the same manner as if it were printed. The extractable metadata and text will be provided for native files, and OCR will be provided for the un-redacted portions of the Documents.

10. Whenever appropriate, the singular form of a word shall be considered to include within its meaning the plural form of the word, and vice versa; the neuter form of a pronoun shall be considered to include within its meaning the masculine and feminine forms of the pronoun and vice versa; and the use of any tense of any verb shall be considered to include within its meaning all other tenses of the verb. In each such instance, the Request shall be construed so as to furnish the most complete and inclusive response.

11. If You object to any Request, in whole or in part, You must with specificity the reason for that objection.

**REQUESTS FOR PRODUCTION OF DOCUMENTS**

1. Documents sufficient to show any and all Assignments of Claims by any Florida Claimant to Recovery Corp.

2. Documents sufficient to show the Authorization received, if any, in connection with any Assignment.

Dated: Miami, Florida  
September 10, 2024

**MCDERMOTT WILL & EMERY LLP**

/s/ Nathan M. Bull

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

**EXHIBIT A**

## CLAIMANT REGISTER

	Claimant/Plaintiff Name	Claimant PR/PoA/ Releasor	Defendant Entity	Settlement Date	Settlement Amount	Outstanding Amount
1	Stacey <b>Abel</b> , as Personal Representative of the Estate of Bebee <b>Abel</b>	Abel, PR	5405 Babcock Street Operations, LLC; Epsilon Health Care Properties, LLC; CMC II, LLC; Lavie Care Centers, LLC	09/21/22	\$ 125,000	\$ 32,875
2	Sharon <b>Acevedo</b>	Acevedo, Releasor	1120 West Donegan Avenue Operations, LLC	07/09/22	\$140,000	\$ 81,667
3	Jacqueline D. <b>Aker</b> , as Personal Representative of the Estate of Kevin R. <b>Aker</b>	Aker, PR	6700 N.W. 10th Place Operations, LLC	03/02/23	\$ 75,000	\$ 75,000
4	Marie <b>Cherisier</b> , as Personal Representative of the Estate of Philomene A. <b>Antoine</b>	Cherisier, PR	4200 Washington Street Operations, LLC	02/14/23	\$ 75,000	\$ 75,000
5	Nancy <b>Roarck</b> , as Personal Representative of the Estate of Mary <b>Ashley</b>	Roarck, PR	777 Ninth Street North Operations, LLC	06/23/22	\$ 150,000	\$ 150,000
6	Harry Barrett	Barrett, Releasor	11565 Harts Road Operations, LLC	07/06/22	\$ 140,000	\$ 81,667
7	Norma <b>Barry</b> , as Power of Attorney for John <b>Barry</b>	Barry, PoA	2826 Cleveland Avenue Operations, LLC	07/09/21	\$ 50,000	\$ 50,000
8	Jechiel <b>Bershadski</b> , as Power of Attorney for Nelia <b>Bershadski</b>	Bershadski, PoA	777 Ninth Street North Operations, LLC	11/21/23	\$ 85,000	\$ 85,000
9	Connie Blair as Personal Representative of the Estate of Bobby Blair	Blair, PR	3001 Palm Coast Parkway Operations, LLC	05/31/22	\$ 140,000	\$ 81,667
10	Corrado <b>Burdieri</b> , as Personal Representative of the Estate of Theresa Mary <b>Burdieri</b>	Burdieri, PR	North Fort Myers Facility Operations, LLC; Consulate Facility Leasing, LLC	09/07/21	\$ 250,000	\$ 250,000
11	Gerard <b>Celestin</b> , as Personal Representative of the Estate of Sylvia <b>Celestin</b>	Celestin, PR	Miami Facility Operations, LLC	11/08/22	\$ 175,000	\$ 175,000
12	Michelle <b>Stawicki</b> , as Personal Representative of the Estate of Nancy A. <b>Cherba</b>	Stawicki, PR	710 North Sun Drive Operations, LLC; Lavie Care Centers, LLC	09/12/23	\$ 85,000	\$ 85,000

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
13	Jennifer <b>Varela</b> , a Personal Representative of the Estate of Rosenda <b>Clavijo</b>	Varela	Kissimmee Facility Operations, LLC	04/18/24	\$ 150,000	\$ 150,000
14	Gwendolyn <b>Cage</b> , as Personal Representative of the Estate of Doneatha <b>Cobb</b>	Cage, PR	1010 Carpenters Way Operations, LLC	05/18/22	\$ 140,000	\$ 81,667
15	Joseph <b>Cunningham</b> , as Power of Attorney for Jeffrey J. <b>Cunningham</b>	Cunningham, PoA	741 South Beneva Road Operations, LLC	09/21/23	\$ 75,000	\$ 75,000
16	Jill R. <b>Davis</b> , as Personal Representative of the Estate of Larry R. <b>Davis</b>	Davis, PR	777 Ninth Street North Operations, LLC	06/29/23	\$ 65,000	\$ 65,000
17	Jill R. <b>Davis</b> , as Personal Representative of the Estate of Larry R. <b>Davis</b>	Davis, PR	North Fort Myers Facility Operations, LLC	04/13/23	\$ 85,000	\$ 85,000
18	Jose R. <b>Diaz</b> , as Personal Representative of the Estate of Jose Rafael <b>Diaz</b>	Diaz, PR	518 West Fletcher Avenue Operations, LLC; Epsilon Health Care Properties, LLC; Lidenskab LLC	07/26/23	\$ 100,000	\$ 100,000
19	Quenita L. <b>Donald</b> , as Personal Representative or the Estate of Charles <b>Donald</b>	Donald, PR	Jacksonville Facility Operations, LLC	04/05/24	\$ 75,000	\$ 75,000
20	Tracy Lynn <b>Druelle</b> , as Power of Attorney for Catherine <b>Druelle</b>	Druelle, PoA	6305 Cortez Road West Operations, LLC	07/13/22	\$ 140,000	\$ 81,667
21	Linda <b>Solash-Reed</b> , as Personal Representative of the Estate of Billy Joe <b>Early</b>	Solash-Reed, PR	710 North Sun Drive Operations, LLC; Epsilon Health Care Properties, LLC	11/24/20	\$ 125,000	\$ 125,000
22	Lesia A. <b>Rucker</b> , as Personal Representative of the Estate of Mildred G. <b>Fluellen</b>	Rucker, PR	3735 Evans Avenue Operations, LLC	03/09/23	\$ 50,000	\$ 50,000
23	Pamela <b>Foster</b> , as Personal Representative of the Estate of Mary <b>Foster</b>	Foster, PR	3001 Palm Coast Parkway Operations, LLC	03/01/23	\$ 75,000	\$ 75,000
24	Nola <b>Gager</b> , as Personal Representative of the Estate of Ehud <b>Gager</b>	Gager, PR	Kissimmee Facility Operations, LLC	07/13/22	\$ 140,000	\$ 81,667
25	Donald <b>Garrett</b>	Garrett [Releasor]	6700 N.W. 10th Place Operations, LLC	09/29/23	\$ 75,000	\$ 75,000

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
26	Albert J. <b>Gates</b> , III, as Personal Representative of the Estate of Shirley <b>Gates</b>	Gates, PR	9311 South Orange Blossom Trail Operations, LLC	02/03/23	\$ 75,000	\$ 75,000
27	<b>Benny Gibson</b>	Gibson [Releasor]	4641 Old Canoe Creek Road Operations, LLC	08/12/23	\$ 75,000	\$ 75,000
28	Thomas <b>Graham</b> , as Personal Representative of the Estate of Madeline <b>Graham</b>	Graham	Jacksonville Facility Operations, LLC	09/27/22	\$ 150,000	\$ 150,000
29	Mindy <b>Stoltz</b> , as Power of Attorney for John M. <b>Griffin</b>	Stoltz, PoA	3920 Rosewood Way Operations, LLC	04/03/23	\$ 75,000	\$ 75,000
30	Janelle J. <b>Guelich</b> , as Personal Representative of the Estate of Judy <b>Guelich</b>	Guelich, PR	2333 North Brentwood Circle Operations, LLC; Josera, LLC; Tosturi, LLC; Epsilon Health Care Properties, LLC	07/24/23	\$ 100,000	\$ 100,000
31	Tyler Hall <b>Eagleson</b> , as Personal Representative of the Estate of James Edward <b>Hall</b>	Eagleson, PR	Jacksonville Facility Operations, LLC	09/22/23	\$ 75,000	\$ 75,000
32	Constance A.M. <b>Brandt</b> , as Power of Attorney for Mary J. <b>Hause</b>	Brandt, PoA	Melbourne Facility Operations, LLC	07/11/22	\$ 140,000	\$ 81,667
33	Cheryl <b>Waggoner</b> , as Personal Representative of the Estate of Joan Kay <b>Higgins</b>	Waggoner, PR	777 Ninth Street North Operations, LLC	04/08/24	\$ 75,000	\$ 75,000
34	Geraldine <b>Hill</b> , as Personal Representative of the Estate of Roosevelt <b>Hill</b>	Hill, PR	518 West Fletcher Avenue Operations, LLC	04/11/22	\$ 140,000	\$ 81,667
35	Teresa <b>Margraf</b> , as Personal Representative of the Estate of Mary <b>Holt</b>	Margraf, PR	6305 Cortez Road West Operations, LLC	10/13/20	\$ 225,000	\$ 225,000
36	Don <b>Howard</b> , Jr., as Personal Representative of the Estate of Don <b>Howard</b> [Case Style: Luthenia Hayes, PR . . . ]	Howard, Jr., PR	710 North Sun Drive Operations, LLC	08/24/21	\$ 175,000	\$ 25,000
37	Johnnie Mae Jones <b>Smith</b> , as Personal Representative of the Estate of Juanita <b>Jones</b>	Smith, PR	Port Charlotte Facility Operations, LLC	07/27/23	\$ 75,000	\$ 75,000



	Claimant/Plaintiff Name	Claimant PR/PoA/ Releasor	Defendant Entity	Settlement Date	Settlement Amount	Outstanding Amount
38	Danielle <b>Anglade</b> , as Personal Representative of the Estate of Maria <b>Joseph</b>	Anglade, PR	4200 Washington Street Operations, LLC; CMC II, LLC		\$ 100,000	\$ 100,000
39	Laura <b>Knicley</b> , as Personal Representative of the Estate of Peggy <b>Knicley</b>	Knicley, PR	195 Mattie M. Kelly Boulevard Operations, LLC; Epsilon Health Care Properties, LLC	10/18/22	\$ 140,000	\$ 14,000
40	Angela <b>Pinkney</b> , as Personal Representative of the Estate of Mae Liza <b>Knight</b>	Pinkney, PR	1615 Miami Road Operations, LLC	04/11/23	\$ 75,000	\$ 75,000
41	Yvonne <b>Kolbe</b> , as Personal Representative of the Estate of Richard <b>Kolbe</b>	Kolbe, PR	1851 Elcam Boulevard Operations, LLC; Epsilon Health Care Properties, LLC; Lavie Care Centers, LLC	10/07/22	\$ 100,000	\$ 37,500
42	Kendra Mae <b>Mize</b> , as Personal Representative of the Estate of Ingrid K. <b>Lane</b>	Mize	1550 Jess Parrish Court Operations, LLC; Epsilon Health Care Properties, LLC; LV CHC Holdings I, LLC; Concourse Partners, LLC; Lavie Care Centers, LLC; Concurrent Partners, LLLP	04/18/24	\$ 100,000	\$ 100,000
43	Gloria <b>Mackey</b>	Mackey [Releasor]	1120 West Donegan Avenue Operations, LLC	04/11/22	\$ 140,000	\$ 81,667
44	Diane <b>Malcomb</b> , as Personal Representative of the Estate of Buddy R. <b>Malcomb</b>	Malcomb, PR	3735 Evans Avenue Operations, LLC	03/07/22	\$ 100,000	\$ 100,000
45	Billy <b>Manuel</b> , as Personal Representative of the Estate of Anthony <b>Manuel</b>	Manuel, PR	4200 Washington Street Operations, LLC	10/12/23	\$ 75,000	\$ 75,000
46	Lydia <b>Martinez</b> , as Personal Representative of the Estate of Luz M. <b>Martinez</b>	Martinez, PR	New Port Richey Facility Operations, LLC	06/06/23	\$ 75,000	\$ 75,000
47	Charles <b>Mazza</b> , as Personal Representative of the Estate of Alfonso <b>Mazza</b>	Mazza, PR	12170 Cortez Boulevard Operations, LLC; Epsilon Health Care Properties, LLC; Tosturi, LLC	09/01/23	\$ 100,000	\$ 100,000
48	Alberta <b>Walls</b> , as Personal Representative of the Estate of Gwendolyn <b>McCray</b>	Walls, PR	6700 N.W. 10th Place Operations, LLC	04/07/24	\$ 75,000	\$ 75,000

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
49	Darlene Yvette <b>Cuves</b> , as Personal Representative of the Estate of David McGhee	Cuves, PR	3735 Evans Avenue Operations, LLC	06/23/23	\$ 65,000	\$ 65,000
50	Vickie <b>McHenry</b>	McHenry, Releasor	11565 Harts Road Operations, LLC	04/16/24	\$ 35,000	\$ 35,000
51	Donald <b>McKenzie</b> , as Personal Representative of the Estate of Stanley <b>McKenzie</b>	McKenzie, PR	9311 South Orange Blossom Trail Operations, LLC	05/10/22	\$ 140,000	\$ 81,667
52	Melissa <b>Smith</b> , as Personal Representative of the Estate of Nettie P. <b>McKinnon-Murphy</b>	Smith, PR	1120 West Donegan Avenue Operations, LLC	05/23/22	\$ 140,000	\$ 81,667
53	Shannon <b>Castro</b> , as Power of Attorney for Vernon Lee <b>Meyer</b>	Castro, PoA	Baya Nursing and Rehabilitation, LLC	07/14/23	\$ 75,000	\$ 75,000
54	Eileen <b>Miller</b>	Miller [Releasor]	9400 SW 137th Avenue Operations LLC; NSPRMC, LLC	08/30/23	\$ 62,500	\$ 62,500
55	Carmen <b>Millsap</b> , as Personal Representative of the Estate of James <b>Millsap</b>	Millsap, PR	3001 Palm Coast Parkway Operations, LLC; CMC II, LLC	12/01/20	\$ 200,000	\$ 200,000
56	Anna <b>Hollins</b> , as Personal Representative of the Estate of Doris <b>Mitchell</b>	Hollins, PR	Brandon Facility Operations, LLC	06/23/22	\$ 140,000	\$ 81,667
57	Julienne <b>Joseph</b> , as Power of Attorney for Juliette <b>Mompoint</b>	Joseph, PoA	4200 Washington Street Operations, LLC	09/26/23	\$ 75,000	\$ 75,000
58	Donald <b>Moran</b> , as Power of Attorney for Doris <b>Moran</b>	Moran, PoA	3735 Evans Avenue Operations, LLC	05/19/22	\$ 140,000	\$ 81,667
59	Darlene L. <b>Murison</b> , as Personal Representative of the Estate of David G. <b>Murison</b>	Murison, PR	Port Charlotte Facility Operations, LLC	01/11/21	\$ 75,000	\$ 75,000
60	Howard <b>Williams</b> , as Personal Representative of the Estate of <b>Nessa</b>	Williams, PR	9311 South Orange Blossom Trail Operations, LLC	08/01/22	\$ 150,000	\$ 60,000
61	Joshua R. <b>Nielsen</b> , as Personal Representative of the Estate of Martin <b>Nielsen</b>	Nielsen, PR	West Altamonte Facility Operations, LLC	04/06/24	\$ 75,000	\$ 75,000
62	Margaret <b>Jones-Frison</b> , as Personal Representative of the Estate of Dorothy Johnson <b>Norris</b>	Jones-Frison, PR	710 North Sun Drive Operations, LLC; Lidenskab, LLC	06/20/23	\$ 125,000	\$ 125,000

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
63	David <b>O'Berry</b> , as Personal Representative of the Estate of Barbara <b>O'Berry</b>	O'Berry, PR	7950 Lake Underhill Road Operations, LLC	04/18/24	\$ 175,000	\$ 175,000
64	Avram S. <b>Oegar</b> , as Personal Representative of the Estate of Avram <b>Oegar</b>	Oegar, PR	4200 Washington Street Operations, LLC	02/23/23	\$ 75,000	\$ 75,000
65	Orlando <b>Ortiz</b> , as Personal Representative of the Estate of Crispin D. <b>Ortiz</b>	Ortiz, PR	216 Santa Barbara Boulevard Operations, LLC	10/10/23	\$ 65,000	\$ 65,000
66	Jerri <b>Owens</b> , as Power of Attorney for Lular <b>Owens</b>	Owens, PoA	Kissimmee Facility Operations, LLC; Laive Care Centers, LLC	09/19/22	\$ 100,000	\$ 37,500
67	Gonzalo <b>Padron</b> , as Personal Representative of the Estate of Marina <b>Padron</b>	Padron, PR	Floridian Facility Operations, LLC	04/19/23	\$ 75,000	\$ 75,000
68	John <b>Paul</b> , as Personal Representative of the Estate of Karen <b>Paul-Bennett</b>	Paul, PR	Baya Nursing and Rehabilitation, LLC	05/18/22	\$ 140,000	\$ 81,667
69	Karel S. <b>Bennett</b> , as Personal Representative of the Estate of Suzanne <b>Perez</b>	Bennett, PR	1465 Oakfield Drive Operations, LLC	01/11/24	\$ 75,000	\$ 75,000
70	Elizenda Pina <b>Torres</b> , as Personal Representative of the Estate of Mirelle <b>Pina</b>	Torres, PR	4200 Washington Street Operations, LLC	08/04/23	\$ 75,000	\$ 75,000
71	Tiffany <b>Bivins</b> , as Personal Representative of the Estate of Tereather <b>Powell</b>	Bivins, PR	3101 Ginger Drive Operations, LLC; Tallahassee Facility Operations, LLC; Joseira, LLC; Tosturi, LLC; Epsilon Health Care Properties, LLC	03/26/24	\$ 75,000	\$ 75,000
72	Brett <b>Rigas</b> , as Personal Representative of the Estate of Gail <b>Rigas</b>	Rigas, PR	7950 Lake Underhill Road Operations, LLC	10/19/22	\$ 160,000	\$ 16,000
73	Laura <b>Reyes</b> , as Power of Attorney for Delia <b>Rodriguez</b>	Reyes, PoA	6414 13th Road South Operations, LLC	11/06/23	\$ 75,000	\$ 75,000
74	Maria <b>Herrera</b> , as Personal Representative of the Estate of Aldemaro <b>Rojas</b>	Herrera, PR	Miami Facility Operations, LLC	07/28/23	\$ 75,000	\$ 75,000
75	Annabelle <b>Rios</b> , as Power of Attorney for Gloria <b>Rojas</b>	Rios, PoA	7950 Lake Underhill Road Operations, LLC	10/21/22	\$ 125,000	\$ 12,500
76	Daniel <b>Rousseau</b> , as Personal Representative of the Estate of Gertrude <b>Rousseau</b>	Rousseau, PR	West Altamonte Facility Operations, LLC	10/06/20	\$ 145,000	\$ 145,000

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
77	Dennis <b>Sampson</b> , as Personal Representative of the Estate of Marguerite <b>Sampson</b>	Sampson, PR	710 North Sun Drive Operations, LLC; Florida Health Care Properties, LLC; Genoa Healthcare Group, LLC	04/10/21	\$ 210,000	\$ 210,000
78	Sharon <b>Scott</b> , as Personal Representative of the Estate of Moses <b>Scott</b> , III	Scott, PR	9355 San Jose Boulevard Operations, LLC	05/13/22	\$ 140,000	\$ 81,667
79	Rita <b>Baar</b> , as Power of Attorney for Delano <b>Skow</b>	Baar, PoA	2826 Cleveland Avenue Operations, LLC	04/03/23	\$ 90,000	\$ 90,000
80	Qiana <b>Watson</b> , as Personal Representative of the Estate of Anna Marie Brown <b>Smith</b>	Watson, PR	Miami Facility Operations, LLC	04/07/23	\$ 75,000	\$ 75,000
81	Alilla <b>Stover</b> , as Personal Representative of the Estate of Machrell <b>Stover</b>	Stover, PR	9311 South Orange Blossom Trail Operations, LLC	03/06/23	\$ 75,000	\$ 75,000
82	Lashell <b>Taylor</b> , as Personal Representative of the Estate of Catherine <b>Taylor</b>	Taylor, PR	West Altamonte Facility Operations, LLC	08/11/23	\$ 125,000	\$ 125,000
83	Emma <b>Foster</b> , as Plenary Guardian of the Ward Levi Foster	Foster, Plenary Guardian	15204 West Colonial Drive Operations, LLC	10/27/22	\$ 140,000	\$ 81,667
84	Marie C. <b>Louine</b> , as Personal Representative of the Estate of Rosita <b>Thenor</b>	Louine, PR	6414 13th Road South Operations, LLC	09/26/23	\$ 75,000	\$ 75,000
85	Erin <b>Poarch</b> , Individually and as Personal Representative of the Estate of William A. <b>Thompson</b>	Poarch, PR	1851 Elkcarn Boulevard Operations, LLC	05/20/21	\$ 125,000	\$ 125,000
86	Michael D. <b>Thompson</b> , as Personal Representative of the Estate of Christine <b>Thompson</b>	Thompson, PR	North Fort Myers Facility Operations, LLC	08/03/23	\$ 206,000	\$ 206,000
87	Linda <b>Tillman</b> , as Personal Representative of the Estate of Bertha <b>Tillman</b>	Tillman, PR	4200 Washington Street Operations, LLC	02/17/23	\$ 100,000	\$ 100,000
88	Jennie <b>Zayas</b> , as Personal Representative of the Estate of Edwin A. Zayas <b>Torres</b>	Zayas, PR	7950 Lake Underhill Road Operations, LLC	01/09/23	\$ 75,000	\$ 75,000
89	Rodney Christopher <b>Vargas</b> , as Personal Representative of the Estate of Gerardo <b>Vargas</b>	Vargas, PR	4200 Washington Street Operations, LLC	09/21/23	\$ 75,000	\$ 75,000
90	Juanita <b>Davila</b> , as Power of Attorney for Rafael <b>Vega</b>	Davila, PoA	7950 Lake Underhill Road Operations, LLC	04/14/22	\$ 140,000	\$ 81,667
91	James <b>Walker</b> , as Personal Representative of the Estate of Louise <b>Walker</b>	Walker, PR	Miami Facility Operations, LLC	06/21/22	\$ 140,000	\$ 81,667

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
92	Dennis W. <b>Walker</b> , Jr., as Personal Representative of the Estate of Lula Mae <b>Walker</b>	Walker, Jr., PR	1615 Miami Road Operations, LLC	05/18/22	\$ 140,000	\$ 81,667
93	Rebecca <b>Barrow</b> , as Personal Representative of the Estate of Carolyn <b>Wayt</b>	Barrow, PR	Baya Nursing and Rehabilitation, LLC	12/16/21	\$ 250,000	\$ 250,000
94	Susan Whitcomb	Whitcomb	702 South Kings Avenue Operations, LLC	07/08/22	\$ 140,000	\$ 81,667
95	Stephania <b>Redding</b> , as Personal Representative of the Estate of Jessie <b>White</b>	Redding, PR	Orange Park Facility Operations, LLC	06/22/22	\$ 140,000	\$ 81,667
96	Anna Wendolyn <b>Wilkie</b> , as Personal Representative of the Estate of Barbara <b>Wilkie</b>	Wilkie, PR	6700 N.W. 10th Place Operations, LLC	07/06/23	\$ 75,000	\$ 75,000
97	Teresa R. <b>Woodard</b> , as Power of Attorney for Chester L. <b>Woodard</b> , Jr.	Woodard, PoA	2826 Cleveland Avenue Operations, LLC	07/10/20	<u>\$ 50,000</u>	<u>\$ 30,000</u>
			<b>TOTALS:</b>		<b>\$ 10,763,500</b>	<b>\$ 8,678,877</b>

**CERTIFICATE OF SERVICE**

I hereby certify that on this date a true and correct copy of the foregoing was served via email on the below as counsel for Recovery Corp. in the above-captioned Chapter 11 Cases:

JOHN A. ANTHONY, ESQUIRE  
Florida Bar Number: 0731013  
janthony@anthonyandpartners.com  
ANTHONY & PARTNERS, LLC  
100 S. Ashley Drive, Suite 1600  
Tampa, Florida 33602  
Tel.: (813) 273-5616 | Fax: (813) 221-4113

Dated: New York, New York  
September 10, 2024

**MCDERMOTT WILL & EMERY LLP**

*/s/ Timothy C. Cramton*

\_\_\_\_\_  
Timothy C. Cramton (*pro hac vice application forthcoming*)

One Vanderbilt Avenue  
New York, New York 10017  
Telephone: (212) 547-5400  
Email: tcramton@mwe.com

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

**EXHIBIT E**

**Debtors' First Set of Interrogatories to Recovery Corp.,  
dated September 10, 2024**

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

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

**DEBTORS' FIRST SET OF INTERROGATORIES TO  
HEALTHCARE NEGLIGENCE SETTLEMENT RECOVERY CORP.**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 7033 of the Federal Rules of Bankruptcy Procedure, LaVie Care Centers, LLC (“LaVie”) and certain of its affiliates and subsidiaries, as debtors and debtors-in-possession (collectively, the “Debtors”) in the above-captioned chapter 11 cases (the “Chapter 11 Cases”), hereby requests that Healthcare Negligence Settlement Recovery Corp. respond to the following Interrogatories in accordance with the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, and the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Northern District of Georgia (collectively, the “Rules”), and consistent with the Definitions and Instructions set forth below, within thirty (30) days after service of these Interrogatories, or as otherwise agreed by the parties.

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<sup>1</sup> 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.



In light of the Debtors' ongoing good faith efforts to respond to the discovery requests made by Recovery Corp. and provide fulsome responses and document productions in advance of the hearing currently scheduled for September 30, 2024, the Debtors request that Recovery Corp. similarly provide responses to these Interrogatories and the Debtors' other discovery requests prior to that date.

### **DEFINITIONS**

1. "You" or "Recovery Corp." means and refers to Healthcare Negligence Settlement Recovery Corp., together with any past or present shareholders, officers, directors, employees, accountants, attorneys, or other agents of Recovery Corp.

2. "Assignment" means and refers to any purported assignment of Claims by any of the Florida Claimants to Recovery Corp., including, without limitation, the purported assignment of Claims described in Paragraph 14 of the Complaint filed in the Miami Action.

3. "Authorization" means and refers to the authorization of a direct or indirect transfer of structured settlement payment rights in a final order by a court of competent jurisdiction pursuant to and accordance with Florida's Structured Settlement Protection Act, Florida Statute § 626.99296, *et seq.*

4. "Claims" means and refers to any and all claims, causes of action, and/or other rights, including, without limitation, the rights to any payments or amounts owing under a settlement agreement, that any individual Florida Claimant, or their authorized representative acting on their behalf under power of attorney or on behalf of their probate estate, purportedly assigned or transferred to Recovery Corp., including, without limitation, the Claims described in Paragraph 11 of the Complaint filed in the Miami Action.

5. “Claimant Register” means and refers to the schedule attached as Exhibit C to the Complaint filed in the Miami Action, which lists the name of each Florida Claimant, the name of the Florida Claimant or their personal representative or person authorized by Power of Attorney as Releasor of their Claims, the Defendant Entity, Settlement Date and Amount, and Outstanding Amount, numbered 1-97. A true and correct copy of the Claimant Registrar is attached hereto as **Exhibit A**.

6. “Florida Claimants” means and refers to the Florida-based claimants who assigned their Claims to Recovery Corp. as listed in the Claimant Registrar and as defined as the “Claimants” in Paragraph 11 of the Complaint filed in the Miami Action.

7. “Miami Action” means and refers to the legal action Recovery Corp. brought against certain Debtors and other defendants in the Civil Division of the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, on April 22, 2024, captioned *Healthcare Negligence Settlement Recovery Corp. v. 5405 Babcock Street Operations, LLC et al.*, No 2024-0007342-CA-01.

8. “Settlement” or “Settlements” mean and refer to any settlement memorialized by the Settlement Documents (as defined in Paragraph 13 of the Complaint filed in the Miami Action) and reflected in the Claimant Register.

## INSTRUCTIONS

1. You must respond to the Interrogatories below in accordance with Your obligations under the Rules, including, specifically, under Rule 33 of the Federal Rules of Civil Procedure, based upon documents and information known to You, in Your possession, custody, or control.

2. To the extent you cannot completely answer any Interrogatory after making diligent efforts to do so, You must describe all efforts made to answer the interrogatory, and identify every person involved in such efforts.

3. Whenever appropriate, the singular form of a word shall be considered to include within its meaning the plural form of the word, and vice versa; the neuter form of a pronoun shall be considered to include within its meaning the masculine and feminine forms of the pronoun, and vice versa; and the use of any tense of any verb shall be considered to include within its meaning all other tenses of the verb. In each such instance, the Interrogatory shall be construed so as to furnish the most complete and inclusive response.

4. The responses to these Interrogatories must be signed by the officer or other authorized person for Recovery Corp that provided the responses to these Interrogatories.

5. These Interrogatories are continuing, and any response that is discovered to be inaccurate, incomplete, or otherwise in need of supplementation after service of the responses to these Interrogatories shall be corrected, amended or supplemented as soon as reasonably practicable.

6. To the extent the Interrogatories call for you to identify or refer to any particular Settlement, You shall identify such Settlement as “Settlement No. \_\_\_” based on the corresponding number listed in the Claimant Register.

**INTERROGATORIES**

1. For each and every Assignment that received Authorization, if any, explain the circumstances under which such Authorization was obtained pursuant to and in accordance with Florida Statute § 626.99296, *et seq.*, including, without limitation, identifying each such Assignment and any relevant court filings, applications, and/or related orders.

2. For each and every Assignment that did not receive Authorization, if any, explain the circumstances under which such Authorization was not sought or obtained by Recovery Corp. pursuant to and in accordance with Florida Statute § 626.99296, *et seq.*, including, without limitation, identifying each such Assignment and the reason(s) why Recovery Corp. believed that Authorization was not required, or that otherwise explain why Recovery Corp. did not seek and/or obtain such Authorization.

Dated: Miami, Florida  
September 10, 2024

**MCDERMOTT WILL & EMERY LLP**

*/s/ Nathan M. Bull*

Nathan M. Bull (*pro hac vice*)  
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- and -

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- and -

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Jake Jumbeck (admitted *pro hac vice*)  
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- and -

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

**EXHIBIT A**

## CLAIMANT REGISTER

	Claimant/Plaintiff Name	Claimant PR/PoA/ Releasor	Defendant Entity	Settlement Date	Settlement Amount	Outstanding Amount
1	Stacey <b>Abel</b> , as Personal Representative of the Estate of Bebee <b>Abel</b>	Abel, PR	5405 Babcock Street Operations, LLC; Epsilon Health Care Properties, LLC; CMC II, LLC; Lavie Care Centers, LLC	09/21/22	\$ 125,000	\$ 32,875
2	Sharon <b>Acevedo</b>	Acevedo, Releasor	1120 West Donegan Avenue Operations, LLC	07/09/22	\$140,000	\$ 81,667
3	Jacqueline D. <b>Aker</b> , as Personal Representative of the Estate of Kevin R. <b>Aker</b>	Aker, PR	6700 N.W. 10th Place Operations, LLC	03/02/23	\$ 75,000	\$ 75,000
4	Marie <b>Cherisier</b> , as Personal Representative of the Estate of Philomene A. <b>Antoine</b>	Cherisier, PR	4200 Washington Street Operations, LLC	02/14/23	\$ 75,000	\$ 75,000
5	Nancy <b>Roarck</b> , as Personal Representative of the Estate of Mary <b>Ashley</b>	Roarck, PR	777 Ninth Street North Operations, LLC	06/23/22	\$ 150,000	\$ 150,000
6	Harry Barrett	Barrett, Releasor	11565 Harts Road Operations, LLC	07/06/22	\$ 140,000	\$ 81,667
7	Norma <b>Barry</b> , as Power of Attorney for John <b>Barry</b>	Barry, PoA	2826 Cleveland Avenue Operations, LLC	07/09/21	\$ 50,000	\$ 50,000
8	Jechiel <b>Bershadski</b> , as Power of Attorney for Nelia <b>Bershadski</b>	Bershadski, PoA	777 Ninth Street North Operations, LLC	11/21/23	\$ 85,000	\$ 85,000
9	Connie Blair as Personal Representative of the Estate of Bobby Blair	Blair, PR	3001 Palm Coast Parkway Operations, LLC	05/31/22	\$ 140,000	\$ 81,667
10	Corrado <b>Burdieri</b> , as Personal Representative of the Estate of Theresa Mary <b>Burdieri</b>	Burdieri, PR	North Fort Myers Facility Operations, LLC; Consulate Facility Leasing, LLC	09/07/21	\$ 250,000	\$ 250,000
11	Gerard <b>Celestin</b> , as Personal Representative of the Estate of Sylvia <b>Celestin</b>	Celestin, PR	Miami Facility Operations, LLC	11/08/22	\$ 175,000	\$ 175,000
12	Michelle <b>Stawicki</b> , as Personal Representative of the Estate of Nancy A. <b>Cherba</b>	Stawicki, PR	710 North Sun Drive Operations, LLC; Lavie Care Centers, LLC	09/12/23	\$ 85,000	\$ 85,000

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
13	Jennifer <b>Varela</b> , a Personal Representative of the Estate of Rosenda <b>Clavijo</b>	Varela	Kissimmee Facility Operations, LLC	04/18/24	\$ 150,000	\$ 150,000
14	Gwendolyn <b>Cage</b> , as Personal Representative of the Estate of Doneatha <b>Cobb</b>	Cage, PR	1010 Carpenters Way Operations, LLC	05/18/22	\$ 140,000	\$ 81,667
15	Joseph <b>Cunningham</b> , as Power of Attorney for Jeffrey J. <b>Cunningham</b>	Cunningham, PoA	741 South Beneva Road Operations, LLC	09/21/23	\$ 75,000	\$ 75,000
16	Jill R. <b>Davis</b> , as Personal Representative of the Estate of Larry R. <b>Davis</b>	Davis, PR	777 Ninth Street North Operations, LLC	06/29/23	\$ 65,000	\$ 65,000
17	Jill R. <b>Davis</b> , as Personal Representative of the Estate of Larry R. <b>Davis</b>	Davis, PR	North Fort Myers Facility Operations, LLC	04/13/23	\$ 85,000	\$ 85,000
18	Jose R. <b>Diaz</b> , as Personal Representative of the Estate of Jose Rafael <b>Diaz</b>	Diaz, PR	518 West Fletcher Avenue Operations, LLC; Epsilon Health Care Properties, LLC; Lidenskab LLC	07/26/23	\$ 100,000	\$ 100,000
19	Quenita L. <b>Donald</b> , as Personal Representative or the Estate of Charles <b>Donald</b>	Donald, PR	Jacksonville Facility Operations, LLC	04/05/24	\$ 75,000	\$ 75,000
20	Tracy Lynn <b>Druelle</b> , as Power of Attorney for Catherine <b>Druelle</b>	Druelle, PoA	6305 Cortez Road West Operations, LLC	07/13/22	\$ 140,000	\$ 81,667
21	Linda <b>Solash-Reed</b> , as Personal Representative of the Estate of Billy Joe <b>Early</b>	Solash-Reed, PR	710 North Sun Drive Operations, LLC; Epsilon Health Care Properties, LLC	11/24/20	\$ 125,000	\$ 125,000
22	Lesia A. <b>Rucker</b> , as Personal Representative of the Estate of Mildred G. <b>Fluellen</b>	Rucker, PR	3735 Evans Avenue Operations, LLC	03/09/23	\$ 50,000	\$ 50,000
23	Pamela <b>Foster</b> , as Personal Representative of the Estate of Mary <b>Foster</b>	Foster, PR	3001 Palm Coast Parkway Operations, LLC	03/01/23	\$ 75,000	\$ 75,000
24	Nola <b>Gager</b> , as Personal Representative of the Estate of Ehud <b>Gager</b>	Gager, PR	Kissimmee Facility Operations, LLC	07/13/22	\$ 140,000	\$ 81,667
25	Donald <b>Garrett</b>	Garrett [Releasor]	6700 N.W. 10th Place Operations, LLC	09/29/23	\$ 75,000	\$ 75,000



	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
26	Albert J. <b>Gates</b> , III, as Personal Representative of the Estate of Shirley <b>Gates</b>	Gates, PR	9311 South Orange Blossom Trail Operations, LLC	02/03/23	\$ 75,000	\$ 75,000
27	<b>Benny Gibson</b>	Gibson [Releasor]	4641 Old Canoe Creek Road Operations, LLC	08/12/23	\$ 75,000	\$ 75,000
28	Thomas <b>Graham</b> , as Personal Representative of the Estate of Madeline <b>Graham</b>	Graham	Jacksonville Facility Operations, LLC	09/27/22	\$ 150,000	\$ 150,000
29	Mindy <b>Stoltz</b> , as Power of Attorney for John M. <b>Griffin</b>	Stoltz, PoA	3920 Rosewood Way Operations, LLC	04/03/23	\$ 75,000	\$ 75,000
30	Janelle J. <b>Guelich</b> , as Personal Representative of the Estate of Judy <b>Guelich</b>	Guelich, PR	2333 North Brentwood Circle Operations, LLC; Josera, LLC; Tosturi, LLC; Epsilon Health Care Properties, LLC	07/24/23	\$ 100,000	\$ 100,000
31	Tyler Hall <b>Eagleson</b> , as Personal Representative of the Estate of James Edward <b>Hall</b>	Eagleson, PR	Jacksonville Facility Operations, LLC	09/22/23	\$ 75,000	\$ 75,000
32	Constance A.M. <b>Brandt</b> , as Power of Attorney for Mary J. <b>Hause</b>	Brandt, PoA	Melbourne Facility Operations, LLC	07/11/22	\$ 140,000	\$ 81,667
33	Cheryl <b>Waggoner</b> , as Personal Representative of the Estate of Joan Kay <b>Higgins</b>	Waggoner, PR	777 Ninth Street North Operations, LLC	04/08/24	\$ 75,000	\$ 75,000
34	Geraldine <b>Hill</b> , as Personal Representative of the Estate of Roosevelt <b>Hill</b>	Hill, PR	518 West Fletcher Avenue Operations, LLC	04/11/22	\$ 140,000	\$ 81,667
35	Teresa <b>Margraf</b> , as Personal Representative of the Estate of Mary <b>Holt</b>	Margraf, PR	6305 Cortez Road West Operations, LLC	10/13/20	\$ 225,000	\$ 225,000
36	Don <b>Howard</b> , Jr., as Personal Representative of the Estate of Don <b>Howard</b> [Case Style: Luthenia Hayes, PR . . . ]	Howard, Jr., PR	710 North Sun Drive Operations, LLC	08/24/21	\$ 175,000	\$ 25,000
37	Johnnie Mae Jones <b>Smith</b> , as Personal Representative of the Estate of Juanita <b>Jones</b>	Smith, PR	Port Charlotte Facility Operations, LLC	07/27/23	\$ 75,000	\$ 75,000

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
38	Danielle <b>Anglade</b> , as Personal Representative of the Estate of Maria <b>Joseph</b>	Anglade, PR	4200 Washington Street Operations, LLC; CMC II, LLC		\$ 100,000	\$ 100,000
39	Laura <b>Knicley</b> , as Personal Representative of the Estate of Peggy <b>Knicley</b>	Knicley, PR	195 Mattie M. Kelly Boulevard Operations, LLC; Epsilon Health Care Properties, LLC	10/18/22	\$ 140,000	\$ 14,000
40	Angela <b>Pinkney</b> , as Personal Representative of the Estate of Mae Liza <b>Knight</b>	Pinkney, PR	1615 Miami Road Operations, LLC	04/11/23	\$ 75,000	\$ 75,000
41	Yvonne <b>Kolbe</b> , as Personal Representative of the Estate of Richard <b>Kolbe</b>	Kolbe, PR	1851 Elcam Boulevard Operations, LLC; Epsilon Health Care Properties, LLC; Lavie Care Centers, LLC	10/07/22	\$ 100,000	\$ 37,500
42	Kendra Mae <b>Mize</b> , as Personal Representative of the Estate of Ingrid K. <b>Lane</b>	Mize	1550 Jess Parrish Court Operations, LLC; Epsilon Health Care Properties, LLC; LV CHC Holdings I, LLC; Concourse Partners, LLC; Lavie Care Centers, LLC; Concurrent Partners, LLLP	04/18/24	\$ 100,000	\$ 100,000
43	Gloria <b>Mackey</b>	Mackey [Releasor]	1120 West Donegan Avenue Operations, LLC	04/11/22	\$ 140,000	\$ 81,667
44	Diane <b>Malcomb</b> , as Personal Representative of the Estate of Buddy R. <b>Malcomb</b>	Malcomb, PR	3735 Evans Avenue Operations, LLC	03/07/22	\$ 100,000	\$ 100,000
45	Billy <b>Manuel</b> , as Personal Representative of the Estate of Anthony <b>Manuel</b>	Manuel, PR	4200 Washington Street Operations, LLC	10/12/23	\$ 75,000	\$ 75,000
46	Lydia <b>Martinez</b> , as Personal Representative of the Estate of Luz M. <b>Martinez</b>	Martinez, PR	New Port Richey Facility Operations, LLC	06/06/23	\$ 75,000	\$ 75,000
47	Charles <b>Mazza</b> , as Personal Representative of the Estate of Alfonso <b>Mazza</b>	Mazza, PR	12170 Cortez Boulevard Operations, LLC; Epsilon Health Care Properties, LLC; Tosturi, LLC	09/01/23	\$ 100,000	\$ 100,000
48	Alberta <b>Walls</b> , as Personal Representative of the Estate of Gwendolyn <b>McCray</b>	Walls, PR	6700 N.W. 10th Place Operations, LLC	04/07/24	\$ 75,000	\$ 75,000

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
49	Darlene Yvette <b>Cuves</b> , as Personal Representative of the Estate of David McGhee	Cuves, PR	3735 Evans Avenue Operations, LLC	06/23/23	\$ 65,000	\$ 65,000
50	Vickie <b>McHenry</b>	McHenry, Releasor	11565 Harts Road Operations, LLC	04/16/24	\$ 35,000	\$ 35,000
51	Donald <b>McKenzie</b> , as Personal Representative of the Estate of Stanley <b>McKenzie</b>	McKenzie, PR	9311 South Orange Blossom Trail Operations, LLC	05/10/22	\$ 140,000	\$ 81,667
52	Melissa <b>Smith</b> , as Personal Representative of the Estate of Nettie P. <b>McKinnon-Murphy</b>	Smith, PR	1120 West Donegan Avenue Operations, LLC	05/23/22	\$ 140,000	\$ 81,667
53	Shannon <b>Castro</b> , as Power of Attorney for Vernon Lee <b>Meyer</b>	Castro, PoA	Baya Nursing and Rehabilitation, LLC	07/14/23	\$ 75,000	\$ 75,000
54	Eileen <b>Miller</b>	Miller [Releasor]	9400 SW 137th Avenue Operations LLC; NSPRMC, LLC	08/30/23	\$ 62,500	\$ 62,500
55	Carmen <b>Millsap</b> , as Personal Representative of the Estate of James <b>Millsap</b>	Millsap, PR	3001 Palm Coast Parkway Operations, LLC; CMC II, LLC	12/01/20	\$ 200,000	\$ 200,000
56	Anna <b>Hollins</b> , as Personal Representative of the Estate of Doris <b>Mitchell</b>	Hollins, PR	Brandon Facility Operations, LLC	06/23/22	\$ 140,000	\$ 81,667
57	Julienne <b>Joseph</b> , as Power of Attorney for Juliette <b>Mompont</b>	Joseph, PoA	4200 Washington Street Operations, LLC	09/26/23	\$ 75,000	\$ 75,000
58	Donald <b>Moran</b> , as Power of Attorney for Doris <b>Moran</b>	Moran, PoA	3735 Evans Avenue Operations, LLC	05/19/22	\$ 140,000	\$ 81,667
59	Darlene L. <b>Murison</b> , as Personal Representative of the Estate of David G. <b>Murison</b>	Murison, PR	Port Charlotte Facility Operations, LLC	01/11/21	\$ 75,000	\$ 75,000
60	Howard <b>Williams</b> , as Personal Representative of the Estate of <b>Nessa</b>	Williams, PR	9311 South Orange Blossom Trail Operations, LLC	08/01/22	\$ 150,000	\$ 60,000
61	Joshua R. <b>Nielsen</b> , as Personal Representative of the Estate of Martin <b>Nielsen</b>	Nielsen, PR	West Altamonte Facility Operations, LLC	04/06/24	\$ 75,000	\$ 75,000
62	Margaret <b>Jones-Frison</b> , as Personal Representative of the Estate of Dorothy Johnson <b>Norris</b>	Jones-Frison, PR	710 North Sun Drive Operations, LLC; Lidenskab, LLC	06/20/23	\$ 125,000	\$ 125,000

	Claimant/Plaintiff Name	Claimant PR/PoA/ Releasor	Defendant Entity	Settlement Date	Settlement Amount	Outstanding Amount
63	David <b>O'Berry</b> , as Personal Representative of the Estate of Barbara <b>O'Berry</b>	O'Berry, PR	7950 Lake Underhill Road Operations, LLC	04/18/24	\$ 175,000	\$ 175,000
64	Avram S. <b>Oegar</b> , as Personal Representative of the Estate of Avram <b>Oegar</b>	Oegar, PR	4200 Washington Street Operations, LLC	02/23/23	\$ 75,000	\$ 75,000
65	Orlando <b>Ortiz</b> , as Personal Representative of the Estate of Crispin D. <b>Ortiz</b>	Ortiz, PR	216 Santa Barbara Boulevard Operations, LLC	10/10/23	\$ 65,000	\$ 65,000
66	Jerri <b>Owens</b> , as Power of Attorney for Lular <b>Owens</b>	Owens, PoA	Kissimmee Facility Operations, LLC; Laive Care Centers, LLC	09/19/22	\$ 100,000	\$ 37,500
67	Gonzalo <b>Padron</b> , as Personal Representative of the Estate of Marina <b>Padron</b>	Padron, PR	Floridian Facility Operations, LLC	04/19/23	\$ 75,000	\$ 75,000
68	John <b>Paul</b> , as Personal Representative of the Estate of Karen <b>Paul-Bennett</b>	Paul, PR	Baya Nursing and Rehabilitation, LLC	05/18/22	\$ 140,000	\$ 81,667
69	Karel S. <b>Bennett</b> , as Personal Representative of the Estate of Suzanne <b>Perez</b>	Bennett, PR	1465 Oakfield Drive Operations, LLC	01/11/24	\$ 75,000	\$ 75,000
70	Elizenda Pina <b>Torres</b> , as Personal Representative of the Estate of Mirelle <b>Pina</b>	Torres, PR	4200 Washington Street Operations, LLC	08/04/23	\$ 75,000	\$ 75,000
71	Tiffany <b>Bivins</b> , as Personal Representative of the Estate of Tereather <b>Powell</b>	Bivins, PR	3101 Ginger Drive Operations, LLC; Tallahassee Facility Operations, LLC; Joseira, LLC; Tosturi, LLC; Epsilon Health Care Properties, LLC	03/26/24	\$ 75,000	\$ 75,000
72	Brett <b>Rigas</b> , as Personal Representative of the Estate of Gail <b>Rigas</b>	Rigas, PR	7950 Lake Underhill Road Operations, LLC	10/19/22	\$ 160,000	\$ 16,000
73	Laura <b>Reyes</b> , as Power of Attorney for Delia <b>Rodriguez</b>	Reyes, PoA	6414 13th Road South Operations, LLC	11/06/23	\$ 75,000	\$ 75,000
74	Maria <b>Herrera</b> , as Personal Representative of the Estate of Aldemaro <b>Rojas</b>	Herrera, PR	Miami Facility Operations, LLC	07/28/23	\$ 75,000	\$ 75,000
75	Annabelle <b>Rios</b> , as Power of Attorney for Gloria <b>Rojas</b>	Rios, PoA	7950 Lake Underhill Road Operations, LLC	10/21/22	\$ 125,000	\$ 12,500
76	Daniel <b>Rousseau</b> , as Personal Representative of the Estate of Gertrude <b>Rousseau</b>	Rousseau, PR	West Altamonte Facility Operations, LLC	10/06/20	\$ 145,000	\$ 145,000

	Claimant/Plaintiff Name	Claimant PR/PoA/ Releasor	Defendant Entity	Settlement Date	Settlement Amount	Outstanding Amount
77	Dennis <b>Sampson</b> , as Personal Representative of the Estate of Marguerite <b>Sampson</b>	Sampson, PR	710 North Sun Drive Operations, LLC; Florida Health Care Properties, LLC; Genoa Healthcare Group, LLC	04/10/21	\$ 210,000	\$ 210,000
78	Sharon <b>Scott</b> , as Personal Representative of the Estate of Moses <b>Scott</b> , III	Scott, PR	9355 San Jose Boulevard Operations, LLC	05/13/22	\$ 140,000	\$ 81,667
79	Rita <b>Baar</b> , as Power of Attorney for Delano <b>Skow</b>	Baar, PoA	2826 Cleveland Avenue Operations, LLC	04/03/23	\$ 90,000	\$ 90,000
80	Qiana <b>Watson</b> , as Personal Representative of the Estate of Anna Marie Brown <b>Smith</b>	Watson, PR	Miami Facility Operations, LLC	04/07/23	\$ 75,000	\$ 75,000
81	Alilla <b>Stover</b> , as Personal Representative of the Estate of Machrell <b>Stover</b>	Stover, PR	9311 South Orange Blossom Trail Operations, LLC	03/06/23	\$ 75,000	\$ 75,000
82	Lashell <b>Taylor</b> , as Personal Representative of the Estate of Catherine <b>Taylor</b>	Taylor, PR	West Altamonte Facility Operations, LLC	08/11/23	\$ 125,000	\$ 125,000
83	Emma <b>Foster</b> , as Plenary Guardian of the Ward Levi Foster	Foster, Plenary Guardian	15204 West Colonial Drive Operations, LLC	10/27/22	\$ 140,000	\$ 81,667
84	Marie C. <b>Louine</b> , as Personal Representative of the Estate of Rosita <b>Thenor</b>	Louine, PR	6414 13th Road South Operations, LLC	09/26/23	\$ 75,000	\$ 75,000
85	Erin <b>Poarch</b> , Individually and as Personal Representative of the Estate of William A. <b>Thompson</b>	Poarch, PR	1851 Elkcarn Boulevard Operations, LLC	05/20/21	\$ 125,000	\$ 125,000
86	Michael D. <b>Thompson</b> , as Personal Representative of the Estate of Christine <b>Thompson</b>	Thompson, PR	North Fort Myers Facility Operations, LLC	08/03/23	\$ 206,000	\$ 206,000
87	Linda <b>Tillman</b> , as Personal Representative of the Estate of Bertha <b>Tillman</b>	Tillman, PR	4200 Washington Street Operations, LLC	02/17/23	\$ 100,000	\$ 100,000
88	Jennie <b>Zayas</b> , as Personal Representative of the Estate of Edwin A. Zayas <b>Torres</b>	Zayas, PR	7950 Lake Underhill Road Operations, LLC	01/09/23	\$ 75,000	\$ 75,000
89	Rodney Christopher <b>Vargas</b> , as Personal Representative of the Estate of Gerardo <b>Vargas</b>	Vargas, PR	4200 Washington Street Operations, LLC	09/21/23	\$ 75,000	\$ 75,000
90	Juanita <b>Davila</b> , as Power of Attorney for Rafael <b>Vega</b>	Davila, PoA	7950 Lake Underhill Road Operations, LLC	04/14/22	\$ 140,000	\$ 81,667
91	James <b>Walker</b> , as Personal Representative of the Estate of Louise <b>Walker</b>	Walker, PR	Miami Facility Operations, LLC	06/21/22	\$ 140,000	\$ 81,667

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
92	Dennis W. <b>Walker</b> , Jr., as Personal Representative of the Estate of Lula Mae <b>Walker</b>	Walker, Jr., PR	1615 Miami Road Operations, LLC	05/18/22	\$ 140,000	\$ 81,667
93	Rebecca <b>Barrow</b> , as Personal Representative of the Estate of Carolyn <b>Wayt</b>	Barrow, PR	Baya Nursing and Rehabilitation, LLC	12/16/21	\$ 250,000	\$ 250,000
94	Susan Whitcomb	Whitcomb	702 South Kings Avenue Operations, LLC	07/08/22	\$ 140,000	\$ 81,667
95	Stephania <b>Redding</b> , as Personal Representative of the Estate of Jessie <b>White</b>	Redding, PR	Orange Park Facility Operations, LLC	06/22/22	\$ 140,000	\$ 81,667
96	Anna Wendolyn <b>Wilkie</b> , as Personal Representative of the Estate of Barbara <b>Wilkie</b>	Wilkie, PR	6700 N.W. 10th Place Operations, LLC	07/06/23	\$ 75,000	\$ 75,000
97	Teresa R. <b>Woodard</b> , as Power of Attorney for Chester L. <b>Woodard</b> , Jr.	Woodard, PoA	2826 Cleveland Avenue Operations, LLC	07/10/20	<u>\$ 50,000</u>	<u>\$ 30,000</u>
			<b>TOTALS:</b>		<b>\$ 10,763,500</b>	<b>\$ 8,678,877</b>

**CERTIFICATE OF SERVICE**

I hereby certify that on this date a true and correct copy of the foregoing was served via email on the below as counsel for Recovery Corp. in the above-captioned Chapter 11 Cases:

JOHN A. ANTHONY, ESQUIRE  
Florida Bar Number: 0731013  
janthony@anthonyandpartners.com  
ANTHONY & PARTNERS, LLC  
100 S. Ashley Drive, Suite 1600  
Tampa, Florida 33602  
Tel.: (813) 273-5616 | Fax: (813) 221-4113

Dated: New York, New York  
September 10, 2024

**MCDERMOTT WILL & EMERY LLP**

*/s/ Timothy C. Cramton*  
\_\_\_\_\_  
Timothy C. Cramton (*pro hac vice application forthcoming*)  
One Vanderbilt Avenue  
New York, New York 10017  
Telephone: (212) 547-5400  
Email: tcramton@mwe.com

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

**EXHIBIT F**

**Debtors' First Set of Requests for Admission to Recovery Corp.,  
dated September 10, 2024**



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

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

**DEBTORS’ FIRST SET OF REQUESTS FOR ADMISSION TO  
HEALTHCARE NEGLIGENCE SETTLEMENT RECOVERY CORP.**

Pursuant to Rule 36 of the Federal Rules of Civil Procedure and Rule 7036 of the Federal Rules of Bankruptcy Procedure, LaVie Care Centers, LLC (“LaVie”) and certain of its affiliates and subsidiaries, as debtors and debtors-in-possession (collectively, the “Debtors”) in the above-captioned chapter 11 cases (the “Chapter 11 Cases”), hereby requests that Healthcare Negligence Settlement Recovery Corp. admit the following facts in accordance with the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, and the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Northern District of Georgia (collectively, the “Rules”), consistent with the Definitions set forth below, within thirty (30) days after service of these Requests, or as otherwise agreed by the parties.

In light of the Debtors’ ongoing good faith efforts to respond to the discovery requests made by Recovery Corp. and provide fulsome responses and document productions in advance of

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<sup>1</sup> 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.

the hearing currently scheduled for September 30, 2024, the Debtors request that Recovery Corp. similarly provide responses to these and the Debtors' other discovery requests prior to that date.

### **DEFINITIONS**

1. "You" or "Recovery Corp." means and refers to Healthcare Negligence Settlement Recovery Corp., together with any past or present shareholders, officers, directors, employees, accountants, attorneys, or other agents of Recovery Corp.

2. "Assignment" means and refers to any purported assignment of Claims by any of the Florida Claimants to Recovery Corp., including without limitation the purported assignment of Claims described in Paragraph 14 of the Complaint filed in the Miami Action.

3. "Authorization" means and refers to the authorization of a direct or indirect transfer of structured settlement payment rights in a final order by a court of competent jurisdiction pursuant to and accordance with Florida's Structured Settlement Protection Act, Florida Statute § 626.99296, *et seq.*

4. "Claims" means and refers to any and all claims, causes of action, and/or other rights, including, without limitation, the rights to any payments or amounts owing under a settlement agreement, that any individual Florida Claimant, or their authorized representative acting on their behalf under power of attorney or on behalf of their probate estate, purportedly assigned or transferred to Recovery Corp., including, without limitation, the Claims described in Paragraph 11 of the Complaint filed in the Miami Action.

5. "Claimant Register" means and refers to the schedule attached as Exhibit C to the Complaint filed in the Miami Action, which lists the name of each Florida Claimant, the name of the Florida Claimant or their personal representative or person authorized by Power of Attorney as Releasor of their Claims, the Defendant Entity, Settlement Date and Amount, and Outstanding

Amount, numbered 1-97. A true and correct copy of the Claimant Registrar is attached hereto as **Exhibit A.**

6. “Florida Claimants” means and refers to the Florida-based claimants who assigned their Claims to Recovery Corp. as listed in the Claimant Registrar and as defined as the “Claimants” in Paragraph 11 of the Complaint filed in the Miami Action.

7. “Miami Action” means and refers to the legal action Recovery Corp. brought against certain Debtors and other defendants in the Civil Division of the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, on April 22, 2024, captioned *Healthcare Negligence Settlement Recovery Corp. v. 5405 Babcock Street Operations, LLC et al.*, No 2024-0007342-CA-01.

8. “Settlement” means and refers to any settlement memorialized by the Settlement Documents (as defined in Paragraph 13 of the Complaint filed in the Miami Action) and reflected in the Claimant Register. Each particular Settlement may be identified in the Requests as “Settlement No. \_\_” based on the corresponding number listed in the Claimant Register.

### **REQUESTS FOR ADMISSION**

1. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Stacey Abel, as Personal Representative of the Estate of Bebee Abel, in connection with Settlement No. 1 listed in the Claimant Register.

2. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Sharon Acevedo in connection with Settlement No. 2 listed in the Claimant Register.

3. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Jacqueline D. Aker, as Personal Representative of the Estate of Kevin R. Aker, in connection with Settlement No. 3 listed in the Claimant Register.

4. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Marie Cherisier, as Personal Representative of the Estate of Philomene A. Antoine, in connection with Settlement No. 4 listed in the Claimant Register.

5. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Nancy Roarck, as Personal Representative of the Estate of Mary Ashley, in connection with Settlement No. 5 listed in the Claimant Register.

6. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Harry Barrett in connection with Settlement No. 6 listed in the Claimant Register.

7. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Norma Barry, as Personal Representative of the Estate of John Barry, in connection with Settlement No. 7 listed in the Claimant Register.

8. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Jechiel Bershanski, as Power of Attorney for Nelia Bershanski, in connection with Settlement No. 8 listed in the Claimant Register.

9. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Connie Blair, as Personal Representative of the Estate Bobby Blair, in connection with Settlement No. 9 listed in the Claimant Register.

10. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Corrado Burdieri, as Personal Representative of the Estate of Theresa Mary Burdieri, in connection with Settlement No. 10 listed in the Claimant Register.

11. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Gerard Celestin, as Personal Representative of the Estate of Sylvia Celestin, in connection with Settlement No. 11 listed in the Claimant Register.

12. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Michelle Stawicki, as Personal Representative of the Estate of Nancy A. Cherba, in connection with Settlement No. 12 listed in the Claimant Register.

13. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Jennifer Varela, as Personal Representative of the Estate of Rosenda Clavijo, in connection with Settlement No. 13 listed in the Claimant Register.

14. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Gwendolyn Cage, as Personal Representative of the Estate of Doneatha Cobb, in connection with Settlement No. 14 listed in the Claimant Register.

15. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Jospheh Cunningham, as Power of Attorney for Jeffrey J. Cunningham, in connection with Settlement No. 15 listed in the Claimant Register.

16. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Jill R. Davis, as Personal Representative of the Estate of Larry R. Davis, in connection with Settlement No. 16 listed in the Claimant Register.

17. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Jill R. Davis, as Personal Representative of the Estate of Larry R. Davis, in connection with Settlement No. 17 listed in the Claimant Register.

18. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Jose R. Diaz, as Personal Representative of the Estate of Jose Rafael Diaz, in connection with Settlement No. 18 listed in the Claimant Register.

19. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Quenita L. Donald, as Personal Representative of the Estate of Charles Donald, in connection with Settlement No. 19 listed in the Claimant Register.

20. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Tracy Lynn Druelle, as Power of Attorney for Catherine Druelle, in connection with Settlement No. 20 listed in the Claimant Register.

21. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Linda Solash-Reed, as Personal Representative of the Estate of Billy Joe Early, in connection with Settlement No. 21 listed in the Claimant Register.

22. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Lesia A. Rucker, as Personal Representative of the Estate of Mildred G. Fluellen, in connection with Settlement No. 22 listed in the Claimant Register.

23. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Pamela Foster, as Personal Representative of the Estate of Mary Foster, in connection with Settlement No. 23 listed in the Claimant Register.

24. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Nola Gager, as Personal Representative of the Estate of Ehud Gager, in connection with Settlement No. 24 listed in the Claimant Register.

25. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Donald Garrett in connection with Settlement No. 25 listed in the Claimant Register.

26. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Albert Gates III, as Personal Representative of the Estate of Shirley Gates, in connection with Settlement No. 26 listed in the Claimant Register.

27. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Benny Gibson in connection with Settlement No. 27 listed in the Claimant Register.

28. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Thomas Graham, as Personal Representative of the Estate of Madeline Graham, in connection with Settlement No. 28 listed in the Claimant Register.

29. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Mindy Stoltz, as Power of Attorney for John M. Griffin, in connection with Settlement No. 29 listed in the Claimant Register.

30. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Janelle J. Guelich, as Personal Representative of the Estate of Judy Guelich, in connection with Settlement No. 30 listed in the Claimant Register.

31. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Tyler Hall Eagleson, as Personal Representative of the Estate of James Edward Hall, in connection with Settlement No. 31 listed in the Claimant Register.

32. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Constance A.M. Brandt, as Power of Attorney for Mary J. Hause, in connection with Settlement No. 32 listed in the Claimant Register.

33. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Cheryl Waggoner, as Personal Representative of the Estate of Joan Kay Higgins, in connection with Settlement No. 33 listed in the Claimant Register.

34. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Geraldine Hill, as Personal Representative of the Estate of Roosevelt Hill, in connection with Settlement No. 34 listed in the Claimant Register.

35. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Teresa Margraf, as Personal Representative of the Estate of Mary Holt, in connection with Settlement No. 35 listed in the Claimant Register.

36. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Don Howard Jr., as Personal Representative of the Estate of Don Howard, in connection with Settlement No. 36 listed in the Claimant Register.

37. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Johnnie Mae Jones Smith, as Personal Representative of the Estate of Juanita Jones, in connection with Settlement No. 37 listed in the Claimant Register.

38. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Danielle Anglade, as Personal Representative of the Estate of Maria Joseph, in connection with Settlement No. 38 listed in the Claimant Register.

39. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Laura Knicley, as Personal Representative of the Estate of Peggy Knicley, in connection with Settlement No. 39 listed in the Claimant Register.

40. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Angela Pinkney, as Personal Representative of the Estate of Mae Liza Knight, in connection with Settlement No. 40 listed in the Claimant Register.

41. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Yvonne Kolbe, as Personal Representative of the Estate of Richard Kolbe, in connection with Settlement No. 41 listed in the Claimant Register.



42. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Kendra Mae Mize, as Personal Representative of the Estate of Ingrid K. Lane, in connection with Settlement No. 42 listed in the Claimant Register.

43. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Gloria Mackey in connection with Settlement No. 43 listed in the Claimant Register.

44. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Diane Malcomb, as Personal Representative of the Estate of Buddy R. Malcomb, in connection with Settlement No. 44 listed in the Claimant Register.

45. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Billy Manuel, as Personal Representative of the Estate of Anthony Manuel, in connection with Settlement No. 45 listed in the Claimant Register.

46. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Lydia Martinez, as Personal Representative of the Estate of Luz M. Martinez, in connection with Settlement No. 46 listed in the Claimant Register.

47. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Charles Mazza, as Personal Representative of the Estate of Alfonso Mazza, in connection with Settlement No. 47 listed in the Claimant Register.

48. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Alberta Walls, as Personal Representative of the Estate of Gwendolyn McCray, in connection with Settlement No. 48 listed in the Claimant Register.

49. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Darlene Yvette Cuves, as Personal Representative of the Estate of David McGhee, in connection with Settlement No. 49 listed in the Claimant Register.

50. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Vickie Henry in connection with Settlement No. 50 listed in the Claimant Register.

51. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Donald McKenzie, as Personal Representative of the Estate of Stanley McKenzie, in connection with Settlement No. 51 listed in the Claimant Register.

52. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Melissa Smith, as Personal Representative of the Estate of Nettie P. McKinnon-Murphy, in connection with Settlement No. 52 listed in the Claimant Register.

53. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Shannon Castro, as Power of Attorney for Vernon Lee Meyer, in connection with Settlement No. 53 listed in the Claimant Register.

54. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Eileen Miller in connection with Settlement No. 54 listed in the Claimant Register.

55. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Carmen Millsap, as Personal Representative of the Estate of James Millsap, in connection with Settlement No. 55 listed in the Claimant Register.

56. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Anna Hollins, as Personal Representative of the Estate of Doris Mitchell, in connection with Settlement No. 56 listed in the Claimant Register.

57. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Julienne Joseph, as Power of Attorney for Juliette Mompont, in connection with Settlement No. 57 listed in the Claimant Register.

58. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Donald Moran, as Power of Attorney for Doris Moran, in connection with Settlement No. 58 listed in the Claimant Register.

59. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Darlene L. Murison, as Personal Representative of the Estate of David G. Murison, in connection with Settlement No. 59 listed in the Claimant Register.

60. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Howard Williams, as Personal Representative of the Estate of Nessa, in connection with Settlement No. 60 listed in the Claimant Register.

61. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Joshua R. Nielsen, as Personal Representative of the Estate of Martin Nielsen, in connection with Settlement No. 61 listed in the Claimant Register.

62. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Margaret Jones-Frison, as Personal Representative of the Estate of Dorothy Johnson Norris, in connection with Settlement No. 62 listed in the Claimant Register.

63. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of David O'Berry, as Personal Representative of the Estate of Barbara O'Berry, in connection with Settlement No. 63 listed in the Claimant Register.

64. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Avram S. Oegar, as Personal Representative of the Estate of Avram Oegar, in connection with Settlement No. 64 listed in the Claimant Register.

65. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Orlando Ortiz, as Personal Representative of the Estate of Crispin D. Ortiz, in connection with Settlement No. 65 listed in the Claimant Register.

66. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Jerri Owens, as Power of Attorney for Lular Owens, in connection with Settlement No. 66 listed in the Claimant Register.

67. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Gonzalo Padron, as Personal Representative of the Estate of Marina Padron, in connection with Settlement No. 67 listed in the Claimant Register.

68. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of John Paul, as Personal Representative of the Estate of Karen Paul-Bennett, in connection with Settlement No. 68 listed in the Claimant Register.

69. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Karel S. Bennett, as Personal Representative of the Estate of Suzanne Perez, in connection with Settlement No. 69 listed in the Claimant Register.

70. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Elizenda Pina Torres, as Personal Representative of the Estate of Mirelle Pina, in connection with Settlement No. 70 listed in the Claimant Register.

71. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Tiffany Bivins, as Personal Representative of the Estate of Tereather Powell, in connection with Settlement No. 71 listed in the Claimant Register.

72. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Brett Rigas, as Personal Representative of the Estate of Gail Rigas, in connection with Settlement No. 72 listed in the Claimant Register.

73. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Laura Reyes, as Power of Attorney for Delia Rodriguez, in connection with Settlement No. 73 listed in the Claimant Register.

74. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Maria Herrera, as Personal Representative of the Estate of Aldemaro Rojas, in connection with Settlement No. 74 listed in the Claimant Register.

75. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Annabelle Rios, as Power of Attorney for Gloria Rojas, in connection with Settlement No. 75 listed in the Claimant Register.

76. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Daniel Rousseau, as Personal Representative of the Estate Gertrude Rousseau, in connection with Settlement No. 76 listed in the Claimant Register.

77. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Dennis Sampson, as Personal Representative of the Estate of Marguerite Sampson, in connection with Settlement No. 77 listed in the Claimant Register.

78. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Sharon Scott, as Personal Representative of the Estate of Moses Scott III, in connection with Settlement No. 78 listed in the Claimant Register.

79. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Rita Baar, as Power of Attorney for Delano Skow, in connection with Settlement No. 79 listed in the Claimant Register.

80. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Qiana Watson, as Personal Representative of the Estate of Anna Marie Brown Smith, in connection with Settlement No. 80 listed in the Claimant Register.

81. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Alilla Stover, as Personal Representative of the Estate of Machrell Stover, in connection with Settlement No. 81 listed in the Claimant Register.

82. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Lashell Taaylor, as Personal Representative of the Estate of Catherine Taylor, in connection with Settlement No. 82 listed in the Claimant Register.

83. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Emma Foster, as Plenary Guardian of the Ward Levi Foster, in connection with Settlement No. 83 listed in the Claimant Register.

84. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Marie C. Louine, as Personal Representative of the Estate of Rosita Thenor, in connection with Settlement No. 84 listed in the Claimant Register.

85. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Erin Poarch, as Individually and as Personal Representative of the Estate of William A. Thompson, in connection with Settlement No. 85 listed in the Claimant Register.

86. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Michael D. Thompson, as Personal Representative of the Estate of Christine Thompson, in connection with Settlement No. 86 listed in the Claimant Register.

87. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Linda Tillman, as Personal Representative of the Estate of Bertha Tillman, in connection with Settlement No. 87 listed in the Claimant Register.

88. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Jennie Zayas, as Personal Representative of the Estate of Edwin A. Zayas Torres, in connection with Settlement No. 88 listed in the Claimant Register.

89. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Rodney Christopher Vargas, as Personal Representative of the Estate of Gerardo Vargas, in connection with Settlement No. 89 listed in the Claimant Register.

90. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Juanita Davila, as Power of Attorney for Rafael Vega, in connection with Settlement No. 90 listed in the Claimant Register.

91. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of James Walker, as Personal Representative of the Estate of Louise Walker, in connection with Settlement No. 91 listed in the Claimant Register.

92. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Dennis W. Walker, Jr., as Personal Representative of the Estate of Lula Mae Walker, in connection with Settlement No. 92 listed in the Claimant Register.

93. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Rebecca Barrow, as Personal Representative of the Estate of Carolyn Wayt, in connection with Settlement No. 93 listed in the Claimant Register.

94. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Susan Whitcomb in connection with Settlement No. 94 listed in the Claimant Register.

95. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Stephania Redding, as Personal Representative of the Estate of Jessie White, in connection with Settlement No. 95 listed in the Claimant Register.

96. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Anna Wendolyn Wilkie, as Personal Representative of the Estate of Barbara Wilkie, in connection with Settlement No. 96 listed in the Claimant Register.

97. Admit that Recovery Corp. did not obtain Authorization for the Assignment of the Claims of Teresa R. Woodard, as Power of Attorney for Chester L. Woodard Jr., in connection with Settlement No. 97 listed in the Claimant Register.

Dated: Miami, Florida  
September 10, 2024

**MCDERMOTT WILL & EMERY LLP**

/s/ Nathan M. Bull

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

**EXHIBIT A**

## CLAIMANT REGISTER

	Claimant/Plaintiff Name	Claimant PR/PoA/ Releasor	Defendant Entity	Settlement Date	Settlement Amount	Outstanding Amount
1	Stacey <b>Abel</b> , as Personal Representative of the Estate of Bebee <b>Abel</b>	Abel, PR	5405 Babcock Street Operations, LLC; Epsilon Health Care Properties, LLC; CMC II, LLC; Lavie Care Centers, LLC	09/21/22	\$ 125,000	\$ 32,875
2	Sharon <b>Acevedo</b>	Acevedo, Releasor	1120 West Donegan Avenue Operations, LLC	07/09/22	\$140,000	\$ 81,667
3	Jacqueline D. <b>Aker</b> , as Personal Representative of the Estate of Kevin R. <b>Aker</b>	Aker, PR	6700 N.W. 10th Place Operations, LLC	03/02/23	\$ 75,000	\$ 75,000
4	Marie <b>Cherisier</b> , as Personal Representative of the Estate of Philomene A. <b>Antoine</b>	Cherisier, PR	4200 Washington Street Operations, LLC	02/14/23	\$ 75,000	\$ 75,000
5	Nancy <b>Roarck</b> , as Personal Representative of the Estate of Mary <b>Ashley</b>	Roarck, PR	777 Ninth Street North Operations, LLC	06/23/22	\$ 150,000	\$ 150,000
6	Harry Barrett	Barrett, Releasor	11565 Harts Road Operations, LLC	07/06/22	\$ 140,000	\$ 81,667
7	Norma <b>Barry</b> , as Power of Attorney for John <b>Barry</b>	Barry, PoA	2826 Cleveland Avenue Operations, LLC	07/09/21	\$ 50,000	\$ 50,000
8	Jechiel <b>Bershadski</b> , as Power of Attorney for Nelia <b>Bershadski</b>	Bershadski, PoA	777 Ninth Street North Operations, LLC	11/21/23	\$ 85,000	\$ 85,000
9	Connie Blair as Personal Representative of the Estate of Bobby Blair	Blair, PR	3001 Palm Coast Parkway Operations, LLC	05/31/22	\$ 140,000	\$ 81,667
10	Corrado <b>Burdieri</b> , as Personal Representative of the Estate of Theresa Mary <b>Burdieri</b>	Burdieri, PR	North Fort Myers Facility Operations, LLC; Consulate Facility Leasing, LLC	09/07/21	\$ 250,000	\$ 250,000
11	Gerard <b>Celestin</b> , as Personal Representative of the Estate of Sylvia <b>Celestin</b>	Celestin, PR	Miami Facility Operations, LLC	11/08/22	\$ 175,000	\$ 175,000
12	Michelle <b>Stawicki</b> , as Personal Representative of the Estate of Nancy A. <b>Cherba</b>	Stawicki, PR	710 North Sun Drive Operations, LLC; Lavie Care Centers, LLC	09/12/23	\$ 85,000	\$ 85,000

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
13	Jennifer <b>Varela</b> , a Personal Representative of the Estate of Rosenda <b>Clavijo</b>	Varela	Kissimmee Facility Operations, LLC	04/18/24	\$ 150,000	\$ 150,000
14	Gwendolyn <b>Cage</b> , as Personal Representative of the Estate of Doneatha <b>Cobb</b>	Cage, PR	1010 Carpenters Way Operations, LLC	05/18/22	\$ 140,000	\$ 81,667
15	Joseph <b>Cunningham</b> , as Power of Attorney for Jeffrey J. <b>Cunningham</b>	Cunningham, PoA	741 South Beneva Road Operations, LLC	09/21/23	\$ 75,000	\$ 75,000
16	Jill R. <b>Davis</b> , as Personal Representative of the Estate of Larry R. <b>Davis</b>	Davis, PR	777 Ninth Street North Operations, LLC	06/29/23	\$ 65,000	\$ 65,000
17	Jill R. <b>Davis</b> , as Personal Representative of the Estate of Larry R. <b>Davis</b>	Davis, PR	North Fort Myers Facility Operations, LLC	04/13/23	\$ 85,000	\$ 85,000
18	Jose R. <b>Diaz</b> , as Personal Representative of the Estate of Jose Rafael <b>Diaz</b>	Diaz, PR	518 West Fletcher Avenue Operations, LLC; Epsilon Health Care Properties, LLC; Lidenskab LLC	07/26/23	\$ 100,000	\$ 100,000
19	Quenita L. <b>Donald</b> , as Personal Representative or the Estate of Charles <b>Donald</b>	Donald, PR	Jacksonville Facility Operations, LLC	04/05/24	\$ 75,000	\$ 75,000
20	Tracy Lynn <b>Druelle</b> , as Power of Attorney for Catherine <b>Druelle</b>	Druelle, PoA	6305 Cortez Road West Operations, LLC	07/13/22	\$ 140,000	\$ 81,667
21	Linda <b>Solash-Reed</b> , as Personal Representative of the Estate of Billy Joe <b>Early</b>	Solash-Reed, PR	710 North Sun Drive Operations, LLC; Epsilon Health Care Properties, LLC	11/24/20	\$ 125,000	\$ 125,000
22	Lesia A. <b>Rucker</b> , as Personal Representative of the Estate of Mildred G. <b>Fluellen</b>	Rucker, PR	3735 Evans Avenue Operations, LLC	03/09/23	\$ 50,000	\$ 50,000
23	Pamela <b>Foster</b> , as Personal Representative of the Estate of Mary <b>Foster</b>	Foster, PR	3001 Palm Coast Parkway Operations, LLC	03/01/23	\$ 75,000	\$ 75,000
24	Nola <b>Gager</b> , as Personal Representative of the Estate of Ehud <b>Gager</b>	Gager, PR	Kissimmee Facility Operations, LLC	07/13/22	\$ 140,000	\$ 81,667
25	Donald <b>Garrett</b>	Garrett [Releasor]	6700 N.W. 10th Place Operations, LLC	09/29/23	\$ 75,000	\$ 75,000

	Claimant/Plaintiff Name	Claimant PR/PoA/ Releasor	Defendant Entity	Settlement Date	Settlement Amount	Outstanding Amount
26	Albert J. <b>Gates</b> , III, as Personal Representative of the Estate of Shirley <b>Gates</b>	Gates, PR	9311 South Orange Blossom Trail Operations, LLC	02/03/23	\$ 75,000	\$ 75,000
27	Benny <b>Gibson</b>	Gibson [Releasor]	4641 Old Canoe Creek Road Operations, LLC	08/12/23	\$ 75,000	\$ 75,000
28	Thomas <b>Graham</b> , as Personal Representative of the Estate of Madeline <b>Graham</b>	Graham	Jacksonville Facility Operations, LLC	09/27/22	\$ 150,000	\$ 150,000
29	Mindy <b>Stoltz</b> , as Power of Attorney for John M. <b>Griffin</b>	Stoltz, PoA	3920 Rosewood Way Operations, LLC	04/03/23	\$ 75,000	\$ 75,000
30	Janelle J. <b>Guelich</b> , as Personal Representative of the Estate of Judy <b>Guelich</b>	Guelich, PR	2333 North Brentwood Circle Operations, LLC; Josera, LLC; Tosturi, LLC; Epsilon Health Care Properties, LLC	07/24/23	\$ 100,000	\$ 100,000
31	Tyler Hall <b>Eagleson</b> , as Personal Representative of the Estate of James Edward <b>Hall</b>	Eagleson, PR	Jacksonville Facility Operations, LLC	09/22/23	\$ 75,000	\$ 75,000
32	Constance A.M. <b>Brandt</b> , as Power of Attorney for Mary J. <b>Hause</b>	Brandt, PoA	Melbourne Facility Operations, LLC	07/11/22	\$ 140,000	\$ 81,667
33	Cheryl <b>Waggoner</b> , as Personal Representative of the Estate of Joan Kay <b>Higgins</b>	Waggoner, PR	777 Ninth Street North Operations, LLC	04/08/24	\$ 75,000	\$ 75,000
34	Geraldine <b>Hill</b> , as Personal Representative of the Estate of Roosevelt <b>Hill</b>	Hill, PR	518 West Fletcher Avenue Operations, LLC	04/11/22	\$ 140,000	\$ 81,667
35	Teresa <b>Margraf</b> , as Personal Representative of the Estate of Mary <b>Holt</b>	Margraf, PR	6305 Cortez Road West Operations, LLC	10/13/20	\$ 225,000	\$ 225,000
36	Don <b>Howard</b> , Jr., as Personal Representative of the Estate of Don <b>Howard</b> [Case Style: Luthenia Hayes, PR . . . ]	Howard, Jr., PR	710 North Sun Drive Operations, LLC	08/24/21	\$ 175,000	\$ 25,000
37	Johnnie Mae Jones <b>Smith</b> , as Personal Representative of the Estate of Juanita <b>Jones</b>	Smith, PR	Port Charlotte Facility Operations, LLC	07/27/23	\$ 75,000	\$ 75,000

	Claimant/Plaintiff Name	Claimant PR/PoA/ Releasor	Defendant Entity	Settlement Date	Settlement Amount	Outstanding Amount
38	Danielle <b>Anglade</b> , as Personal Representative of the Estate of Maria <b>Joseph</b>	Anglade, PR	4200 Washington Street Operations, LLC; CMC II, LLC		\$ 100,000	\$ 100,000
39	Laura <b>Knicley</b> , as Personal Representative of the Estate of Peggy <b>Knicley</b>	Knicley, PR	195 Mattie M. Kelly Boulevard Operations, LLC; Epsilon Health Care Properties, LLC	10/18/22	\$ 140,000	\$ 14,000
40	Angela <b>Pinkney</b> , as Personal Representative of the Estate of Mae Liza <b>Knight</b>	Pinkney, PR	1615 Miami Road Operations, LLC	04/11/23	\$ 75,000	\$ 75,000
41	Yvonne <b>Kolbe</b> , as Personal Representative of the Estate of Richard <b>Kolbe</b>	Kolbe, PR	1851 Elcam Boulevard Operations, LLC; Epsilon Health Care Properties, LLC; Lavie Care Centers, LLC	10/07/22	\$ 100,000	\$ 37,500
42	Kendra Mae <b>Mize</b> , as Personal Representative of the Estate of Ingrid K. <b>Lane</b>	Mize	1550 Jess Parrish Court Operations, LLC; Epsilon Health Care Properties, LLC; LV CHC Holdings I, LLC; Concourse Partners, LLC; Lavie Care Centers, LLC; Concurrent Partners, LLLP	04/18/24	\$ 100,000	\$ 100,000
43	Gloria <b>Mackey</b>	Mackey [Releasor]	1120 West Donegan Avenue Operations, LLC	04/11/22	\$ 140,000	\$ 81,667
44	Diane <b>Malcomb</b> , as Personal Representative of the Estate of Buddy R. <b>Malcomb</b>	Malcomb, PR	3735 Evans Avenue Operations, LLC	03/07/22	\$ 100,000	\$ 100,000
45	Billy <b>Manuel</b> , as Personal Representative of the Estate of Anthony <b>Manuel</b>	Manuel, PR	4200 Washington Street Operations, LLC	10/12/23	\$ 75,000	\$ 75,000
46	Lydia <b>Martinez</b> , as Personal Representative of the Estate of Luz M. <b>Martinez</b>	Martinez, PR	New Port Richey Facility Operations, LLC	06/06/23	\$ 75,000	\$ 75,000
47	Charles <b>Mazza</b> , as Personal Representative of the Estate of Alfonso <b>Mazza</b>	Mazza, PR	12170 Cortez Boulevard Operations, LLC; Epsilon Health Care Properties, LLC; Tosturi, LLC	09/01/23	\$ 100,000	\$ 100,000
48	Alberta <b>Walls</b> , as Personal Representative of the Estate of Gwendolyn <b>McCray</b>	Walls, PR	6700 N.W. 10th Place Operations, LLC	04/07/24	\$ 75,000	\$ 75,000

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
49	Darlene Yvette <b>Cuves</b> , as Personal Representative of the Estate of David McGhee	Cuves, PR	3735 Evans Avenue Operations, LLC	06/23/23	\$ 65,000	\$ 65,000
50	Vickie <b>McHenry</b>	McHenry, Releasor	11565 Harts Road Operations, LLC	04/16/24	\$ 35,000	\$ 35,000
51	Donald <b>McKenzie</b> , as Personal Representative of the Estate of Stanley <b>McKenzie</b>	McKenzie, PR	9311 South Orange Blossom Trail Operations, LLC	05/10/22	\$ 140,000	\$ 81,667
52	Melissa <b>Smith</b> , as Personal Representative of the Estate of Nettie P. <b>McKinnon-Murphy</b>	Smith, PR	1120 West Donegan Avenue Operations, LLC	05/23/22	\$ 140,000	\$ 81,667
53	Shannon <b>Castro</b> , as Power of Attorney for Vernon Lee <b>Meyer</b>	Castro, PoA	Baya Nursing and Rehabilitation, LLC	07/14/23	\$ 75,000	\$ 75,000
54	Eileen <b>Miller</b>	Miller [Releasor]	9400 SW 137th Avenue Operations LLC; NSPRMC, LLC	08/30/23	\$ 62,500	\$ 62,500
55	Carmen <b>Millsap</b> , as Personal Representative of the Estate of James <b>Millsap</b>	Millsap, PR	3001 Palm Coast Parkway Operations, LLC; CMC II, LLC	12/01/20	\$ 200,000	\$ 200,000
56	Anna <b>Hollins</b> , as Personal Representative of the Estate of Doris <b>Mitchell</b>	Hollins, PR	Brandon Facility Operations, LLC	06/23/22	\$ 140,000	\$ 81,667
57	Julienne <b>Joseph</b> , as Power of Attorney for Juliette <b>Mompoint</b>	Joseph, PoA	4200 Washington Street Operations, LLC	09/26/23	\$ 75,000	\$ 75,000
58	Donald <b>Moran</b> , as Power of Attorney for Doris <b>Moran</b>	Moran, PoA	3735 Evans Avenue Operations, LLC	05/19/22	\$ 140,000	\$ 81,667
59	Darlene L. <b>Murison</b> , as Personal Representative of the Estate of David G. <b>Murison</b>	Murison, PR	Port Charlotte Facility Operations, LLC	01/11/21	\$ 75,000	\$ 75,000
60	Howard <b>Williams</b> , as Personal Representative of the Estate of <b>Nessa</b>	Williams, PR	9311 South Orange Blossom Trail Operations, LLC	08/01/22	\$ 150,000	\$ 60,000
61	Joshua R. <b>Nielsen</b> , as Personal Representative of the Estate of Martin <b>Nielsen</b>	Nielsen, PR	West Altamonte Facility Operations, LLC	04/06/24	\$ 75,000	\$ 75,000
62	Margaret <b>Jones-Frison</b> , as Personal Representative of the Estate of Dorothy Johnson <b>Norris</b>	Jones-Frison, PR	710 North Sun Drive Operations, LLC; Lidenskab, LLC	06/20/23	\$ 125,000	\$ 125,000

	Claimant/Plaintiff Name	Claimant PR/PoA/ Releasor	Defendant Entity	Settlement Date	Settlement Amount	Outstanding Amount
63	David <b>O'Berry</b> , as Personal Representative of the Estate of Barbara <b>O'Berry</b>	O'Berry, PR	7950 Lake Underhill Road Operations, LLC	04/18/24	\$ 175,000	\$ 175,000
64	Avram S. <b>Oegar</b> , as Personal Representative of the Estate of Avram <b>Oegar</b>	Oegar, PR	4200 Washington Street Operations, LLC	02/23/23	\$ 75,000	\$ 75,000
65	Orlando <b>Ortiz</b> , as Personal Representative of the Estate of Crispin D. <b>Ortiz</b>	Ortiz, PR	216 Santa Barbara Boulevard Operations, LLC	10/10/23	\$ 65,000	\$ 65,000
66	Jerri <b>Owens</b> , as Power of Attorney for Lular <b>Owens</b>	Owens, PoA	Kissimmee Facility Operations, LLC; Laive Care Centers, LLC	09/19/22	\$ 100,000	\$ 37,500
67	Gonzalo <b>Padron</b> , as Personal Representative of the Estate of Marina <b>Padron</b>	Padron, PR	Floridian Facility Operations, LLC	04/19/23	\$ 75,000	\$ 75,000
68	John <b>Paul</b> , as Personal Representative of the Estate of Karen <b>Paul-Bennett</b>	Paul, PR	Baya Nursing and Rehabilitation, LLC	05/18/22	\$ 140,000	\$ 81,667
69	Karel S. <b>Bennett</b> , as Personal Representative of the Estate of Suzanne <b>Perez</b>	Bennett, PR	1465 Oakfield Drive Operations, LLC	01/11/24	\$ 75,000	\$ 75,000
70	Elizenda Pina <b>Torres</b> , as Personal Representative of the Estate of Mirelle <b>Pina</b>	Torres, PR	4200 Washington Street Operations, LLC	08/04/23	\$ 75,000	\$ 75,000
71	Tiffany <b>Bivins</b> , as Personal Representative of the Estate of Tereather <b>Powell</b>	Bivins, PR	3101 Ginger Drive Operations, LLC; Tallahassee Facility Operations, LLC; Joseira, LLC; Tosturi, LLC; Epsilon Health Care Properties, LLC	03/26/24	\$ 75,000	\$ 75,000
72	Brett <b>Rigas</b> , as Personal Representative of the Estate of Gail <b>Rigas</b>	Rigas, PR	7950 Lake Underhill Road Operations, LLC	10/19/22	\$ 160,000	\$ 16,000
73	Laura <b>Reyes</b> , as Power of Attorney for Delia <b>Rodriguez</b>	Reyes, PoA	6414 13th Road South Operations, LLC	11/06/23	\$ 75,000	\$ 75,000
74	Maria <b>Herrera</b> , as Personal Representative of the Estate of Aldemaro <b>Rojas</b>	Herrera, PR	Miami Facility Operations, LLC	07/28/23	\$ 75,000	\$ 75,000
75	Annabelle <b>Rios</b> , as Power of Attorney for Gloria <b>Rojas</b>	Rios, PoA	7950 Lake Underhill Road Operations, LLC	10/21/22	\$ 125,000	\$ 12,500
76	Daniel <b>Rousseau</b> , as Personal Representative of the Estate of Gertrude <b>Rousseau</b>	Rousseau, PR	West Altamonte Facility Operations, LLC	10/06/20	\$ 145,000	\$ 145,000



	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
77	Dennis <b>Sampson</b> , as Personal Representative of the Estate of Marguerite <b>Sampson</b>	Sampson, PR	710 North Sun Drive Operations, LLC; Florida Health Care Properties, LLC; Genoa Healthcare Group, LLC	04/10/21	\$ 210,000	\$ 210,000
78	Sharon <b>Scott</b> , as Personal Representative of the Estate of Moses <b>Scott</b> , III	Scott, PR	9355 San Jose Boulevard Operations, LLC	05/13/22	\$ 140,000	\$ 81,667
79	Rita <b>Baar</b> , as Power of Attorney for Delano <b>Skow</b>	Baar, PoA	2826 Cleveland Avenue Operations, LLC	04/03/23	\$ 90,000	\$ 90,000
80	Qiana <b>Watson</b> , as Personal Representative of the Estate of Anna Marie Brown <b>Smith</b>	Watson, PR	Miami Facility Operations, LLC	04/07/23	\$ 75,000	\$ 75,000
81	Alilla <b>Stover</b> , as Personal Representative of the Estate of Machrell <b>Stover</b>	Stover, PR	9311 South Orange Blossom Trail Operations, LLC	03/06/23	\$ 75,000	\$ 75,000
82	Lashell <b>Taylor</b> , as Personal Representative of the Estate of Catherine <b>Taylor</b>	Taylor, PR	West Altamonte Facility Operations, LLC	08/11/23	\$ 125,000	\$ 125,000
83	Emma <b>Foster</b> , as Plenary Guardian of the Ward Levi Foster	Foster, Plenary Guardian	15204 West Colonial Drive Operations, LLC	10/27/22	\$ 140,000	\$ 81,667
84	Marie C. <b>Louine</b> , as Personal Representative of the Estate of Rosita <b>Thenor</b>	Louine, PR	6414 13th Road South Operations, LLC	09/26/23	\$ 75,000	\$ 75,000
85	Erin <b>Poarch</b> , Individually and as Personal Representative of the Estate of William A. <b>Thompson</b>	Poarch, PR	1851 Elkcarn Boulevard Operations, LLC	05/20/21	\$ 125,000	\$ 125,000
86	Michael D. <b>Thompson</b> , as Personal Representative of the Estate of Christine <b>Thompson</b>	Thompson, PR	North Fort Myers Facility Operations, LLC	08/03/23	\$ 206,000	\$ 206,000
87	Linda <b>Tillman</b> , as Personal Representative of the Estate of Bertha <b>Tillman</b>	Tillman, PR	4200 Washington Street Operations, LLC	02/17/23	\$ 100,000	\$ 100,000
88	Jennie <b>Zayas</b> , as Personal Representative of the Estate of Edwin A. Zayas <b>Torres</b>	Zayas, PR	7950 Lake Underhill Road Operations, LLC	01/09/23	\$ 75,000	\$ 75,000
89	Rodney Christopher <b>Vargas</b> , as Personal Representative of the Estate of Gerardo <b>Vargas</b>	Vargas, PR	4200 Washington Street Operations, LLC	09/21/23	\$ 75,000	\$ 75,000
90	Juanita <b>Davila</b> , as Power of Attorney for Rafael <b>Vega</b>	Davila, PoA	7950 Lake Underhill Road Operations, LLC	04/14/22	\$ 140,000	\$ 81,667
91	James <b>Walker</b> , as Personal Representative of the Estate of Louise <b>Walker</b>	Walker, PR	Miami Facility Operations, LLC	06/21/22	\$ 140,000	\$ 81,667

	<b>Claimant/Plaintiff Name</b>	<b>Claimant PR/PoA/ Releasor</b>	<b>Defendant Entity</b>	<b>Settlement Date</b>	<b>Settlement Amount</b>	<b>Outstanding Amount</b>
92	Dennis W. <b>Walker</b> , Jr., as Personal Representative of the Estate of Lula Mae <b>Walker</b>	Walker, Jr., PR	1615 Miami Road Operations, LLC	05/18/22	\$ 140,000	\$ 81,667
93	Rebecca <b>Barrow</b> , as Personal Representative of the Estate of Carolyn <b>Wayt</b>	Barrow, PR	Baya Nursing and Rehabilitation, LLC	12/16/21	\$ 250,000	\$ 250,000
94	Susan Whitcomb	Whitcomb	702 South Kings Avenue Operations, LLC	07/08/22	\$ 140,000	\$ 81,667
95	Stephania <b>Redding</b> , as Personal Representative of the Estate of Jessie <b>White</b>	Redding, PR	Orange Park Facility Operations, LLC	06/22/22	\$ 140,000	\$ 81,667
96	Anna Wendolyn <b>Wilkie</b> , as Personal Representative of the Estate of Barbara <b>Wilkie</b>	Wilkie, PR	6700 N.W. 10th Place Operations, LLC	07/06/23	\$ 75,000	\$ 75,000
97	Teresa R. <b>Woodard</b> , as Power of Attorney for Chester L. <b>Woodard</b> , Jr.	Woodard, PoA	2826 Cleveland Avenue Operations, LLC	07/10/20	<u>\$ 50,000</u>	<u>\$ 30,000</u>
			<b>TOTALS:</b>		<b>\$ 10,763,500</b>	<b>\$ 8,678,877</b>

**CERTIFICATE OF SERVICE**

I hereby certify that on this date a true and correct copy of the foregoing was served via email on the below as counsel for Recovery Corp. in the above-captioned Chapter 11 Cases:

JOHN A. ANTHONY, ESQUIRE  
Florida Bar Number: 0731013  
janthony@anthonyandpartners.com  
ANTHONY & PARTNERS, LLC  
100 S. Ashley Drive, Suite 1600  
Tampa, Florida 33602  
Tel.: (813) 273-5616 | Fax: (813) 221-4113

Dated: New York, New York  
September 10, 2024

**MCDERMOTT WILL & EMERY LLP**

*/s/ Timothy C. Cramton*

\_\_\_\_\_  
Timothy C. Cramton (*pro hac vice application forthcoming*)

One Vanderbilt Avenue  
New York, New York 10017  
Telephone: (212) 547-5400  
Email: tcramton@mwe.com

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

**EXHIBIT G**

**Debtors' Second Set of Requests for Production of Documents to Recovery Corp.,  
dated September 13, 2024**

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

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

**DEBTORS’ SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO  
HEALTHCARE NEGLIGENCE SETTLEMENT RECOVERY CORP.**

Pursuant to Rule 34 of the Federal Rules of Civil Procedure and Rule 7034 of the Federal Rules of Bankruptcy Procedure, LaVie Care Centers, LLC (“LaVie”) and certain of its affiliates and subsidiaries, as debtors and debtors-in-possession (collectively, the “Debtors”) in the above-captioned chapter 11 cases (the “Chapter 11 Cases”), hereby requests that Healthcare Negligence Settlement Recovery Corp. produce for inspection and copying all of the documents, writings, electronically stored information, and things specified herein in its possession, custody of control, in accordance with the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, and the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Northern District of Georgia (collectively, the “Rules”), and consistent with the Definitions and Instructions set forth below, within thirty (30) days after service of these Requests or as otherwise agreed by the parties.

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<sup>1</sup> 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.

In light of the Debtors' ongoing good faith efforts to respond to the discovery requests made by Recovery Corp. and provide fulsome responses and document productions in advance of the hearing currently scheduled for September 30, 2024, the Debtors request that Recovery Corp. similarly provide responses to these and the Debtors' other discovery requests prior to that date.

### **DEFINITIONS**

1. "You" or "Recovery Corp." means and refers to Healthcare Negligence Settlement Recovery Corp., together with any past or present shareholders, officers, directors, employees, accountants, attorneys, or other agents of Recovery Corp.

2. "Anthony & Partners" means and refers to Anthony & Partners, LLC, and any of its attorneys, members, partners, shareholders, managers, associates, analysts, employees, agents, or other representatives.

3. "Assignment" means and refers to any purported assignment of Claims by any of the Florida Claimants to Recovery Corp., including, without limitation, the purported assignment of Claims described in Paragraph 14 of the Complaint filed in the Miami Action.

4. "Authorization" means and refers to the authorization of a direct or indirect transfer of structured settlement payment rights in a final order by a court of competent jurisdiction pursuant to and accordance with Florida's Structured Settlement Protection Act, Florida Statute § 626.99296, *et seq.*

5. "Claims" means and refers to any and all claims, causes of action, and/or other rights, including, without limitation, the rights to any payments or amounts owing under a settlement agreement, that any individual Florida Claimant, or their authorized representative acting on their behalf under power of attorney or on behalf of their probate estate, purportedly

assigned or transferred to Recovery Corp., including, without limitation, the Claims described in Paragraph 11 of the Complaint filed in the Miami Action.

6. “Claimant Register” means and refers to the schedule attached as Exhibit C to the Complaint filed in the Miami Action, which lists the name of each Florida Claimant, the name of the Florida Claimant or their personal representative or person authorized by Power of Attorney as Releaser of their Claims, the Defendant Entity, Settlement Date and Amount, and Outstanding Amount, numbered 1-97.

7. “Florida Claimants” means and refers to the Florida-based claimants who assigned their Claims to Recovery Corp. as listed in the Claimant Registrar and as defined as the “Claimants” in Paragraph 11 of the Complaint filed in the Miami Action.

8. “Document” or “document” shall be construed in the most comprehensive and inclusive sense permitted by Rule 34 of the Federal Rules of Civil Procedure, and shall include the original and any copy of any and all writings as that term is defined in Federal Rule of Evidence 1001, and including, without limitation, letters, minutes, correspondence, social media messages, telegrams, bulletins, instructions, charts, literature, work assignments, reports, memoranda, notes, contracts, agreements, inter-office communications, notebooks, drafts, studies, notices, summaries, books, graphs, photographs, data sheets, data compilations, tapes, sound recordings, telephone messages, including “text” messages, e-mails and all data stored in electronic form or accessible through computer or other electronic information retrieval systems, including all metadata, together with instructions and all other materials to use or interpret such data. The term “Document(s)” also includes any message sent electronically, including, without limitation, any message sent via cell phone (including, without limitation, smart phones, iPhones, or Android phones), electronic tablet (including, without limitation, iPads or Android tablets), text, Blackberry

Messenger, Facebook messenger, Google Chat, Google Talk, GroupMe, Jabber, Line, iMessage, Skype, Slack, Snapchat, Telegram, Viber, WeChat, or WhatsApp. This definition covers both external and internal communications.

9. “Miami Action” means and refers to the legal action Recovery Corp. brought against certain Debtors and other defendants in the Civil Division of the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, on April 22, 2024, captioned *Healthcare Negligence Settlement Recovery Corp. v. 5405 Babcock Street Operations, LLC et al.*, No 2024-0007342-CA-01.

10. “Proof of Claim” means and refers to any proof of claim filed or submitted in these Chapter 11 Cases, including, without limitation, any filed by or on behalf of Recovery Corp. and/or the Florida Claimants.

11. “Settlement” or “Settlements” mean and refer to any settlement memorialized by the Settlement Documents (as defined in Paragraph 13 of the Complaint filed in the Miami Action) and reflected in the Claimant Register. Each particular Settlement may be identified in the Requests as “Settlement No. \_\_\_” based on the corresponding number listed in the Claimant Register.

### **INSTRUCTIONS**

1. You must produce responsive, non-privileged Documents in response to the Requests below in accordance with Your obligations under the Rules, including, specifically, under Rule 34 of the Federal Rules of Civil Procedure.

2. Except as stated otherwise, in responding to the Requests You must furnish all responsive Documents in Your possession, custody, or control, including Documents in the possession, custody, or control of any affiliated entities, officers, directors, employees, agents,



representatives, attorneys, investigators, auditors, consultants, accounts, and other persons acting or purporting to act on Your behalf.

3. The Requests seek production of all responsive Documents in their entirety, along with any attachments, drafts and non-identical copies, including, without limitation, copies that differ by virtue of handwritten or other notes or markings.

4. If, for any Request, no responsive information or Documents are in Your possession, custody, or control, You must expressly and specifically state so in Your response to any such Request.

5. If any Document responsive to the Requests was, but is no longer, in Your possession, custody, or control, or is no longer in existence, state whether it is: (i) missing or lost; (ii) destroyed; (iii) transferred voluntarily or involuntarily to others, and, if so, to whom; or (iv) otherwise disposed of to the extent reasonably possible and appropriate.

6. If any Document that is potentially responsive to any Request is withheld under any claim(s) of privilege or work product protection, please provide a written list describing the Document so withheld to include, without limitation, the following information: (i) date; (ii) name of the person or other entity who or which drafted, authored or prepared it; (iii) title; (iv) name of the person or other entity to whom the Document was addressed; (v) name of each person or entity to whom the Document, or any copy, was either directed, addressed, sent, delivered, mailed, given or in any other manner disclosed; (vi) a statement of the ground or grounds on which each such Document is considered to be privileged from production; and (vii) a brief description of the subject matter of the document—unless otherwise specified by mutual agreement of the Parties or as directed by the Court.

7. If a portion of an otherwise responsive Document contains information subject to a claim of privilege, such portion of the Document subject to a claim of privilege may be redacted from the Document so that the rest of the Document can be produced. Any such Documents shall bear notations reflecting where portions were redacted. If Documents requested below are produced in a redacted version, identify each Document that has been redacted and set forth the basis or grounds for the redaction in sufficient detail.

8. For standard Documents, emails, and presentations originating in electronic form, Documents should be produced as TIFF images for paper Documents, with a delimited text file containing the following extracted metadata fields: (i) Beginning Production (or Bates) Number; (ii) Ending Production Number; (iii) Beginning Attachment Range; (iv) Ending Attachment Range; (v) Custodian; (vi) Original Location Path; (vii) Email Folder Path; (viii) Document Type; (ix) Author; (x) Title; (xi) File Name; (xii) File Ext; (xiii) File Size; (xiv) MD5 Hash; (xv) Date Last Modified; (xvi) Date Created; (xvii) Date Sent; (xviii) Time Sent [HH:MM:SS]; (xix) MessageID; (xx) Date Received; (xxi) From; (xxii) Recipients; (xxiii) Copyees; (xxiv) Blind Copyees; (xxv) Pages; (xxvi) Email Subject; (xxvii) Calendar Start Date; (xxviii) Calendar End Date; (xxix) Native link path; and (xxx) Extracted Text (not OCR Text) produced as separate .TXT files.

9. Additional special processing of certain electronically stored information will be as follows: Microsoft Excel spreadsheet fields will not be converted to TIFF files and will be produced in native format. A placeholder TIFF image will be created, Bates numbered, and the produced Excel file will be renamed to match the Bates number on its corresponding placeholder page. The exception will be for redacted spreadsheets which will be produced in TIFF format. Images for the redacted spreadsheets will display the content in the same manner as if it were

printed. The extractable metadata and text will be provided for native files, and OCR will be provided for the un-redacted portions of the Documents.

10. Whenever appropriate, the singular form of a word shall be considered to include within its meaning the plural form of the word, and vice versa; the neuter form of a pronoun shall be considered to include within its meaning the masculine and feminine forms of the pronoun and vice versa; and the use of any tense of any verb shall be considered to include within its meaning all other tenses of the verb. In each such instance, the Request shall be construed so as to furnish the most complete and inclusive response.

11. If You object to any Request, in whole or in part, You must with specificity the reason for that objection.

#### **REQUESTS FOR PRODUCTION OF DOCUMENTS**

3. Documents sufficient to show Anthony & Partners' authority, if any, to file Proof of Claims for or on behalf of any person or entity other than Recovery Corp. in these Chapter 11 Cases, including, without limitation, with respect to the Florida Claimants.

4. Documents sufficient to show the name and address of each and every current stockholder, shareholder, member, and/or any other person or entity holding an equity interest and/or any beneficial ownership in Recovery Corp., and the respective share, stockholding and/or ownership of each such person or entity.

5. All organizational and corporate Documents of Recovery Corp., including, without limitation, articles of incorporation, certificate of formation, bylaws, corporate minutes, stock ledger, and current organizational charts.

Dated: Miami, Florida  
September 13, 2024

**MCDERMOTT WILL & EMERY LLP**

/s/ Nathan M. Bull

Nathan M. Bull (*pro hac vice*)  
333 SE 2nd Avenue, Suite 4500  
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- and -

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- and -

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- and -

Timothy C. Cramton (*pro hac vice pending*)  
One Vanderbilt Avenue  
New York, New York 10017  
Telephone: (212) 547-5400  
Email: tcramton@mwe.com

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

**CERTIFICATE OF SERVICE**

I hereby certify that on this date a true and correct copy of the foregoing was served via email on the below as counsel for Recovery Corp. in the above-captioned Chapter 11 Cases:

JOHN A. ANTHONY, ESQUIRE  
Florida Bar Number: 0731013  
janthony@anthonyandpartners.com  
ANTHONY & PARTNERS, LLC  
100 S. Ashley Drive, Suite 1600  
Tampa, Florida 33602  
Tel.: (813) 273-5616 | Fax: (813) 221-4113

Dated: New York, New York  
September 13, 2024

**MCDERMOTT WILL & EMERY LLP**

*/s/ Timothy C. Cramton*  
\_\_\_\_\_  
Timothy C. Cramton (*pro hac vice* pending)  
One Vanderbilt Avenue  
New York, New York 10017  
Telephone: (212) 547-5400  
Email: tcramton@mwe.com

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

**EXHIBIT H**

**Debtors' Second Set of Interrogatories to Recovery Corp.,  
dated September 13, 2024**

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

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

**DEBTORS' SECOND SET OF INTERROGATORIES TO  
HEALTHCARE NEGLIGENCE SETTLEMENT RECOVERY CORP.**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 7033 of the Federal Rules of Bankruptcy Procedure, LaVie Care Centers, LLC ("LaVie") and certain of its affiliates and subsidiaries, as debtors and debtors-in-possession (collectively, the "Debtors") in the above-captioned chapter 11 cases (the "Chapter 11 Cases"), hereby requests that Healthcare Negligence Settlement Recovery Corp. respond to the following Interrogatories in accordance with the Federal Rules of Bankruptcy Procedure, the Federal Rules of Civil Procedure, and the Local Rules of Bankruptcy Practice and Procedure of the United States Bankruptcy Court for the Northern District of Georgia (collectively, the "Rules"), and consistent with the Definitions and Instructions set forth below, within thirty (30) days after service of these Interrogatories, or as otherwise agreed by the parties.

---

<sup>1</sup> 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.

In light of the Debtors' ongoing good faith efforts to respond to the discovery requests made by Recovery Corp. and provide fulsome responses and document productions in advance of the hearing currently scheduled for September 30, 2024, the Debtors request that Recovery Corp. similarly provide responses to these Interrogatories and the Debtors' other discovery requests prior to that date.

### **DEFINITIONS**

1. "You" or "Recovery Corp." means and refers to Healthcare Negligence Settlement Recovery Corp., together with any past or present shareholders, officers, directors, employees, accountants, attorneys, or other agents of Recovery Corp.

2. "Anthony & Partners" means and refers to Anthony & Partners, LLC, and any of its attorneys, members, partners, shareholders, managers, associates, analysts, employees, agents, or other representatives.

3. "Assignment" means and refers to any purported assignment of Claims by any of the Florida Claimants to Recovery Corp., including, without limitation, the purported assignment of Claims described in Paragraph 14 of the Complaint filed in the Miami Action.

4. "Authorization" means and refers to the authorization of a direct or indirect transfer of structured settlement payment rights in a final order by a court of competent jurisdiction pursuant to and accordance with Florida's Structured Settlement Protection Act, Florida Statute § 626.99296, *et seq.*

5. "Claims" means and refers to any and all claims, causes of action, and/or other rights, including, without limitation, the rights to any payments or amounts owing under a settlement agreement, that any individual Florida Claimant, or their authorized representative acting on their behalf under power of attorney or on behalf of their probate estate, purportedly



assigned or transferred to Recovery Corp., including, without limitation, the Claims described in Paragraph 11 of the Complaint filed in the Miami Action.

6. “Claimant Register” means and refers to the schedule attached as Exhibit C to the Complaint filed in the Miami Action, which lists the name of each Florida Claimant, the name of the Florida Claimant or their personal representative or person authorized by Power of Attorney as Releaser of their Claims, the Defendant Entity, Settlement Date and Amount, and Outstanding Amount, numbered 1-97.

7. “Florida Claimants” means and refers to the Florida-based claimants who assigned their Claims to Recovery Corp. as listed in the Claimant Registrar and as defined as the “Claimants” in Paragraph 11 of the Complaint filed in the Miami Action.

8. “Miami Action” means and refers to the legal action Recovery Corp. brought against certain Debtors and other defendants in the Civil Division of the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, on April 22, 2024, captioned *Healthcare Negligence Settlement Recovery Corp. v. 5405 Babcock Street Operations, LLC et al.*, No 2024-0007342-CA-01.

9. “Proof of Claim” means and refers to any proof of claim filed or submitted in these Chapter 11 Cases, including, without limitation, any filed by or on behalf of Recovery Corp. and/or the Florida Claimants.

10. “Settlement” or “Settlements” mean and refer to any settlement memorialized by the Settlement Documents (as defined in Paragraph 13 of the Complaint filed in the Miami Action) and reflected in the Claimant Register.

### **INSTRUCTIONS**

1. You must respond to the Interrogatories below in accordance with Your obligations under the Rules, including, specifically, under Rule 33 of the Federal Rules of Civil Procedure, based upon documents and information known to You and in Your possession, custody, or control.

2. To the extent you cannot completely answer any Interrogatory after making diligent efforts to do so, You must describe all efforts made to answer the interrogatory, and identify every person involved in such efforts.

3. Whenever appropriate, the singular form of a word shall be considered to include within its meaning the plural form of the word, and vice versa; the neuter form of a pronoun shall be considered to include within its meaning the masculine and feminine forms of the pronoun, and vice versa; and the use of any tense of any verb shall be considered to include within its meaning all other tenses of the verb. In each such instance, the Interrogatory shall be construed so as to furnish the most complete and inclusive response.

4. The responses to these Interrogatories must be signed by the officer or other authorized person for Recovery Corp that provided the responses to these Interrogatories.

5. These Interrogatories are continuing, and any response that is discovered to be inaccurate, incomplete, or otherwise in need of supplementation after service of the responses to these Interrogatories shall be corrected, amended or supplemented as soon as reasonably practicable.

6. To the extent the Interrogatories call for you to identify or refer to any particular Settlement, You shall identify such Settlement as “Settlement No. \_\_\_” based on the corresponding number listed in the Claimant Register.

**INTERROGATORIES**

3. Identify each and every Proof of Claim filed in these Chapter 11 Cases that You know or have reason to believe is a Claim that was purportedly assigned or transferred to Recovery Corp, including, without limitation, those filed by or on behalf of any Florida Claimant, and, for each such Claim, (i) describe the reason or basis for Your knowledge or belief; and (ii) explain Your understanding of the circumstances under which such Proof of Claim could be filed or asserted by anyone other than Recovery Corp.

4. For each and every Proof of Claim that Anthony & Partners filed for or on behalf of any other person or entity other than Recovery Corp. in these Chapter 11 Cases, including, without limitation, the Florida Claimants, explain whether You knew or had reason to believe that Anthony & Partners was authorized to file such Proof of Claim, and, in each such instance, describe the reason or basis for Your knowledge, including, without limitation, identifying any Documents that support or reflect such knowledge or belief.

Dated: Miami, Florida  
September 13, 2024

**MCDERMOTT WILL & EMERY LLP**

/s/ Nathan M. Bull

Nathan M. Bull (*pro hac vice*)  
333 SE 2nd Avenue, Suite 4500  
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- and -

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- and -

Emily C. Keil (admitted *pro hac vice*)  
Jake Jumbeck (admitted *pro hac vice*)  
Catherine Lee (admitted *pro hac vice*)  
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jjumbeck@mwe.com  
clee@mwe.com

- and -

Timothy C. Cramton (*pro hac vice* pending)  
One Vanderbilt Avenue  
New York, New York 10017  
Telephone: (212) 547-5400  
Email: tcramton@mwe.com

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

**CERTIFICATE OF SERVICE**

I hereby certify that on this date a true and correct copy of the foregoing was served via email on the below as counsel for Recovery Corp. in the above-captioned Chapter 11 Cases:

JOHN A. ANTHONY, ESQUIRE  
Florida Bar Number: 0731013  
janthony@anthonyandpartners.com  
ANTHONY & PARTNERS, LLC  
100 S. Ashley Drive, Suite 1600  
Tampa, Florida 33602  
Tel.: (813) 273-5616 | Fax: (813) 221-4113

Dated: New York, New York  
September 13, 2024

**MCDERMOTT WILL & EMERY LLP**

*/s/ Timothy C. Cramton*  
\_\_\_\_\_  
Timothy C. Cramton (*pro hac vice* pending)  
One Vanderbilt Avenue  
New York, New York 10017  
Telephone: (212) 547-5400  
Email: tcramton@mwe.com

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

**EXHIBIT I**

**Exemplar Assignment  
(attached as “Exhibit B” to Recovery Corp.’s Complaint in the Miami Action)**

## ASSIGNMENT OF CLAIM AND CORPORATE PROXY

This Assignment of Claim and Corporate Proxy (this “Assignment”) pertains to all claims (collectively, the “Assigned Claims”) that the undersigned claimant (the “Assignor”) possesses or may possess against Consulate Healthcare, its affiliates, subsidiaries, transferees, alter egos, related entities, and management individuals (collectively, the “Consulate Targets”). In connection with the Assignor’s assignment of the Assigned Claims to Healthcare Negligence Settlement Recovery Corp. (the “Recovery Corp.”), reference is made to the following:

1. The Assignor is among numerous claimants (collectively, the “Claimants”) who are parties to a series of settlement agreements (collectively, the “Settlement Agreements”) with one or more of the Consulate Targets, based upon nursing home negligence, medical malpractice, wrongful death, or other tort claims that were settled. In all instances, the Claimants have been represented by a series of law firms specializing in the prosecution of civil claims pertaining to nursing home negligence, medical malpractice, wrongful death, or other tort claims (collectively, the “Plaintiffs Firms”).

2. Consistently with the foregoing, the Assignor retained one of the Plaintiffs Firms for representation, culminating in execution of one of the Settlement Agreements (the “Assigned Settlement Agreement”), a copy of which is attached as Exhibit “A.” The Assignor’s counsel of record is indicated on the Assigned Settlement Agreement, and counsel (the “Assignor Plaintiffs Counsel”) continues to represent the Assignor.

3. Through no fault of the Assignor, there is good cause to believe that payments due or coming due under the Assigned Settlement Agreement will not be paid. Moreover, it has become apparent to all the Plaintiffs Firms that future payments under all the Settlement Agreements is highly unlikely. The reason for existing defaults and anticipatory repudiation under the Settlement Agreements is the transfer of assets away from the business entities obligated for payment under the Settlement Agreements.

4. The Assignor seeks to assign the Assigned Settlement Agreement, and all rights arising thereunder, including rights to recover against transferees, management, and any other parties responsible for causing defaults under the Assigned Settlement Agreement, to the Recovery Corp. In consideration for this Assignment, the Assignor is receiving an equity interest in the Recovery Corp. (the “Equity Interest”). The amount of the Assignor’s Equity Interest is commensurate with the amount due under the Assigned Settlement Agreement in relation to the aggregate face value of unpaid settlement obligations arising under all the Settlement Agreements.

5. As a shareholder of the Recovery Corp., effective as of the date of its formation, the Assignor hereby consents to the appointment of the board of directors of Recovery Corp. (the “Board”), consisting of lead trial counsel for each of the Plaintiffs Firms, including the Assignor Plaintiffs Counsel as indicated above. The Board shall have authority for representing the interests of all Claimants, to the extent that such Claimants become shareholders of Recovery Corp. in connection with execution of assignment documents matching this Assignment in

substance and form. The Assignor irrevocably assigns its voting rights to Assignor Plaintiffs Counsel, as a broad proxy regarding governance of Recovery Corp.

6. The Assignor recognizes that Recovery Corp. is retaining Anthony & Partners, LLC (“A&P”) as counsel of record to commence collection-related activities against the Consulate Targets, with the goal of recovering the full aggregate balance of sums due under the Settlement Agreements. A&P contemplates filing an initial lawsuit against the Consulate Targets (the “Consolidated Recovery Action”), as soon as conveniently possible. To initiate the engagement of A&P, the Plaintiffs Firms have commenced the engagement as a group, with the understanding that A&P’s client will be the Recovery Corp. when all assignment documents of all participating Claimants have been received. Just as the Assignor’s equity position in Recovery Corp. is commensurate with the amount due under its Assigned Settlement Agreement in relation to all others, so too are the Assignor’s rights to recover from any recovery achieved through litigation or alternative dispute resolution.

7. For purposes of this Assignment, the term “Assigned Claims” shall include not only contract rights arising under the Assigned Settlement Agreement, but also claims against third parties facilitating or causing the insolvency of the Consulate Targets, including claims for intentionally fraudulent transfers, constructively fraudulent transfers, alter ego/veil piercing liability, mere continuation liability, de facto merger, aiding and abetting fraud, breach of fiduciary duty, unjust enrichment, and other theories of recovery. Some or all of these Assigned Claims are commonly held by other Claimants, and will be pursued in the context of the Consolidated Recovery Action.

8. The Assignor recognizes that any litigation expense incurred by Assignor Plaintiffs Counsel in connection with the pursuit of collection efforts such as the Consolidated Recovery Action will produce a pro rata reduction of any distribution realized against the Consulate Targets. However, other than litigation expense, Recovery Corp. will act as a “pass-through entity” for the benefit of all participating Claimants. Notwithstanding the fact that there will be no additional deductions from the Assignor’s ultimate distribution, the Assignor hereby reaffirms the terms and conditions of the Assignor’s engagement agreement with Assignor Plaintiffs Counsel. Assignor Plaintiffs Counsel will be compensated and reimbursed for litigation expense at the same time that disbursements are made to all Claimants.

9. Although this Assignment is absolute and irrevocable, certain caveats are recognized. First, there have been no representations as to the likelihood of success on the merits as to claims that will be asserted against the Consulate Targets, in the context of the Consolidated Recovery Action or otherwise. Second, without attenuating the first caveat, the Assignor recognizes that the Board and its selection of counsel A&P will have fiduciary duties to the Assignor and other Claimants regarding the governance of Recovery Corp. Third, to the extent that a Court of competent jurisdiction determines that any claims asserted hereunder are not assignable under the law, then the Assignor shall exercise best efforts to cure any defect necessary to achieve the benefit of the bargain. Failing that, the Assigned Claims shall revert back to the Assignor as provided by law, though the proceeds may be separately addressed or



assigned elsewhere.

10. By executing this Assignment where indicated below, the Assignor represents and affirms that the Assignor has authority to execute this Assignment, and is the sole owner of all rights arising pursuant to the Assigned Settlement Agreement. There are no other terms and conditions of this Assignment, written or oral. This Assignment is irrevocable, in the absence of express written consent by all Claimants, all Plaintiffs Firms, and Recovery Corp., because all such parties are identifiable third-party beneficiaries with respect to the same. Any dispute regarding the negotiation, execution, performance, or breach of this Assignment shall be adjudicated, under Florida law, in the Thirteenth Judicial Circuit, in and for Hillsborough County, Florida. **All rights to jury trial regarding any such litigation are expressly waived, whatever they may be, as a material condition of this Assignment and the events and circumstances contemplated above.**

NOW, THEREFORE, for value received, the sufficiency of which is hereby acknowledged and conceded, the Assignor hereby assigns, transfers, and sets over unto Recovery Corp. all the Assigned Claims, and all other consideration referenced above, with the express proviso that this Assignment is conditioned upon Recovery Corp. confirming the percentage equity position of the Assignor within five (5) business days after receipt of all assignment documents from the Claimants.

**ASSIGNOR:**

Date: April \_\_, 2024

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Address: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Title (if applicable): \_\_\_\_\_

Company (if applicable): \_\_\_\_\_