

BRENTWOOD CIRCLE OPERATIONS LLC; 2826)
CLEVELAND AVENUE OPERATIONS LLC; 3001)
PALM COAST PARKWAY OPERATIONS LLC; 3101)
GINGER DRIVE OPERATIONS LLC; 3735 EVANS)
AVENUE OPERATIONS LLC; 4200 WASHINGTON)
STREET OPERATIONS LLC; 4641 OLD CANOE)
CREEK ROAD OPERATIONS LLC; 518 WEST)
FLETCHER AVENUE OPERATIONS LLC; 5405)
BABCOCK STREET OPERATIONS LLC; 6305)
CORTEZ ROAD WEST OPERATIONS LLC; 6414)
13TH ROAD SOUTH OPERATIONS LLC; 6700 NW)
10TH PLACE OPERATIONS LLC; 702 SOUTH)
KINGS AVENUE OPERATIONS LLC; 710 NORTH)
SUN DRIVE OPERATIONS LLC; 741 SOUTH)
BENEVA ROAD OPERATIONS LLC; 777 NINTH)
STREET NORTH OPERATIONS LLC; 7950 LAKE)
UNDERHILL ROAD OPERATIONS LLC; 9311)
SOUTH ORANGE BLOSSOM TRAIL OPERATIONS)
LLC; 9355 SAN JOSE BOULEVARD OPERATIONS)
LLC; BAYA NURSING AND REHABILITATION,)
LLC; BRANDON FACILITY OPERATIONS, LLC;)
CONSULATE FACILITY LEASING, LLC; EPSILON)
HEALTH CARE PROPERTIES, LLC; FLORIDIAN)
FACILITY OPERATIONS, LLC; JACKSONVILLE)
FACILITY OPERATIONS, LLC; JOSERA, LLC;)
KISSIMMEE FACILITY OPERATIONS, LLC;)
LIDENSKAB, LLC; LV CHC HOLDINGS I, LLC;)
MELBOURNE FACILITY OPERATIONS, LLC;)
MIAMI FACILITY OPERATIONS, LLC; NEW PORT)
RICHEY FACILITY OPERATIONS, LLC; NORTH)
FORT MYERS FACILITY OPERATIONS, LLC;)
ORANGE PARK FACILITY OPERATIONS, LLC;)
PORT CHARLOTTE FACILITY OPERATIONS, LLC;)
TALLAHASSEE FACILITY OPERATIONS, LLC;)
TOSTURI, LLC; AND WEST ALTAMONTE)
FACILITY OPERATIONS, LLC;)

Plaintiffs,)

v.)

HEALTHCARE NEGLIGENCE SETTLEMENT)
RECOVERY CORP.)

Defendant.)

ORDER (I) FURTHER EXTENDING THE AUTOMATIC STAY AND/OR PRELIMINARILY ENJOINING CLAIMS AND CAUSES OF ACTION AGAINST NON-DEBTOR DEFENDANTS AND (II) SCHEDULING CONTINUED CONTINGENT HEARING ON NOVEMBER 14, 2024 AT 9:30 A.M. (PREVAILING EASTERN TIME)

Upon the *Debtors' Motion for Entry of Order (I) Extending the Automatic Stay and/or Preliminarily Enjoining Claims and Causes of Action Against Non-Debtor Defendants and (II) Expedition* (the "Motion"), filed on June 30, 2024 at Docket No. 2 in the above-captioned adversary proceeding, of 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"), for entry of an order (this "Order") (i) declaring that the automatic stay provided by section 362(a) of title 11 of the United States Code (the "Bankruptcy Code") applies to claims asserted against (a) 9400 SW 137th Avenue Operations LLC, (b) Aspire Healthcare, LLC, (c) CMC II, LLC, (d) Concourse Partners, LLC, (e) Concurrent Partners, LLP, (f) Daniel E. Dias, Esq., (g) NSPIRE Healthcare Inc., (h) NSPRMC, LLC, and (i) Synergy Healthcare Services, Inc. (collectively, the "Non-Debtor Defendants") in that certain lawsuit pending in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida Civil Division by Healthcare Negligence Settlement Recovery Corp. ("HNSRC"), captioned *Healthcare Negligence Settlement Recovery Corp. v. 5405 Babcock Street Operations, LLC*, et al., No. 2024-007342-CA-01 (the "Recovery Corp. Action") or, alternatively, (ii) extending the automatic stay and preliminarily enjoining the claims against the Non-Debtor Defendants in the Recovery Corp. Action pursuant to Bankruptcy Code section 105(a), and (iii) granting related relief, all as fully set forth in the Motion, the *Brief in Support of Debtors' Motion for Entry of Order (I) Extending the Automatic Stay and/or Preliminarily Enjoining Claims and Causes of Action Against Non-Debtor Defendants and (II) Expedition* [Adv. Docket No. 3]

filed on June 30, 2024, the *Complaint* [Adv. Docket No. 1] (the “Complaint”) filed on June 30, 2024, the *Declaration of M. Benjamin Jones in Support of Debtors’ Motion for Entry of Order (I) Extending the Automatic Stay and/or Preliminarily Enjoining Claims and Causes of Action Against Non-Debtor Defendants and (II) Expedition*, attached to the Complaint as Exhibit A, and the *Reply in Support of Debtors’ Motion for Entry of Order (I) Extending the Automatic Stay and/or Preliminarily Enjoining Claims and Causes of Action Against Non-Debtor Defendants and (II) Expedition* [Adv. Docket No. 14] filed on July 23, 2024; and the United States Bankruptcy Court for the Northern District of Georgia, Atlanta Division (the “Court”) having jurisdiction to decide the Motion and to enter this Order pursuant to 28 U.S.C. § 1334; and consideration of the Motion being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that proper and adequate notice of the Motion has been given and that no other or further notice is necessary; and the Court having reviewed and considered the arguments set forth in *Recovery Corp.’s Response in Opposition to Injunction Motion* filed by HNSRC at Docket No. 10 in the above-captioned adversary proceeding on July 19, 2024; and the Court having held a hearing on this matter on July 24, 2024 (the “Hearing”); and the Court having entered the *Order (I) Extending the Automatic Stay and/or Preliminary Enjoining Claims and Causes of Action Against Non-Debtors Defendants and (II) Scheduling Continued Contingent Hearing* [Adv. Docket No. 16] (the “Original Stay Order”) on July 25, 2024; and the Court having held a continued hearing on this matter on September 30, 2024 (the “Continued Hearing”), pursuant to paragraph 2 of the Original Stay Order; and upon the record herein; and after due deliberation thereon; and the Court having determined that there is good and sufficient cause for the relief; and it appearing that entry of this Order on an emergency

basis is in the best interests of the Debtors' estates and that relief is justified to avoid immediate and irreparable harm to the Debtors' estates; it is hereby

ORDERED, ADJUDGED, AND DECREED that:

1. The Motion is **GRANTED** as set forth herein and for the reasons set forth on the record at the Continued Hearing.

2. Pursuant to Bankruptcy Code section 362(a), the automatic stay applies to the claims and causes of action asserted against the Debtor Defendants² and the Non-Debtor Defendants in the Recovery Corp. Action. Accordingly, the automatic stay is hereby extended to the claims and causes of action asserted against the Non-Debtor Defendants in the Recovery Corp. Action until the earlier of (a) confirmation of a chapter 11 plan with respect to the Debtor Defendants, (b) dismissal of the Chapter 11 Cases of the Debtor Defendants, or (c) November 15, 2024, at 11:59 p.m. (prevailing Eastern Time)(such period from the date of this Order until the occurrence of any of the foregoing events enumerated in (a) – (c), the “Stay Period”).

² The “Debtor Defendants” include LaVie Care Centers, LLC; 1010 Carpenters Way Operations LLC; 1120 West Donegan Avenue Operations LLC; 11565 Harts Road Operations LLC; 12170 Cortez Boulevard Operations LLC; 1465 Oakfield Drive Operations LLC; 15204 West Colonial Drive Operations LLC; 1550 Jess Parrish Court Operations LLC; 1615 Miami Road Operations LLC; 1851 Elkcarn Boulevard Operations LLC; 216 Santa Barbara Boulevard Operations, LLC; 2333 North Brentwood Circle Operations, LLC; 2826 Cleveland Avenue Operations LLC; 3001 Palm Coast Parkway Operations LLC; 3101 Ginger Drive Operations LLC; 3735 Evans Avenue Operations LLC; 4200 Washington Street Operations LLC; 4641 Old Canoe Creek Road Operations LLC; 518 West Fletcher Avenue Operations LLC; 5405 Babcock Street Operations LLC; 6305 Cortez Road West Operations LLC; 6414 13th Road South Operations LLC; 6700 NW 10th Place Operations LLC; 702 South Kings Avenue Operations LLC; 710 North Sun Drive Operations LLC; 741 South Beneva Road Operations LLC; 777 Ninth Street North Operations LLC; 7950 Lake Underhill Road Operations, LLC; 9311 South Orange Blossom Trail Operations, LLC; 9355 San Jose Boulevard Operations LLC; Baya Nursing And Rehabilitation, LLC; Brandon Facility Operations, LLC; Consulate Facility Leasing, LLC; Epsilon Health Care Properties, LLC; Floridian Facility Operations, LLC; Jacksonville Facility Operations, LLC; Josera, LLC; Kissimmee Facility Operations, LLC; Lidenskab, LLC; LV CHC Holdings I, LLC; Melbourne Facility Operations, LLC; Miami Facility Operations, LLC; New Port Richey Facility Operations, LLC; North Fort Myers Facility Operations, LLC; Orange Park Facility Operations, LLC; Port Charlotte Facility Operations, LLC; Tallahassee Facility Operations, LLC; Tosturi, LLC; and West Altamonte Facility Operations, LLC.

3. **On November 14, 2024, a hearing shall be held in this Court at 9:30 a.m. (prevailing Eastern Time)**³ to determine whether additional relief is necessary or appropriate.

4. Pursuant to Bankruptcy Code section 105(a), HNSRC is hereby enjoined from continuing the Recovery Corp. Action against the Non-Debtor Defendants during the Stay Period. Absent further order of this Court, HNSRC shall not: (a) continue the Recovery Corp. Action (including by prosecuting or defending the Recovery Corp. Action through any new filings before the court presiding over that action, except as authorized by this Court) during the Stay Period; (b) continue or commence including the issuance or employment of process, of a judicial, administrative, or other action or proceeding against the Non-Debtor Defendants that asserts allegations or causes of action relating to those asserted in the Recovery Corp. Action, unless that action is proceeding before this Court during the Stay Period; or (c) take any action to obtain possession of property of the Debtors' estates or property from the Debtors' estates or to exercise control of the Debtors' estates, including, but not limited to, filing a motion to sever the Recovery Corp. Action as to the Debtors or the Non-Debtor Defendants during the Stay Period.

5. The form of notice of entry of the Order attached hereto as **Exhibit 1** (the "**Stay Extension Notice**") is hereby approved. The Debtors are authorized, but not directed, to file a notice substantially in the form of the Stay Extension Notice on the docket in the Recovery Corp. Action.

³ Parties may attend the hearing in **Courtroom 1202 in the Richard B. Russell Federal Building and United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303** or virtually via **Judge Baisier's Virtual Hearing Room**. The link for the Virtual Hearing Room can be found on Judge Baisier's webpage at <https://www.ganb.uscourts.gov/content/honorable-paul-m-baisier> and is best used on a desktop or laptop computer but may be used on a phone or tablet. Participants' devices must have a camera and audio. You may also join the Virtual Hearing Room through the "Dial-In and Virtual Bankruptcy Hearing Information" link at the top of the homepage of the Court's website, www.ganb.uscourts.gov. Please review "Instructions for Appearing by Telephone and Video Conference" located under the "Hearing Information" tab on the judge's webpage prior to the hearing. You should be prepared to appear at the hearing via video, but you may leave your camera in the off position unless you are speaking or until the Court instructs otherwise. Unrepresented persons who do not have video capability may use the telephone dial-in information on the judge's webpage.

6. During the Stay Period, all deadlines in the Recovery Corp. Action, under any law, rule, regulation, or legal process, including any deadline for any party to (a) seek to transfer the Recovery Corp. Action to any court, (b) seek to remove the Recovery Corp. Action to federal court, or (c) respond to any motion or pleading in the Recovery Corp. Action, are suspended and tolled for the duration of the Stay Period. Nothing herein shall prevent any party from requesting the court presiding over the Recovery Corp. Action to reschedule any deadline applicable to such action following the expiration of the Stay Period. The failure of any party to seek, during the Stay Period, any relief subject to a deadline that has been suspended or tolled pursuant to this Order shall not constitute delay, laches, waiver, estoppel, or any similar defense.

7. This Order shall not affect the substantive rights of any party, nor create any rights, defenses, or arguments not otherwise available under applicable law. Specifically, this Order shall not affect the exceptions contained in Bankruptcy Code sections 362(b), 365(b)(4), and 365(e)(2), the right of any party in interest to seek relief from the automatic stay in accordance with Bankruptcy Code section 362(d), or, with respect to an unexpired lease or executory contract, any party's rights under Bankruptcy Code section 365.

8. Nothing contained in the Motion or this Order or any payment made pursuant to the authority granted by this Order is intended to be or shall be construed as (a) authority to assume or reject any executory contract or unexpired lease of real property, or as a request for the same; (b) an admission as to the validity, priority, or character of any claim or other asserted right or obligation, or a waiver or other limitation on the Debtors' ability to contest the same on any ground permitted by bankruptcy or applicable non-bankruptcy law; (c) a promise or requirement to pay any claim or other obligation; or (d) granting third-party-beneficiary status, bestowing any additional rights on any third party, or being otherwise enforceable by any third party.

9. Notwithstanding any provision of the Federal Rules of Bankruptcy Procedure or the Local Rules of the United States Bankruptcy Court for the Northern District of Georgia, the terms of this Order shall be immediately effective and enforceable upon its entry.

10. The Debtors and their agents are authorized to take all steps necessary or appropriate to carry out this Order.

11. The Court retains jurisdiction over all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

END OF ORDER

Prepared and presented by:

/s/ Daniel M. Simon

Daniel M. Simon (Georgia Bar No. 690075)

MCDERMOTT WILL & EMERY LLP

1180 Peachtree Street NE, Suite 3350

Atlanta, Georgia 30309

Telephone: (404) 260-8535

Facsimile: (404) 393-5260

Email: dsimon@mwe.com

- and -

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

Jake Jumbeck (admitted *pro hac vice*)

Catherine Lee (admitted *pro hac vice*)

MCDERMOTT WILL & EMERY LLP

444 West Lake Street, Suite 4000

Chicago, Illinois 60606

Telephone: (312) 372-2000

Facsimile: (312) 984-7700

Email: ekeil@mwe.com

jjumbeck@mwe.com

cleel@mwe.com

Counsel for the Debtors and Debtors-in-Possession

EXHIBIT 1

Stay Extension Notice

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA
CIVIL DIVISION**

HEALTHCARE NEGLIGENCE SETTLEMENT
RECOVERY CORP.

Case No. 2024-007342-CA-01

Plaintiff,

v.

5405 BABCOCK STREET OPERATIONS, LLC,
EPSILON HEALTH CARE PROPERTIES, LLC,
CMC II, LLC, LAVIE CARE CENTERS, LLC, 6700
N.W. 10TH PLACE OPERATIONS, LLC, 4200
WASHINGTON STREET OPERATIONS, LLC,
2826 CLEVELAND A VENUE OPERATIONS,
LLC, BAY A NURSING AND REHABILITATION,
LLC, 1465 OAKFIELD DRIVE OPERATIONS,
LLC, 777 NINTH STREET NORTH
OPERATIONS, LLC, 3101 GINGER DRIVE
OPERATIONS, LLC, TALLAHASSEE FACILITY
OPERATIONS, LLC, JOSERA, LLC; TOSTURI,
LLC, MELBOURNE FACILITY OPERATIONS,
LLC, NORTH FORT MYERS FACILITY
OPERATIONS, LLC, CONSULATE FACILITY
LEASING, LLC, 1010 CARPENTERS WAY
OPERATIONS, LLC, MIAMI FACILITY
OPERATIONS, LLC, 741 SOUTH BENEVA
ROAD OPERATIONS, LLC, 3735 EVANS A
VENUE OPERATIONS, LLC, 7950 LAKE
UNDERHILL ROAD OPERATIONS, LLC, 518
WEST FLETCHER A VENUE OPERATIONS,
LLC, LIDENSKAB LLC, JACKSONVILLE
FACILITY OPERATIONS, LLC, 3001 PALM
COAST PARKWAY OPERATIONS, LLC,
KISSIMMEE FACILITY OPERATIONS, LLC,
9311 SOUTH ORANGE BLOSSOM TRAIL
OPERATIONS, LLC, 4641 OLD CANOE CREEK
ROAD OPERATIONS, LLC, 2333 NORTH
BRENTWOOD CIRCLE OPERATIONS, LLC, 710
NORTH SUN DRIVE OPERATIONS, LLC, 1851
ELKCAM BOULEVARD OPERATIONS, LLC,
6414 13TH ROAD SOUTH OPERATIONS, LLC,
1120 WEST DONEGAN AVENUE OPERATIONS,
LLC, 12170 CORTEZ BOULEVARD

OPERATIONS, LLC, 9400 SW 137th AVENUE OPERATIONS LLC, NSPRMC, LLC, 1550 JESS PARRISH COURT OPERATIONS, LLC, LV CHC HOLDINGS I, LLC, CONCOURSE PARTNERS, LLC, CONCURRENT PARTNERS, LLLP, PORT CHARLOTTE FACILITY OPERATIONS, LLC, WEST ALTAMONTE FACILITY OPERATIONS, LLC, 216 SANTA BARBARA BOULEY ARD OPERATIONS, LLC, FLORIDIAN FACILITY OPERATIONS, LLC, 1615 MIAMI ROAD OPERATIONS, LLC, 6305 CORTEZ ROAD WEST OPERATIONS, LLC, 15204 WEST COLONIAL DRIVE OPERA TIO NS, LLC, NEW PORT RICHEY FACILITY OPERATIONS, LLC, 11565 HARTS ROAD OPERATIONS, LLC, BRANDON FACILITY OPERATIONS, LLC, 9355 SAN JOSE BOULEVARD OPERATIONS, LLC, 702 SOUTH KINGS AVENUE OPERATIONS, LLC, ORANGE PARK FACILITY OPERATIONS, LLC, SYNERGY HEALTHCARE SERVICES, INC., NSPIRE HEALTHCARE INC., ASPIRE HEALTHCARE, LLC, and DANIEL E. DIAS, ESQUIRE,

Defendants.

NOTICE OF ENTRY OF ORDER (I) FURTHER EXTENDING THE AUTOMATIC STAY AND/OR PRELIMINARY ENJOINING CLAIMS AND CAUSES OF ACTION AGAINST NON-DEBTOR DEFENDANTS AND (II) SCHEDULING CONTINUED CONTINGENT HEARING ON NOVEMBER 14, 2024 AT 9:30 A.M. (PREVAILING EASTERN TIME)

PLEASE TAKE NOTICE that the true and correct copy of the *Order (I) Further Extending the Automatic Stay and/or Preliminarily Enjoining Claims and Causes of Action Against Non-Debtor Defendants and (II) Scheduling Continued Contingent Hearing on November 14, 2024 at 9:30 a.m. (prevailing Eastern Time)*, issued by the United States Bankruptcy Court for the Northern District of Georgia dated October 1, 2024 and attached hereto as **Exhibit A**, provides that this action is temporarily stayed against 9400 SW 137th Avenue Operations LLC, Aspire Healthcare, LLC, CMC II, LLC, Concourse Partners, LLC, Concurrent Partners, LLP, Daniel E.

Dias, Esq., NSPIRE Healthcare Inc., NSPRMC, LLC, and Synergy Healthcare Services, Inc., through the earlier of (a) confirmation of a chapter 11 plan with respect to the Debtor Defendants,¹ (b) dismissal of the chapter 11 cases of the Debtor Defendants, which are currently being jointly administered under Case No. 24-55507 (PMB), or (c) **November 14, 2024, at which point a hearing will be held in the United States Bankruptcy Court for the Northern District of Georgia, Atlanta Division, at 9:30 a.m. (prevailing Eastern Time)**² to determine whether additional relief is necessary or appropriate.

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¹ The “Debtor Defendants” include LaVie Care Centers, LLC; 1010 Carpenters Way Operations LLC; 1120 West Donegan Avenue Operations LLC; 11565 Harts Road Operations LLC; 12170 Cortez Boulevard Operations LLC; 1465 Oakfield Drive Operations LLC; 15204 West Colonial Drive Operations LLC; 1550 Jess Parrish Court Operations LLC; 1615 Miami Road Operations LLC; 1851 Elckam Boulevard Operations LLC; 216 Santa Barbara Boulevard Operations, LLC; 2333 North Brentwood Circle Operations, LLC; 2826 Cleveland Avenue Operations LLC; 3001 Palm Coast Parkway Operations LLC; 3101 Ginger Drive Operations LLC; 3735 Evans Avenue Operations LLC; 4200 Washington Street Operations LLC; 4641 Old Canoe Creek Road Operations LLC; 518 West Fletcher Avenue Operations LLC; 5405 Babcock Street Operations LLC; 6305 Cortez Road West Operations LLC; 6414 13th Road South Operations LLC; 6700 NW 10th Place Operations LLC; 702 South Kings Avenue Operations LLC; 710 North Sun Drive Operations LLC; 741 South Beneva Road Operations LLC; 777 Ninth Street North Operations LLC; 7950 Lake Underhill Road Operations, LLC; 9311 South Orange Blossom Trail Operations, LLC; 9355 San Jose Boulevard Operations LLC; Baya Nursing And Rehabilitation, LLC; Brandon Facility Operations, LLC; Consulate Facility Leasing, LLC; Epsilon Health Care Properties, LLC; Floridian Facility Operations, LLC; Jacksonville Facility Operations, LLC; Josera, LLC; Kissimmee Facility Operations, LLC; Lidenskab, LLC; LV CHC Holdings I, LLC; Melbourne Facility Operations, LLC; Miami Facility Operations, LLC; New Port Richey Facility Operations, LLC; North Fort Myers Facility Operations, LLC; Orange Park Facility Operations, LLC; Port Charlotte Facility Operations, LLC; Tallahassee Facility Operations, LLC; Tosturi, LLC; and West Altamonte Facility Operations, LLC.

² Parties may attend the hearing in **Courtroom 1202 in the Richard B. Russell Federal Building and United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, GA 30303** or virtually via **Judge Baisier’s Virtual Hearing Room**. The link for the Virtual Hearing Room can be found on Judge Baisier’s webpage at <https://www.ganb.uscourts.gov/content/honorable-paul-m-baisier> and is best used on a desktop or laptop computer but may be used on a phone or tablet. Participants’ devices must have a camera and audio. You may also join the Virtual Hearing Room through the “Dial-In and Virtual Bankruptcy Hearing Information” link at the top of the homepage of the Court’s website, www.ganb.uscourts.gov. Please review “Instructions for Appearing by Telephone and Video Conference” located under the “Hearing Information” tab on the judge’s webpage prior to the hearing. You should be prepared to appear at the hearing via video, but you may leave your camera in the off position unless you are speaking or until the Court instructs otherwise. Unrepresented persons who do not have video capability may use the telephone dial-in information on the judge’s webpage.

Dated: Atlanta, Georgia
September 30, 2024

MCDERMOTT WILL & EMERY LLP

/s/ Daniel M. Simon

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

- and -

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

Counsel for the Debtors and Debtors-in-Possession

EXHIBIT A

Bankruptcy Court Order

Distribution List

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

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

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

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

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

Healthcare Negligence Settlement Recovery Corp.
c/o John Anthony
Anthony & Partners, LLC
100 S. Ashley Drive, Suite 1600
Tampa, FL 33602