

**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. ¹)	(Jointly Administered)
)	
LAVIE CARE CENTERS, LLC and BRANDON FACILITY OPERATIONS, LLC,)	Adversary Proc. No. 25-05007 (PMB)
Plaintiffs,)	
)	
v.)	
CREA BRANDON-C LLC and BRANDON HEALTH OPCO, LLC,)	
Defendants.)	
)	

**DEBTOR-PLAINTIFFS’ MOTION FOR ENTRY OF ORDER EXTENDING
AUTOMATIC STAY AND/OR PRELIMINARILY ENJOINING
CLAIMS AND CAUSES OF ACTION AGAINST NON-DEBTOR DEFENDANTS**

LaVie Care Centers, LLC (“LaVie”)² and Brandon Facility Operations, LLC (“Brandon”, and, together with LaVie, the “Plaintiffs” or the “Debtor-Plaintiffs”), as debtors and debtors-in-possession (collectively, the “Debtors”) in the above-captioned chapter 11 cases, hereby move (the “Motion”) for entry of an order, substantially in the form attached hereto as **Exhibit A**

¹ The last four digits of LaVie Care Centers, LLC’s federal tax identification number are 5592. There are 282 Debtors in these chapter 11 cases, which are being jointly administered for procedural purposes only. A complete list of the Debtors and the last four digits of their federal tax identification numbers are not provided herein. A complete list of such information may be obtained on the website of the Debtors’ claims and noticing agent at <https://www.veritaglobal.net/LaVie>. The location of LaVie Care Centers, LLC’s corporate headquarters and the Debtors’ service address is 1040 Crown Pointe Parkway, Suite 600, Atlanta, GA 30338.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Complaint or Brief, each as defined herein and as applicable.



(the “Proposed Order”), granting the relief described below. In support of thereof, the Debtor-Plaintiffs submit (a) the *Complaint* (the “Complaint”) initiating this adversary proceeding (which is adopted and expressly incorporated herein by reference); (b) the *Brief in Support of Debtor-Plaintiffs’ Motion for Entry of Order Extending Automatic Stay and Preliminarily Enjoining Claims Against Non-Debtor Defendants* (the “Brief”); and (c) the *Declaration of Sydney Reitzel in Support of Debtor-Plaintiffs’ Motion for Entry of Order Extending Automatic Stay and Preliminarily Enjoining Claims Against Non-Debtor Defendants* (the “Reitzel Declaration”), each of which is filed contemporaneously herewith and fully incorporated herein by reference.

RELIEF REQUESTED

1. The Debtor-Plaintiffs seek entry of the Proposed Order, which includes the following relief: (a)(i) an extension of the automatic stay under sections 105(a) and/or 362(a) title 11 of the United States Code (the “Bankruptcy Code”) to prohibit the continued prosecution of the 2024 Brandon Action against the Non-Debtor Defendants through and including the effective date of the Debtors’ confirmed chapter 11 plan or, in the alternative, (ii) a preliminary injunction under Bankruptcy Code section 105(a) and Rule 7065 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) to temporarily enjoin the continued prosecution of the 2024 Brandon Action and all claims and causes of action set forth therein against the Non-Debtor Defendants until the effective date of the Debtors’ confirmed chapter 11 plan; and (b) expedition of the proceedings. In addition, the Debtor-Plaintiffs seek authorization to file a stay extension notice in the 2024 Brandon Action, substantially in the form appended to the Proposed Order as **Exhibit 1**, notifying all parties that the automatic stay applies to claims asserted against the Non-Debtor Defendants in the 2024 Brandon Action or extending the automatic stay and preliminarily enjoining claims against the Non-Debtor Defendants in the 2024 Brandon Action.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b), and the Court may enter a final order consistent with Article III of the United States Constitution. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. The legal predicates for the relief requested herein are Bankruptcy Code sections 105(a) and 362(a), Bankruptcy Rules 7001(7), 7007, 7019, and 7065, Rule 7007-1 of the Local Rules of Practice for the United States Bankruptcy Court for the Northern District of Georgia (the “Local Rules”), and the *Second Amended and Restated General Order 26-2019, Procedures for Complex Chapter 11 Cases*, dated February 6, 2023 (the “Complex Case Procedures”).

BACKGROUND

3. The Debtor-Plaintiffs hereby incorporate the factual background set forth in the Brief as if set forth fully herein.

ARGUMENT

4. The Debtor-Plaintiffs hereby incorporate the arguments set forth in the Brief as if set forth fully herein.

RESERVATION OF RIGHTS

5. The Debtor-Plaintiffs and all of the Debtors in the Chapter 11 Cases expressly reserve all rights, claims, causes of action, counter-claims, and defenses with respect to the 2023 Brandon Action and the 2024 Brandon Action, and nothing contained herein shall constitute a waiver or release of the foregoing.

NOTICE

6. The Debtor-Plaintiffs will provide notice of the Motion to: (a) the U.S. Trustee; (b) the Internal Revenue Service; (c) the United States Attorney for the Northern District of Georgia; (d) the Attorney General for the State of Georgia; (e) the Georgia Department of

Revenue; (f) the Centers for Medicare and Medicaid Services; (g) the states attorneys general for states in which the Debtors conduct business; (h) counsel to the Committee; (i) counsel to the Debtors' prepetition lenders; (j) counsel to the DIP Lenders; (k) the Brandon Entities; and (l) all parties entitled to notice pursuant to Bankruptcy Rule 2002. The Debtors submit that no other or further notice is required.

NO PRIOR REQUEST

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

WHEREFORE, the Debtor-Plaintiffs respectfully request that the Court enter the Proposed Order, granting the relief requested in this Motion and any such other and further relief as may be just and proper.

Dated: Atlanta, Georgia
January 6, 2025

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*)
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
clee@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 document was served on counsel to the Brandon Entities via electronic mail. The Debtors' claims and noticing agent will be filing a supplemental certificate of service on the docket to reflect any additional service of the foregoing document via electronic mail or first-class mail, including on the Brandon Entities and the Limited Service List.

Dated: Atlanta, Georgia
January 6, 2025

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

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. ¹)	(Jointly Administered)
_____)	
LAVIE CARE CENTERS, LLC and BRANDON)	Adversary Proc. No. 25-05007 (PMB)
FACILITY OPERATIONS, LLC,)	
Plaintiffs,)	
v.)	
CREA BRANDON-C LLC and BRANDON)	
HEALTH OPCO, LLC,)	
Defendants.)	
_____)	

¹ The last four digits of LaVie Care Centers, LLC’s federal tax identification number are 5592. There are 282 Debtors in these chapter 11 cases, which are being jointly administered for procedural purposes only. A complete list of the Debtors and the last four digits of their federal tax identification numbers are not provided herein. A complete list of such information may be obtained on the website of the Debtors’ proposed 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.

**ORDER EXTENDING THE AUTOMATIC STAY
AND/OR PRELIMINARY ENJOINING CLAIMS AND
CAUSES OF ACTION AGAINST NON-DEBTOR DEFENDANTS**

Upon the motion (the “Motion”)² filed on January 6, 2025 at Adv. Docket No. 2 by LaVie Care Centers, LLC (“LaVie”) and Brandon Facility Operations, LLC (“Brandon” and, together with LaVie, the “Debtor-Plaintiffs”), as debtors and debtors-in-possession (collectively, the “Debtors”) in the above-captioned chapter 11 cases, for entry of an order (this “Order”) (i) extending the automatic stay and preliminarily enjoining the claims and causes of action asserted against Pourlessoins, LLC d/b/a Synergy Healthcare Services and Jared Elliott (together, the “Non-Debtor Defendants”) in that certain lawsuit pending in the Circuit Court for the Ninth Judicial Circuit in and for Orange County, Florida Business Court filed by CREA Brandon-C LLC and Brandon Health OpCo, LLC (together, the “Brandon Entities”), captioned *CREA Brandon-C LLC and Brandon Health OpCo, LLC v. Pourlessoins, LLC, d/b/a Synergy Healthcare Services and Jared Elliott*, No. 24-CA-007910-O (the “2024 Brandon Action”), and (ii) granting related relief, all as fully set forth in the Motion, the *Complaint* [Adv. Docket No. 1] (the “Complaint”), filed on January 6, 2025, the *Brief in Support of Debtors’ Emergency Motion for Entry of Order Extending Automatic Stay and/or Preliminarily Enjoining Claims and Causes of Action Against Non-Debtor Defendants* [Adv. Docket No. 3] (the “Brief”), filed on January 6, 2025, and the *Declaration of Sydney Reitzel in Support of Debtor-Plaintiffs’ Emergency Motion for Entry of Order Extending Automatic Stay and/or Preliminarily Enjoining Claims and Causes of Action Against Non-Debtor Defendants* [Adv. Docket No. 4] (the “Declaration”), filed on January 6, 2025; 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

² Capitalized terms used but not otherwise defined herein have the meanings ascribed to such terms in the Motion.

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 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.
2. The automatic stay is hereby extended to the claims and causes of action asserted against the Non-Debtor Defendants in the 2024 Brandon Action from the date of entry of this Order until the effective date of the Debtors' chapter 11 plan, which was confirmed by this Court on December 5, 2024 [Docket No. 735] (the "Stay Period").
3. The Brandon Entities are hereby enjoined from continuing the 2024 Brandon Action against the Non-Debtor Defendants. Absent further order of this Court, the Brandon Entities shall not: (a) continue the 2024 Brandon Action (including by prosecuting or defending the 2024 Brandon 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 2024 Brandon 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 2024 Brandon Action as to the Debtors or the Non-Debtor Defendants during the Stay Period.

4. 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 Brandon Action.

5. During the Stay Period, all deadlines in the 2024 Brandon Action, under any law, rule, regulation, or legal process, including any deadline for any party to (a) seek to transfer the 2024 Brandon Action to any court, (b) seek to remove the 2024 Brandon Action to federal court, or (c) respond to any motion or pleading in the 2024 Brandon 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 2024 Brandon 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.

6. 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.

7. 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.

8. Notwithstanding any provision of the Bankruptcy Rules or Local Rules, the terms of this Order shall be immediately effective and enforceable upon its entry.

9. The Debtor-Plaintiffs, the Debtors, and their agents are authorized to take all steps necessary or appropriate to carry out this Order.

10. 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*)

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

clee@mwe.com

Counsel for the Debtors and Debtors-in-Possession

Distribution List

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

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

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

Kurtzman Carson Consultants LLC d/b/a Verita Global
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

CREA Brandon-C LLC and Brandon Health OpCo, LLC
Shane G. Ramsey
Nelson Mullins Riley and Scarborough LLP
1222 Demonbreun Street, Suite 1700
Nashville, TN 37203

EXHIBIT 1

Stay Extension Notice

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA
BUSINESS COURT

CREA BRANDON-C LLC and BRANDON)	
HEALTH OPCO, LLC,)	
)	
Plaintiffs,)	
v.)	Case No. 24-CA-007910-O
)	
POURLESSOINS, LLC d/b/a SYNERGY)	
HEALTHCARE SERVICES and JARED ELLIOTT,)	
)	
Defendants.)	

**NOTICE OF ENTRY OF AN ORDER
BY THE BANKRUPTCY COURT EXTENDING THE AUTOMATIC
STAY AND/OR PRELIMINARILY ENJOINING CLAIMS AND CAUSES
OF ACTION AGAINST NON-DEBTOR DEFENDANTS AND**

PLEASE TAKE NOTICE that the attached true and correct copy of the *Order Extending the Automatic Stay and/or Preliminarily Enjoining Claims and Causes of Action Against Non-Debtor Defendants* (the “Order”), issued by the United States Bankruptcy Court for the Northern District of Georgia, dated _____, 2025 provides that this action is temporarily stayed against Pourlessoins, LLC d/b/a Synergy Healthcare Services and Jared Elliott from the date of entry of the Order until the effective date of the Debtors’ chapter 11 plan, which was confirmed by this Court on December 5, 2024 [Docket No. 735] (the “Stay Period”).

Dated: Atlanta, Georgia
[], 2025

MCDERMOTT WILL & EMERY LLP

/s/ DRAFT

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*)
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
clee@mwe.com

Counsel for the Debtors and Debtors-in-Possession