

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	)	CHAPTER 11
	)	
LAVIE CARE CENTERS, LLC, <i>et al.</i> <sup>1</sup>	)	CASE NO. 24-55507-pmb
	)	
Debtors	)	Cases Jointly Administered
	)	
_____	)	<b>Hearing Date: March 11, 2025, at 9:30 a.m.</b>
	)	
KELLY FEEKO, INDIVIDUALLY AND	)	
AS EXECUTRIX OF THE ESTATE OF	)	
RICHARD J. REILLY, DECEASED	)	CONTESTED MATTER
Movants,	)	
	)	
v.	)	
	)	
PAVILION AT ST. LUKE VILLAGE	)	
FACILITY OPERATIONS, LLC,	)	
	)	
Respondent	)	
_____	)	

**MOTION TO ALLOW LATE FILED CLAIM**

COMES NOW Kelly Feeko, Individually and as Executrix of the Estate of Richard J. Reilly, Deceased (“Movant”), and hereby seeks allowance of a late filed Proof of Claim, showing as follows:

**Background**

1. Respondent Pavilion at St. Luke Village Facility Operations, LLC, d/b/a The Pavilion at St. Luke Village (“Pavilion”), is a company authorized and licensed to do business as

<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.kccllc.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.



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a nursing home for the rendering of custodial or personal care to aged or disabled persons in Luzerne County, Pennsylvania.

2. On or about July 21, 2022, Richard J. Reilly (“Reilly”) was admitted at Pavilion.

3. On or about July 22, 2022, a nutritional evaluation indicated that Reilly had dysphagia (difficulty swallowing) and should be on a pureed diet.

4. On August 5, 2022, Reilly transitioned from a pureed diet to dysphagia diet advanced.

5. While a resident at Pavilion, on August 5, 2022, a CNA answered Reilly’s call light to find him in his bed with the head of the bed elevated. Reilly was having difficulty speaking and put his hands to his throat. The CNA ran to get the LPN. The LPN responded immediately and observed Reilly hit his chest with the palm of his hand. The LPN performed abdominal thrusts and instructed the CNA to get the other LPN. A small piece of meat came out of Reilly’s mouth forcefully. The LPNs continued to perform thrusts and back slaps.

6. The LPNs instructed the CNA to get the RN Supervisor. The RN responded immediately and found Reilly unresponsive. It was noted that he unconscious and not breathing.

7. Reilly was transferred from Pavilion to a different facility and ultimately died on August 20, 2022. The cause of death was listed as airway obstruction - choking.

8. On or about July 30, 2024, Movant filed a *Praecipe for Writ of Summons* in the Court of Common Pleas of Luzerne County, Pennsylvania, docketed to No. 2024-08147, to initiate a medical professional liability action against Pavilion as a result of the death of Reilly.

9. Pavilion filed a voluntary Chapter 11 petition, Case No. 24-55623-pmb, on June 2, 2024, which case is jointly administered under the above captioned case. Movant was not listed as a creditor in Pavilion’s Petition and did not receive notice of the bankruptcy.

10. On September 16, 2024, Pavilion filed its *Notice of Suggestion on Pendency of Bankruptcy for LaVie Care Centers, LLC, et al. (Including The Pavilion at St. Luke Village Facility Operations, LLC, t/d/b/a The Pavilion at St. Luke Village) and Automatic Stay of Proceedings* (the “Suggestion of Bankruptcy”).

11. Movant was not aware of Pavilion’s bankruptcy proceeding until served with the Suggestion of Bankruptcy.

12. The bar date for filing Proofs of Claim was August 30, 2024 (the “Bar Date”), which expired prior to Movant’s knowledge of the pending bankruptcy.

### **Relief Requested**

13. By this Motion, Movant requests that she be allowed to file a Proof of Claim and have the claim deemed timely filed.

### **Basis for Relief**

14. 11 U.S.C. § 502(b)(9) provides that “a proof of claim is not timely filed, except to the extent tardily filed as permitted under paragraphs (1), (2) or (3) of Section 726(a) of this title”

15. Claims which are tardily filed because a creditor did not have notice or actual knowledge of a case in time for timely filing of a proof of claim are allowed under 11 U.S.C. § 726(2)(C), which provides for the allowance of tardily filed claims under 11 U.S.C. § 501(a) if “(i) the creditor that holds such claim did not have notice or actual knowledge of the case in time for timely filing of a proof of such claim under § 501(a) of this title; and (ii) proof of such claim is filed in time to permit payment of such claim.”).

16. Movant did not have notice of the bankruptcy prior to the Bar Date, and any Proof of Claim filed by Movant will be in time to permit payment of such claim.

WHEREFORE, Movant request that the Court allow Movant to file a Proof of Claim and

have such claim be deemed timely filed. Movant further requests that the Court grant such other relief as is appropriate.

Dated: January 28, 2025

LAMBERTH, CIFELLI,  
ELLIS & NASON, P.A.  
*Counsel for Movant*

By: /s/ G. Frank Nason, IV  
G. Frank Nason, IV  
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Atlanta, Georgia 30328  
(404) 262-7373

**Certificate of Service**

This is to certify that on this date a true and correct copy of the forgoing *Motion to Allow Late Filed Claim* was served by the Court's CM/ECF system on all counsel of record registered in these Chapter 11 cases through CM/ECF.

A separate certificate will reflect service on additional parties.

Dated: January 28, 2025

/s/ G. Frank Nason, IV  
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	)	
Respondent	)	
_____	)	

**NOTICE OF HEARING ON MOTION TO ALLOW LATE FILED CLAIM**

**PLEASE TAKE NOTICE** that Kelly Feeko, Individually and as Executrix of the Estate of Richard J. Reilly, Deceased (“Movant”), filed her *Motion to Allow Late Filed Claim* (the “Motion”) on January 28, 2025. In the Motion, Movant seeks an order allowing a late filed claim on the grounds that Movant did not have notice of bankruptcy prior to the expiration of the claims bar date.

**PLEASE TAKE FURTHER NOTICE** that the Court will hold a hearing on **March 11, 2025, at 9:30 a.m.** in Courtroom **1202**, United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303, which may be attended in person or via the Court’s Virtual Hearing Room. You may join the Virtual Hearing Room through the “Dial-In and Virtual Bankruptcy Hearing Information” link at the top of the homepage of the Court’s website, [www.ganb.uscourts.gov](http://www.ganb.uscourts.gov), or the link on the judge’s webpage, which can also be found on the

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Court's website. Please also review the "Hearing Information" tab on the judge's webpage for further information about the hearing. You should be prepared to appear at the hearing via video, but you may leave your camera in the off position until the Court instructs otherwise. Unrepresented persons who do not have video capability may use the telephone dial-in information on the judge's webpage.

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

Dated: January 28, 2025

LAMBERTH, CIFELLI,  
ELLIS & NASON, P.A.  
*Attorneys for Movant*

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G. Frank Nason, IV  
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Dated: January 28, 2025

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