

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

In re:)	
)	
LAVIE CARE CENTERS, LLC, et al.,	)	Case No. 24-55507 (PMB)
)	
Debtors.	)	Chapter 11
	)	(Jointly Administered)
<hr/>)	
)	
LOVE BROWNE, as Administrator of the Estate of)	
JUBELEE BROWNE, Deceased,	)	CONTESTED MATTER
)	
Movant,)	
)	
v.)	
)	Case No. 24-55771
WILLIAMSBURG FACILITY)	
OPERATIONS, LLC,)	
)	
Respondent.)	
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MOTION FOR RELIEF FROM THE AUTOMATIC STAY
(WAIVER OF 30-DAY REQUIREMENT UNDER 11 U.S.C. § 362(E))

COMES NOW Movant, LOVE BROWNE, as Administrator of the Estate of JUBELEE BROWNE, Deceased (“Movant”), by and through undersigned counsel, pursuant to 11 U.S.C. § 362(d) and Rule 4001 of the Federal Rules of Bankruptcy Procedure, and hereby moves this Court for an Order granting relief from the automatic stay, out of an abundance of caution, to proceed against any and all insurance coverage held for the benefit of Debtor WILLIAMSBURG FACILITY OPERATIONS, LLC [Case No. 24-55771] in connection with a pending negligence/wrongful death action against Debtor asserted in that certain lawsuit styled *Love Browne, as Administrator of the Estate of Jubelee Browne, Deceased v. Williamsburg Facility*



Operations, LLC, et al., pending in the Circuit Court of The City of Norfolk under Case Number CL22014644-00 (the “State Court Action”). In support of this Motion, Movant respectfully shows the Court as follows:

1. On June 3, 2024, Williamsburg Facility Operations, LLC (“Debtor”) filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code in this Court, commencing Case No. 24-55771. Debtor’s case is currently jointly administered under Case No. 24-55507.

2. As a result of Debtor’s bankruptcy filing, the State Court Action has been stayed.

3. On October 28, 2022, Movant commenced the State Court Action, which asserts the following claims against Debtor:

- **Negligence and Substandard Care:** Debtor’s facility is accused of failing to provide appropriate care to Ms. Browne, leading to severe health issues including pressure ulcers, infections, and overall deterioration. The related complaint claims that the facility’s actions—or lack thereof—contributed directly to Ms. Browne’s suffering and eventual death.

- **Understaffing:** The complaint alleges that Debtor’s facility was knowingly understaffed to cut costs, which led to inadequate supervision, delayed responses to medical needs, and neglect of basic care duties.

- **Violation of Resident Rights:** Debtor is accused of violating Ms. Browne’s rights under state and federal nursing home regulations, including failure to maintain dignity, provide proper nutrition, hydration, hygiene, and medical care.

- **Wrongful Death:** As a result of the alleged neglect and misconduct, the complaint asserts that Ms. Browne died prematurely. The lawsuit seeks damages related to pain and suffering, medical expenses, and the wrongful death itself.

A copy of the related Complaint is attached hereto as Exhibit “A”.

4. Movant seeks relief from the automatic stay solely to permit the adjudication of the State Court Action and, if successful, to proceed against any and all insurance coverage available to Debtor for satisfaction of any resulting judgment.

5. Debtor’s estate would not be prejudiced by the relief requested because, upon information and belief, the State Court Action will be defended by insurance defense counsel at no cost to Debtor, and any settlement or judgment will be satisfied solely from applicable insurance proceeds and not from property of the estate. To the extent any portion of a judgment or settlement might implicate estate assets, Movant agrees to pursue recovery through the bankruptcy claims process.

6. The identity of Debtor’s insurer(s) is presently unknown due to the absence of formal discovery in the State Court Action, but upon information and belief, Debtor maintains that one or more insurance policies may provide coverage for the claims asserted.

7. Based on the foregoing, Movant seeks relief from the automatic stay “for cause” under Section 362(d)(1) to proceed to recover from Debtor’s insurance coverage. Indeed, by way of this Motion, Movant requests authority to permit the Circuit Court of The City of Norfolk to adjudicate the State Court Action, and if it is adjudicated in Movant’s favor, to proceed against third-party insurers to recover the resulting judgment, including via bad faith claims against such insurers.

8. The requested relief is appropriate under the circumstances. See Doughty v. Holt (In re Doughty), 195 B.R. 1 (Bankr. D. Me. 1996) (finding that actions aimed at collecting an obligation from a debtor’s liability insurer are permissible, even when they involve the debtor as a nominal defendant).

9. If a hearing on this Motion cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the Motion and agrees to a hearing on the earliest possible date. Movant consents to the automatic stay remaining in effect until the Court orders otherwise.

WHEREFORE, PREMISES CONSIDERED, Movant respectfully requests that this Court:

- A. Grant this Motion for Relief from the Automatic Stay;
 - B. Permit Movant to proceed with the State Court Action through judgment and enforce any such judgment solely against applicable insurance policies covering the Debtor;
 - C. Waive the 14-day stay of effectiveness under Rule 4001(a)(3), Fed. R. Bankr. P.;
- and
- D. Grant such other and further relief as is just and proper.

Dated: June 20, 2025

/s/ John A. Moore

John A. Moore (Ga. Bar No. 519792)
THE MOORE LAW GROUP, LLC
1745 Martin Luther King Jr. Dr.
Atlanta, GA 303014
(678) 288-5600 – Telephone
(888) 726-4355 – Facsimile

Counsel for Movant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Motion for Relief from Stay* was served via the Court's CM/ECF system and/or by U.S. Mail, postage prepaid, on this 20th day of June, 2025, to all interested parties and counsel of record, including:

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(Pro hac Application Pending)

Counsel for Movant

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

In re:)	
)	
LAVIE CARE CENTERS, LLC, et al.,	)	Case No. 24-55507 (PMB)
)	
Debtors.	)	Chapter 11
	)	(Jointly Administered)
)	
	)	Hearing Date:
	)	August 7, 2025 at 9:30 a.m.
LOVE BROWNE, as Administrator of the Estate of)	
JUBILEE BROWNE, Deceased,)	
)	
Movant,	)	CONTESTED MATTER
)	
v.)	
	)	Case No. 24-55771
WILLIAMSBURG FACILITY)	
OPERATIONS, LLC,)	
)	
Respondent.)	

NOTICE OF HEARING ON MOTION BY CREDITOR
LOVE BROWNE, AS ADMINISTRATOR OF THE ESTATE OF JUBILEE BROWNE,
FOR RELIEF FROM THE AUTOMATIC STAY

PLEASE TAKE NOTICE that **LOVE BROWNE, as Administrator of the Estate of JUBILEE BROWNE, Deceased** has filed a *Motion for Relief from the Automatic Stay* (the “Motion”) and related papers with the Court seeking an order granting her relief from the automatic stay to proceed against any and all insurance coverage held for the benefit of Debtor WILLIAMSBURG FACILITY OPERATIONS, LLC [Case No. 24-55771] in connection with a pending negligence/wrongful death action against Debtor asserted in that certain lawsuit styled *Love Browne, as Administrator of the Estate of Jubilee Browne, Deceased v. Williamsburg Facility Operations, LLC, et al.*, pending in the Circuit Court of The City of Norfolk under Case Number CL22014644-00 (the “State Court Action”).

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion at **9:30 A.M.** on **AUGUST 7, 2025**, in **COURTROOM 1202**, United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303, which may be attended in person or via the Court's Virtual Hearing Room. You may join the Virtual Hearing Room through the "Dial-In and Virtual Bankruptcy Hearing Information" link at the top of the homepage of the Court's website, www.ganb.uscourts.gov, or the link on the judge's webpage, which can also be found on the Court's website. Please also review the "Hearing Information" tab on the judge's webpage for further information about the hearing. You should be prepared to appear at the hearing via video, but you may leave your camera in the off position until the Court instructs otherwise. Unrepresented persons who do not have video capability may use the telephone dial-in information on the judge's webpage.

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

If a hearing on the Motion cannot be held within thirty (30) days, Movant waives the requirement for holding a preliminary hearing within thirty days of filing the Motion and agrees to a hearing on the earliest possible date. Movant consents to the automatic stay remaining in effect until the Court orders otherwise.

Dated: June 20, 2025

/s/ John A. Moore

John A. Moore (Ga. Bar No. 519792)

THE MOORE LAW GROUP, LLC

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Atlanta, GA 303014

(678) 288-5600 – Telephone

(888) 726-4355 – Facsimile

Counsel for Movant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this *Motion for Relief from Stay* and related *Notice of Hearing* were served via the Court's CM/ECF system and/or by U.S. Mail, postage prepaid, on this 20th day of June, 2025, to all interested parties and counsel of record, including:

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(*Pro hac Application Pending*)

Counsel for Movant

VIRGINIA:

IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

**LOVE BROWNE,
ADMINISTRATOR OF THE ESTATE OF
JUBELEE BROWNE, deceased,**

PLAINTIFF,

v.

Case No. CL22014644-00

WILLIAMSBURG FACILITY OPERATIONS, LLC
d.b.a. Consulate Health Care of Williamsburg

Serve:

Registered Agent:
Corporation Service Company
100 Shockoe Slip Fl 2
Richmond, VA 23219-4100

and

ROBERT E. WALTERS, JR., MD

Serve:

Mid Atlantic Long-Term Care
6160 Kempsville Circle
Suite 325A
Norfolk, Virginia 23502

and

LONG TERM CARE OF TIDEWATER, P.C.
d.b.a. Long Term Care of Virginia,

Serve:

Registered Agent:
William R. Van Buren, III
Kaufman & Canoles, P.C.
150 W. Main Street, Suite 2100
Norfolk, VA 23510-0000

and

MID-ATLANTIC POST ACUTE & LONG TERM CARE, PLLC
dba Mid-Atlantic Long Term Care (formerly dba Long Term Care
of Tidewater, P. C.)

Serve:

6160 Kempsville Circle
Suite 325A
Norfolk, Virginia 23502

DEFENDANTS.

COMPLAINT

The plaintiff, Love Browne, by counsel, moves for judgment against the defendants in the amount and for the reasons as appear hereinafter:

1. The plaintiff's decedent was at all times relevant hereto a resident of the Commonwealth of Virginia. Plaintiff Browne is a resident of Virginia.
2. Defendant Williamsburg Facility Operations, L.L.C. is a corporation recognized under the laws of the State of Virginia.
3. Defendant Williamsburg Facility Operations, L.L.C. at all times relevant owned and operated Consulate Health Care of Williamsburg, (hereinafter "Consulate"); which operates as a nursing home and rehabilitation center and is located in Williamsburg, Virginia.
4. At all times relevant hereto, the staff (including nurses, technicians, attendants, etc.) at Consulate Health Care of Williamsburg, were employees and/or agents of Williamsburg Facility Operations, L.L.C.; and doing business as Consulate

Health Care of Williamsburg; and all actions and omissions as alleged hereinafter were taken within the scope of such employment or agency.

5. Defendant Robert E. Walters, Jr. (hereinafter "Dr. Walters") is a medical doctor who at all times relevant was employed by (or acting as an agent for) Williamsburg Facility Operations, L.L.C., Consulate and Long Term Care of Tidewater, P.C.

6. Dr. Walters, an employee or agent for Long Term Care of Tidewater, Inc., was at all times relevant charged with the responsibility of overseeing and managing the medical care that was provided to the plaintiff while she was a patient at Consulate. Dr. Walters maintains an office in Norfolk, Virginia.

7. Defendant Long Term Care of Tidewater, P.C. is a corporation organized under the laws of the State of Virginia, does business as Long Term Care of Virginia, P.C. and has offices in Norfolk, Virginia.

8. Defendant Mid-Atlantic Post Acute & Long Term, PLLC, is a corporation organized under the laws of the State of Virginia, and upon information and belief formerly did business as Long Term Care of Tidewater, P.C. and has offices in Norfolk, Virginia.

9. At all times relevant hereto, all relevant physician services provided to the plaintiff were either performed by, or directed by, employees and/or agents of Mid-Atlantic Post Acute & Long Term Care, PLLC, Williamsburg Facilities Operations, L.L.C., or Long Term Care of Tidewater, P.C.; including (but not limited to) Robert E. Walters, Jr., MD. Additionally, all actions and omissions as alleged hereafter were taken within the scope of such employment or agency.

10. The plaintiff's decedent, Jubelee Browne, was a woman of approximately 64 years of age when she entrusted her healthcare to the defendants when she became a resident patient at Consulate in July 2017.

11. Ms. Browne, who required peritoneal dialysis, had a reasonable expectation that she would receive appropriate care, including peritoneal dialysis treatment for seven days of the week, if necessary.

12. The plaintiff had suffered some medical setbacks in the year prior to her admission to Consulate but was in generally stable health under the circumstances.

13. Notably, Ms. Browne suffered from renal failure, which required consistent, professional renal care (in particular, dialysis treatment) in order to maintain her health in general, and specifically the use of her kidneys.

14. In fact, the plaintiff required peritoneal dialysis; a treatment that uses the lining of the patient's abdomen in conjunction with a cleaning solution (Dialysate) in order to clean the patient's blood.

15. Each of the defendants, as well as their agents and employees, knew or should have known that the plaintiff required peritoneal dialysis; and that peritoneal dialysis must be performed more frequently than "regular" dialysis.

16. Each of the defendants as well as their agents and employees knew or should have known that the plaintiff's condition in August 2017 meant that she would have a specific need for her required peritoneal dialysis to be performed daily (including the weekends) over the course of her stay at Consulate or that her health and well-being would be jeopardized.

17. Upon information and belief, each of the defendants as well as their agents and employees knew or should have known that, in fact, it was therefore critically necessary that Ms. Browne's peritoneal dialysis be performed at the appropriate times and on the appropriate number of occasions.

18. Upon information and belief, prior to Ms. Browne's arrival at their facility, Consulate had contracted with Davita, a reputable health care provider (primarily for dialysis recipients), to train certain of its employees to perform dialysis (including the peritoneal dialysis that the plaintiff required) or to otherwise ensure that patients needing dialysis would not go without the much-needed treatment.

19. Ms. Browne had already been receiving dialysis services from Davita; which had, in fact, managed her care prior to her admission to Consulate. Upon information and belief, Davita had contracted with Consulate to provide training so that Consulate might appropriately provide dialysis services for its patients; and receive payment accordingly.

20. Upon information and belief, Davita had a contractual relationship with Consulate that required Consulate to manage Ms. Browne's required daily dialysis.

21. Upon information and belief, Davita had a contractual relationship with Consulate that required Consulate to maintain enough properly trained staff members during the course of the week and on the weekends so as to appropriately manage the care for and provide dialysis to Ms. Browne and patients like her.

22. Upon information and belief Consulate experienced a loss of appropriately trained personnel that rendered the defendants ill-equipped and unable to provide necessary dialysis treatment to Ms. Browne and other dialysis patients during three consecutive weekends.

23. Ms. Browne therefore went three weekends in a row beginning on or about August 9, 2017, without any dialysis treatment at all.

24. At all times relevant hereto, Consulate, their staff and employees (including nurses, technicians, attendants, etc.) all knew or should have known that Ms. Browne's health depended upon their maintaining appropriately trained staff during the weekend hours as well as the work week.

25. At all times relevant hereto; Consulate; their staff and employees (including nurses, technicians, attendants, etc.) all knew or should have known that Ms. Browne's health depended upon their procuring alternative means for providing dialysis to Ms. Browne, who was unable to do so on her own.

26. Ms. Browne's medical care and overall well-being was (at all times relevant hereto) entrusted to the defendants; individually and collectively.

27. Pursuant to the patient health care provider relationship, each of the defendants owed a duty to Ms. Browne to treat her in accordance with recognized and acceptable standards of medical care and treatment; including ensuring that she would receive uninterrupted dialysis treatment at all times during the course of her stay at Consulate; including on the weekends.

28. The defendants violated applicable standards of care in that they negligently failed to provide appropriate care for Ms. Browne, a patient who relied exclusively upon the defendants and their agents for her survival.

29. In particular, the defendants violated applicable standards of care in that they negligently failed to provide (or otherwise ensure that the plaintiff would receive) dialysis treatment at the appropriate times from properly trained personnel on the proper occasions.

30. The defendants also otherwise failed to provide adequate assessment, diagnosis, and treatment for Jubelee Browne.

31. As a direct and proximate result of the defendants' individual and collective negligence and breaches of the applicable standard(s) of care, Ms. Browne suffered permanent injuries to her body, including a dangerous increase of fluid around her heart which exacerbated her already compromised heart function resulting in her death.

32. Ms. Browne was also subjected to certain other abuses, including Consulate nursing staff and other employees negligently failing to assess and maintain Ms. Browne's personal hygiene appropriately; failing to properly ensure that Ms. Browne's teeth were properly brushed and cleaned, and failing to monitor, assess and take appropriate steps to prevent bedsores from forming on the decedent's body; resulting in infections and other related conditions that contributed to her death.

33. In particular, the defendants negligently violated applicable standards of care by:

- a) Failing to properly ensure that Jubelee Browne received peritoneal dialysis when needed;
- b) Failing to properly determine and chart the patient's vital signs and symptoms in a timely manner;
- c) Failing to perform adequate and ongoing medical and nursing assessments of Jubelee Browne;
- d) Failing to take regular vital signs of Jubelee Browne during the time she was not receiving dialysis;

e) Failing to make alternative arrangements for the plaintiff to receive peritoneal dialysis;

f) Otherwise providing inadequate assessment, diagnosis, care, and treatment for Ms. Browne.

34. As a direct and proximate consequence of defendants' violation of applicable standards of care, Ms. Browne suffered complications that resulted in her death on October 31, 2020.

35. As a consequence of Ms. Browne's death, medical, funeral, and burial expenses were incurred.

36. Ms. Browne is survived by her daughters, Love Browne and Micale Browne; who are statutory beneficiaries as defined in Va. Code §8.01-53.


37. As a direct and proximate result of the defendants' negligence, Ms. Browne's beneficiaries have suffered, and will suffer in the future, loss of services, protection, care and assistance provided by the decedent, as well as loss of society, companionship, comfort, guidance, kindly offices, and advice of the decedent.

WHEREFORE, plaintiff Love Browne, Administrator of the Estate of Jubelee Browne, demands judgment against the defendants, jointly and severally, in the amount of Five Million dollars (\$5,000,000.00) together with costs in this behalf expended, and prejudgment interest from October 31, 2020.

A trial by jury is demanded.

LOVE BROWNE,
Administrator

BY:



Counsel

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