

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In re:

**MIDWEST CHRISTIAN VILLAGES, INC.
*et al,***

Debtors.

Chapter 11

**Case No. 24-42473-659
Jointly Administered**

Related Docket No. 8

**ORDER PURSUANT TO SECTION 333(A) OF THE BANKRUPTCY
CODE AND BANKRUPTCY RULE 2007.2 (I) WAIVING WITHOUT
PREJUDICE THE APPOINTMENT OF A PATIENT CARE
OMBUDSMAN AND (II) ALLOWING THE DEBTORS TO
SELF-REPORT**

Upon the Motion¹ of the above-captioned debtors and debtors-in-possession (the “Debtors”), for entry of an order (i) determining that appointment of a patient care ombudsman for the Debtors is not required at this time, (ii) allowing the Debtors to self-report information relating to the state of Resident care to this Court, the Office of the U.S. Trustee for the Eastern District of Missouri (“U.S. Trustee”), and any Residents or family members thereof who specifically request a copy of such information, and (iii) granting related relief, all as further described in the Motion (“Motion to Forgo PCO Appointment”); and this Court having jurisdiction to consider the Motion to Forgo PCO Appointment and the relief requested therein under 28 U.S.C. §§ 157 and 1334; and this Court having found that this is a core proceeding under 28 U.S.C. § 157(b)(2); and this Court having found that the Debtors’ notice of the Motion to Forgo PCO Appointment and opportunity for a hearing were adequate and appropriate under

¹ Capitalized terms not defined herein have the meanings ascribed to them in the Motion to Forgo PCO Appointment.



the circumstances and no other notice need be provided; and this Court having reviewed the Motion to Forgo PCO Appointment and determined that the legal and factual bases set forth in the Motion to Forgo PCO Appointment establish just cause for the relief granted herein; and this Court having found and determined, based upon the present record of these cases, that the relief sought in the Motion is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Motion to Forgo PCO Appointment is GRANTED on the basis set forth in this order.

2. The appointment of a patient care ombudsman under § 333 of the Bankruptcy Code is not necessary for the protection of Residents under the specific facts of these chapter 11 cases at this time.

3. The U.S. Trustee is directed not to appoint a patient care ombudsman in these cases at this time.

4. Within thirty (30) days of entry of this Order, and every month thereafter until the effective date of the Debtors' confirmed plan of reorganization, or as otherwise may be ordered by this Court, the Debtors shall file with the Court a verified affidavit reporting the following information (the "Self Report"):

- **Staff Members:** Report the number of "Staff Members," their positions, the status or standing of any licenses held by staff members, and any formal complaints made by Residents or families of Residents concerning the type and level of care provided ("Care") by the Staff Members at the Debtors' facilities. The term "Staff Members" includes: (a) W-2 employees or independent contractors, who are directly contracted with or by the Debtors, and (b) individuals who, at the request of the Debtors, whether or not directly contracted with, provide any form of care to the Residents. The term "Care" includes, but is not limited to: (a) services of medical personnel, whether licensed or unlicensed, who provide care to Residents in (i) the long-term healthcare and rehabilitation

sections of the Debtors' communities and (ii) the independent living sections of the Debtors' communities, (b) use of physicians, medical specialists, dentists, or other medical practitioners whose practices are based, in whole or in part, within the communities, or who at the request of the Debtors or their employees, treat Residents on a regular and recurring basis, (c) use of rehabilitation or therapy rooms and related medical equipment by Residents, and (d) the providing of pharmaceutical services or supplies to Residents.

- **Staffing Changes:** Report any material increase or decrease in the number of staff members over the fourteen-day reporting period, and the reasons or justifications for such increase or decrease.
- **Patient/Resident Records:** Report the measures taken by the Debtors to continue securing Resident records at the facilities.
- **Vendors:** Report all formal complaints, if any, raised by the Debtors' vendors regarding payment or ordering issues.
- **Formal Complaints:** Report all formal² complaints, if any, made by Residents, the families of Residents, or referring physicians (including formal complaints made by physicians, medical specialists, dentists, or other medical practitioners whose practices are based, in whole or in part at the Debtors' communities or who at the Debtors' request, treat Residents on a regular and recurring basis) regarding patient care and/or other services rendered by the Debtors.
- **Litigation:** Report any postpetition litigation or administrative actions initiated postpetition against the Debtors, and the status of any pending administrative actions against the Debtors.
- **Expansion/Closures:** Report any plans to open or close any part of the Debtors' facilities.
- **Condition of Facilities:** Report any major maintenance work that needs to be done to or that has been done to the Debtors' facilities. This can include, but is not otherwise limited to, structural concerns such as roofing, electrical, plumbing, and flooding issues.
- **Life-Safety Issues:** Affirmatively report that there are no life-safety issues regarding the facilities where Residents live and are treated or otherwise receive care. Life safety issues include the ability of the Debtors' medical personnel to respond in a timely manner, using staff members on premises, to emergency situations whether by phone or emergency pull cord. In the event that there are life-safety issues, report them immediately to the Court and state what is being done to rectify them.

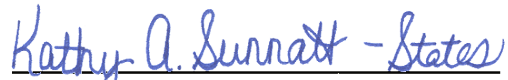
² The burden shall be on the debtors to broadly construe what constitutes a "formal" complaint.

5. The Debtors will mail (by U.S. first class mail), e-mail, or fax a copy of the Self Reports to: (a) the U.S. Trustee, (b) the chair/s and counsel of an official committee appointed in these cases, (c) any Residents or family members thereof who specifically request a copy of such affidavit or report, and (d) any state supervising authorities. Moreover, the Self-Reports will also be available on the website of Debtors' noticing and claims agent, Kurtzman Carson Consultants, LLC (KCC), now known as Verita Global, at <http://www.veritaglobal.net/MCV>, or by accessing the Court's website at www.moeb.uscourts.gov. A PACER password is needed to access documents on the Court's website.

6. The Court, on its own action or on motion of the U.S. Trustee, any official committee appointed in these cases, or any party in interest³ including, but not limited to, any Resident or family members (or their representative or counsel), may order the appointment of a patient care ombudsman at any time during the pendency of these cases .

7. The relief and provisions of this Order are based solely on the distinct records of these cases, and they are not intended to establish or be cited as precedence for any other pending or future cases filed in any jurisdiction.

No later than two (2) business days after the date of this Order, the Debtors shall serve a copy of the Order on the Notice Parties and shall file a certificate of service no later than 24 hours after service.


KATHY A. SURRATT-STATES
U.S. Bankruptcy Judge

DATED: July 29, 2024
St. Louis, Missouri
jjh

³ Party-in-interest shall also include all federal, state and local governmental and regulatory agencies or offices.

Order Prepared By:

Stephen O'Brien
DENTONS US LLP
211 N Broadway Ste 3000
St. Louis, MO 63102
Telephone: (314) 241-1800
stephen.obrien@dentons.com

Robert E. Richards (*pro hac vice* pending)
Samantha Ruben (*pro hac vice* pending)
Elysa Chew (*pro hac vice* pending)
DENTONS US LLP
233 S. Wacker Drive, Suite 5900
Chicago, Illinois 60606-6404
Telephone: (312) 876-8000
robert.richards@dentons.com
samantha.ruben@dentons.com
elysa.chew@dentons.com

– and –

David A. Sosne
MoBar # 28365
SUMMERS COMPTON WELLS LLC
903 South Lindbergh Blvd., Suite 200
St. Louis, Missouri 63131
Telephone: (314) 991-4999
dsosne@scw.law

*Proposed Co-Counsel to the Debtors and
Debtors-in-Possession*