

ENTERED

December 18, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

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|---|---|-------------------------------|
| IN RE: | § | |
| | § | |
| NEIGHBORS LEGACY HOLDINGS, INC., | § | CASE NO. 18-33836 (MI) |
| et al., | § | (Chapter 11) |
| Debtors. | § | |

| | | |
|---|---|----------------------------|
| INFINITY EMERGENCY MANAGEMENT GROUP, LLC, | § | |
| | § | |
| <i>Plaintiff,</i> | § | |
| | § | |
| VS. | § | ADV. P. NO. 18-3276 |
| | § | |
| SETUL G. PATEL, M.D. AND PAUL ALLEYNE, M.D., | § | |
| | § | |
| <i>Defendants.</i> | § | |

**AGREED ORDER REGARDING DISPOSITION OF JOINT MOTION
OF PLAINTIFF AND DEFENDANTS IN LITIGATION
BROUGHT BY INFINITY EMERGENCY MANAGEMENT GROUP, LLC
REGARDING PARTIES' SETTLEMENT OF CONTROVERSIES**

Came on for hearing on December 14, 2023 at 1:30 p.m. the *Motion of Plaintiff and Defendants in Litigation Brought by Infinity Emergency Management Group LLC for an Order Approving Settlement of Controversies* (the "Motion"),¹ and having considered the Motion, any response thereto, and the record in this case:

Counsel for each of the Settling Parties informed the Court on the record that appropriate and adequate Notice of the Motion had been given, and no party in interest had filed any timely objection or expressed opposition to the Parties' Settlement, and the Court therefore accepts the Settling Parties' announcement of their Settlement as set forth herein, and HEREBY:

- 1. Omitted.

¹ Capitalized terms not otherwise defined herein are given the meaning assigned to them in the Motion.



2. Accepts announcement by the Settling Parties that they have settled the referenced Adversary Proceeding No. 18-3276;

3. Allows the Settling Parties' implementation and consummation of their Settlement Agreement attached to and described in the Motion;

4. Allows Beazley Insurance to honor and fund the Settlement under the D&O Policy;

5. Affirms that any payment and/or advancement made by Beazley under the D&O Policy shall not be considered property of the Debtors' estates or of the Unsecured Creditors' Trust or of the Liquidating Trust;

6. Affirms that the automatic stay imposed by section 362(a) of the Bankruptcy Code and the injunctive provisions contained in the Plan and Section 524(a) of the Bankruptcy Code (the "**Discharge and Injunctive Provisions**") either do not apply, or to the extent they apply, are hereby modified to permit the Neighbors O&Ds to allow Beazley to remit, advance, or make the Settlement Payment under the D&O Policy on behalf of the Settling Parties and the Neighbors O&Ds in order to effectuate the Settlement;


7. Affirms that the Discharge and Injunctive Provisions shall not subject Beazley to liability for making and/or advancing any payment in connection with past, present, or future defense costs paid under the D&O Policy;

8. Accepts the Settling Parties' Motion as constituting a Joint Motion Pursuant to Rule 7041 to Dismiss the Adversary Proceeding with Prejudice that has been properly circulated, and upon submission of a proper form of proposed Order of Dismissal, the Court expects to enter an Order of Dismissal dismissing and closing Adversary Proceeding No. 18-3276.

9. This Court retains jurisdiction of Adversary Proceeding No. 18-3276 pending in this Court, including, without limitation, to hear and determine all disputes arising in it, all orders previously entered by the Bankruptcy Court, and adjudicate all other matters over which the Bankruptcy Court has jurisdiction.

SO ORDERED

Signed: December 18, 2023



Marvin Isgur
United States Bankruptcy Judge

AGREED:

/s/ Mark S. Finkelstein
Mark S. Finkelstein
Texas Bar No. 07015100 | S.D. Tex. No. 5543
Shannon, Martin, Finkelstein, Alvarado & Dunne, P.C.
1001 McKinney Street, Suite 560
Houston, Texas 77002
T: 713.646.5503 | F: 713.752.0337
Email: mfinkelstein@smfadlaw.com

and

/s/ Paul D. Flack
Paul D Flack
Texas Bar No. 00786930
Pratt and Flack LLP
4306 Yoakum Blvd., Suite 500
Houston, TX 77006
T: 713.705.3087
Email: pflack@prattflack.com

Attorneys for Defendant and Counter-plaintiff, Setul G. Patel, M.D.

and

[Signatures continue on next page]

/s/ Millard A. Johnson

Millard A. Johnson
TBA # 10772500
mjohnson@jdkglaw.com
JOHNSON DELUCA KURISKY & GOULD, P.C.
1221 Lamar, Suite 1000
Houston, TX 77010
(713) 652-2525

Attorneys for Defendant Paul Alleyne, M.D.

and

/s/ Matthew B. Probus

Matthew B. Probus
Tex. Bar No. 16341200
S.D. Tex. No. 10915
The Probus Law Firm
matthewprobus@theprobuslawfirm.com
10497 Town and Country Way, Suite 930
Houston, Texas 77024
(713) 258-2700 (Telephone)
(713) 258-2701 (Facsimile)

Attorney for Plaintiff and Counter-defendant, Infinity Emergency Management Group, LLC