

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

_____		X
In re	:	
	:	Chapter 11
HOSPITAL FOR SPECIAL SURGERY, LLC	:	
<i>Db</i> a ONECORE HEALTH,	:	Case No. 24-12862-JDL
	:	
Debtor.	:	
_____		X

DEBTOR’S EMERGENCY MOTION FOR ENTRY OF AN ORDER (I) AUTHORIZING DEBTOR TO REDACT PERSONALLY IDENTIFIABLE INFORMATION FOR CERTAIN INDIVIDUAL CREDITORS AND PARTIES IN INTEREST, (II) AUTHORIZING PROCEDURES TO MAINTAIN AND PROTECT CONFIDENTIAL PATIENT INFORMATION, AND (III) GRANTING RELATED RELIEF WITH BRIEF IN SUPPORT, NOTICE OF OPPORTUNITY FOR HEARING AND NOTICE OF HEARING

NOTICE OF OPPORTUNITY FOR HEARING

Your rights may be affected. You should read this Document carefully and consult your attorney about your rights and the effect of this Document. If you do not want the Court to grant the motion, or you wish to have your views considered, you must file a written response to the motion with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 **no later than 12:00 p.m. (CDT) on October 9, 2024.** You should also serve a file-stamped copy of the response to the undersigned [and others who are required to be served] and file a certificate or affidavit of service with the Court.

**NOTICE OF HEARING
(TO BE HELD IF A RESPONSE IS FILED)**

Notice is hereby given that if a response to the Emergency Motion for Entry of Interim and Final Orders (I) Authorizing the Payment of Prepetition Claims of Critical Vendors and (II) Authorizing the Payment of Outstanding Orders is filed, the hearing on the matter will be held on October 10, 2024, at 10:00 a.m. (CDT) in the 2nd floor courtroom of the United States Bankruptcy Court for the Western District of Oklahoma, 215



Dean A. McGee Avenue, Oklahoma City, OK 73102. If no response is timely filed and the court grants the requested relief prior to the above-referenced hearing date, the hearing will be stricken from the docket of the Court.

Hospital for Special Surgery, LLC *dba* OneCore Health (“OneCore” or “Debtor”) hereby submits this emergency motion (the “Motion”) for entry of an order, substantially in the form attached hereto as Exhibit 1 (the “Proposed Order”), pursuant to sections 105(a), 107, and 521 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532, as in effect and hereafter amended (the “Bankruptcy Code”), rule 1007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and rules 1001-1(C), 1007-1, and 9013-1 of the Local Rules for the United States Bankruptcy Court for the Western District of Oklahoma (the “Local Bankruptcy Rules”), (i) authorizing Debtor to redact certain personally identifiable information for Debtor’s current and former employees, and patients; (ii) authorizing the implementation of procedures to protect confidential information of current and former patients of Debtor (collectively, the “Patients”); and (iii) granting related relief. In support of its Motion, Debtor relies upon the *Declaration of Carrie McEntire in Support of Debtor’s First Day Pleadings* (the “McEntire Declaration”) filed contemporaneously herewith and incorporated herein by reference, and respectfully states as follows:

Background

1. OneCore is a duly licensed hospital that has been specializing in orthopedic and specialty surgeries in the community of central Oklahoma for more than a decade. In late 2021, OneCore completed the construction of its present leased facility in northeast Oklahoma City and has been operating at such location since January 2022.

2. OneCore has focused on a culture of excellence in the delivery of surgical and other health care services such as radiology and orthopedic care with the goal of being one of

the top performing surgical hospitals in Oklahoma. In the past four (4) years, OneCore has received many accolades for its excellence and patient care, including the following:

- Healthgrades: Knee Replacement 5-star recipient, 2023 and 2024;
- Healthgrades: Spinal Fusion Surgery 5-star recipient 2021 – 2024;
- Healthgrades: Outstanding Patient Experience 2024; and
- Press Ganey: Guardian of Excellence Award for Outstanding Patient Experience.¹

3. Despite the new hospital and recognition as an esteemed hospital for patient care and focus, difficulties ensued in June of 2022, initially due to the Covid pandemic, with the implementation of a new billing system as the legacy system was sunset by the software provider. This difficult conversion caused disruptions to operations for almost two years as OneCore struggled with calibrating the software, creating appropriate interfaces and then billing/collecting claims. This created several million dollars in lost revenue and difficulty tracking patient claims and accounts receivable during the transition. Due to implementation issues, the hospital could not effectively create patient statements to collect good patient accounts receivable, rendering many of these accounts uncollectible.

4. OneCore continued to fight to resolve billing system issues, and with the help of its management company, began to regain control over the revenue cycle in early 2024. From January through August 2024, the hospital produced break-even results and was beginning to turn the corner toward a pathway to profitability with new physician recruitment.

5. In early September 2024, a former patient obtained a significant jury verdict against the hospital relating to care provided by a physician in 2021. OneCore maintains that the

¹ The Press Ganey Guardian of Excellence Award® honors organizations that perform in the top 5% of healthcare providers and health plans for patient experience, employee engagement, physician experience, clinical quality performance or consumer experience in one year. Only 501 hospitals and health systems achieved this recognition out of over 10,000.

evidence shows that the patient's ongoing injuries were unrelated to the accident. Notwithstanding this evidence, the former patient obtained a judgment in the amount of 15 million dollars, which exceeds the estimated enterprise value of the hospital. OneCore timely has appealed the judgment but was required to initiate this Chapter 11 Case to continue to operate its business, continue to employ its approximately 100 employees, and to maintain the enterprise value of Debtor's assets until a sale pursuant to section 363 of the Bankruptcy Code can be conducted.

6. As of the Petition Date, OneCore employs approximately 60 full-time and 40 contract, or part-time employees.

7. Debtor continues to operate its business and manage its properties as a debtor-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

8. Additional factual background relating to Debtor's business and the commencement of this Chapter 11 Case is set forth in detail in the McEntire Declaration.

Facts Specific to the Relief Requested

9. Debtor employs approximately 100 employees, 60 of whom are full-time employees and approximately 40 of whom are contract employees employed on an as-needed or part-time basis, and has previously employed certain full-time or part-time employees who are no longer employees of Debtor (collectively, the "Employees").

10. During the past two years, Debtor's physicians have performed 8,400 surgical procedures on distinct patients ("Surgical Patients") and performed radiology services for approximately 20,000 patients ("Radiology Patients"). Presently, it is unknown to Debtor whether any of the Surgical Patients are creditors or, even parties in interest in this Chapter 11 Case. Out of an abundance of caution, Debtor intends to provide notice to the Surgical Patients of the filing

of this Chapter 11 Case and to request that such Surgical Patients opt-in to further notices, if any such Surgical Patient believes he or she is a prepetition creditor of Debtor.

11. The costs associated with providing notice to Surgical Patients of all matters to which the parties in interest reflected in the Master Service List, as such term is defined in the *Application to Limit Notice*, are entitled to receive notice is substantial and outweighs the likely benefits to Debtor, the estate, and its creditors, particularly given the limited financial means of Debtor.

12. Debtor is concerned that disclosing Employee and/or Surgical Patient identities presents a risk to such persons of identity theft or other unlawful injury and would otherwise compromise confidential information protected from disclosure under the law.

Jurisdiction

13. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 of the Bankruptcy Code and rule 81.4(a) of the Local Civil Rules of the United States District Court for the Western District of Oklahoma. This matter concerns administration of this bankruptcy estate; accordingly, this is a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(A). Venue is proper in the Court pursuant to 28 U.S.C. §§ 1408 and 1409. Debtor consents to the entry of a final order or judgment by the Court in connection with this Motion to the extent it is later determined that the Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution.

Relief Requested

14. By this Motion, Debtor seeks entry of the Proposed Order (i) authorizing Debtor to redact certain personally identifiable information for Debtor's Employees, Vendors and Surgical Patients; (ii) authorizing the implementation of procedures to protect confidential

information of the Surgical Patients; (iii) authorizing an opt-in process by which Surgical Patients may declare themselves a creditor and obtain additional notices consistent with those provided to parties in interest listed on the Master Service List; and (iv) granting related relief.

Basis for Relief Requested

A. The Court Should Authorize Debtor to Redact Certain Personally Identifiable Information for Its Employees and Surgical Patients.

15. Although the public has a common law “right of access to judicial proceedings and records,” *Goldstein v. Forbes (In re Cendant Corp.)*, 260 F.3d 183, 192 (3d Cir. 2001), the Bankruptcy Code permits courts, in appropriate circumstances, to protect individuals from an undue risk of identity theft or other unlawful injury by limiting the public’s access, placing papers under seal, or otherwise entering orders to prohibit the dissemination of sensitive information. *See* 11 U.S.C. § 107(c); *see also Cendant*, 260 F.3d at 194 (noting the public’s right of access “is not absolute”) (citation and internal quotation marks omitted); *Leucadia, Inc. v. Applied Extrusion Tech, Inc.*, 998 F.2d 157, 165 (3d Cir. 1993) (“Although the right of access is firmly entrenched, so also is the correlative principle that the right is not absolute.”) (internal citation and quotation marks omitted).

16. Specifically, section 1107(c) of the Bankruptcy Code provides that the Court:

for cause, may protect an individual, with respect to the following types of information to the extent the court finds that disclosure of such information would create undue risk of identity theft or other unlawful injury to the individual or the individual’s property:

- (A) Any means of identification . . . contained in a paper filed, or to be filed, in a case under [the Bankruptcy Code],
- (B) Other information contained in a paper described in subparagraph (A).

11 U.S.C. § 107(c). Accordingly, per section 107(c) of the Bankruptcy Code, it is appropriate to authorize Debtor to redact from any paper filed or to be filed with the Court in the Chapter 11 Case,² including the Consolidated Creditor Matrix and Schedules of Assets and Liabilities and Statements of Financial Affairs, the home addresses (and, where applicable, email addresses) of natural persons— including Debtor’s current and former employees, independent contractors, vendors, and clients—because such information can be used to perpetrate identity theft and electronic mail scams or locate survivors of domestic violence, harassment, or stalking.³

17. Debtor proposes to provide, on a confidential basis, an unredacted version of the Creditor Matrix and any other applicable filings to (a) the Court, the U.S. Trustee, counsel to an official committee of unsecured creditors appointed in this Chapter 11 Case (if any), and (b) upon a request to Debtor or to the Court that is reasonably related to this Chapter 11 Case, any party in interest.

18. Courts in this and other districts have granted relief similar to the relief requested herein. *See, e.g., In re Central Oklahoma United Methodist Retirement Facility, Inc. dba Epworth Villa*, Case No. 23-12607-SAH (Bankr. W.D. Okla. Sep. 29, 2023) (Dkt. No. 25); *In re MVK FarmCo LLC, et al.*, No. 23-11721 (LSS) (Bankr. D. Del. Nov. 15, 2023) (authorizing the debtors to redact personally identifiable information of natural persons); *In re Am. Physician*

² By this Motion, Debtor also seeks authority to redact such information from certificates of service.

³ This risk is not merely speculative as there have been examples in the past where non-interested parties have utilized the publicly available information in bankruptcy cases to track down, stalk or otherwise contact individuals involved in bankruptcy cases. In at least one chapter 11 case, the abusive former partner of a debtor’s employee exploited the publicly accessible creditor and employee information filed in the chapter 11 case to track the employee at the employee’s address that had not been publicly available until then, forcing the employee to change addresses again for safety reasons. This incident, which took place during the *Charming Charlie* chapter 11 proceedings in 2017, is described in the “creditor matrix motion” filed in *In re Charming Charlie Holdings Inc.*, No. 19-11534 (CSS) (Bankr. D. Del. July 11, 2019) [Dkt. No. 4].

Partners, LLC, No. 23-11469 (BLS) (Bankr. D. Del. Oct. 27, 2023) (same); *In re Yellow Corp.*, No. 2311069 (CTG) (Bankr. D. Del. Sept. 13, 2023) (same); *In re Amyris, Inc.*, No. 23-11131 (TMH) (Bankr. D. Del. Aug. 11, 2023) (same); *In re Lannett Co., Inc.*, No. 23-10559 (JKS) (Bankr. D. Del. Aug. 11, 2023) (same); *In re Proterra Inc, et al.*, Case No. 23-11120 (BLS) (Bankr. D. Del. Aug. 10, 2023) (same); *In re PGX Holdings, Inc.*, No. 23-10718 (CTG) (Bankr. D. Del. July 19, 2023) (same).

19. For this reason, Debtor respectfully submits that cause exists to authorize Debtor to redact, pursuant to 11 U.S.C. § 107(c)(1), personally identifiable information of Debtor’s Employees, Vendors, and Surgical Patients who are listed on the Creditor Matrix or any other document filed with the Court. Absent such relief, Debtor would unnecessarily render such individuals more susceptible to identity theft and could jeopardize the safety of these individuals who, unbeknownst to Debtor, are survivors of domestic violence or stalking by publishing their home addresses without any advance notice or opportunity to opt out or take protective measures.

B. The Court Should Authorize the Implementation of Procedures to Protect Confidential Information of Surgical Patients

1. The Proposed Privacy Procedures

20. As described in the McEntire Declaration, Debtor operates a physician-owned hospital that provides, among other things, surgical care and radiological services to individuals. In the ordinary course of business, Debtor has access to, and receives, “protected health information” and data relating to the Surgical Patients, which Debtor is required to maintain on a confidential basis pursuant to the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”).

21. As explained above, under section 521(a) of the Bankruptcy Code, a debtor is required to file a list of all of its creditors. *See* 11 U.S.C. § 521(a)(1)(A). Additionally, Bankruptcy

Rule 1007(a)(1) requires a debtor to file “a list containing the name and address of each entity included or to be included on Schedules D, E/F, G, and H.” Fed. R. Bankr. P. 1007(a)(1). Likewise, Local Rule 1007-1(C) requires a “creditor mailing list” called a “Creditor Matrix” to be filed, together with Debtor’s petition. However, Local Rule 1001-1(C) authorizes the Court to modify the application of the Local Rules “upon its own motion or upon the motion of any party in interest.” Additionally, section 105(a) of the Bankruptcy Code allows bankruptcy courts to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a).

22. In an effort to comply with HIPAA and bankruptcy reporting requirements, Debtor proposes the following procedures to maintain the Surgical Patients’ confidentiality during the pendency of the Chapter 11 Case (the “Privacy Procedures”):

- a. Debtor shall omit any reference to current or former Surgical Patients from the Creditor Matrix, and from any other documents filed in the Chapter 11 Case including certificates of service, subject to subsection (d), below, and except to the extent the identity of such Surgical Patient and his or her status as a creditor of Debtor is already a matter of public record;
- b. Debtor, with the assistance of its professionals, is authorized to prepare and maintain (i) a separate creditor matrix comprised of the Surgical Patients (the “Patient Matrix”) and (ii) separate schedules of claims that may be asserted against and by the Surgical Patients (the “Patient Schedules”) and shall make the confidential Patient Matrix and Patient Schedules, or any portion thereof, available to any party in interest only after the Court has entered an order authorizing Debtor to do so;
- c. Debtor is not required to file the Patient Matrix or the Patient Schedules in the format required by the Local Rules, but is permitted to file a redacted version of the Patient Schedules that redacts the name and address of the Surgical Patients and assigns a unique identification number to each of the Surgical Patients, provided, however, that the Patient Matrix and the Patient Schedules may be reviewed by (i) the Court; (ii) the U.S. Trustee; and (iii) any other party in interest that obtains an order directing Debtor to disclose the Patient Matrix and/or Patient Schedules to such party;

- d. If [claims and noticing agent] serves any document upon any person listed on the Patient Matrix, [claims and noticing agent] is authorized to note in the applicable certificate of service that the parties included in such service included individuals listed on the Patient Matrix; and
- e. To the extent that any Surgical Patient discloses his or her own health information in any pleading, proof of claim, notice, or other publicly available document, Debtor and its professionals shall, to the extent required by the Bankruptcy Code, Bankruptcy Rules, Local Bankruptcy Rules, or any other applicable law, rule, or court order, include protected health information about the Surgical Patient in any subsequent pleading, notice, document, list, or other public disclosure made in connection with the Chapter 11 Case and such disclosure shall not be deemed to be an “impermissible disclosure” within the meaning of HIPAA or any regulation promulgated thereunder; provided, however, such disclosure by Debtor shall be only the information disclosed by the respective Surgical Patient.

2. *Basis for the Privacy Procedures*

23. HIPAA and its implementing regulations (the “HIPAA Rules”) impose stringent standards on health care providers and establish significant penalties for any HIPAA covered health care provider that impermissibly uses or discloses protected health information. *See* 42 U.S.C. § 1302(d), *et. seq.* and 45 C.F.R. § 164.502.

24. If Debtor qualifies as a health care provider that transmits health information with a covered transaction, it is considered to be a “covered entity” under 45 C.F.R. § 160.103. The HIPAA Rules prohibit Debtor from using or disclosing, except in limited circumstances, protected health information. 45 C.F.R. § 164.502. The HIPAA Rules define “protected health information” as “individually identifiable health information” transmitted or maintained by HIPAA covered entities. 45 C.F.R. § 160.103. Further, the HIPAA Rules define “individually identifiable information” as any information relating to the individual’s “past, present or future physical or mental health or condition, the provision of health care to the individual, or the past, present, or future payment for the provision of health care to the individual”

that also “identifies the individual or for which there is a reasonable basis to believe that the information can be used to identify the individual.” 42 U.S.C. § 1302d(6); 45 C.F.R. § 160.103.

25. Debtor could be subjected to significant monetary penalties for the unauthorized or impermissible use or disclosure of protected health information. 45 C.F.R. § 160.402.⁴ Such penalties can be imposed even if a person “did not know and, by exercising reasonable diligence, would not have known” that a violation occurred. 45 C.F.R. § 160.404(b)(2)(i).

26. Under the HIPAA Rules, Debtor must obtain the authorization of the individuals who are the subject of any protected health information or a court order to disclose information under the Bankruptcy Code, specifically with respect to Debtor’s obligation to file a list of all creditors under section 521(a)(1)(A) of the Bankruptcy Code, Bankruptcy Rule 1007(a)(1), and Local Rule 1007-1, and the duty to file schedules of all assets and liabilities under section 521(a)(1)(B)(i) of the Bankruptcy Code, Bankruptcy Rule 1007(b), and Local Rule 1007-1. Debtor, therefore, respectfully requests that such protected health information be protected through the Privacy Procedures proposed herein pursuant to section 107(c) of the Bankruptcy Code, which allows the Court, for cause, to protect an individual if disclosure would create an undue risk of unlawful injury. *See* 11 U.S.C. § 107(c); *see also* Bankruptcy Rule 9018 (allowing a bankruptcy court to protect governmental matters that are made confidential by statute or regulation); Local Rule 1001-1(C) (permitting waiver of any local rule).

27. The Court may also approve the Privacy Procedures under section 105(a)

⁴ Under 45 C.F.R. § 160.404, monetary penalties of up to \$50,000.00 could be imposed for each violation, up to an aggregate of \$1,500,000 for identical violations occurring during a calendar year. *See* 45 C.F.R. §160.404(b)(2)(i)(A)–(B).

of the Bankruptcy Code, which authorizes a bankruptcy court to “issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [the Bankruptcy Code].” 11 U.S.C. § 105(a).

28. Debtor respectfully submits that Debtor, its estate, and the Surgical Patients will suffer immediate and irreparable harm if the relief requested herein is not granted. As described herein, Debtor’s obligation to maintain patient confidentiality under the HIPAA Rules conflicts with the disclosure requirements otherwise required under the Bankruptcy Code and the Bankruptcy Rules. Absent the relief requested in this Motion, Debtor may be required to disclose the Surgical Patients’ confidential information in violation of HIPAA and the HIPAA Rules—which may also subject the Surgical Patients to threats of identity theft and other predatory actions—and may be subjected to significant monetary penalties as a result thereof.

29. Debtor believes that the relief requested herein appropriately balances the need to maintain confidential information under the HIPAA Rules with the need for adequate disclosure in this Chapter 11 Case. Given the nature of any information that may reveal even the identity of the Surgical Patients, confidentiality in this context is of paramount importance. Moreover, similar relief has been granted by courts in this jurisdiction and others. *See, e.g., In re Cent. Okla. United Methodist Ret. Facility, Inc. dba Epworth Villa*, Case No. 23-12607-SAH (Bankr. W.D. Okla. Sep. 29, 2023) (Dkt. No. 25); *In re Gulf Coast Health Care, LLC*, Case No. 21-11336 (KBO) (Bankr. D. Del. Nov. 10, 2021); *In re Promise Healthcare Grp., LLC*, Case No. 18-12491 (CSS) (Bankr. D. Del. Nov. 6, 2018); *In re EBHTOPCO, LLC*, Case No. 18-11212 (BLS) (Bankr. D. Del. May 24, 2018); *see also In re Amsterdam House Continuing Care Ret. Comty., Inc.*, Case No. 21-71095 (AST) (Bankr. E.D.N.Y. June 17, 2021); *In re 4 West Holdings, Inc.*, Case No. 18-30777 (HDH) (Bankr. N.D. Tex. Mar. 9, 2018).

C. The Court Should Authorize Debtor's Implementation of a Surgical Patient Opt-In to the Patient Creditor Matrix

30. Other than as disclosed on the Creditor Matrix, wherein the lone Surgical Patient who has publicly asserted a claim against Debtor is listed in unredacted fashion due to her status as a judgment creditor, Debtor is unaware of any Surgical Patients who may be creditors of Debtor. In contrast, Debtor is aware that it is a creditor of certain Surgical Patients. Debtor's status as a creditor of certain Surgical Patients is addressed by the relief sought herein above in the forms of its request for authorization to establish Patient Schedules. However, to fully effectuate the relief sought in the form of a Patient Matrix, Surgical Patients must disclose whether they believe that they are creditors of Debtor. Because Debtor has limited capital and must act in the best interests of the estate and its creditors, seeking both to preserve the value of its estate and to maximize the distribution available to holders of allowed claims from the proceeds of its intended sale of substantially all of its assets pursuant to section 363 of the Bankruptcy Code, Debtor respectfully requests that this Court authorize Debtor to serve a notice of the Surgical Patients' duty, established under the Proposed Order, to opt-in to further notices in this Chapter 11 Case, should such Surgical Patients believe that they are creditors. A proposed form of notice (the "Surgical Patient Opt-In Notice") is attached hereto as Exhibit 2.

31. The Surgical Patient Opt-In Notice advises Surgical Patients of their right to opt-in to notices in this Chapter 11 Case, their right to file a proof of claim against Debtor, and their right to further participate in this Chapter 11 Case. The Surgical Patient Opt-In Notice further advises Surgical Patients that, any Surgical Patient holding a prepetition claim against Debtor who fails to opt-in and subsequently fails to file a proof of claim on or before the deadline established by this Court for filing a proof of claim in this Chapter 11 Case, shall be deemed to have waived such claim against Debtor and shall be forever barred from asserting any claim against Debtor

arising out of the prepetition conduct of Debtor, its employees, and its agents, to the extent the conduct of such employees and agents is attributable to Debtor under the law.

32. Debtor respectfully submits that the relief requested herein is warranted as a good faith means of ensuring that the requirement to provide notice to all creditors in this Chapter 11 Case is satisfied without imposing undue costs on Debtor and its estate to the detriment of their creditors, and thereby is in the best interests of Debtor, its estate and their creditors. Moreover, such approach is authorized under section 105(a) of the Bankruptcy Code, and Bankruptcy Rules 2002(m) and 9007.

33. Rule 2002(m) provides: “Orders Designating Matter of Notices. The court may from time to time enter orders designating the matters in respect to which, the entity to whom, and the form and manner in which notices shall be sent except as otherwise provided by these rules.” Fed. R. Bankr. P. 2002(m).

34. Rule 9007 provides: “When notice is to be given under these rules, the court shall designate, if not otherwise specified herein, the time within which, the entities to whom, and the form and manner in which the notice shall be given. When feasible, the court may order any notices under these rules to be combined.” Fed. R. Bankr. P. 9007.

Notice

35. No creditors’ committee, trustee, or examiner has been appointed in this chapter 11 case. Notice of this Motion shall be provided to: (a) the United States Trustee for the Western District of Oklahoma (the “U.S. Trustee”); (b) the United States Attorney’s Office for the Western District of Oklahoma; (c) the Internal Revenue Service; (d) counsel to the DIP agent; (e) counsel to the Indenture Trustee of Debtor’s Revenue Refunding Bonds, including without limitation, the Series 2004, Series 2005 and Series 2012 Bonds; (f) the parties identified on

Debtor's list of 20 largest unsecured creditors; and (g) any other party that has requested notice pursuant to Bankruptcy Rule 2002. Debtor submits that, in light of the nature of the relief requested, no other or further notice need be provided.

Conclusion

WHEREFORE, Debtor respectfully requests that this Court enter the Proposed Order granting the relief requested herein and providing such other and further relief as is just and proper.

Dated: October 7, 2024

Respectfully submitted,

ONECORE

/s/Craig M. Regens

William H. Hoch, OBA #15788

Craig M. Regens, OBA #22894

Mark A. Craige, OBA #1992

Kaleigh Ewing, OBA #35598

-Of the Firm-

CROWE & DUNLEVY

A Professional Corporation

Braniff Building

324 N. Robinson Ave., Suite 100

Oklahoma City, OK 73102-8273

(405) 235-7700

will.hoch@crowedunlevy.com

craig.regens@crowedunlevy.com

mark.craige@crowedunlevy.com

kaleigh.ewing@crowedunlevy.com

Proposed Counsel to Debtor

Exhibit 1

Proposed Order

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

<hr/>		X
In re	:	
	:	Chapter 11
HOSPITAL FOR SPECIAL SURGERY, LLC	:	
<i>Db</i> a ONECORE HEALTH,	:	Case No. 24-12862-JDL
	:	
Debtor.	:	
<hr/>		X

ORDER GRANTING DEBTOR’S EMERGENCY MOTION FOR ENTRY OF AN ORDER (I) AUTHORIZING DEBTOR TO REDACT PERSONALLY IDENTIFIABLE INFORMATION FOR CERTAIN INDIVIDUAL CREDITORS AND PARTIES IN INTEREST, (II) AUTHORIZING PROCEDURES TO MAINTAIN AND PROTECT CONFIDENTIAL PATIENT INFORMATION, AND (III) GRANTING RELATED RELIEF

This matter is before the Court on the Motion dated October 7, 2024 (the “Motion”)⁵ of Hospital for Special Surgery, LLC *dba* OneCore Health (“OneCore” or the “Debtor”) in the above-referenced chapter 11 case (the “Chapter 11 Case”), for entry of an order (this “Order”) under sections 105(a), 107, and 521 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532, as in

⁵ All defined terms shall have the meaning ascribed to them in the Motion unless otherwise defined herein.

effect and hereafter amended (the “Bankruptcy Code”), rule 1007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and rules 1001-1(C), 1007-1, and 9013-1 of the Local Rules for the United States Bankruptcy Court for the Western District of Oklahoma (the “Local Bankruptcy Rules”), (i) authorizing Debtor to redact certain personally identifiable information for Debtor’s current and former employees, and patients; (ii) authorizing the implementation of procedures to protect confidential information of current and former patients of Debtor (collectively, the “Patients”); and (iii) granting related relief; and this Court having jurisdiction to consider the Motion pursuant to 28 U.S.C. §§ 157 and 1334 and rule 81.4 of the Local Civil Rules of the United States District Court for the Western District of Oklahoma; and venue of this chapter 11 case and the Motion in this district being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this matter being a core proceeding pursuant to 28 U.S.C. § 157(b); and this Court having found that the Motion was filed on October 7, 2024, and served on or before October 7, 2024 and that the response deadline to the Motion expired on October 9, 2024; and objections (if any) to the Motion having been withdrawn, resolved or overruled on the merits; and this Court having found that proper and adequate notice of the Motion and the relief requested therein has been provided in accordance with the Bankruptcy Rules and the Local Bankruptcy Rules of the United States Bankruptcy Court for the Western District of Oklahoma, and that, except as otherwise ordered herein, no other or further notice is necessary; and a hearing having been held to consider the relief requested in the Motion and upon the record of the hearing and all of the proceedings had before this Court; and this Court having found and determined that the relief sought in the Motion is in the best interests of Debtor, its estate, its creditors and all other parties-in-interest; and that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. Debtor's compliance with the privacy procedures set forth in the Motion shall constitute compliance with section 521 of the Bankruptcy Code and Bankruptcy Rule 1007, and Local Rule 1007-1.
3. Notwithstanding any Bankruptcy Rule, including, without limitation, Bankruptcy Rule 6004(h), or Local Rule that might otherwise delay effectiveness of this Order, the terms and conditions of this Order shall be immediately enforceable upon its entry.
4. Debtor is authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.
5. This Court retains jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.
6. Findings of fact are based on representations of counsel.
7. Debtor shall serve this Order on parties in interest appearing on the Distribution Service List in accordance with, and as such term is defined in, the *Order Authorizing Limited Notice and Establishing Notice Procedures* [Dkt. No. 9].

IT IS SO ORDERED.

###

Approved for Entry:

ONECORE

/s/Craig M. Regens

William H. Hoch, OBA #15788

Craig Regens, OBA #22894

Mark A. Craige, OBA #1992

Kaleigh Ewing, OBA #35598

-Of the Firm-

CROWE & DUNLEVY

A Professional Corporation

Braniff Building

324 N. Robinson Ave., Suite 100

Oklahoma City, OK 73102-8273

(405) 235-7700

will.hoch@crowedunlevy.com

craig.regens@crowedunlevy.com

mark.craige@crowedunlevy.com

kaleigh.ewing@crowedunlevy.com

Proposed Counsel to Debtor