

**Dated: December 18, 2024**

**The following is ORDERED:**



Janice D. Loyd  
U.S. Bankruptcy Judge

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

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

**ORDER (I) SETTING BAR DATES FOR FILING PROOFS OF CLAIM; (II)  
APPROVING FORM AND MANNER FOR FILING PROOFS OF CLAIM; AND (III)  
APPROVING THE FORM AND MANNER OF NOTICE OF BAR DATES**

Upon the application (the “Application”)<sup>1</sup> of Hospital for Special Surgery, LLC *dba* OneCore Health (“OneCore” or “Debtor”) for entry of an order (this “Bar Date Order”) (i) setting bar dates for the filing of proofs of claim; (ii) approving the form and manner for filing proofs of

<sup>1</sup> Capitalized terms not otherwise defined herein are to be given the meanings ascribed to them in the Motion.



claim; (iii) approving the Bar Date Notice; and (iv) granting related relief, each as more fully set forth in the Application; and this Court having jurisdiction to consider the Application 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 Application was filed on December 14, 2024, and shall be served on the Distribution Service List; and this Court having found that proper and adequate notice of the Application 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 this Court having found and determined that the relief sought in the Application is in the best interests of the Debtor, its estate, its creditors and all other parties-in-interest; and that the legal and factual bases set forth in the Application establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor;

IT IS HEREBY ORDERED THAT:

1. Except as otherwise provided below, each person or entity that asserts a claim against Debtor that arose (or is deemed to have arisen) before the Petition Date, including all priority claims, shall be required to file an original, written proof of claim, substantially in form of Official Form 410, so that such proof of claim form is **actually received** on or before January 22, 2025 at 4:00 p.m. (prevailing Central Time) (the “General Bar Date”) by Kurtzman Carson Consultants LLC *dba* Verita Global (“Verita”) in accordance with the instructions set forth in this Order.

2. Any entity that asserts a claim against Debtor that arose before the Petition Date is authorized to file a proof of claim that redacts personally identifiable information with Verita; *provided, however*, that an unredacted proof of claim shall be provided upon request by Debtor.

3. Debtor is authorized to take reasonable action to prevent an entity's personally identifiable information from being publicly available on the claims register.

4. All governmental units holding claims (whether secured, unsecured priority, or unsecured non-priority) that arose (or is deemed to have arisen) before the Petition Date must file proofs of claim, including claims for unpaid taxes, if any, whether such claims arise from prepetition tax years or periods, or prepetition transactions to which Debtor was a party, so that they are **actually received** on or before April 7, 2025 at 4:00 p.m. (prevailing Central Time) (the "**Governmental Bar Date**") by Verita in accordance with the instructions set forth in this Order.

5. If Debtor amends or supplements its Schedules after having given notice of the Bar Dates, holders of claims affected thereby must file proofs of claim with respect to such claims so that they are **actually received** on or before the later of: (a) the General Bar Date or the Governmental Bar Date, as applicable to such claims; and (b) 4:00 p.m. (prevailing Central Time) on the date that is twenty-one (21) days from the date on which Debtor mails notice of the amendment or supplement to the Schedules (the "**Amended Schedules Bar Date**"). Notice of the Amended Schedules Bar Date shall be sent to each claimant holding a claim affected by any such amendment or supplement and shall describe the listing and treatment of such claim on the Schedules, including how such treatment has changed, if applicable, and indicate the Amended Schedules Bar Date for such claim.

6. All proofs of claim must be **actually received** by Verita on or before the applicable Bar Date. If proofs of claim are not received by Verita on or before the applicable Bar Date, the

holders of the underlying claims shall be barred from asserting such claims against Debtor and precluded from voting on any chapter 11 plan filed in this Chapter 11 Case and/or receiving distributions from Debtor on account of such claims in this Chapter 11 Case.

7. The following entities holding claims against Debtor arising prior to the Petition Date shall be required to file a proof of claim on or before the applicable Bar Date:

- a. any entity whose claim against Debtor is not listed in Debtor's Schedules or is listed as contingent, unliquidated, or disputed if such entity desires to participate in this Chapter 11 Case or share in any distribution in this Chapter 11 Case;
- b. any entity who believes that its claim is improperly classified in the Schedules or is listed in an incorrect amount and who desires to have its claim allowed in a different classification or amount other than that identified in the Schedules;
- c. any former or present full-time, part-time, salaried, or hourly employees must submit Proofs of Claim relating to any grievance, including claims for wrongful termination, discrimination, harassment, hostile work environment, retaliation, and/or unpaid severance prior to the General Bar Date to the extent grounds for such grievances arose on or prior to the Petition Date; *provided* that current employees of Debtor are not required to file a proof of claim for wages, commissions, or benefits if an order of this Court authorized Debtor to honor such claim in the ordinary course of business; and
- d. any entity who believes that its claim against Debtor is or may be an administrative expense pursuant to section 503(b)(9) of the Bankruptcy Code.

8. The following entities, in the capacities described below, shall not be required to file a proof of claim prior to the applicable Bar Date:

- a. the U.S. Trustee, on account of claims for fees payable pursuant to 28 U.S.C. § 1930;
- b. Any entity that has already filed a proof of claim against Debtor with the Clerk of the Bankruptcy Court for the Western District of Oklahoma utilizing Official Bankruptcy Form No. B 410 adopted by the Court;
- c. Any entity whose claim is listed on the Schedules, provided that: (i) such claim is not scheduled as "disputed," "contingent" or "unliquidated," (ii) the claimant does not disagree with the amount, nature and priority of the claim as set forth in the Schedules, and (iii) the claimant does not dispute the description of the claim;

- d. Any entity whose claim has been allowed by order of this Court;
- e. Any entity whose claim has been paid in full by the Debtor;
- f. A current employee of Debtor, if an order of this Court authorized Debtor to honor such claim in the ordinary course of business as a wage, commission, or benefit; *provided* that such current employee must submit a proof of claim by the General Bar Date for all other claims arising before the Petition Date;
- g. Any entity holding an equity interest in Debtor, solely with respect to such equity interest and *provided* that such interest owner must submit a proof of claim by the General Bar Date for all claims respecting any right to payment arising before the Petition Date;
- h. Any entity whose claim arises out of or relates to the rejection of any executory contract or unexpired lease during this chapter 11 case pursuant to section 365 of the Bankruptcy Code;<sup>2</sup>
- i. Any entity whose claim is allowable under sections 503(b) and 507(a)(2) of the Bankruptcy Code as an administrative expense; *provided* that any entity asserting a Claim entitled to administrative expenses status under section 503(b)(9) of the Bankruptcy Code must assert such claims by filing a request for payment or a Proof of Claim on or prior to the General Bar Date;
- j. Any entity whose claim is for the repayment of principal, interest and/or other applicable fees and charges (a “Debt Claim”) under or pursuant to that certain Business Loan Agreement by and between Hospital for Special Surgery, L.L.C., as Borrower and BOKF, NA d/b/a Bank of Oklahoma (“BOKF”), as Lender, dated as of February 10, 2023, as amended from time to time, (the “Business Loan Agreement”), that certain Commercial Security Agreement by and between Debtor and BOKF dated February 10, 2023, granting liens and security interest in certain prepetition collateral identified therein, and that certain Promissory Note made by Debtor in favor of BOKF dated February 10, 2023, in the original principal amount of \$1,500,000.00, with such amount due and payable by Debtor to BOKF as of the Petition Date constituting approximately \$765,142.41, consisting of: \$750,000.00 in respect of outstanding principal; plus \$4,882.41 in respect

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<sup>2</sup> Debtor does not through this Application seek to establish a deadline for filing proofs of claim arising out of or relating to the rejection of any executory contract or unexpired lease during this chapter 11 case pursuant to section 365 of the Bankruptcy Code. If Debtor seeks to reject any executory contract or unexpired lease, Debtor will seek appropriate relief from the Court with respect to such rejection and the filing of proofs of claim arising out of or relating to any such rejection.

of accrued and unpaid interest through the Petition Date; plus \$10,260.00 in respect of fees, reasonable documented out-of-pocket costs and expenses incurred or estimated to be incurred by BOKF (including reasonable attorney fees), except to the extent that the claimant disagrees with the amount, nature or priority of the claim as set forth in the Schedules;

- k. any entity holding a claim for which a separate deadline is fixed by the Court; and
- l. holders of claims for fees and expenses of professionals retained in this Chapter 11 Case. The following requirements shall apply with respect to filing and preparing each proof of claim:

9. ***Contents of Claim Form.*** Each proof of claim form must (i) be written in English; (ii) include a claim amount denominated in United States dollars; (iii) conform substantially to Official Form 410; and (iv) be signed by the holder of the claim or by an authorized agent of the holder of the claim (along with documentation of such authorization).

10. ***Section 503(b)(9) Claim.*** Any proof of claim asserting a claim entitled to priority under section 503(b)(9) of the Bankruptcy Code must also: (i) include the value of the goods delivered to and received by Debtor in the twenty (20) days prior to the Petition Date; (ii) attach any documentation identifying the particular invoices for which the section 503(b)(9) claim is being asserted; and (iii) attach documentation of any reclamation demand made to Debtor under section 546(c) of the Bankruptcy Code (if applicable).

11. ***Original Signatures Required.*** Only (i) original proof of claim forms signed electronically or in ink or (ii) proof of claim forms submitted and signed electronically using the electronic filing interface available at <https://veritaglobal.net/OneCore> will be deemed acceptable for purposes of claims administration. Proof of claim forms sent by facsimile or electronic mail will **not** be accepted.

12. ***Supporting Documentation.*** Each proof of claim form must include supporting documentation in accordance with Bankruptcy Rules 3001(c) and 3001(d). Any

supporting documentation that includes personally identifiable information should be redacted or hidden prior to submission.

13. ***Timely Service.*** Each proof of claim form, including supporting documentation, must be filed or submitted, including supporting documentation, through any of the following methods: (i) electronic submission through PACER (Public Access to Court Electronic Records at <https://ecf.okwb.uscourts.gov/>); (ii) via the electronic filing interface available at <https://www.veritaglobal.net/OneCore> or by U.S. mail, overnight U.S. mail, or other hand delivery system, so as to be **actually received** by Verita on or before the applicable Bar Date at the following address:

For First-Class Mail or Overnight Mail to:

OneCore Claims Processing Center  
c/o Kurtzman Carson Consultants LLC *dba* Verita Global  
222 N. Pacific Coast Highway, Suite 300  
El Segundo, CA 90245

**PROOFS OF CLAIM SUBMITTED BY FACSIMILE OR  
ELECTRONIC MAIL WILL NOT BE ACCEPTED.**

14. ***Receipt of Service.*** Claimants wishing to receive acknowledgement that their proof of claim forms were received by Verita must submit (i) a copy of the proof of claim form and (ii) a self-addressed, stamped envelope.

15. No later than five (5) business days after entry of this Order, Debtor shall cause written notice of the Bar Dates, substantially in the form annexed as **Exhibit 1** (the “Bar Date Notice”) to be mailed via first class mail, to the following entities:

- a. Debtor and its counsel;
- b. the U.S. Trustee for the Western District of Oklahoma;
- c. the entities listed as holding the 20 largest unsecured claims against Debtor;

- d. all known creditors and other known holders of claims against Debtor;
- e. BOKF, N.A.
- f. all persons or entities that have filed proofs of claim in this chapter 11 case as of the date of the Bar Date Order;
- g. all known entities who are party to executory contracts and unexpired leases with Debtor;
- h. all known entities who are party to active litigation with Debtor;
- i. all current and former employees of Debtor employed within one year of the Petition Date (to the extent that contact information for former employees is available in Debtor's records);
- j. all patients receiving surgical care within two years of the Petition Date;
- k. all regulatory authorities that regulate Debtor;
- l. the Office of the Attorney General for the State of Oklahoma;
- m. the Office of the United States Attorney for the Western District of Oklahoma;
- n. the United States Internal Revenue Service; and
- o. the Oklahoma Tax Commission.

16. Debtor shall also post the Bar Date Notice on Debtor's case website established by Verita at <https://www.veritaglobal.net/OneCore>.

17. Debtor shall also publish the Bar Date Notice on one occasion in *The Oklahoman*, or a similarly situated publication, within five (5) business days of entry of the Bar Date Order or as soon as reasonably practicable thereafter.

18. Debtor is authorized, in its discretion, to extend the applicable Bar Date for certain holders of claims by stipulation where Debtor determines that such extension is in the best interest of its estate.



19. Debtor shall serve notice of the Bar Dates to their known creditors, and such mailing shall be made to the last known mailing address for each such creditor, as reflected in Debtor's books and records at such time.

20. After the initial service of the Bar Date Notice, Debtor may, in its sole discretion, make supplemental mailings of notices, including in the event that: (a) notices are returned by the post office with forwarding addresses; (b) certain parties acting on behalf of parties in interest decline to pass along notices to these parties and instead return their names and addresses to Debtor for direct mailing; and (c) additional potential claimants become known as the result of the Bar Date mailing process. In this regard, Debtor may make supplemental mailings of the Bar Date Notice in these and similar circumstances at any time up to twenty-one (21) days in advance of the applicable Bar Date, with any such mailings being deemed timely and the Bar Date being applicable to the recipient creditors. Debtor shall not be required to mail additional notices to any entity or party, for which any notice is returned to Debtor as "return to sender" without a forwarding address.

21. The Bar Date Notice, the Publication Notice, and any supplemental notices that Debtor may send from time to time as set forth in this Order constitute adequate and sufficient notice of each of the respective Bar Dates and satisfies the requirements of the Bankruptcy Code, the Bankruptcy Rules and the Local Bankruptcy Rules.

22. Any person or entity that is required, but fails, to file a proof of claim in accordance with this Order on or before the applicable Bar Date shall be forever barred, estopped, and enjoined from asserting such claim against Debtor and its chapter 11 estate (or filing a proof of claim with respect thereto) and Debtor and its property and estate shall be forever discharged from any and all indebtedness or liability with respect to or arising from such claim. Without limiting the

foregoing sentence, any creditor asserting a claim entitled to priority pursuant to section 503(b)(9) of the Bankruptcy Code that fails to file a proof of claim in accordance with this Order shall not be entitled to any priority treatment on account of such claim pursuant to section 503(b)(9) of the Bankruptcy Code, regardless of whether such claim is identified on the Schedules as not contingent, not disputed, and liquidated. Such person or entity shall not be treated as a creditor with respect to such claim for any purpose in this Chapter 11 Case.

23. Any such person or entity that is required, but fails, to file a proof of claim in accordance with this Order on or before the applicable Bar Date shall be prohibited from voting to accept or reject any chapter 11 plan filed in this Chapter 11 Case, participating in any distribution in this Chapter 11 Case on account of such claim, or receiving further notices regarding such claim.

24. All time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).

25. Debtor is authorized to take all actions necessary to implement the relief granted in this Order.

26. Notwithstanding any Bankruptcy Rule to the contrary, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

27. Notice of the Application as provided therein shall be deemed good and sufficient notice of such Application and the requirements of Bankruptcy Rule 6004(a) and the Local Bankruptcy Rules are satisfied by such notice.

28. The Court retains jurisdiction with respect to all matters arising from or relating to the implementation, interpretation, and enforcement of this Order.

29. Findings of fact are based on representations of counsel.

30. 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] and as further set forth in the Application.

IT IS SO ORDERED.

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Approved for Entry:

**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***