

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

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

**NOTICE OF (I) DATE BY WHICH PARTIES MUST FILE PROOFS OF CLAIM; AND
(II) PROCEDURES FOR FILING PROOFS OF CLAIM AGAINST DEBTOR**

The Debtor and debtor in possession in the above-captioned chapter 11 case (collectively, the “Debtor”) filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Western District of Oklahoma (the “Court”) on October 7, 2024 (the “Petition Date”).

On December 14, 2024, Debtor filed its *Application for Entry of an 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* [Dkt. No. 137] (the “Bar Date Motion”) with the Court. On December 18, 2024, the Court entered an order approving the Bar Date Motion [Dkt. No. 140] (the “Bar Date Order”) and establishing certain dates (each, a “Bar Date,” and collectively, the “Bar Dates”) by which parties holding claims against Debtor arising prior to the Petition Date must file proofs of claim. Each date is expressly set forth below.

YOU ARE RECEIVING THIS NOTICE BECAUSE YOU MAY BE HOLDING A CLAIM AGAINST DEBTOR IN THE ABOVE-CAPTIONED CHAPTER 11 CASE. THEREFORE, YOU SHOULD READ THIS NOTICE CAREFULLY AND DISCUSS IT WITH YOUR ATTORNEY. IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.

Background to Debtor’s Chapter 11 Case

- A. General Information About Debtor’s Case.** No request for the appointment of a trustee or examiner has been made in this chapter 11 case.
- B. Access to Proof of Claim Forms and Additional Information.** If you have any questions regarding the claims processing and/or if you wish to obtain a copy of the Bar Date Motion, Bar Date Order, proof of claim form, or related documents (and/or any other pleadings filed in this chapter 11 case) you may do so by: (i) visiting the website of Debtor’s claims, noticing, and solicitation agent, Kurtzman Carson Consultants LLC *dba* Verita Global (“Verita”) at: <https://www.veritaglobal.net/OneCore>, (ii) (866) 967-1781 (Toll-Free) or



(310) 751-2681 (International) and/or (iii) emailing <https://www.veritaglobal.net/OneCore/inquiry>. Please note that Verita **cannot** advise you on how to file, or whether you should file, a proof of claim.

- C. **Schedules of Assets and Liabilities.** Debtor filed its statement of financial affairs and schedules of assets and liabilities (collectively, the “Schedules”) with the Court on October 7, 2024 [Dkt. No. 1]. The Schedules are available online and free of charge at <https://www.veritaglobal.net/OneCore> or for a fee via PACER at <https://ecf.okwb.uscourts.gov>.

Bar Dates Approved by the Court

The Court has established the following Bar Dates as those dates by which parties holding claims against Debtor arising prior to the Petition Date must file proofs of claims that they are **actually received** by Verita:

- a. **General Bar Date.** Debtor proposes that any entity¹ holding a prepetition claim against Debtor be required to file a proof of claim on or before **January 22, 2025, at 4:00 p.m., Central Time**, subject to the exceptions described herein.

This proposed General Bar Date applies to all entities holding claims against Debtor arising (or deemed to have arisen) prior to the Petition Date, and applies to all types of claims arising prior to the Petition Date, including secured claims, unsecured priority claims, and unsecured nonpriority claims, subject to the exceptions described herein. As detailed herein, Debtor proposes to provide approximately 28 days’ notice of the General Bar Date (and other Bar Dates) to all claimants that may be required to file a proof of claim.

- b. **Amended Schedule Bar Date.** Debtor proposes that any entity holding a claim adversely affected by any amendment of or supplement to Debtor’s Schedules be required to file a proof of claim on or before **4:00 p.m., Central Time, on the date that is 21 days after the date that notice of the applicable amendment or supplement to the Schedules is served on such entity.**

Debtor will provide notice of any amendment of or supplement to the Schedules to the holders of any claims affected by such amendment or supplement, and will provide such holders with notice of the applicable Amended Schedule Bar Date.

- c. **Governmental Bar Date.** In accordance with section 502(b)(9) of the Bankruptcy Code and Bankruptcy Rule 3002(c)(1), Debtor proposes that any governmental unit (as defined in section 101(27) of the Bankruptcy Code) with a claim against Debtor

¹ As used herein, the term “entity” has the meaning given to it in section 101(15) of the Bankruptcy Code and includes, among other things, “persons” as such term is defined in section 101(41) of the Bankruptcy Code.

be required to file a proof of claim on or before **April 7, 2025, at 4:00 p.m., Central Time** (180 days after the Petition Date).

Parties Required to File Claim Forms

- A. Definition of Claim.** Under section 101(5) of the Bankruptcy Code and as used herein, the word “claim” means: (i) a right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured or unsecured; or (ii) a right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured or unsecured.
- B. Parties Who Must File Claim Forms.** The following entities holding claims against Debtor arising prior to the Petition Date are 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.
- C. Parties Who Do Not Need to File Claim Forms.** Certain parties are not required to file a proof of claim. The Court may, however, enter one or more separate orders at a later time requiring holders of claims to file proofs of claim and setting related deadlines. If the Court does enter such an order, you will receive notice of it.

The following persons or entities holding claims that would otherwise be subject to the applicable Bar Date need **not** file proofs of claim:

- 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 person or 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;²
- 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

² Debtor does not through its Motion 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.

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 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.

Instructions for Filing Claim Forms

- A. ***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).
- B. ***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).
- C. ***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://www.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.

- D. *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.
- E. *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 (iii) 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: OneCore Claims Processing Center c/o KCC dba Verita 222 N. Pacific Coast Highway, Suite 300, El Segundo, CA 90245.
- F. *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.

Consequences of Failing to Timely File Your Claim Form

Pursuant to the Bar Date Order and in accordance with Bankruptcy Rule 3003(c)(2), if you or any party or entity who is required, but fails, to file a proof of claim in accordance with the Bar Date Order on or before the applicable Bar Date, please be advised that (absent the consent of Debtor, in its sole discretion):

- **YOU WILL BE FOREVER BARRED, ESTOPPED, AND ENJOINED FROM ASSERTING SUCH CLAIM AGAINST THE DEBTOR (OR FILING A PROOF OF CLAIM WITH RESPECT THERETO);**
- **YOU WILL NOT RECEIVE ANY DISTRIBUTION IN THIS CHAPTER 11 CASE ON ACCOUNT OF THAT CLAIM; AND**
- **YOU WILL NOT BE PERMITTED TO VOTE ON ANY CHAPTER 11 PLAN OR PLANS FOR THE DEBTOR ON ACCOUNT OF THAT CLAIM OR RECEIVE FURTHER NOTICES REGARDING SUCH CLAIM.**

Amendments to Debtor's Schedules

- A. Amendments to Schedules.** If Debtor amends its Schedules after the date of this notice, Debtor will provide holders of claims that are affected by any such amendment notice of the amendment, and such parties will be given an opportunity to file proofs of claim before a new deadline that will be specified in that future notice.

- B. Amended Schedules Bar Date.** The Court has approved the later of (i) the General Bar Date or the Governmental Bar Date, as applicable, and (ii) twenty-one (21) days from the date on which Debtor mails notice of the amendment to the Schedules as the date by which holders of claims affected by the amendment must file proofs of claim with respect to such claims.

Reservation of Rights

Nothing contained in this notice is intended to or should be construed as a waiver of Debtor's right to: (a) dispute, or assert offsets or defenses against, any filed claim or any claim listed or reflected in the Schedules as to the nature, amount, liability, or classification thereof; (b) subsequently designate any scheduled claim as disputed, contingent, or unliquidated; or (c) otherwise amend or supplement the Schedules.

Dated: December 18, 2024

Respectfully submitted,

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