

**Dated: May 21, 2025**

**The following is ORDERED:**



A handwritten signature in black ink that reads "Janice D. Loyd".

Janice D. Loyd  
U.S. Bankruptcy Judge

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

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

**AGREED ORDER RESOLVING TIMOTHY W. FOX'S MOTION  
FOR RELIEF FROM THE AUTOMATIC STAY**

Upon the motion (the "Motion") of Timothy W. Fox ("Movant"), for entry of an order (this "Order"), pursuant to Section 362 of the Bankruptcy Code, Rule 4001 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and rule 4001-1 of the Local Rules for the United States Bankruptcy Court for the Western District of Oklahoma (the "the "Local Bankruptcy Rules" and this "Court", respectively), granting relief from the automatic stay, solely as set forth herein; and this Court having jurisdiction to consider the Motion pursuant to 28 U.S.C. § § 157 and 1334



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and 81.4(a) of the Local Civil Rules of the United States District Court for the Western District of Oklahoma, and venue of the above-captioned case (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 March 18, 2025 and that the response deadline to the Motion expired on April 1, 2025. The Debtor filed its Objection to the Motion for Relief of Stay (the “Objection”) [Doc No. 231]. No other objection was timely filed. Debtor’s Objection is resolved with this Order. This Court finds 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, and that, except as otherwise ordered herein, no other or further notice is necessary; and this Court having found and determined that the relief set forth herein 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;

THE COURT HEREBY FINDS AND CONCLUDES AS FOLLOWS:

1. The Motion is granted as set forth herein;
2. Movant is the Plaintiff in a state court matter styled Timothy W. Fox v. Hospital for Special Surgery, LLC d/b/a OneCore Health, Case No. CJ-02023-3620 (Dist. Ct. for Okla. Cty., Okla.) (the “State Court Action”).
3. Debtor maintains certain insurance policies (the “Insurance Policies”) which may provide coverage with respect to the incident alleged by Plaintiff to have occurred.
4. Debtor listed the Insurance Policies in its Amended Schedules [Dkt. No. 139] as property of the estate. The Court finds that Debtor’s Insurance Policies are property of the estate

under section 541 of the Bankruptcy Code. Debtor is operating its business and managing its properties as a debtor-in-possession under Sections 1107(a) and 1108 of the Bankruptcy Code. Further, Debtor seeks to recognize utilizing the assets of the estate.

5. By and through this Order, Debtor stipulates and agrees to the modification of the automatic stay, solely with respect to the State Court Action and solely as set forth herein.

6. The automatic stay is modified solely to permit Movant to resume his litigation of the State Court Action, and solely for the purposes of determining (a) whether the defendant therein is liable for the allegations complained of by Plaintiff and (b) in the event Debtor is found to be liable to any degree, Plaintiff's sole recovery from Debtor through the State Court Action shall be limited to the proceeds of applicable insurance policies, if any, maintained by Debtor.

7. Movant stipulates and agrees, by and through this Order and the Court hereby finds and directs, that (i) Movant waives any right to proceed on his proof of claim or otherwise assert any claim against Debtor or its Estate in this Chapter 11 Case; (ii) the Debtor and its Estate shall have no direct liability to Fox for the satisfaction of the Fox Claim; (iii) Fox's recovery in the State Court Action, if any, shall be limited to the available proceeds of any applicable policy of insurance maintained by the Debtor; and (iv) the Debtor's insurer may exercise any and all contractual rights and remedies in its defense of the State Court Action. For the avoidance of doubt, with respect to the State Court Action, Movant shall recover no amount of money directly herein from Debtor and shall not be entitled to any distribution from Debtor under a confirmed plan of reorganization in this Chapter 11 Case or otherwise.

8. Nothing contained herein or any action taken pursuant to relief requested by the Motion or granted by this Order is intended to be or shall be construed as (a) an admission as to the amount of, basis for, or validity of any claim against Debtor under the Bankruptcy Code or

other applicable nonbankruptcy law; (b) a waiver of Debtor's or any party in interest's rights to dispute any claim or interest on any grounds in the State Court Action (c) a promise or requirement to pay any claim; (d) a waiver of Debtor's or any other party in interest's rights under the Bankruptcy Code or any other applicable law; (e) an implication or admission that any particular claim is of a type specified or defined in the Motion or this Order; or (f) an admission as to the validity, priority, enforceability, or perfection of any lien on, security interest in, or other encumbrance on property of Debtor's estate. Likewise, this Order is not intended to be and shall not be construed as an admission to the validity of any claim or a waiver of Debtor's or any party in interest's rights subsequently to dispute such claim in the State Court Action.

9. This Order is immediately effective and enforceable, notwithstanding the applicability of Bankruptcy Rule 4001(a)(3).

10. This Court shall retain jurisdiction with respect to any matters, claims, rights, or disputes arising from or related to the Motion or the implementation of this Order.

11. Movant shall effectuate service of this Order on all parties in interest.

12. Findings of fact are based upon representations of counsel.

**IT IS SO ORDERED.**

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APPROVED FOR ENTRY:

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