

**Dated: May 23, 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	

**ORDER PERMITTING PROOF OF CLAIM NO. 23-1 OF TIMOTHY W. FOX  
TO BE FILED OUT OF TIME**

Pursuant to Bankruptcy Rule 3002 (C)(6) and 9006 (b), Timothy W. Fox (“Fox”), filed a Motion to Allow Claim as Timely Filed and Notice of Opportunity for Hearing (the “Motion”) [DOC NO. 242]. The Debtor, Hospital for Special Surgery, LLC d/b/a OneCore Health (the “Debtor”) filed its objection to Fox’s Motion (the “Objection”) [DOC No. 265]. Based on Fox’s Motion, Debtor’s Objection, the testimony taken, the admitted Exhibits and arguments of counsel,

**THE COURT HEREBY FINDS AND CONCLUDES AS FOLLOWS:**



1. On October 7, 2024, Debtor filed a voluntary Chapter 11 Petition, thereby commencing this matter.

2. Fox alleges that, prior to the commencement of this Chapter 11 Case, he was a patient at one of Debtor's facilities in Oklahoma City. Fox alleges that he suffered injuries as a result of the alleged negligence of the Debtor.

3. Fox commenced a state court medical negligence lawsuit in Oklahoma County, Oklahoma against Debtor for his alleged injuries (the "State Court Lawsuit"). The *State Court Lawsuit* is styled as *Timothy W. Fox, v. Hospital for Specialty Surgery, LLC a domestic company a/k/a and/or d/b/a OneCore Health, a/k/a and/or d/b/a OneCore Orthopedics and OneCore Holdings, LLC, a domestic company, CJ-2023-3620*.

4. At the time Debtor filed the bankruptcy, the *State Court Lawsuit* was pending.

5. The court set a deadline, the bar date of January 22, 2025 @ 4 P.M. Central Standard Time, for creditors to file a Proof of Claim as reflected in Order filed herein on December 18, 2024 [DOC No. 140].

6. Fox filed Proof of Claim No. 23 (the "Fox Claim") out of time.

7. For the reasons stated on the record, the Court finds and concludes that Fox is authorized to file the Fox Claim out of time.

IT IS THEREFORE ORDERED that Fox is permitted to file the Fox Claim out of time. Fox further stipulates and it is Ordered that (i) the Fox Claim and any other claims that could have been brought by Fox against the Debtor or its Estate, from the beginning of time through the Petition Date, are waived as against the Debtor and its Estate; (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 Lawsuit*, 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 Lawsuit*.

**IT IS SO ORDERED**

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

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APPROVED :

/s/Bret D. Davis

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