

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

	)	Chapter 11
)	
	)	Case No. 19-76260-ast
	)	Case No. 19-76263-ast
In re:	)	Case No. 19-76267-ast
	)	Case No. 19-76268-ast
Absolut Facilities Management, LLC, <i>et al.</i>	)	Case No. 19-76269-ast
	)	Case No. 19-76270-ast
Debtors. ¹	)	Case No. 19-76271-ast
	)	Case No. 19-76272-ast
)	
	)	(Jointly Administered)
)	

**NOTICE OF DEADLINE FOR FILING PROOFS OF CLAIM,
INCLUDING REQUESTS FOR PAYMENT UNDER
SECTION 503(B)(9) OF THE BANKRUPTCY CODE, ON OR BEFORE
DECEMBER 26, 2019 AT 5:00 P.M. (EASTERN TIME) (GENERAL BAR DATE) AND
APRIL 24, 2020 AT 5:00 P.M. (EASTERN TIME) (GOVERNMENTAL BAR DATE)**

**TO ALL PERSONS AND ENTITIES WHO MAY HAVE CLAIMS AGAINST ANY OF
THE FOLLOWING DEBTOR ENTITIES:**

Debtor	Case No.
Absolut Facilities Management, LLC	19-76260
Absolut Center for Nursing and Rehabilitation at Allegany, LLC	19-76263
Absolut Center for Nursing and Rehabilitation at Aurora Park, LLC	19-76267
Absolut Center for Nursing and Rehabilitation at Gasport, LLC	19-76268
Absolut at Orchard Brooke, LLC	19-76269
Absolut Center for Nursing and Rehabilitation at Orchard Park, LLC	19-76270
Absolut Center for Nursing and Rehabilitation at Three Rivers, LLC	19-76271
Absolut Center for Nursing and Rehabilitation at Westfield, LLC	19-76272

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's federal tax identification number, are: Absolut Facilities Management, LLC (1412); Absolut Center for Nursing and Rehabilitation at Allegany, LLC (7875); Absolut Center for Nursing and Rehabilitation at Aurora Park, LLC (8266); Absolut Center for Nursing and Rehabilitation at Gasport, LLC (8080); Absolut at Orchard Brooke, LLC (1641); Absolut Center for Nursing and Rehabilitation at Orchard Park, LLC (8300); Absolut Center for Nursing and Rehabilitation at Three Rivers, LLC (8133); and Absolut Center for Nursing and Rehabilitation at Westfield, LLC (7924).

The United States Bankruptcy Court for the Eastern District of New York has entered an Order establishing (i) **December 26, 2019 at 5:00 p.m. (prevailing Eastern Time)** (the “**General Bar Date**”) as the last date for each person or entity (including individuals, partnerships, corporations, joint ventures, trusts and governmental units) to file a proof of claim based on prepetition date claims against that above-listed Debtors, and (ii) **April 24, 2020 at 5:00 p.m. (prevailing Eastern Time)** (the “**Governmental Bar Date**” and together with the General Bar Date, the “**Bar Dates**”) as the last date and time for each Governmental Unit (as defined in Section 101(27) of title 11 of the United States Code (the “**Bankruptcy Code**”)) to file a proof of claim based on prepetition date claims against that above-listed Debtors.

The Bar Dates and the procedures set forth below for filing proofs of claims apply to all claims against the Debtors that arose prior to September 10, 2019 (the “**Petition Date**”), the date on which the Debtors commenced cases under chapter 11 of Bankruptcy Code, except for those holders of the claims listed in Section 4 below that are specifically excluded from the General Bar Date filing requirement.

1. WHO MUST FILE A PROOF OF CLAIM

You **MUST** file a proof of claim to vote on a Chapter 11 plan filed by the Debtors or to share in distributions from the Debtors’ bankruptcy estate if you have a claim that arose prior to the Petition Date, and it is not one of the types of claim described in Section 4 below. Claims based on acts or omissions of the Debtors that occurred before the Petition Date, including, without limitation, those that may be entitled to administrative claim status pursuant to 503(b)(9), must be filed on or prior to the Bar Date, even if such claims are not now fixed, liquidated or certain or did not mature or become fixed, liquidated or certain before the Petition Date.

Under Section 101(5) of the Bankruptcy Code and as used in this Notice, the word “claim” means: (a) 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 (b) 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.

2. WHAT TO FILE

Your filed Proof of Claim must be in the form annexed to this Notice or otherwise conform substantially to Official Form 410, which can be viewed at <http://www.uscourts.gov/forms/bankruptcy-forms>. Additional Proof of Claim Forms can be obtained at the Debtors’ Claims Agent Website at <http://cases.primeclerk.com/absolutcare>.

The Proof of Claim Form (1) must be **signed** by the claimant if the claimant is an individual other than a current or former patient of the Debtors, or (2) must be signed by an authorized agent of the claimant, if the claimant is not an individual; *provided however*, that the Proof of Claim Form may be signed by a representative or guardian of the claimant if the claimant is a current or

former patient of a Debtor. The Proof of Claim Form must be written in English and be denominated in United States currency. You must attach to your completed proof of claim any documents on which the claim is based (if voluminous, attach a summary).

Any holder of a claim against more than one Debtor must file a separate proof of claim with respect to each Debtor, and all holders of claims must identify on their proof of claim the specific Debtor against which their claim is asserted and the case number of that Debtor's bankruptcy case. A list of names of the Debtors and their case numbers is set forth above and on the Proof of Claim Form attached to this Notice.

Your proof of claim form shall not contain complete social security numbers or taxpayer identification numbers (only the last four digits), a complete birth date (only the year), the name of a minor (only the minor's initials) or a financial account number (only the last four digits of such financial account).

3. WHEN AND WHERE TO FILE

Except as set forth herein, all proofs of claims must be filed so as to be **actually received on or before** the applicable Bar Date.

To file a proof of claim, you must submit your claim either (i) electronically by utilizing the Online Portal that can be accessed at the Debtors' Court appointed Claims Agent's, Prime Clerk LLC ("**Prime Clerk**"), website: <http://cases.primeclerk.com/absolutcare>, (ii) by delivering the proof of claim form to:

IF BY FIRST CLASS MAIL, OVERNIGHT DELIVERY OR HAND DELIVERY:

Absolut Facilities Management, LLC Claims Processing Center
c/o Prime Clerk LLC
850 Third Avenue, Suite 412
Brooklyn, NY 11232

OR

IF BY HAND DELIVERY:

United States Bankruptcy Court, EDNY
Alfonse D'Amato U.S. Courthouse
290 Federal Plaza
Central Islip, NY 11722
Attn: Clerk of Court

Each Proof of Claim shall be deemed timely filed only if (i) the proof of claim is submitted electronically, so as to be **actually received** by Prime Clerk on or before the applicable Bar Date, by using the Online Portal, or (ii) the Proof of Claim is mailed or delivered so as to be **actually**

received by Prime Clerk, or the Court, on or before the applicable Bar Date at the locations set forth above.

ANY CREDITOR THAT ELECTRONICALLY FILES A PROOF OF CLAIM SHALL RETAIN SUCH PROOF OF CLAIM (AND SUPPORTING DOCUMENTS) WITH AN ORIGINAL SIGNATURE FOR A PERIOD OF NOT LESS THAN TWO (2) YEARS FROM THE DATE THE PROOF OF CLAIM IS ELECTRONICALLY FILED.

Except as expressly permitted in the context of electronic submission via the Online Portal, proofs of claim sent by facsimile, telecopy or electronic mail transmission will not be accepted.

4. WHO NEED NOT FILE A PROOF OF CLAIM

You do **not** need to file a proof of claim on or before the applicable Bar Date if you are:

- a) A person or entity that already has filed a proof of claim against a Debtor with the Clerk of the Court or with the Court in a form substantially similar to Official Form 410;
- b) A person or entity whose claim has been previously allowed by final order of the Court;
- c) A current employee of the Debtors, if an order of this Court authorized the Debtors to honor such claim in the ordinary course of business as a wage, commission, or benefit; provided that a current employee must submit a Proof of Claim by the General Bar Date for all other claims arising before the Petition Date, including claims for wrongful termination, discrimination, harassment, hostile work environment, and/or retaliation; and
- d) A person or entity holding an equity interest in a Debtor.

This Notice is being sent to many persons and entities that have had some relationship with or have done business with the Debtors but may not have an unpaid claim against the Debtors. The fact that you have received this Notice does not mean that you have a claim, or that the Debtors or the Court believe that you have a claim against the Debtors.

5. EXECUTORY CONTRACTS AND UNEXPIRED LEASES

If you have a claim arising out of the rejection of an executory contract or unexpired lease as to which the order authorizing such rejection is dated on or before October 28, 2019, the date of entry of the Bar Date Order, you must file a proof of claim based on such rejection on or before the later of the applicable Bar Date or the date that is 60 days after the date of the order authorizing such rejection. Any person or entity that has a claim arising from the rejection of an executory contract or unexpired lease, as to which the order is dated after the date of entry of the Bar Date Order, you must file a proof of claim with respect to such claim by the later of 60 days after the

effective date of such rejection or such other date fixed by the Court in the applicable order authorizing rejection of such contract or lease.

6. CONSEQUENCES OF FAILURE TO FILE A PROOF OF CLAIM BY THE APPLICABLE BAR DATE

ANY HOLDER OF A CLAIM THAT IS NOT EXCEPTED FROM THE REQUIREMENTS OF THIS ORDER, AS SET FORTH IN SECTION 4 ABOVE, AND THAT FAILS TO TIMELY FILE A PROOF OF CLAIM IN THE APPROPRIATE FORM, WILL BE FOREVER BARRED FROM ASSERTING ITS CLAIM AGAINST THE DEBTORS AND ITS CHAPTER 11 ESTATES, VOTING ON ANY CHAPTER 11 PLAN FILED IN THESE CASES, AND PARTICIPATING IN ANY DISTRIBUTION IN THE DEBTORS' CHAPTER 11 CASES ON ACCOUNT OF THAT CLAIM.

ANY HOLDER OF A CLAIM THAT FAILS TO CORRECTLY COMPLETE A PROOF OF CLAIM FORM, INCLUDING, FOR EXAMPLE, BY FAILING TO INDICATE WHICH DEBTOR THE CLAIM IS AGAINST OR INDICATING THAT THE CLAIM IS AGAINST MULTIPLE DEBTORS, WILL HAVE SUCH CLAIM ASSIGNED TO THE ABSOLUT FACILITIES MANAGEMENT, LLC (CASE NO. 19-76260).

7. THE DEBTORS' SCHEDULES AND ACCESS THERETO

You may be listed as the holder of a claim against the Debtors in the Debtors' Schedules of Assets and Liabilities ("**Schedules**"). If you agree with the nature, amount and status of your claim as listed in the Debtors' Schedules, and if your claim is not described as "disputed," "contingent," or "unliquidated," you do not need to file a proof of claim. Otherwise, you must file a proof of claim before the applicable Bar Date in accordance with the procedures set forth in this Notice.

Copies of the Debtors' Schedules are available for inspection on the Court's Internet Website at <http://www.nyeb.uscourts.gov>. A login and password to the Court's Public Access to Electronic Court Records ("**PACER**") are required to access this information and can be obtained through the PACER Service Center at <http://www.pacer.gov>.

Copies of the Debtors' Schedules may also be examined on the website of the Debtors' Claims Agent at <http://cases.primeclerk.com/absolutcare>, or, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday at the Office of the Clerk of the Bankruptcy Court, Alfonse M. D'Amato U.S. Courthouse, 290 Federal Plaza, Central Islip, NY 11722. Copies of the Debtors' Schedules may also be obtained by written request to the Debtors' Claim Agent at the address set forth below:

Absolut Facilities Management, LLC Claims Processing Center
c/o Prime Clerk LLC
850 Third Avenue, Suite 412
Brooklyn, NY 11232

If you are unsure about any of these matters, including whether you should file a proof of claim, you may wish to consult an attorney.

Dated: New York, New York
October 28, 2019

BY ORDER OF THE COURT

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