

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

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In re: : Chapter 11

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PROMISE HEALTHCARE GROUP, LLC, *et al.*,¹ : Case No. 18-12491 (CSS)

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Debtors. : (Jointly Administered)

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**AMENDED² NOTICE OF AGENDA OF MATTERS SCHEDULED FOR
HEARING ON JUNE 20, 2019 AT 11:00 A.M. (ET)³**

RESOLVED MATTERS:

1. Debtors’ Motion to Enforce the Automatic Stay and for Actual and Punitive Damages Against the Babins and Gia Kosmitis for Willful Violations of the Automatic Stay Under Section 362(k) [D.I. 910; Filed 3/22/19].

Response Deadline: April 5, 2019 at 4:00 p.m. (ET). Extended to May 6, 2019 at 4:00 p.m. for the Babins and Gia Kosmitis.

Related Pleadings:

- (a) Notice of Motion and Hearing [D.I. 911; Filed 3/22/19].

¹ The Debtors in these Chapter 11 Cases, together with the last four digits of each Debtor’s federal tax identification number, are as follows: HLP HealthCare, Inc. (8381), PH-ELA, Inc. (9180), Promise Healthcare #2, Inc. (1913), Promise Healthcare Group, LLC (1895), Promise Healthcare Holdings, Inc. (2601), Bossier Land Acquisition Corp. (6644), HLP of Los Angeles, LLC (9102), HLP of Shreveport, Inc. (1708), HLP Properties at The Villages Holdings, LLC (0006), HLP Properties at the Villages, L.L.C. (1938), HLP Properties of Vidalia, LLC (4255), HLP Properties, Inc. (0068), Promise Healthcare of California, Inc. (9179), Promise Healthcare, Inc. (7953), Promise Hospital of Ascension, Inc. (9219), Promise Hospital of Baton Rouge, Inc. (8831), Promise Hospital of Dade, Inc. (7837), Promise Hospital of Dallas, Inc. (0240), Promise Hospital of East Los Angeles, L.P. (4671), Promise Hospital of Florida at The Villages, Inc. (2171), Promise Hospital of Louisiana, Inc. (4886), Promise Hospital of Lee, Inc. (8552), Promise Hospital of Overland Park, Inc. (5562), Promise Hospital of Phoenix, Inc. (1318), Promise Hospital of Salt Lake, Inc. (0659), Promise Hospital of Vicksburg, Inc. (2834), Promise Hospital of Wichita Falls, Inc. (4104), Promise Properties of Dade, Inc. (1592), Promise Properties of Lee, Inc. (9065), Promise Properties of Shreveport, LLC (9057), Promise Skilled Nursing Facility of Overland Park, Inc. (5752), Promise Skilled Nursing Facility of Wichita Falls, Inc. (1791), Quantum Health, Inc. (4298), Quantum Properties, L.P. (8203), Success Healthcare 1, LLC (6535), Success Healthcare, LLC (1604), Vidalia Real Estate Partners, LLC (4947), LH Acquisition, LLC (2328), Promise Behavioral Health Hospital of Shreveport, Inc. (1823), Promise Rejuvenation Centers, Inc. (7301), Promise Rejuvenation Center at the Villages, Inc. (7529), and PHG Technology Development and Services Company, Inc. (7766). The mailing address for the Debtors, solely for purposes of notices and communications, is 999 Yamato Road, 3rd FL, Boca Raton, FL 33431.

² Amended items appear in **BOLD**.

³ Any party participating telephonically must make arrangements through CourtCall by telephone (866-582-6878) or facsimile (866-533-2946).

- (b) Debtors' Notice of Settlement With the Babins Pursuant to Order Approving Procedures for Settlement of De Minimis Claims [D.I. 1113; Filed 5/20/19].

Responses Received: None.

Status: This matter has been resolved. The Debtors anticipate filing a stipulation under Certification of Counsel modifying the automatic stay in connection with this matter.

- 2. Debtors' Motion for Entry of an Order Further Extending the Exclusive Periods Pursuant to Section 1121(d) of the Bankruptcy Code [D.I. 1103; Filed 5/16/19].

Response Deadline: May 30, 2019 at 4:00 p.m. (ET).

Related Pleadings:

- (a) Order Further Extending the Exclusive Periods Pursuant to Section 1121(d) of the Bankruptcy Code [D.I. 1106; Filed 5/17/19].

Responses Received: None.

Status: An Order has been entered, therefore no hearing is necessary.

- 3. Motion of the Debtors for Entry of an Order Authorizing and Approving Procedures for the Sale, Transfer, or Abandonment of De Minimis Assets Free and Clear of Liens, Claims, Interests, and Encumbrances Without Further Order of Court [D.I. 1095; Filed 5/14/19].

Response Deadline: May 28, 2019 at 4:00 p.m. (ET).

Related Pleadings:

- (a) Certificate of No Objection Regarding Motion of the Debtors for Entry of an Order Authorizing and Approving Procedures for the Sale, Transfer, or Abandonment of De Minimis Assets Free and Clear of Liens, Claims, Interests, and Encumbrances Without Further Order of Court [D.I. 1138; Filed 5/29/19].
- (b) Order Approving Procedures for the Sale, Transfer, or Abandonment of De Minimis Assets Free and Clear of Liens, Claims, Interests, and Encumbrances Without Further Order of Court [D.I. 1155; Filed 6/4/19].

Responses Received: None.

Status: An Order has been entered, therefore no hearing is necessary.

UNCONTESTED MATTERS WITH CERTIFICATION OF COUNSEL (COC/CNO):

4. Motion of the Debtors for Entry of an Order Further Extending the Time to Assume or Reject Unexpired Leases of Nonresidential Real Property [D.I. 1148; Filed 6/3/19].

Response Deadline: June 17, 2019 at 4:00 p.m. (ET).

Related Pleadings:

- (a) **Certification of Counsel Regarding Order Further Extending the Time to Assume or Reject Unexpired Leases of Nonresidential Real Property [D.I. 1205; Filed 6/19/19].**

Responses Received: Informal comments.

Status: A Certification of Counsel has been filed resolving this matter. Therefore, no hearing will be necessary unless the Court has questions.

5. Motion of the Debtors for Entry of an Order Authorizing the Purchase and Sale of Certain Equipment Located at the Select Facilities [D.I. 1057; Filed 5/6/19].

Response Deadline: May 13, 2019 at 11:00 a.m. (ET).

Related Pleadings:

- (a) Motion to Shorten Notice and Objection Periods in Connection with Motion of the Debtors for Entry of an Order Authorizing the Purchase and Sale of Certain Equipment Located at the Select Facilities [D.I. 1058; Filed 5/6/19].
- (b) Order Shortening Notice and Objection Periods In Connection With Motion Of The Debtors For Entry Of An Order Authorizing The Purchase And Sale Of Certain Equipment Located At The Select Facilities [D.I. 1060; Filed 5/7/19].
- (c) Notice of Motion and Hearing [D.I. 1068; Filed 5/9/19].

Responses Received: Informal comments.

Status: The Debtors have resolved this matter and will hand up a revised Proposed Order at the hearing.

MATTERS GOING FORWARD:

6. Motion of Dialysis Clinic, Inc. for an Order Determining that Agreement with Debtor Promise Hospital of Overland Park Inc. may be Terminated Without Relief from the Automatic Stay or, Alternatively, for Relief from the Automatic Stay [D.I. 443; Filed 1/9/19].

Response Deadline: Original Motion - January 23, 2019 at 4:00 p.m. (ET); extended to January 25, 2019 at 5:00 p.m. for Debtors. Amended Motion – February 13, 2019 at 4:00 p.m. (ET).

Related Pleadings:

- (a) Amended and Supplemental Motion of Dialysis Clinic, Inc. for an Order Determining That Agreement with Debtor Promise Hospital of Overland Park Inc. May Be Terminated Without Relief from the Automatic Stay or, Alternatively, for Relief from the Automatic Stay [D.I. 541; Filed 1/30/19].

Responses Received:

- (a) Debtors' Objection to Motion of Dialysis Clinic, Inc. for an Order Determining That Agreement with Debtor Promise Hospital of Overland Park Inc. May Be Terminated Without Relief from the Automatic Stay or, Alternatively, for Relief from the Automatic Stay [D.I. 514; Filed 1/25/19].
- (b) Debtors' Objection to Amended and Supplemented Motion of Dialysis Clinic, Inc. for an Order Determining that Agreement with Debtor Promise Hospital of Overland Park Inc. may be Terminated Without Relief from the Automatic Stay or, Alternatively, for Relief from the Automatic Stay [D.I. 738; Filed 2/13/19].

Status: By agreement of the parties, this matter is adjourned to July 19, 2019 at 11:00 a.m. (ET).

- 7. Motion for Relief from Automatic Stay Under 11 U.S.C. Section 362 to Pursue State Court Action to the Extent of Available Insurance [Ovchar] [D.I. 1097; Filed 5/15/19].

Response Deadline: June 13, 2019 at 4:00 p.m. (ET).

Related Pleadings:

- (a) Notice of Service of Discovery [D.I. 1132; Filed 5/28/19].
- (b) Notice of Court's Sua Sponte Change of Hearing Date for Motion of Viola Ocvhar for Relief from Automatic Stay Under 11 U.S.C. Section 362 to Pursue State Court Action to the Extent of Available Insurance [D.I. 1168; Filed 6/10/19].
- (c) Notice by Movant Viola Ovchar of Non Opposition to Motion for Relief from Automatic Stay Under 11 U.S.C. Section 362 to Pursue State Court Action to the Extent of Available Insurance [D.I. 1179; Filed 6/14/19].

Responses Received:

- (a) Debtors' Objection to Viola Ocvhar's Motion for Relief from Automatic Stay [D.I. 1175; Filed 6/13/19].

Status: This matter is going forward. Additionally, the Court will hold a discovery conference simultaneously in connection with this matter.

8. Motion of the Debtors for Entry of an Order (i) Establishing Rejection Procedures for the Rejection of Certain Executory Contracts and Unexpired Leases *Nunc Pro Tunc* to the Closing Dates and (II) Authorizing the Debtors to Take All Actions Necessary to Implement the Rejection Procedures [D.I. 1160; Filed 6/5/19].

Response Deadline: June 19, 2019 at 4:00 p.m. (ET).

Related Pleadings: None.

Responses Received: Informal comments.

Status: The Debtors have resolved this matter and will hand up a revised Proposed Order at the hearing.

9. Debtors' Motion Pursuant to Section 365 for Entry of an Order Assuming and Assigning Certain Executory Contracts and Granting Related Relief [Dallas and Overland Park] [D.I. 1164; Filed 6/7/19].

Response Deadline: June 18, 2019 at 4:00 p.m. (ET).

Related Pleadings:

- (a) Motion to Shorten Notice and Objection Periods in Regarding the Debtors' Motion Pursuant to Section 365 for Entry of an Order Assuming and Assigning Certain Executory Contracts and Granting Related Relief [Dallas and Overland Park] [D.I. 1165; Filed 6/7/19].
- (b) Notice of Withdrawal of Motion to Shorten Notice and Objection Periods in Regarding the Debtors' Motion Pursuant to Section 365 for Entry of an Order Assuming and Assigning Certain Executory Contracts and Granting Related Relief [Dallas and Overland Park] [D.I. 1166; Filed 6/10/19].
- (c) Motion to Shorten Notice and Objection Periods in Regarding the Debtors' Motion Pursuant to Section 365 for Entry of an Order Assuming and Assigning Certain Executory Contracts and Granting Related Relief [Dallas and Overland Park] [D.I. 1167; Filed 6/10/19].
- (d) Order Shortening Notice and Objection Periods Regarding the Debtors' Motion Pursuant to Section 365 for Entry of an Order Assuming and Assigning Certain

Executory Contracts and Granting Related Relief [Dallas and Overland Park]
[D.I. 1169; Filed 6/10/19].

Responses Received: Informal comments.

Status: The Debtors have resolved this matter and will hand up a revised Proposed Order at the hearing.

10. Debtors' Motion for Entry of an Order Approving Amendment to Asset Purchase Agreement Entered Into with Lexmark Holdings LLC [D.I. 1173; Filed 6/13/19].

Response Deadline: At the hearing on June 20, 2019 at 11:00 a.m. (ET).

Related Pleadings:

- (a) Motion to Shorten Notice and Objection Periods in Regarding the for Entry of an Order Approving Amendment to Asset Purchase Agreement Entered Into with Lexmark Holdings LLC [D.I. 1174; Filed 6/13/19].
- (b) Order Shortening Notice and Objection Periods Regarding the Debtors' Motion for Entry of an Order Approving Amendment to Asset Purchase Agreement Entered Into with Lexmark Holdings LLC [D.I. 1178; Filed 6/14/19].
- (c) **Declaration of Andrew Turnbull in Support of the Motion of the Debtors for an Order (I) Authorizing the Sale of Certain Louisiana Facilities and Related Assets Free and Clear of All Liens, Claims, Interests, and Encumbrances, (II) Authorizing the Seller to Assume and Assign Certain Executory Contracts and Unexpired Leases, and (III) Granting Other Related Relief [D.I. 672-3; Filed 2/4/19].**

Responses Received:

- (a) **Objection of Official Committee of Unsecured Creditors to Debtors' Motion for Entry of an Order Approving Amendment to Asset Purchase Agreement Entered Into with Lexmark LLC [D.I. 1203; Filed 6/19/19].**

Status: This matter is going forward.

11. **Order Further Extending Period of Consensual Use of Cash Collateral of Prepetition Lenders.**

Status: The Debtors will hand up a consensual Proposed Order at the hearing, along with the current cash collateral budget.

Dated: June 20, 2019
Wilmington, Delaware

DLA PIPER LLP (US)

/s/ Stuart M. Brown

Stuart M. Brown (#4050)

Kaitlin W. MacKenzie (#5924)

Matthew S. Sarna (#6578)

1201 N. Market Street, Suite 2100

Wilmington, DE 19801

Telephone: (302) 468-5700

Facsimile: (302) 394-2341

Email: Stuart.Brown@dlapiper.com

Kaitlin.MacKenzie@dlapiper.com

Matthew.Sarna@dlapipeer.com

-and-

WALLER LANSDEN DORTCH & DAVIS, LLP

John Tishler (admitted *pro hac vice*)

Katie G. Stenberg (admitted *pro hac vice*)

Blake D. Roth (admitted *pro hac vice*)

Tyler N. Layne (admitted *pro hac vice*)

511 Union Street, Suite 2700

Nashville, TN 37219

Telephone: (615) 244-6380

Facsimile: (615) 244-6804

Email: John.Tishler@wallerlaw.com

Katie.Stenberg@wallerlaw.com

Blake.Roth@wallerlaw.com

Tyler.Layne@wallerlaw.com

*Attorneys for the Debtors and
Debtors in Possession*