

**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 APRIL 18, 2019 AT 2:00 P.M. (ET)**

****AS THERE ARE NO MATTERS GOING FORWARD, THIS HEARING
HAS BEEN CANCELLED WITH PERMISSION OF THE COURT****

CONTINUED MATTERS:

1. 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].

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), Professional Rehabilitation Hospital, L.L.C. (5340), 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 in bold.**

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: This matter has been adjourned, with the agreement of the parties, to the hearing on May 13, 2019.

- 2. Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Potentially be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Select] [D.I. 693; Filed 2/7/19].

Assumption and Assignment Response Deadline: February 18, 2018 at 4:00 p.m.

Related Pleadings:

- (a) Order (I) Approving the Sale of Certain of the Debtors' Assets Free and Clear of all Liens, Claims, Encumbrances, and Interests (II) Authorizing the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, (III) Granting Related Relief [Select] [D.I. 826; Filed 2/28/19].
- (b) Certification of Counsel Regarding (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Potentially be Assumed and Assigned and (II) Assumption and Assignment of Executory Contracts and Unexpired Leases [Select] [D.I. 940; Filed 4/3/19].

Assumption and Assignment Responses Received:

- (a) Objection of Aetna, Inc. to (A) Notices of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Potentially be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [D.I. #686, 693]; and (B) Notice of Filing of Exhibit [D.I. 687] [D.I. 714; Filed 2/11/19].
- (b) Omnibus Limited Objection and Reservation of Rights of Roche Diagnostics Corporation to Debtors' Proposed Cure Amounts for Potential Assumption and Assignment of Executory Contracts Related to Certain Sale Motions [D.I. 718; Filed 2/11/19].
- (c) Response of Varilease Finance, Inc. to Notice Of (I) Cure Amount With Respect To Executory Contracts And Unexpired Leases To Potentially Be Assumed And Assigned And (II) Potential Assumption And Assignment Of Executory Contracts And Unexpired Leases [D.I. 735; Filed 2/13/19].
- (d) TGC LL8, LLC's Limited Objection to Debtors' Proposed Cure Amount [D.I. 763; Filed 2/15/19].
- (e) Objection of the United States to Notice of (I) Cure Amount With Respect To Executory Contracts and Unexpired Leases to Potentially Be Assumed and Assigned and (II) Potential Assumption and Assignment Of Executory Contracts and Unexpired Leases [Select] [D.I. 764; Filed 2/15/19].
- (f) Objection of Bio-Medical Application of Florida, Inc. to Assumption and Assignment of its Executory Contracts with Promise Hospital of Florida at the Villages, Inc. and Promise Hospital of Lee, Inc. [D.I. 774; Filed 2/18/19].
- (g) Limited Objection of Cigna to (I) Debtors' Motions For Orders Authorizing and Approving the Sale of Substantially All Assets of Certain of the Debtors Free and Clear of Liens, Claims, Interests, and Encumbrances, (B) Authorizing the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases, and (C) Granting Related Relief, and (II) Cure Notices Related Thereto [D.I. 777; Filed 2/18/19].
- (h) Objection of Lee Health to Debtors' Notice of (I) Cure Amount With Respect to Executory Contracts and Unexpired Leases to Potentially be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases (D.I. 693) [D.I. 778; Filed 2/18/19].
- (i) Limited Objection and Reservation of Rights of Symphony Diagnostic Services No. 1 d/b/a Mobilex to Debtors Proposed Cure Amounts for Potential Assumption and Assignment of Executory Contract Related to Sale Motion [D.I. 780; Filed 2/18/19].

- (j) KCI USA, Inc.'s Objection to Debtors' Proposed Cure Amount [D.I. 786; Filed 2/18/19].

Status: Upon agreement of the parties, all objections to assumption and assignment have been resolved. Therefore, no hearing is necessary unless the Court has any comments or questions.

- 3. Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Potentially be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [Lexmark] [D.I. 704; filed 2/8/19].

Assumption and Assignment Response Deadline: February 12, 2018 at 4:00 p.m.

Related Pleadings:

- (a) Amended 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. 788; Filed 2/19/19].

Assumption and Assignment Responses Received:

- (a) Objection of Aetna, Inc. to (A) Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Potentially be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [[D.I. #686, 693]; and (B) Notice of Filing of Exhibit [D.I. #687] [D.I. 714; filed 2/11/19].
- (b) Response of Varilease Finance, Inc. to Notice of (I) Cure Amount with Respect to Executory Contracts and Unexpired Leases to Potentially be Assumed and Assigned and (II) Potential Assumption and Assignment of Executory Contracts and Unexpired Leases [D.I. 716; filed 2/11/19].
- (c) Omnibus Limited Objection and Reservation of Rights of Roche Diagnostics Corporation to Debtors' Proposed Cure Amounts for Potential Assumption and Assignment of Executory Contracts Related to Certain Sale Motions [D.I. 718; filed 2/11/19].
- (d) Objection of Bio-Medical Applications of Louisiana, LLC d/b/a Shreveport Regional Dialysis Center a/k/a BMA Northwest Louisiana to Assumption and Assignment of its Executory Contracts with Promise Hospital of Louisiana, Inc. [D.I. 424; Filed 2/12/19].

Status: Upon agreement of the parties, all objections to assumption and assignment have either been resolved or will be adjourned to the hearing on May 13, 2019.

4. 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].

Responses Received: None.

Status: This matter has been adjourned, by agreement of the parties, to the hearing on May 13, 2019.

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

5. Debtors' Motion Pursuant to Sections 363 and 503 of the Bankruptcy Code for Entry of an Order Approving Debtors' Key Employee Retention Plan [D.I. 916; Filed 3/26/19].

Response Deadline: April 9, 2019 at 4:00 p.m. (ET). Extended to 4/11/19 at 4:00 p.m. (ET) for U.S. Trustee.

Related Pleadings:

- (a) Motion of the Debtors to Redact Debtors' Motion Pursuant to Sections 363 and 503 of the Bankruptcy Code for Entry of an Order Approving Debtors' Key Employee Retention Plan [D.I. 917; Filed 3/26/19].
- (b) Schedule 1 to Debtors' Motion Pursuant to Sections 363 and 503 of the Bankruptcy Code for Entry of an Order Approving Debtors' Key Employee Retention Plan [D.I. 918; Filed 3/26/19].
- (c) Notice of Motion and Hearing [D.I. 919; Filed 3/26/19].
- (d) **Certification of Counsel Regarding Order Granting Debtors' Motion Pursuant to Sections 363 and 503 of the Bankruptcy Code for Entry of an Order Approving Debtors' Key Employee Retention Plan [D.I. 980, Filed 4/16/19].**
- (e) **Order Granting Debtors' Motion Pursuant to Sections 363 and 503 of the Bankruptcy Code for Entry of an Order Approving Debtors' Key Employee Retention Plan [D.I. 982; Filed 4/17/19].**

Responses Received: None.

Status: An order has been entered by the Court, therefore, no hearing is necessary unless the Court has any comments or questions.

6. Motion of the Debtors to Redact Debtors' Motion Pursuant to Sections 363 and 503 of the Bankruptcy Code for Entry of an Order Approving Debtors' Key Employee Retention Plan [D.I. 917; Filed 3/26/19].

Response Deadline: April 9, 2019 at 4:00 p.m. (ET). Extended to 4/11/19 at 4:00 p.m. (ET) for U.S. Trustee.

Related Pleadings:

- (a) Schedule 1 to Debtors' Motion Pursuant to Sections 363 and 503 of the Bankruptcy Code for Entry of an Order Approving Debtors' Key Employee Retention Plan [D.I. 918; Filed 3/26/19].
- (b) Notice of Motion and Hearing [D.I. 919; Filed 3/26/19].
- (c) **Certification of Counsel Regarding Order Granting Debtors' Motion Pursuant to Sections 363 and 503 of the Bankruptcy Code for Entry of an Order Approving Debtors' Key Employee Retention Plan [D.I. 980; Filed 4/16/19].**
- (d) **Order Authorizing the Debtors to Redact Debtors' Motion Pursuant to Sections 363 and 503 of the Bankruptcy Code for Entry of an Order Approving Debtors' Key Employee Retention Plan [D.I. 987; Filed 4/17/19].**

Responses Received: None.

Status: An order has been entered by the Court, therefore, no hearing is necessary unless the Court has any comments or questions.

7. Motion of the Debtors for an Order (I) Establishing Deadlines for Filing Proofs of Claim, Including Section 503(b)(9) Claims, (II) Establishing Deadlines for Filing Applications for Allowance of Administrative Claims Accrued Through April 30, 2019, and (III) Approving the Form and Manner of Notice Thereof [D.I. 924; Filed 3/27/19].

Response Deadline: April 10, 2019 at 4:00 p.m. (ET).

Related Pleadings:

- (a) Notice of Motion and Hearing [D.I. 926; Filed 3/28/19].
- (b) **Certification of Counsel Regarding Order (I) Establishing Deadlines for Filing Proofs of Claim, Including Section 503(b)(9) Claims, (II) Establishing Deadlines for Filing Applications For Allowance of Administrative Claims**

Accrued Through April 30, 2019, and (III) Approving the Form and Manner of Notice Thereof [D.I. 979, Filed 4/16/19].

- (c) **Order (I) Establishing Deadlines for Filing Proofs of Claim, Including Section 503(b)(9) Claims, (II) Establishing Deadlines for Filing Applications For Allowance of Administrative Claims Accrued Through April 30, 2019, and (III) Approving the Form and Manner of Notice Thereof [D.I. 984; Filed 4/17/19].**

Responses Received: None.

Status: An order has been entered by the Court, therefore, no hearing is necessary unless the Court has any comments or questions.

8. Motion of the Debtors for an Order (I) Dismissing the Chapter 11 Case of Professional Rehabilitation Hospital, L.L.C. and (II) Granting Related Relief [D.I. 929; Filed 3/29/19].

Response Deadline: April 9, 2019 at 4:00 p.m. (ET).

Related Pleadings:

- (a) Motion of the Debtors to Shorten Notice and Objection Periods on the Motion of the Debtors for an Order (I) Dismissing the Chapter 11 Case of Professional Rehabilitation Hospital, L.L.C. and (II) Granting Related Relief [D.I. 930; Filed 3/29/19].
- (b) Order Granting Motion of the Debtors to Shorten Notice and Objection Periods on the Motion of the Debtors for an Order (I) Dismissing the Chapter 11 Case of Professional Rehabilitation Hospital, L.L.C. and (II) Granting Related Relief [D.I. 933; Filed 4/2/19].
- (c) Notice of Motion and Hearing [D.I. 937; Filed 4/2/19].
- (d) **Certificate of No Objection Regarding Motion of the Debtors for an Order (I) Dismissing the Chapter 11 Case of Professional Rehabilitation Hospital, L.L.C. and (II) Granting Related Relief [D.I. 975, Filed 4/16/19].**
- (e) **Order (I) Dismissing the Chapter 11 Case of Professional Rehabilitation Hospital, L.L.C. and (II) Granting Related Relief [D.I. 983; Filed 4/17/19].**

Responses Received: None.

Status: An order has been entered by the Court, therefore, no hearing is necessary unless the Court has any comments or questions.

9. Motion of Jeremy Anderson and Mauri Montierth, Individually and on the Behalf of heirs of the Estate of Rebecca Adams, Deceased for Relief from Stay Under Section 362 of the Bankruptcy Code [D.I. 864; Filed 3/15/19].

Response Deadline: April 9, 2019. Extended to April 12, 2019 at 4:00 p.m. (ET).

Related Pleadings:

- (a) Certification of Counsel filed by Rebecca Adams, Deceased, Jeremy Anderson, Mauri Montierth [D.I. 969; Filed 4/11/19].
- (b) Order Granting Motion of Jeremy Anderson and Mauri Montierth, Individually and on the Behalf of heirs of the Estate of Rebecca Adams, Deceased for Relief from Stay Under Section 362 of the Bankruptcy Code [D.I. 977, Filed 4/16/19].

Responses Received: None.

Status: An order has been entered by the Court, therefore, no hearing is necessary unless the Court has any comments or questions.

10. Motion of Bart Bergstrom, Bret Bergstrom and Teresa Phelps; Individually, the children and heirs of the Estate of Connie Tait Deceased for Relief from Stay Under Section 362 of the Bankruptcy Code [D.I. 866; Filed 3/15/19].

Response Deadline: April 9, 2019. Extended to April 12, 2019 at 4:00 p.m. (ET).

Related Pleadings:

- (a) Certification of Counsel filed by Bart Bergstrom, Bret Bergstrom, Teresa Phelps, Connie Tait, Deceased [D.I. 970; Filed 4/11/19].
- (b) **Order Granting Motion of Bart Bergstrom, Bret Bergstrom and Teresa Phelps; Individually, the children and heirs of the Estate of Connie Tait Deceased for Relief from Stay Under Section 362 of the Bankruptcy Code [D.I. 978, Filed 4/16/19].**

Responses Received: None.

Status: An order has been entered by the Court, therefore, no hearing is necessary unless the Court has any comments or questions.

Dated: April 17, 2019
Wilmington, Delaware

DLA PIPER LLP (US)

/s/ Stuart M. Brown

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