

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

EOD
10/19/2015

IN RE: FOREST PARK MEDICAL CENTER AT FRISCO, LLC, <p style="text-align: center;">DEBTOR.</p>	§ § § § § § § § § §	CHAPTER 11 CASE NO. 15-41684 - BTR Complex Case
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**INTERIM ORDER PURSUANT TO SECTIONS 105(a) AND 366 OF THE
BANKRUPTCY CODE (I) PROHIBITING UTILITIES FROM ALTERING, REFUSING,
OR DISCONTINUING SERVICE, (II) DEEMING UTILITIES ADEQUATELY
ASSURED OF FUTURE PERFORMANCE, AND (III) ESTABLISHING
PROCEDURES FOR DETERMINING ADEQUATE ASSURANCE OF PAYMENT**

Upon consideration of the *Emergency Motion for Interim and Final Orders Pursuant to Sections 105(a) and 366 of the Bankruptcy Code (I) Prohibiting Utilities from Altering, Refusing, or Discontinuing Service, (II) Deeming Utilities Adequately Assured of Future Performance, and (III) Establishing Procedures for Determining Adequate Assurance of Payment* (the “Motion”) filed by Forest Park Medical Center at Frisco, LLC (the “Debtor”), debtor and debtor-in-possession, on October 7, 2015, pursuant to Sections 105(a) and 366 of the United States Bankruptcy Code, 11 U.S.C. §§ 101 *et. seq.* (the “Bankruptcy Code”) in the above-referenced bankruptcy case, and the Debtor having contacted each of the identified utility providers and having proposed adequate assurance payments in the form of deposits to be issued, the Court finds that it has jurisdiction to grant the relief requested in the Motion pursuant to 28 U.S.C. §§ 1334(b) and 157.

The Court further finds that due and adequate notice of the Motion was served via electronic means and/or United States First Class Mail upon the Debtor’s pre-petition and post-

petition lenders, the twenty largest unsecured creditors, all parties requesting notice, the United States Trustee.

The Court further finds that due and adequate notice of the Motion was served via electronic mail, facsimile and/or United States First Class Mail upon the Utilities at their address listed on "Exhibit A" (the "Utility Service List") to the Motion.¹

The Court further finds, after due deliberation and sufficient cause appearing therefore, that the relief requested is essential and appropriate pursuant to Section 366 of the Bankruptcy Code and in the best interest of the Debtor, its estate and all parties-in-interest. It is therefore,

ORDERED that the Motion is **GRANTED**. It is further

ORDERED that, as set forth herein, each Utility has been provided with adequate assurance of payment within the meaning of Section 366 of the Bankruptcy Code. It is further

ORDERED that each Utility is prohibited from altering, refusing, or discontinuing services on account of pre-petition amounts outstanding or on account of any perceived inadequacy of the Debtor's adequate assurance, without further order of this Court. It is further

ORDERED that as adequate assurance of future payment to each Utility the Debtor will pay each Utility within fifteen (15) days after entry of this Order the Deposit amounts identified on the Utility Service List. It is further

ORDERED that upon receipt of the Deposits identified on Utility Service List, each Utility is deemed to have received adequate assurance of payment, as that term is used in Section 366 of the Bankruptcy Code. It is further

¹ The Debtor has made a good faith effort to identify all Utilities and include them and their relevant information on the Utility Service List.

ORDERED that within fifteen (15) days after discovery of a utility not included on the Utility Service List, Debtor will provide adequate assurance of future payment to such utility not already holding a deposit, in an amount equal to the approximate aggregate cost of two weeks of service. Upon receipt of deposit, any such utility is deemed to have received adequate assurance of payment, as that term is used in Section 366 of the Bankruptcy Code. It is further

ORDERED that the Utilities may not alter, discontinue, or refuse further service to the Debtor until and unless the Utility receives authorization from this Court upon further order of this Court. It is further

ORDERED that if, at any time during the post-petition period the Debtor fails to pay a regularly billed utility payment invoiced post-petition by a Utility (a "Post-Petition Utility Payment"), the Utility shall provide the Debtor and its bankruptcy counsel written notice of such failure outlining the account number for which such post-petition payment is due as well as the amount of the missed payment. The Debtor shall have five (5) days to cure such missed payment. It is further

ORDERED that at any time, the Debtor may terminate service from a Utility, such termination being effective immediately upon the Debtor's notice to the Utility. At such time, the Debtor shall not be required to make any further payments to the Utility for any services provided after such termination, and any excess deposit shall be returned within thirty (30) days. It is further

ORDERED that a final hearing will be held on **November 2, 2015 at 2:30 p.m.** Any Utility objecting to this Motion, shall file an objection in advance of the final hearing and appear at the hearing. It is further

ORDERED that the Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Signed on 10/19/2015

 **SR**

HONORABLE BRENDA T. RHOADES,
UNITED STATES BANKRUPTCY JUDGE

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