

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

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| IN RE: | § | |
| | § | |
| FOREST PARK MEDICAL CENTER AT FRISCO, LLC, | § | CASE NO. 15-41684-BTR |
| | § | Complex Chapter 11 |
| | § | |
| DEBTOR. | § | HEARING DATE & TIME: |
| | § | January 19, 2016 at 2:30 p.m. |
| | § | |

**MOTION OF DEBTOR AND DEBTOR-IN-POSSESSION TO EXTEND EXCLUSIVE
TIME TO FILE AND CONFIRM PLAN OF REORGANIZATION**

NO HEARING WILL BE CONDUCTED ON THIS MOTION UNLESS A WRITTEN OBJECTION IS FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AND SERVED UPON THE PARTY FILING THIS PLEADING WITHIN TWENTY-ONE (21) DAYS FROM DATE OF SERVICE UNLESS THE COURT SHORTENS OR EXTENDS THE TIME FOR FILING SUCH OBJECTION. IF NO OBJECTION IS TIMELY SERVED AND FILED, THIS PLEADING SHALL BE DEEMED TO BE UNOPPOSED, AND THE COURT MAY ENTER AN ORDER GRANTING THE RELIEF SOUGHT. IF AN OBJECTION IS FILED AND SERVED IN A TIMELY MANNER, THE COURT WILL THEREAFTER SET A HEARING. IF YOU FAIL TO APPEAR AT THE HEARING, YOUR OBJECTION MAY BE STRICKEN. THE COURT RESERVES THE RIGHT TO SET A HEARING ON ANY MATTER.

TO THE HONORABLE BRENDA T. RHOADES,
CHIEF UNITED STATES BANKRUPTCY JUDGE:

Forest Park Medical Center at Frisco, LLC (the “Debtor”), debtor and debtor-in-possession in the above-referenced bankruptcy case, pursuant to 11 U.S.C. § 365(d)(4)(B), files this its *Motion of Debtor and Debtor-in-Possession to Extend Exclusive Time to File and Confirm Plan of Reorganization* pursuant to 11 U.S.C. § 1121(d)(1) (the “Motion”). In support of the Motion, the Debtor respectfully represents as follows:

I.
JURISDICTION AND VENUE

1. This Court has jurisdiction over the Motion pursuant to 28 U.S.C. §§ 157 and 1334(b). This matter is a core proceeding and this Motion is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

2. The statutory predicate for the relief requested herein is 11 U.S.C. § 1121(d)(1).

II.
BACKGROUND

3. On September 22, 2015, (the “Petition Date”), the Debtor filed for bankruptcy relief under Chapter 11 of the Bankruptcy Code. The Debtor has continued in the possession of its property and is operating and managing its business as debtor and debtor-in-possession pursuant to Sections 1107(a) and 1108 of the United States Bankruptcy Code, 11 U.S.C. §§ 101, *et seq.* (the “Bankruptcy Code”).

4. No request for a trustee or examiner has been made. An Official Unsecured Creditors’ Committee was appointed on September 30, 2015.

5. The Debtor is a doctor-owned Texas limited liability company that operates a 54-bed state-of-the-art medical facility, including 30 private rooms, 14 family suites, and 10 intensive care rooms (the “Hospital”) in Frisco, Texas. The Hospital is a luxury medical facility located at 5500 Frisco Square Boulevard in Frisco, Texas. The Debtor offers a range of surgical services, including, but not limited to, pediatric, bariatric, brain, orthopedic, pain management, plastics and reconstructive, spine, and neurosurgery.

6. The Debtor has determined that a disposition of its operating assets is necessary to maximize available value. On or about November 14, 2015, the Debtor filed its *Emergency Motion for Orders (1) Approving Bidding Procedures in Advance of Auction, (2) Authorizing the*

Assumption, Assignment and Sale of Certain Executory Contracts and Unexpired Leases, (3) Approving Sale of Assets Free and Clear of All Liens, Claims, Encumbrances and Other Interests, (4) Setting Related Deadlines and Hearings and (5) Granting Related Relief (the “Sale Motion”) [Docket No. 260].

7. On or about November 20, 2015, the Court entered an *Order Approving (1) Bidding Procedures in Advance of Auction, (2) Approving Form and Manner of Notice of Proposed Cure Amounts, (3) Auction (4) Stalking Horse Hearing and Final Hearing and (5) Granting Related Relief* (the “Bidding Procedures Order”) [Docket No. 283].

8. Pursuant to Section 1121(b) and Federal Rule of Bankruptcy Procedure 9006(a), the initial last day to file a plan of reorganization is January 20, 2016 and to confirm plan of reorganization is March 20, 2016.

9. The Debtor requests a ninety (90) day extension of the exclusive period to file and confirm a plan of reorganization up to and including **April 19, 2016** and **June 18, 2016** respectively.

III. **ARGUMENTS AND AUTHORITIES**

10. Section 1121 provides, in relevant part, as follows:

(b) Except as otherwise provided in this section, only the debtor may file a plan until after 120 days after the date of the order for relief under this chapter.

(c) Any party in interest, including the debtor, the trustee, a creditors’ committee, an equity security holders’ committee, a creditor, an equity security holder, or any indenture trustee, may file a plan if and only if—

- (1) a trustee has been appointed under this chapter;
- (2) the debtor has not filed a plan before 120 days after the date of the order for relief under this chapter; or
- (3) the debtor has not filed a plan that has been accepted, before 180 days after the date of the order for relief under this chapter,

by each class of claims or interests that is impaired under the plan.

(d)

(1) Subject to paragraph (2), on request of a party in interest made within the respective periods specified in subsections (b) and (c) of this section and after notice and a hearing, the court may for cause reduce or increase the 120-day period or the 180-day period referred to in this section.

(2)

(A) The 120-day period specified in paragraph (1) may not be extended beyond a date that is 18 months after the date of the order for relief under this chapter.

(B) The 180-day period specified in paragraph (1) may not be extended beyond a date that is 20 months after the date of the order for relief under this chapter.

11. Cause exists to extend the above-referenced, exclusive periods. The Debtor is currently vigorously pursuing a sale of its operations in order to maximize values. While the Debtor will continue to proceed diligently towards a sale transaction, late bids are common, and this can cause delays in the process. Furthermore, until the sale transaction is complete, it is difficult for the Debtor to predict what kind of plan it will file. Therefore, the Debtor respectfully requests a ninety (90) day extension of exclusive period to file and confirm a plan of reorganization up to and including **April 19, 2016** and **June 18, 2016** respectively.

12. The Debtor submits that the requested extension is not sought for delay or to prejudice any party. The extensions requested herein do not constitute extensions of any deadlines contained in the Bidding Procedures Order.

IV. **NOTICE**

13. Notice of this Motion has been given via U.S. Mail, First Class to the Master Service List including the following parties or, in lieu thereof, to their counsel, if known: (a)

Vibrant Healthcare Frisco, LLC; (b) FPMC Services, LLC; (c) the Office of the United States Trustee for the Eastern District of Texas; (d) the Office of the Texas Attorney General; (e) the Office of the United States Attorney General; (f) Texas Department of State Health Services; (g) Texas Capital Bank; (h) Sabra Texas Holdings, L.P.; (i) Healthcare Trust of America, Inc.; (j) counsel for the Unsecured Creditors' Committee; and, to all parties registered to receive notice via the Court's electronic transmission system. The Debtor submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, Debtor requests an extension of the exclusivity period to file a plan of reorganization up to and including **April 19, 2016** and an extension to confirm a plan of reorganization up to and including **June 18, 2016**, and such other and further relief as the Court deems appropriate.

Dated: December 17, 2015.

Respectfully submitted,

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COUNSEL FOR THE DEBTOR

CERTIFICATE OF CONFERENCE

I, the undersigned, hereby certify that, on December 9, 2015, I conferred with counsel for the Official Unsecured Creditors' Committee and the US Trustee regarding the relief requested herein, who represented that they take no position with respect to the relief requested in this Motion. Further, Vickie Driver with my office conferred with Deirdre Ruckman, counsel for Sabra Texas Holdings, L.P. on or about December 15, 2015, and Ms. Ruckman advised that she had no objection to the relief requested herein, so long as no deadlines under the Bidding Procedures Order were affected.

/s/ William L. Medford
William L. Medford

CERTIFICATE OF SERVICE

I hereby caused a true and correct copy of the foregoing pleading to be served by Donlin, Recano & Company upon the parties listed on the current Master Service List via ECF notification and/or U.S. Mail, First Class on this 17th day of December, 2015.

/s/ William L. Medford
William L. Medford

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

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|-----------------------------------|---|------------------------------|
| IN RE: | § | CASE NO. 15-41684-BTR |
| | § | (Complex Chapter 11) |
| FOREST PARK MEDICAL CENTER | § | |
| AT FRISCO, LLC, | § | |
| | § | |
| DEBTOR. | § | |

**ORDER GRANTING MOTION OF DEBTOR AND DEBTOR-IN-POSSESSION
FOR AN ORDER EXTENDING EXCLUSIVE TIME TO FILE AND
CONFIRM PLAN OF REORGANIZATION [DOCKET NO.]**

After reviewing the *Motion of Debtor and Debtor-in-Possession for an Order Extending Exclusive Time to File and Confirm Plan of Reorganization* (the “Motion”) filed by Forest Park Medical Center at Frisco, LLC, debtor and debtor-in-possession in the above referenced bankruptcy case (the “Debtor”) pursuant to 11 U.S.C. § 1121(d)(1) seeking an extension, up to and including April 19, 2016 to file a plan of reorganization and an extension to confirm a plan of reorganization up to and including June 18, 2016. The Court finds that the Motion has merit. It is therefore

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

ORDERED that the Debtor is **GRANTED** an extension of the deadline to file its Plan of Reorganization up to and including **April 19, 2016** and to file a plan of reorganization up to and including **June 18, 2016**.

HONORABLE BRENDA T. RHOADES
CHIEF UNITED STATES BANKRUPTCY JUDGE

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