

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

IN RE:

FOREST PARK MEDICAL CENTER
AT FRISCO, LLC

DEBTOR.

§
§
§
§
§
§
§
§
§
§

CHAPTER 11

CASE NO. 15-41684 - BTR

HEARING DATE & TIME:
September 23, 2015 at 1:30 p.m.

**EMERGENCY MOTION OF DEBTOR (1) TO AUTHORIZE
CERTAIN PROCEDURES TO MAINTAIN THE CONFIDENTIALITY OF PATIENT
INFORMATION, (2) FOR AUTHORITY TO FILE UNDER SEAL SEPARATE MATRIX
AND SCHEDULE F CONTAINING PATIENT INFORMATION, (3) TO MODIFY
NOTICE TO PATIENTS, AND (4) FOR RELIEF FROM REQUIRED FORM OF
MAILING MATRIX WITH REGARD TO SEPARATE MATRIX**

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

The above-captioned debtor and debtor-in-possession (the "Debtor") hereby moves the Court (the "Motion") on an emergency basis for entry of an order authorizing certain procedures to maintain the confidentiality of patient information, including authority to (1) file under seal a separate consolidated creditor matrix comprised of former patients (the "Patient Matrix") and a separate supplemental Schedule F for the Debtor (collectively, the "Supplemental Schedule F") containing patient information, (2) to modify notice to patients, and (3) relief from the required form of mailing matrix with respect to the Patient Matrix. In support of this Motion, the Debtor submits the Affidavit of Michael S. Miller in Support of Debtor's Chapter 11 Petition and

Requests First-Day Relief (the "Miller Affidavit"), filed contemporaneously herewith.¹ In further support of this Motion, the Debtor respectfully states as follows:

I.
STATUS OF THE CASE AND JURISDICTION

1. On September 22, 2015, (the "Petition Date"), the Debtor commenced this case by filing a voluntary petition for relief under Chapter 11 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 Bankruptcy Code.

2. No request for a trustee or examiner has been made and no creditors' committee has yet been appointed in this case. This Court has jurisdiction over this Motion under 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. §§ 157(b)(2). Venue of these proceedings and this Motion is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The statutory predicates for the relief sought herein are pursuant to Sections 105, 107, 342(a), and 521(a)(1) of Title 11 of the United States Code (the "Bankruptcy Code"), Rule 1007 and 9018 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and Rule 1007 and 9018 of the Local Rules of Bankruptcy Procedure of the United States Bankruptcy Court for the Eastern District of Texas (the "Local Rules").

¹ Any defined terms not otherwise defined herein shall be ascribed the meaning contained in the Miller Affidavit.

II. **BACKGROUND**

A. General.

4. The Debtor is a doctor-owned Texas limited liability company that owns and 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, off of the Dallas North Tollway and Main Street. It is currently minimally staffed for an average daily census of 1-3 inpatients per day and up to 200 outpatients per month, but has a fully staffed maximum capacity of 54 inpatients per day and 1,000 outpatients per month. The Debtor's leased facility is comprised of over 136,759 useable square feet and is situated on approximately 4.7 acres. Approximately 159 employees work at the Hospital, including 100 full-time employees and 59 part-time employees.

5. 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. The Hospital's back office services and employees are contracted through FPMC Services, LLC ("Shared Services"). Shared Services manages all revenue for the Debtor, as well as six other affiliates and is owned in equal parts by those seven entities for which it performs these services.

B. Pre-Petition Secured Lender.

Pre-Petition Financing

6. On or about October 10, 2012, the Debtor entered into that certain *Loan and Security Agreement*, dated as of October 10, 2012, by and between the Debtor and Texas Capital

Bank (“TCB”), as such may have been amended and/or supplemented from time to time (the “Line of Credit Agreement”). The Debtor currently owes approximately \$2,500,000.00 under the Line of Credit Agreement, secured by essentially all of the Debtor’s assets (“Line of Credit”). The Line of Credit matured on or about December 31, 2014, with an additional extension to April 1, 2015. Around the time of the December 31, 2014 maturity date, the Debtor learned that TCB would not be renewing the Debtor’s Line of Credit nor providing further extensions of credit beyond the extended maturity.

7. In addition, the Debtor is also indebted to TCB under that certain *Master Equipment Lease* dated May 30, 2012, (the “Master Equipment Agreement”) for certain of the Debtor’s equipment. The Debtor is indebted to TCB in the approximate amount of \$5.5 million secured by the Debtor’s assets. The remainder of the equipment is leased through various parties, including General Electric Capital Corporation, Karl Storz, Commerce Bank and Olympus Corporation.

8. The Line of Credit was critical to the management of the Debtor’s operations. Currently, based upon a trailing three (3) months ending in July 2015, the Debtor generates approximately \$3,400,000.00 a month in revenue, and has operational expenses of approximately \$4,300,000.00 a month (not including restructuring costs and debt service obligations). As such, the Debtor does not generate sufficient revenue to operate the Hospital and to service its debt unless the number of patients exceeds recent levels.

Landlord and DIP Financing

9. The Debtor leases the real property and fixtures in which the Hospital operates, from Sabra Texas Holdings, L.P. (“Sabra”) pursuant to the terms of that certain *Lease Agreement* dated December 6, 2010, which was thereafter amended pursuant to that certain *First*

Amendment to Lease Agreement dated as of October 22, 2013, (the “Lease”) assigning the Lease from FPMC Frisco Realty Partners, LP to Sabra. The Lease is for an initial term of 20 years, accruing rent in the amount of \$842,290.00 per month for the Hospital and the parking structure, to increase every calendar year over the term of the Lease by 3%.

10. Sabra has offered the Debtor debtor-in-possession financing in the approximate amount of \$18,500,000.00, available in draws and accruing interest at a 5% interest rate, payable monthly in arrears (“DIP Financing”). The DIP Financing would mature upon the occurrence of certain events, including the conversion of this Case, dismissal of this Case, the sale of substantially all of the Debtor’s assets, the revocation of the Debtor’s license to operate, or the expiration of 35 days after the filing of a Petition if a final order approving the DIP Credit Facility has not been entered by the Bankruptcy Court.

11. Prior to the Petition Date, the Debtor anticipated that without continuing liquidity, the value of its assets would rapidly diminish and would more than likely require the Debtor to close down the Hospital and liquidate its assets.

C. Reorganization Efforts.

12. The Debtor’s operations were developed based upon an “out of network” model. This model relied upon higher reimbursement rates as an out of network facility. However, prior to the Petition Date, the Debtor determined that it would be unable to sustain the level of revenue needed to operate by operating solely out of network. Consequently, it attempted to increase its revenues by entering into network contracts with various insurance providers. Although being “in network” with various insurance providers would result in discounted reimbursement rates, it was thought that being in network would increase the volume of procedures at the Hospital and thus increase revenue. However, the reduced rates that the insurance providers contracted for

were too low for the Hospital to schedule enough procedures to reap any financial benefit from the contracts.

13. The Debtor engaged Juniper Advisory, LLC for assistance to pursue a sale of the Hospital to a purchaser in June, 2014. Despite many possible purchasers performing due diligence and even one offer for purchase, (such offer included a purchase of the real estate owned by Sabra and Sabra was unwilling to sell the real estate at the proposed purchase price) the Debtor was unable to close a sale.

14. In addition to seeking a potential purchaser, the Debtor's Management Company, Vibrant Healthcare Frisco, LLC, ("Management Company") also sought and located a replacement revolving lender who would pay off the TCB Line of Credit and provide up to an additional \$6.5 million in additional availability based upon the amount of the Debtor's accounts receivable. However, this demand note, bearing 15% interest, provided a decreasing amount of liquidity due to the Debtor's declining accounts receivable balance, while the Debtor worked to resolve obstacles to closing such as intervening lawsuits, a delay in signing a new management contract, and Sabra's impending eviction of the Debtor from its leased space. Ultimately, this financing never closed.

15. Finally, to address the increasingly exigent financial and operational issues, the Debtor retained Deloitte CRG ("Deloitte") on September 11, 2015. Deloitte was retained to assist the Debtor to, among other things, create short-term budgets, negotiate appropriate waivers and forbearances, and assess the Debtor's available assets and options by which to improve.

16. In Chapter 11, the Debtor has an opportunity to quickly evaluate whether a plan of reorganization or a sale of the Debtor's assets will provide for the most recovery to the Debtor's creditors. This would avoid further deterioration of the Debtor's business, would

preserve over one hundred jobs, and would achieve maximum values for all creditors. In order to evaluate the strategies set forth herein, and maximize values for all creditors, including unsecured creditors, the Debtor was forced to commence this Chapter 11 Case.

III. RELIEF REQUESTED

17. By this Motion, the Debtor seeks entry of an order authorizing it to file the Patient Matrix and each separate Supplemental Schedule F under seal. The Debtor has provided healthcare services to many patients during the course of its business operations. Some of those former patients could potentially hold actual or contingent claims against the Debtor's estate and should be included in the creditor mailing matrix. The Debtor is obligated under the Bankruptcy Rules and the Local Rules to list all such creditors on the Debtor's mailing matrix and bankruptcy schedules.

18. The Debtor estimates that it has treated over twenty-four (24,000) thousand patients at the Hospital in the last three (3) years (the "Patients"). Approximately nine hundred (900) of those patients may have claims against the Debtor for refunds. Given the significant time and expense associated with providing all the Patients technical notice of these cases, the Debtor's request that it be authorized to give the Patients notice of this case by 1) transmitting in writing the Notice of Commencement of this Bankruptcy Case and Proof of Claim form, as well as a communication informing the Patients how to request further notice of future pleadings and access to the claims agent's website, as set forth on Exhibit "A" and 2) giving notice to all Patients via publication in the local newspaper, as set forth on Exhibit "B" (the "Publication Notice"). The claims agent for this case is proposed to be Donlin, Recano & Company, Inc. The Debtor requests the Court's approval that no further notices and/or pleadings be required to be

given to the Patients in this case unless any such Patient requests further notices and/or pleadings or timely files a proof of claim.

19. The Debtor also requests relief from the required form for submitting a mailing matrix to the Court only with regard to the Patient Matrix. Given the Debtor's request to file the Patient Matrix under seal, together with the significant cost associated with formatting the Patient Matrix as required by the Local Rules, the Debtor respectfully requests that the Patient Matrix not be required to be filed in the format required by the Local Rules. Instead, the Debtor requests that the Patient Matrix be submitted in a format that can be readily created from the Debtor's existing records.

IV. BASIS FOR RELIEF REQUESTED

A. Disclosure Requirements

20. By this Motion, the Debtor seeks entry of an order authorizing certain procedures to maintain the confidentiality of patient information as required by the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”) and the Texas Medical Records Privacy Act (“TMRPA”), while providing required disclosures in this bankruptcy case.

21. Bankruptcy Rule 1007(a) and Local Rule 1007 require the Debtor to file matrices listing creditors by name and address. In addition, § 521 of the Bankruptcy Code and Bankruptcy Rule 1007 also require the Debtor to publish certain schedules listing information about creditors. HIPAA and similar laws and regulations under the TMRPA, however, potentially bar the Debtor from publishing identifying information about certain patients of the Debtor (either former or present) who may also be potential claimants who would ordinarily appear on such matrices.

22. HIPAA, 42 U.S.C. § 1302d et seq., and one of its accompanying implementing regulations, 45 C.F.R. § 164.502 (the “HIPAA Privacy Rule”), address the use and disclosure of “protected health information” (the “PHI”) by a “covered entity.” A hospital constitutes a “covered entity” pursuant to the HIPAA Privacy Rule. *See* 45 C.F.R. § 164.502. HIPAA prohibits the “wrongful disclosure” of “individually identifiable health information.” *Id.* The HIPAA Privacy Rule defines “individually identifiable health information” as any information relating to the individual’s “past, present or future physical or mental health or condition, the provision of health care to the individual, or the past, present or future payment for the provision of health care to the individual” that also “identifies the individual or for which there is a reasonable basis to believe that the information can be used to identify the individual.” *See* 42 U.S.C. § 1302d(6). Individually identifiable health information is referred to in the HIPAA Privacy Rule as PHI. *See* 45 C.F.R. § 164.502. Wrongful disclosure means “knowingly us[ing] or caus[ing] to be used a unique health identifies, obtain[ing] individually identifiable health information relating to an individual or disclos[ing] individually identifiable health information to another person.” *See* 42 U.S.C. § 1320d-6(a).

23. Certain current and past patients of the Debtor may assert claims, generally refund claims, against the Debtor, and under the Bankruptcy Code and the applicable Bankruptcy Rules, the Debtor is required to list information about such patients as potential creditors, including their names and addresses, in the creditor matrix and in the Schedules and Statements. Listing any patient’s name or address in the matrix, Schedules, and Statement, or any notice or certificate of service, however, may violate the HIPAA Privacy Rule, unless an exception permitting such distribution is satisfied.

24. An exception exists in the HIPAA Privacy Rule for disclosures made with valid authorization. Valid authorization for purposes of the HIPAA Privacy Rule includes information authorized to be released for law enforcement purposes, which is defined as releases required by law (including court orders, court-ordered warrants, and subpoenas) and administrative requests. *See* 45 C.F.R. § 164.512(f). To the extent that the Debtor distributes protected health information pursuant to an order of this Court, such distribution would not violate the HIPAA Privacy Rule.

25. Likewise, the Texas Privacy Act provides that a “covered entity” must comply with HIPAA and the TMPRA. *See* TEX. HEALTH AND SAFETY CODE § 181.004. Section 181.001(2)(A) of the TMPRA provides that the term “covered entity” includes a health care facility or clinic. Section 181.151 of the TMRPA prohibits the “reidentification or attempt to reidentify an individual who is the subject of any protected health information without obtaining the individual’s consent or authorization.” The TMRPA permits disclosure pursuant to a court order. *See* TEX. HEALTH & SAFETY CODE § 181.154(c)(2).

26. Accordingly, because the Debtor cannot fully comply with the disclosure requirements of Bankruptcy Rule 1007(a) and Local Rule 1007 while maintaining the confidentiality of patient information as required by the HIPAA and TMRPA, the Debtor seeks approval of the alternate procedures described herein.

B. Filing Under Seal.

27. Section 107(b) of the Bankruptcy Code provides that, “[o]n request of a party in interest, the bankruptcy court shall . . . protect an entity with respect to a trade secret or confidential research, development, or commercial information.” Rule 9018 of the Bankruptcy Rules states that “the court may make any order which justice requires to protect the estate or

any entity in respect of a trade secret or other confidential research, development, or commercial information."

28. Certain privacy and other concerns regarding the patients prevent the Debtor from filing any lists containing the names and addresses of the patients with the Court. *See* 11 U.S.C. 107(a) (providing that documents filed with the Bankruptcy Court are public records). The Debtor is a "health care provider," as defined by HIPAA. Under HIPAA, patient records relating to payment for health care provided to an individual are subject to strict confidentiality requirements. *See, generally*, 45 C.F.R. §§ 160 and 164. As a result, the Debtor believes that they are restricted by law in their ability to list the patient-creditors in the Schedules.

29. To comply with applicable privacy restrictions, the Debtor proposes to file the Supplemental Schedule F and Patient Matrix under seal. Pursuant to the procedures outlined in Local Rule 9018 and Section III(A) of the Appendix 5005 to the Local Rules, the Debtor files this Motion without attachment of the subject documents for which protection is sought (*i.e.* the Patient Matrix and the Supplemental Schedule F). Because the privacy restrictions of HIPAA may still be imposed beyond final disposition of this case, the Debtor further requests that the Patient Matrix and Supplemental Schedule F be kept confidential indefinitely and not deemed unsealed after the final disposition of this case.

C. Notice to Patients.

30. As a practical matter, it would be extremely costly for the Debtor to provide formal, written, ongoing notice to each and every one of the over twenty-four thousand (24,000) Patients who are technically entitled to receive such notification. Thus, the Debtor seeks the Court's approval to send the Patients notice of this case by 1) transmitting to each Patient, where possible, in writing, the Notice of Commencement of this Bankruptcy Case and Proof of Claim

form, as well as a communication informing the Patients how to request further notice of future pleadings and access to the claims agent's website, as set forth on Exhibit "A;" and 2) giving notice to all Patients via publication in the local newspaper, as set forth in the Publication Notice.

31. In the experience of Debtor's counsel, non-creditor parties-in-interest are often confused by bankruptcy notices pertaining to a company with which they are not actively engaged in business. Thus, the claims agent's website will assist the Patients in gathering whatever information about the case is relevant to them.

32. Accordingly, pursuant to Section 105 of the Bankruptcy Code and Bankruptcy Rule 2002(m), the Debtor seeks entry of an order authorizing the Debtor to give the Patients notice of these cases by 1) transmitting in writing the Notice of Commencement of this Bankruptcy Case and Proof of Claim form, as well as a communication informing the Patients how to request further notice of future pleadings and access to the claims agent's website, as set forth in Exhibit "A;" and 2) by publication in a local newspaper in form consistent with the form of Publication Notice attached as Exhibit "B."

33. The Publication Notice includes the date the petition was filed, the case number, the location of the United States Bankruptcy Court for the Eastern District of Texas (the "Bankruptcy Court"), the Bankruptcy Court's website, and the deadline to file a proof of claim in the Chapter 11 Case. In order to maximize the impact of the Publication Notice, the Debtor proposes to publish the Publication Notice in the Dallas Morning News for a term of one week, including one Sunday edition. Given that the Hospital serves primarily patients in North Texas and the surrounding region, the Debtor submits that the proposed notice by publication is reasonably calculated under the circumstances to provide notice to Patients who may technically

be entitled to notice of this Chapter 11 Case, notwithstanding the fact that the Debtor's records do not indicate that such are creditors in this case.

34. The Debtor therefore requests that the Court enter an order deeming such notice on the terms set forth herein, to provide effective, adequate, and sufficient notice to all Patients and reasonably calculated under the circumstances to apprise those parties of the filing of this Chapter 11 Case and of the deadline to file unsecured claims in this case. The Debtor further requests no other notices and/or pleadings be required to be given to the Patients in this case unless any such Patient requests further notices and/or pleadings or such timely files a proof of claim.

D. Relief from Mailing Matrix Format.

35. Given the Debtor's request to file the Patient Matrix under seal, together with the significant cost and delay associated with submitting the lengthy Patient Matrix in the format required by the Local Rules, the Debtor respectfully requests that it not be required to provide the Patient Matrix in the format required by the Local Rules. Requiring such would not only be expensive and time consuming, but, as a practical matter, is unnecessary given the Debtor's requests herein to give modified notice to the Patients. Therefore, the Debtor asserts that it is in the best interests of its estate that the Patient Matrix (defined hereafter) be submitted in a format that can be readily created from the Debtor's existing records.

36. Accordingly, the Debtor requests that the Court establish the following procedures to balance the need to protect patient health information with the need to disclose information regarding these cases to the public:

- (a) the Debtor shall omit any reference to current or former Patients from the publicly filed matrix of creditors and any certificate of service not filed under seal;

- (b) the Debtor shall make an unredacted copy of the Schedules and Statements available to (a) the Court and to the United States Trustee upon request; and (b) any other party-in-interest only after this Court has entered an order, after notice and a hearing, authorizing the Debtor to do so;
- (c) the Debtor shall maintain a list of all current or former Patients (the "Patient Matrix") that would appear on the matrix of creditors, and shall make the Patient Matrix, or any portion thereof, available to any party-in-interest only after this Court has entered an order, after notice and a hearing, authorizing the Debtor to do so;
- (d) when the Debtor serves any paper upon any person listed on the Patient Matrix, the Debtor shall note in the respective certificate of service that the parties served include persons listed on the Patient Matrix;
- (e) the Debtor shall file the Patient Matrix and any Supplemental Schedule F under seal;
- (f) the Debtor may give notice to Patients in the form of 1) the Notice of Commencement of this Bankruptcy Case and Proof of Claim form, as well as a communication informing the Patients how to request further notice of future pleadings and access to the claims agent's website; and 2) via publication as set forth herein; and
- (g) the Debtor is relieved from submitting the lengthy Patient Matrix in the format required by the Local Rules.

37. The requested relief is required to permit the Debtor to comply with the HIPAA Privacy Rule and the TMRPA. In particular, the TMRPA imposes civil penalties for violations. The Debtor believes that the procedures proposed herein permit it to comply with both HIPPA and TMRPA, as well as its disclosure requirements under the Bankruptcy Code and Bankruptcy Rules. In light of the foregoing, the Debtor submits that the relief requested in the Motion is in the best interest of the Debtor's estates and is not prejudicial to the rights of any party in this case.

38. No previous request for the relief sought herein has been made to this or any other Court.

V.
NOTICE

39. Notice of this Motion has been given by e-mail, facsimile, overnight delivery, and/or courier, on the attached Master Service List that includes the following parties or, in lieu thereof, to their counsel, if known: (a) the Office of the United States Trustee for the Eastern District of Texas; (b) the Office of the Texas Attorney General; (c) the Office of the United States Attorney General; (d) Texas Department of State Health Services; (e) Texas Capital Bank; (f) Sabra Texas Holdings, L.P.; and (g) each of the Debtor's twenty (20) largest unsecured creditors. The Debtor submits that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE the Debtor respectfully requests that the Court enter an order granting the relief requested herein, and awarding the Debtor such other and further relief as the Court may deem just and proper.

Dated: September 22, 2015.

Respectfully submitted,

/s/ William L. Medford

William L. Medford, Esq.

State Bar No. 00797060

Vickie L. Driver, Esq.

State Bar No. 24026886

Lewis Brisbois Bisgaard & Smith, LLP

2100 Ross Avenue, Suite 2000

Dallas, Texas 75201

Phone: (214) 722-7100

Fax: (214) 722-7111

Email: william.medford@lewisbrisbois.com

Email: vickie.driver@lewisbrisbois.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was served upon the parties listed on the attached service list via e-mail, facsimile, overnight delivery, and/or courier on this 22nd day of September, 2015.

/s/ William L. Medford _____

William L. Medford

B9F (Official Form 9F) (Chapter 11 Corporation/Partnership Case) (12/12)

UNITED STATES BANKRUPTCY COURT _____ District of _____	
Notice of Chapter 11 Bankruptcy Case, Meeting of Creditors, & Deadlines	
[A chapter 11 bankruptcy case concerning the debtor(s) listed below was filed on _____ (date).] or [A bankruptcy case concerning the debtor(s) listed below was originally filed under chapter _____ on _____ (date) and was converted to a case under chapter 11 on _____ (date).]	
You may be a creditor of the debtor. This notice lists important deadlines. You may want to consult an attorney to protect your rights. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below. NOTE: The staff of the bankruptcy clerk's office cannot give legal advice.	
Creditors -- Do not file this notice in connection with any proof of claim you submit to the court. See Reverse Side for Important Explanations.	
Debtor(s) (name(s) and address):	Case Number:
	Last four digits of Social-Security or Individual Taxpayer-ID (ITIN) No(s)/Complete EIN:
All other names used by the Debtor(s) in the last 8 years (include trade names):	Attorney for Debtor(s) (name and address):
	Telephone number:
Meeting of Creditors	
Date: / /	Time: () A. M. Location:
	() P. M.
Deadline to File a Proof of Claim	
Proof of Claim must be <i>received</i> by the bankruptcy clerk's office by the following deadline: Notice of deadline will be sent at a later time.	
Creditor with a Foreign Address: A creditor to whom this notice is sent at a foreign address should read the information under "Claims" on the reverse side.	
Deadline to File a Complaint to Determine Dischargeability of Certain Debts:	
Creditors May Not Take Certain Actions: In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.	
Address of the Bankruptcy Clerk's Office:	For the Court:
	Clerk of the Bankruptcy Court:
Telephone number:	
Hours Open:	Date:

EXPLANATIONS

B9F (Official Form 9F) (12/12)

<p>Filing of Chapter 11 Bankruptcy Case</p>	<p>A bankruptcy case under Chapter 11 of the Bankruptcy Code (title 11, United States Code) has been filed in this court by or against the debtor(s) listed on the front side, and an order for relief has been entered. Chapter 11 allows a debtor to reorganize or liquidate pursuant to a plan. A plan is not effective unless confirmed by the court. You may be sent a copy of the plan and a disclosure statement telling you about the plan, and you might have the opportunity to vote on the plan. You will be sent notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the debtor's property and may continue to operate any business.</p>
<p>Legal Advice</p>	<p>The staff of the bankruptcy clerk's office cannot give legal advice. Consult a lawyer to determine your rights in this case.</p>
<p>Creditors Generally May Not Take Certain Actions</p>	<p>Prohibited collection actions are listed in Bankruptcy Code § 362. Common examples of prohibited actions include contacting the debtor by telephone, mail, or otherwise to demand repayment; taking actions to collect money or obtain property from the debtor; repossessing the debtor's property; and starting or continuing lawsuits or foreclosures. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay.</p>
<p>Meeting of Creditors</p>	<p>A meeting of creditors is scheduled for the date, time, and location listed on the front side. <i>The debtor's representative must be present at the meeting to be questioned under oath by the trustee and by creditors.</i> Creditors are welcome to attend, but are not required to do so. The meeting may be continued and concluded at a later date specified in a notice filed with the court. The court, after notice and a hearing, may order that the United States trustee not convene the meeting if the debtor has filed a plan for which the debtor solicited acceptances before filing the case.</p>
<p>Claims</p>	<p>A Proof of Claim is a signed statement describing a creditor's claim. If a Proof of Claim form is not included with this notice, you can obtain one at any bankruptcy clerk's office. You may look at the schedules that have been or will be filed at the bankruptcy clerk's office. If your claim is scheduled and is <i>not</i> listed as disputed, contingent, or unliquidated, it will be allowed in the amount scheduled unless you filed a Proof of Claim or you are sent further notice about the claim. Whether or not your claim is scheduled, you are permitted to file a Proof of Claim. If your claim is not listed at all <i>or</i> if your claim is listed as disputed, contingent, or unliquidated, then you must file a Proof of Claim or you might not be paid any money on your claim and may be unable to vote on a plan. The court has not yet set a deadline to file a Proof of Claim. If a deadline is set, you will be sent another notice. A secured creditor retains rights in its collateral regardless of whether that creditor files a Proof of Claim. Filing a Proof of Claim submits the creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a Proof of Claim may surrender important nonmonetary rights, including the right to a jury trial. Filing Deadline for a Creditor with a Foreign Address: The deadline for filing claims will be set in a later court order and will apply to all creditors unless the order provides otherwise. If notice of the order setting the deadline is sent to a creditor at a foreign address, the creditor may file a motion requesting the court to extend the deadline. <i>Do not include this notice with any filing you make with the court.</i></p>
<p>Discharge of Debts</p>	<p>Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. <i>See</i> Bankruptcy Code § 1141 (d). A discharge means that you may never try to collect the debt from the debtor, except as provided in the plan. If you believe that a debt owed to you is not dischargeable under Bankruptcy Code § 1141 (d) (6) (A), you must start a lawsuit by filing a complaint in the bankruptcy clerk's office by the "Deadline to File a Complaint to Determine Dischargeability of Certain Debts" listed on the front side. The bankruptcy clerk's office must receive the complaint and any required filing fee by that deadline.</p>
<p>Bankruptcy Clerk's Office</p>	<p>Any paper that you file in this bankruptcy case should be filed at the bankruptcy clerk's office at the address listed on the front side. You may inspect all papers filed, including the list of the debtor's property and debts and the list of the property claimed as exempt, at the bankruptcy clerk's office.</p>
<p>Creditor with a Foreign Address</p>	<p>Consult a lawyer familiar with United States bankruptcy law if you have any questions regarding your rights in this case.</p>
<p>Refer To Other Side For Important Deadlines and Notices</p>	

B10 (Official Form 10) (04/13)

UNITED STATES BANKRUPTCY COURT		PROOF OF CLAIM
Name of Debtor: _____		Case Number: _____
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): _____		COURT USE ONLY
Name and address where notices should be sent: _____		<input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Telephone number: _____	email: _____	
Name and address where payment should be sent (if different from above): _____		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
Telephone number: _____	email: _____	
1. Amount of Claim as of Date Case Filed: \$ _____ If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: _____ (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: _____	3a. Debtor may have scheduled account as: _____ (See instruction #3a)	3b. Uniform Claim Identifier (optional): _____ (See instruction #3b)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____
Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____		Basis for perfection: _____
Value of Property: \$ _____		Amount of Secured Claim: \$ _____
Annual Interest Rate _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		Amount Unsecured: \$ _____
5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.		
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).
<input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).	<input type="checkbox"/> Taxes or penalties owed to governmental units -- 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).
		Amount entitled to priority: \$ _____
*Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.		
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		

B10 (Official Form 10) (04/13)

2

7. Documents: Attached are **redacted** copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and **redacted** copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7, and the definition of "redacted".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

8. Signature: (See instruction #8)

Check the appropriate box.

- I am the creditor. I am the creditor's authorized agent. I am the trustee, or the debtor, or their authorized agent. I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)
(See Bankruptcy Rule 3004.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: _____

Title: _____

Company: _____

Address and telephone number (if different from notice address above): _____

(Signature)

(Date)

Telephone number: _____ email: _____

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.

Items to be completed in Proof of Claim form

Court, Name of Debtor, and Case Number:

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

Creditor's Name and Address:

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

1. Amount of Claim as of Date Case Filed:

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

2. Basis for Claim:

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

3a. Debtor May Have Scheduled Account As:

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

3b. Uniform Claim Identifier:

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

4. Secured Claim:

Check whether the claim is fully or partially secured. Skip this section if the

claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a).

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

6. Credits:

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

7. Documents:

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

8. Date and Signature:

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

DEFINITIONS	INFORMATION
Debtor A debtor is the person, corporation, or other entity that has filed a bankruptcy case.	Acknowledgment of Filing of Claim To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system (www.pacer.psc.uscourts.gov) for a small fee to view your filed proof of claim.
Creditor A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).	Offers to Purchase a Claim Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(c), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 <i>et seq.</i>), and any applicable orders of the bankruptcy court.
Claim A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.	A claim also may be secured if the creditor owes the debtor money (has a right to setoff). Unsecured Claim An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.
Proof of Claim A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.	Claim Entitled to Priority Under 11 U.S.C. § 507 (a) Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.
Secured Claim Under 11 U.S.C. § 506 (a) A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.	Redacted A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.
	Evidence of Perfection Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

NOTICE TO PATIENTS

On September 22, 2015, Forest Park Medical Center at Frisco, LLC (the "Debtor") filed a petition in the United States Bankruptcy Court for the Eastern District of Texas seeking relief under Chapter 11 of the United States Bankruptcy Code, Case No. 15-____-BTR-11. The Case Docket Sheet and any and all future pleadings can be accessed through the Debtor's Claims Noticing Agent Donlin Recano & Company, Inc., at <http://www.donlinrecano.com>. If you have any questions, please call the following hotline for further information:

_____.

Exhibit "A"

Form of Publication Notice

TAKE NOTICE that Forest Park Medical Center at Frisco, LLC (the "Debtor") filed for protection under Chapter 11 of the Bankruptcy Code on September 22, 2015, in the United States Bankruptcy Court for the Eastern District of Texas (the "Court"), Sherman Division, Bankruptcy Case No. 15-_____. **If you are owed money by, or otherwise have a claim against, any of the Debtor, the Court has set ____ 2015, as the deadline to file a proof of claim in the Debtor's bankruptcy case. Any creditor who fails to file a proof of claim on or before, ____ 2015, will be barred from asserting its claims against the Debtor.** Proof of claim forms may be obtained from the Clerk of the Court located at 660 North Central Expressway, 3rd Floor, Plano, Texas, 75074, or on the Court's website at <http://www.txeb.uscourts.gov>

MASTER SERVICE LIST

Forest Park Medical Center at Frisco, LLC

Case No. _____ -BTR-11

Secured Creditors:

Debtor:

Forest Park Medical Center at Frisco, LLC
5500 Frisco Square Blvd.
Frisco, TX 75034

Commerce Bank
Attn: Gregory (Greg) Leftwich
Market President
2828 N. Harwood, Suite 1250
Dallas, TX 75201

Debtor's Counsel:

William L. Medford
Vickie L. Driver
Lewis Brisbois Bisgaard & Smith LLP
2100 Ross Ave., Suite 2000
Dallas, TX 75201

Olympus America Inc.
3500 Corporate Parkway
Center Valley, PA 18034

Karl Storz
2151 E. Grand Ave.
El Segundo, CA 90245

Governmental Agencies:

Internal Revenue Service
P.O. Box 7346
Philadelphia, PA 19101-7346

General Electric Capital Corporation
Attn: Alan Beckman
20225 Watertower Blvd.
Brookfield, WI 53045

Timothy W. O'Neal
Assistant U.S. Trustee
Office of the United States Trustee
Bank of America Building
110 North College Ave., Room 300
Tyler, TX 75702

Texas Capital Bank
c/o J. Mark Chevallier
James "Jim" Rea
McGuire Craddock & Strother, P.C.
2501 N. Harwood St., Suite 1800
Dallas, TX 75201

Texas Department of State Health Services
P.O. Box 149347
Austin, TX 78714-9347

Landlord and Proposed DIP Financing:

Sabra Texas Holdings, L.P.
c/o Deirdre B. Ruckman
Marcus Helt
Gardere
3000 Thanksgiving Tower
1601 Elm St.
Dallas, TX 75201

Texas Attorney General's Office
Bankruptcy-Collections Division
P.O. Box 12548
Austin, TX 78711-2548

Office of the Attorney General
Main Justice Building, Room 5111
10th and Constitution Ave., N.W.
Washington D.C. 20530

Twenty Largest Unsecureds

Vibrant Management
c/o glendonTodd LLC
2101 Cedar Springs
Suite 1540
Dallas, TX 75201

MASTER SERVICE LIST

Forest Park Medical Center at Frisco, LLC

Case No. _____-BTR-11

Intuitive Surgical
P.O. Box 39000
San Francisco, CA 94139

Stryker Endoscopy
P.O. Box 93276
Chicago, IL 60673

CPM Medical LLC
1565 N Central Expressway, Suite 200
Richardson, TX 75080

Pro Silver Star Ltd.
1 Cowboys Parkway
Irving, TX 75063

Valley Services, Inc.
P.O. Box 742992
Atlanta, GA 30374-2992

Inpatient Physician Assoc PLLC
6901 Snider Plaza, #130
Dallas, TX 75205

Medline
One Mundelein Place
Mundelein, IL 60060

Ricoh USA Inc.
21146 Network Place
Chicago, IL 60673-1211

Lifecell Corporation
P.O. Box 203888
Houston, TX 77216-3888

Ricoh USA Inc.
P.O. Box 660342
Dallas, TX 75266-0342

Identity Media Services LLC
400 East Royal Lane, Suite 290
Irving, TX 75093

Medical Information Technology, Inc.
1 Meditech Circle
Westwood, MA 02090

Johnson and Johnson Healthcare
5972 Collections Center Dr.
Chicago, IL 60693

Smith and Nephew Inc.
P.O. Box 905706
Charlotte, NC 28209-5706

Johnson and Johnson Healthcare
425 Hoes Lane
Piscataway, NJ 08855

Smith and Nephew Inc.
1450 Brooks Rd.
Memphis, TN 38116

LDR Spine USA Inc.
P.O. Box 671716
Dallas, TX 75267

Siemens Medical Solutions USA Inc.
51 Valley Stream Parkway
Malvern, PA 19355

Bell Nunnally and Martin LLP
3232 McKinney Ave., Suite 1400
Dallas, TX 75204

Allergan USA Inc.
2525 Dupont Dr.
Irvine, CA 92612

Stryker Instruments
4100 East Milham Road
Kalamazoo, MI 49001

MASTER SERVICE LIST

Forest Park Medical Center at Frisco, LLC

Case No. _____-BTR-11

Litigation Counsel:

Aaron J. Mann
John Power
Husch Blackwell LLP
4801 Main St., Suite 1000
Kansas City, MO 64112

Glen D. Tucker, Sr.
Law Offices of Glen D. Tucker, Sr.
8330 LBJ Freeway, Suite 360
Dallas, TX 75243

Kelly Stewart
K Stewart Law, P.C.
100 Highland Park Village, Suite 200
Dallas, TX 75205

Joseph P. Regan
Jaclynn G. Austein
Winstead PC
300 Throckmorton St., Suite 1700
Ft. Worth, TX 76102

John D. Fraser
Ferguson Braswell & Fraser, PC
2500 Dallas Parkway, Suite 260
Plano, TX 75038

Prospine, LLC-William English
5909 Newgate Lane
Plano, TX 75093

Maria Wormington, RN JD
David Benford
Wormington & Bollinger
212 East Virginia St.
McKinney, TX 75069

Kevin Koronka
Husch Blackwell LLP
2001 Ross Ave., Suite 2000
Dallas, TX 75201

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

IN RE:

FOREST PARK MEDICAL CENTER
AT FRISCO, LLC,

DEBTOR.

§
§
§
§
§
§
§
§
§

CHAPTER 11

CASE NO. _____ - BTR

ORDER GRANTING EMERGENCY MOTION OF DEBTOR (1) TO AUTHORIZE CERTAIN PROCEDURES TO MAINTAIN THE CONFIDENTIALITY OF PATIENT INFORMATION, (2) FOR AUTHORITY TO FILE UNDER SEAL SEPARATE MATRIX AND SCHEDULE F CONTAINING PATIENT INFORMATION, (3) TO MODIFY NOTICE TO PATIENTS, AND (4) FOR RELIEF FROM REQUIRED FORM OF MAILING MATRIX WITH REGARD TO SEPARATE MATRIX

Upon the emergency motion (the "Motion")² filed by the above-captioned debtor and debtor-in-possession (the "Debtor") seeking entry of an order authorizing certain procedures to maintain the confidentiality of patient information, including authority to (a) file a separate creditor matrix (a "Patient Matrix") and separate supplemental Schedule F for the Debtor (collectively, the "Supplemental Schedule F") containing patient information, and (b) to give notice to Patients¹ via written transmission and direction to a claims agent's website, as well as via publication; the Court, having reviewed the Motion and having heard the statements of counsel in support of the relief requested in the Motion at the hearing before the Court (the "Hearing"), finds that the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, this matter is core pursuant to 28 U.S.C. § 157(b)(2)(A), notice of the

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Application.

Motion and the Hearing was sufficient under the circumstances and that no further notice need be given, and the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein,

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Motion is **GRANTED** as set forth herein.
2. The Debtor is authorized to file the Patient Matrix and each separate Supplemental Schedule F under seal.
3. The Clerk of the Court shall accept the Patient Matrix and each separate Supplemental Schedule F for filing and shall file the Patient Matrix and each Supplemental Schedule F under seal.
4. The Debtor shall omit any reference to current or former patients from the publicly filed matrix of creditors and any certificate of service not filed under seal.
5. The Debtor shall make an unredacted copy of the Schedules and Statements available to (a) the Court and to the United States Trustee upon request; and (b) any other party-in-interest only after this Court has entered an order, after notice and a hearing, authorizing the Debtor to do so.
6. The Debtor shall maintain the Patient Matrix and shall make the Patient Matrix, or any portion thereof, available to any party-in-interest only after this Court has entered an order, after notice and a hearing, authorizing the Debtor to do so.
7. The Patient Matrix and each separate Supplemental Schedule F shall be kept confidential indefinitely and shall not be deemed unsealed 60 days after the final disposition of the bankruptcy proceedings.

8. The form of notice to Patients attached as an exhibit to the Motion and described therein is approved.

9. The notice to Patients provided by the Debtor as set forth in the Motion, including 1) via written transmission of the Notice of Commencement of this Bankruptcy Case and Proof of Claim form, as well as a communication informing the Patients how to request further notice of future pleadings and access to the claims agent's website; and 2) via publication as set forth herein, shall be deemed effective, adequate, and sufficient notice to all Patients and reasonably calculated under the circumstances to apprise those parties of the filing of the Debtor's Chapter 11 Case and the deadline by which proofs of claim must be filed in this case and no further notices and/or pleadings are required to be given to the Patients in this case unless any such Patient requests further notices and/or pleadings or such timely files a proof of claim.

10. The Debtor is not required to file the Patient Matrix in the format required by the Local Rules. The Patient Matrix may be submitted in a format that can be readily created from the Debtor's existing records.

11. Notwithstanding anything herein to the contrary, the authority granted herein to the Debtor, including to make payments and honor obligations, is subject in all respects to the terms and conditions of the Debtor's post-petition financing agreement, including any budget contained therein, and any order approving the same.

12. The terms and conditions of this Order shall be immediately effective and enforceable upon entry of this Order.

HONORABLE CHIEF JUDGE BRENDA T. RHOADES
UNITED STATES BANKRUPTCY JUDGE

PREPARED BY:

/s/ William L. Medford

William L. Medford, Esq.

State Bar No. 00797060

Vickie L. Driver, Esq.

State Bar No. 24026886

Lewis Brisbois Bisgaard & Smith, LLP

2100 Ross Avenue, Suite 2000

Dallas, Texas 75201

Phone: (214) 722-7100

Fax: (214) 722-7111

Email: william.medford@lewisbrisbois.com

Email: vickie.driver@lewisbrisbois.com

PROPOSED DEBTOR'S COUNSEL