

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

In re:)	
)	Case No. 09-40795
FORUM HEALTH, <u>et. al.</u> , ¹)	Jointly Administered
)	
Debtors.)	Chapter 11
)	
)	Judge Kay Woods
)	

**DEBTORS’ SEVENTEENTH OMNIBUS OBJECTION TO
CERTAIN FILED PROOFS OF CLAIM (MULTI-DEBTOR CLAIMS)**

The above-captioned debtors and debtors in possession (collectively, the “Debtors”) hereby submit their seventeenth omnibus objection (the “Seventeenth Omnibus Objection”), pursuant to section 502 of the United States Code, 11 U. S.C. §§ 101-1532 (the “Bankruptcy Code”), and Rules 3001 and 3007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), to certain filed proofs of claim (each, individually, a “Claim,” and collectively, “Claims”), as referenced in Exhibit A attached hereto and incorporated by reference herein.

IF YOU HAVE RECEIVED A COPY OF THIS SEVENTEENTH OMNIBUS OBJECTION, YOUR CLAIM MAY BE SUBJECT TO AN OBJECTION BY THE DEBTORS. PLEASE REVIEW EXHIBIT A TO LOCATE YOUR NAME AND CLAIM.

¹ The Debtors include: Forum Health (31-1560189), Forum Health Diagnostics Co. (34-1773672), Forum Health Enterprises Co. (34-1368151), Forum Health Outreach Laboratories, Inc. (34-1437294), Forum Health Ventures Co. (34-1489491), Forum Health Pharmacy Services Co. (34-1754092), Forum Health Rehabilitative Services Co. (31-1581767), Forum Health Services Co. (34-1461044), Western Reserve Care System (34-1454933), Dacas Nursing Support Systems, Inc. (34-1482591), Dacas Nursing Systems, Inc. (34-1456983), Beeghly Oaks (31-1196072), PrideCare, Inc. (34-1490425), Trumbull Memorial Hospital (34-1461049), Comprehensive Psychiatry Specialists, Inc. (34-1697739) and Visiting Nurse Association and Hospice of Northeast Ohio (34-0714388)

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BACKGROUND

1. On March 16, 2008, the Debtors each filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. The Debtors are managing their businesses as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

2. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334 and 157. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b)(2). Venue of the Debtors' chapter 11 cases and this Seventeenth Omnibus Objection is proper pursuant to 28 U.S.C. §§ 1408 and 1409 and Local Bankruptcy Rules.

3. The Debtors' chapter 11 cases are being jointly administered for procedural purposes pursuant to an order entered March 17, 2009, Docket No. 49.

4. The statutory predicates for the relief sought herein is section 502 of the Bankruptcy Code and Rules 3001 and 3007 of the Bankruptcy Rules.

5. On April 30, 2009 and May 1, 2009, each of the Debtors filed a Summary of Schedules and a Statement of Financial Affairs (collectively, the "Schedules") as follows:

Debtor	Case No.	Docket Nos.
Forum Health	09-40795	214, 215
Forum Health Rehabilitative Services Co.	09-40796	2, 3
Forum Health Diagnostics Co.	09-40797	2, 3
Forum Health Enterprises Co.	09-40798	2, 3
Forum Health Outreach Laboratories, Inc.	09-40799	2, 3
Forum Health Ventures Co.	09-40801	2, 3
Forum Health Pharmacy Services Co.	09-40802	2, 3
Forum Health Services Co.	09-40803	2, 3
Western Reserve Care Systems	09-40804	2, 3
Dacas Nursing Support Systems, Inc.	09-40805	2, 3
Forum Health Ventures Co.	09-40806	2, 3
Beeghly Oaks	09-40807	2, 3
Trumbull Memorial Hospital	09-40808	2, 3
Comprehensive Psychiatry Specialists, Inc.	09-40810	2, 3
PrideCare, Inc.	09-40811	2, 3
Visiting Nurse Association and Hospice of Northeast Ohio	09-40812	2, 3

6. On June 23, 2009, the Court established August 3, 2009 as the bar date by which non-governmental creditors wishing to assert prepetition claims against the Debtors must file proofs of claim and September 14, 2009 as the bar date by which any governmental unit wishing to assert prepetition claims against the Debtors must file proofs of claim, Docket No. 301.

RELIEF REQUESTED

7. By this Seventeenth Omnibus Objection, the Debtors seek to expunge the Claims set forth on Exhibit A attached hereto pursuant to section 502 of the Bankruptcy Code and Rules 3001 and 3007 of the Bankruptcy Rules. The Claims set forth in Exhibit A attached hereto are referred to collectively, as “Multi-Debtor Claims” are claims that are for the same transaction, but have been filed by a claimant against more than one Debtor. Based upon the Debtors’ information, the parties holding the Multi-Debtor Claims should have only one claim against the Debtors.²

BASIS FOR RELIEF REQUESTED

8. Section 502 of the Bankruptcy Code addresses the allowance and disallowance of claims and states, in relevant part:

(a) A claim or interest, proof of which is filed under section 501 of this title, is deemed allowed, unless a party in interest, including a creditor..., objects.

11 U.S.C. § 502(a). Section 502(b) of the Bankruptcy Code further provides:

(b) Except as provided in subsections (e)(2), (f), (g), (h) and (i) of this section, if such objection to a claim is made, the court, after notice and a hearing, shall determine the amount of such claim...as of the date of the filing of the petition....

11 U.S.C. § 502(b).

² The Debtors specifically reserve the right to object in the future to any of the Claims referenced in this Seventeenth Omnibus Objection, or in Exhibit A attached hereto, on any ground. The Debtors further reserve the right to amend or supplement this Seventeenth Omnibus Objection premised upon, among other things, the filing of amended or newly file claims.

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9. Bankruptcy Rule 3007 presents the procedure that a party in interest must follow for filing and providing notice of a hearing on an objection to a proof of claim. An objection to allowance of a proof of claim must be in writing and filed with the Court. Exhibit A attached hereto is intended to satisfy the requirements of Rule 3007 of the Bankruptcy Rules by listing claimants alphabetically, providing a cross-reference to Claim numbers, listing claimants by category of Claims, stating the grounds of the objection to each Claim, and containing objections to no more than 100 Claims. Further, a copy of the objection, coupled with notice of the hearing on the objection, must be “mailed or otherwise delivered” to the party whose proof of claim is challenged “at least 30 days prior to the hearing.” Fed. R. Bankr. P. 3007(a).

10. With respect to this Seventeenth Omnibus Objection, Bankruptcy Rule 3007(d) specifically provides as follows:

(d) Omnibus Objection

Subject to subdivision (e), objections to more than one claim may be joined in an omnibus objection if all the claims were filed by the same entity, or the objections are based solely on the grounds that the claims should be disallowed, in whole or in part, because:

- (1) they duplicate other claims;
- (2) they have been filed in the wrong case;
- (3) they have been amended by subsequently filed proofs of claim;
- (4) they were not timely filed;
- (5) they have been satisfied or released during the case in accordance with the Code, applicable rules, or a court order;
- (6) they were presented in a form that does not comply with applicable rules, and the objection states that the objector is unable to determine the validity of the claim because of this noncompliance;
- (7) they are interests, rather than claims; or

- (8) they assert priority in an amount that exceeds the maximum amount under § 507 of the Code.

11. The Debtors object to the Multi-Debtor Claims pursuant to 502(b)(1) of the Bankruptcy Code because such claims are of the same nature and have been filed by a claimant against more than one Debtor. Should the relief sought in this Seventeenth Omnibus Objection be granted, the Debtors submit that the creditor who filed the Multi-Debtor Claim will retain a single, surviving claim against the correct Debtor (noted on Exhibit A in the column entitled “Proposed Surviving Multi-Debtor Claim”), subject to the Debtors’ further right to object for any reason. Therefore, the Multi-Debtor Claims noted on Exhibit A in the column entitled “Proposed Multi-Debtor Claim to Expunge” must be expunged.

NOTICE

12. Notice of this Seventeenth Omnibus Objection has been given to the following parties or, in lieu thereof, to their counsel, if known: (i) the United States Trustee; (ii) counsel for the Official Committee of Unsecured Creditors; (iii) the District Director of the Internal Revenue Service; (iv) the Office of the Attorney General; (v) the Pension Benefit Guaranty Corporation; (vi) all parties requesting notice in the Debtors’ chapter 11 cases; and (vii) all creditors included on Exhibit A attached hereto. The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Debtors respectfully request that (i) the Court enter an order expunging each Claim described in this Seventeenth Omnibus Objection and Exhibit A attached hereto, and (ii) grant to the Debtors such other and further relief as the Court may deem proper.

July 19 2011

Respectfully submitted,

/s/ Manju Gupta

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COUNSEL FOR THE DEBTORS
AND DEBTORS IN POSSESSION

EXHIBIT A

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	Date Filed	Claim No	Name	Claim Amount	Nature	Debtor Name	(Proposed) Multi-Debtor Claim to Expunge	(Proposed) Surviving Multi-Debtor Claim
1	07/10/2009	387	C L STURKEY INC	UNLIQUIDATED	GENERAL UNSECURED	WESTERN RESERVE CARE SYSTEM	387	
2	07/10/2009	326	C L STURKEY INC	\$636.62	GENERAL UNSECURED	FORUM HEALTH		326
3	12/20/2010	975	CR BARD INC	\$13,585.34	ADMIN PRIORITY	TRUMBULL MEMORIAL HOSPITAL	975	
4	07/28/2009	522	CR BARD INC	\$13,585.34	ADMIN PRIORITY	TRUMBULL MEMORIAL HOSPITAL		522
5	07/28/2009	522	CR BARD INC	\$43,946.63	GENERAL UNSECURED	TRUMBULL MEMORIAL HOSPITAL		522
6	12/20/2010	977	C R BARD INC	\$39,766.50	ADMIN PRIORITY	WESTERN RESERVE CARE SYSTEM	977	
7	07/28/2009	521	CR BARD INC	\$39,766.50	ADMIN PRIORITY	WESTERN RESERVE CARE SYSTEM		521
8	07/28/2009	521	CR BARD INC	\$80,828.74	GENERAL UNSECURED	WESTERN RESERVE CARE SYSTEM		521
9	07/27/2009	512	INDEPENDENCE BUSINESS SUPP	\$1,275.45	General Unsecured	TRUMBULL MEMORIAL HOSPITAL	512	
10	07/27/2009	514	INDEPENDENCE BUSINESS SUPP	\$69,761.14	General Unsecured	TRUMBULL MEMORIAL HOSPITAL	514	
11	12/20/2010	981	INDEPENDENCE BUSINESS	\$74,922.59	Admin Priority	FORUM HEALTH		981
12	08/03/2009	698	LMA NORTH AMERICA	\$3,845.54	GENERAL UNSECURED	FORUM HEALTH	698	
13	12/22/2010	999	LMA NORTH AMERICA	\$1,403.00	ADMIN PRIORITY	FORUM HEALTH	999	
14	12/22/2010	1000	LMA NORTH AMERICA	\$398.00	ADMIN PRIORITY	WESTERN RESERVE CARE SYSTEM		1000

	Date Filed	Claim No	Name	Claim Amount	Nature	Debtor Name	(Proposed) Multi-Debtor Claim to Expunge	(Proposed) Surviving Multi-Debtor Claim
15	12/22/2010	1001	LMA NORTH AMERICA	\$1,005.00	ADMIN PRIORITY	TRUMBULL MEMORIAL HOSPITAL		1001
16	06/08/2009	190	MDC WALLCOVERINGS	\$3,073.84	GENERAL UNSECURED	FORUM HEALTH ENTERPRISES CO.	190	
17	07/06/2009	244	MDC WALLCOVERINGS	\$3,073.84	GENERAL UNSECURED	FORUM HEALTH		244
18	07/30/2009	533	O R SOLUTIONS INC	\$3,686.79	GENERAL UNSECURED	FORUM HEALTH	533	
19	07/30/2009	536	O R SOLUTIONS INC	\$3,686.79	GENERAL UNSECURED	TRUMBULL MEMORIAL HOSPITAL		536
20	07/29/2009	530	OWENS & MINOR DISTRIBUTION INC	\$0.00	ADMIN PRIORITY	FORUM HEALTH	530	
21	12/21/2010	991	OWENS & MINOR DISTRIBUTION INC	UNLIQUIDATED	ADMIN PRIORITY	FORUM HEALTH	991	
22	10/23/2009	854	OWENS & MINOR DISTRIBUTION INC	\$188,954.66	ADMIN PRIORITY	TRUMBULL MEMORIAL HOSPITAL		854
23	10/23/2009	855	OWENS & MINOR DISTRIBUTION INC	\$194,194.27	ADMIN PRIORITY	WESTERN RESERVE CARE SYSTEM		855
24	10/23/2009	857	OWENS & MINOR DISTRIBUTION INC	\$995.09	ADMIN PRIORITY	FORUM HEALTH SERVICES CO.		857
25	10/23/2009	858	OWENS & MINOR DISTRIBUTION INC	\$7,633.16	ADMIN PRIORITY	FORUM HEALTH REHABILITATIVE SERVICES CO.		858
26	10/23/2009	859	OWENS & MINOR DISTRIBUTION INC	\$155.35	ADMIN PRIORITY	FORUM HEALTH ENTERPRISES CO.		859
27	04/28/2009	57	QUEST MEDICAL INCORPORATED	\$997.33	GENERAL UNSECURED	FORUM HEALTH ENTERPRISES CO.	57	
28	07/06/2009	291	QUEST MEDICAL INC	\$997.33	GENERAL UNSECURED	FORUM HEALTH		291