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The following constitutes the order of the Court.
Signed: November 29, 2022

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William J. Lafferty, III
U.S. Bankruptcy Judge

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**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

21 In re:
22 MARINER HEALTH CENTRAL, INC., *et al.*,¹
23 Debtors.

Chapter 11
Case No. 4-22-bk-41079-WJL
(Jointly Administered)

**ORDER ESTABLISHING DEADLINES
FOR FILING PROOFS OF CLAIM AND
APPROVING FORM AND MANNER OF
NOTICE THEREOF**

24 Upon consideration of the *Motion of the Debtors to Establish Deadlines for Filing Proofs of*
25 *Claim and Approving the Form and Manner of Notice Thereof* (the “**Motion**”)²; and this Court having

26 ¹ The Debtors, along with the last four digits of each Debtors’ tax identification number, are: Mariner Health
27 Central, Inc. (6203), Parkview Holding Company GP, LLC (1536), and Parkview Operating Company, LP
28 (7273). The Debtors’ headquarters are located at 3060 Mercer University Drive, Suite 200, Atlanta, GA
30341.

² Except as otherwise defined herein and in the Motion, all terms specifically defined in the Bankruptcy Code
have those meanings ascribed to them by the Bankruptcy Code. In particular, as used herein: (a) the term
“claim” has the meaning given to it in section 101(5) of the Bankruptcy Code; (b) the term “entity” has the
meaning given to it in section 101(15) of the Bankruptcy Code; (c) the term “governmental unit” has the
meaning given to it in section 101(27) of the Bankruptcy Code; and (d) the term “person” has the meaning
given to it in section 101(41) of the Bankruptcy Code.



1 jurisdiction over this matter; and venue being proper in this Court; and this Court having reviewed the
2 Motion and having heard the statements in support of the relief requested therein at a hearing before
3 this Court; and this Court having determined that the legal and factual bases set forth in the Motion
4 and at such hearing establish just cause for the relief granted herein; and upon all of the proceedings
5 had before this Court; and after due deliberation and sufficient cause appearing therefor,

6 **IT IS HEREBY ORDERED THAT:**

7 1. The Motion is granted as set forth herein.

8 **1. The Bar Dates and Procedures for Filing Proofs of Claim.**

9 2. Each person or entity that asserts a claim against any Debtor that arose before
10 September 19, 2022 (the “**Petition Date**”) shall be required to file an original, written proof of claim
11 (a “**Proof of Claim**”), substantially in the form attached as **Exhibit 1** to the Bar Date Declaration³ (the
12 “**Proof of Claim Form**”) or Official Form 410,⁴ including without limitation the following:

- 13 a. any person or entity whose claim against a Debtor is not listed in the
14 applicable Schedules or is listed in such Schedules as “contingent,”
15 “unliquidated,” or “disputed,” if such person or entity desires to share
16 in any distribution in any of these chapter 11 cases;
- 17 b. any person or entity who believes that its claim is improperly classified
18 in the Schedules or is listed in an incorrect amount and who desires to
19 have its claim allowed in a different classification or amount other than
20 that identified in the Schedules;
- 21 c. any person or entity who believes that its prepetition claims as listed in
22 the Schedules is not an obligation of the specific Debtor against which
23 the claim is listed and that desires to have its claim allowed against a
24 Debtor other than that identified in the Schedules; and
- 25 d. any person or entity who believes that its claim against a Debtor is or
26 may be entitled to priority under section 503(b)(9) of the Bankruptcy
27 Code.

26 ³ The “**Bar Date Declaration**” means the *Declaration of Carollynn H.G. Callari Containing Exhibits Concerning the*
27 *Bar Date Order* filed on November 22, 2022 [Dkt. No. 259].

28 ⁴ Copies of Official Form 410 may be obtained by: (a) visiting the claims agent website at
<http://www.kcellc.net/MarinerHealthCentral>, or (b) visiting the website maintained by the courts at
<http://www.uscourts.gov/forms/bankruptcy-forms>.

1 3. Except for governmental units and certain other exceptions explicitly set forth herein,
2 **all Proofs of Claim must be filed so that they are actually received on or before January 23, 2023**
3 **at 5:00 p.m. (Pacific Time) (the “General Bar Date”), at the address and in the form set forth**
4 **herein.** The Bar Date applies to all types of claims (whether secured, unsecured priority, or unsecured
5 non-priority) against the Debtors that arose (or are deemed to have arisen) before the Petition Date,
6 and including without limitation any claims for the value of goods sold to and received by any Debtor
7 within 20 days before the Petition Date.

8 4. All governmental units holding claims (whether secured, unsecured priority, or
9 unsecured non-priority) that arose (or are deemed to have arisen) prior to the Petition Date must file
10 Proofs of Claim, including claims for unpaid taxes, whether such claims arise from prepetition tax
11 years or periods or prepetition transactions to which the Debtors were a party **so that they are actually**
12 **received on or before March 20, 2023 at 5:00 p.m. (Pacific Time) (the “Government Bar Date”),**
13 **at the address and in the form set forth herein.** Pursuant to Local Rule 3002-1(a), no governmental
14 unit is required to file a proof of claim covered by sections 503(b)(1)(B), (C) or (D) of the Bankruptcy
15 Code.

16 5. If the Debtors file an amendment (an “**Amendment**”) to their Schedules after the
17 Service Date, and such Amendment (a) reduces the undisputed noncontingent and liquidated amount
18 of a claimant’s claim, (b) changes the nature or characterization of a claimant’s claim, or (c) adds a
19 new claim with respect to a claimant to the Schedules, the Debtors shall give notice by first-class mail
20 of any amendment to holders of claims affected thereby, and the deadline any such person or entity to
21 file a Proof of Claim or amend any previously filed Proof of Claim, if necessary, relating to such
22 Amendment shall be set as the later of (a) the General Bar Date or (b) 35 days from the date the notice
23 of the Schedule amendment or supplement is given (unless a different period is fixed by the Court)
24 (the “**Amended Schedules Bar Date**”). For avoidance of doubt, the categories of claimants set forth
25 in paragraph 8 of this Order not required to file a Proof of Claim by the Bar Dates, in each case solely
26 with respect to the claim described therein and in any Amendment.

27 6. All persons or entities asserting claims arising from the rejection by the Debtors of any
28 executory contract or unexpired lease contract must file a Proof of Claim relating to such rejection by

1 the later of (i) the General Bar Date, (ii) 35 days after entry of any order authorizing the rejection of
2 an executory contract or unexpired lease, or (iii) the date set forth in an order authorizing rejection of
3 an executory contract or unexpired lease (the “**Rejection Bar Date**”, and together with the General
4 Bar Date, the Government Bar Date, the Amended Schedules Bar Date, the “**Bar Dates**”).

5 7. All Proofs of Claim must be filed so as to be actually received by Kurtzman Carson
6 Consultants, LLC (the “**Claims Agent**”), the claims and noticing agent in these cases, on or before the
7 applicable Bar Dates (or, where applicable, on or before any other bar date, as set forth herein,
8 including a bar date set by another order of this Court or a bar date triggered by an amendment of the
9 Schedules). If Proofs of Claim are not received by the Claims Agent on or before the applicable Bar
10 Dates, except for exceptions explicitly set forth herein, the holders of the underlying claims shall be
11 precluded from voting such claim on any plan in this case and/or receiving distributions from the
12 Debtors on account of such claims in this case, and shall be forever barred, estopped and enjoined
13 from asserting such claims against the Debtors.

14 2. Parties Exempted from the Bar Date.

15 8. The following categories of claimants shall not be required to file a Proof of Claim by
16 the Bar Dates, in each case solely with respect to the claim described below:

- 17 i. any person or entity whose claim is listed on the schedules and (a) whose claim
18 is **not** described thereon as disputed, contingent, or unliquidated; (b) who does
19 **not** dispute the amount or priority of the claim set forth in the schedules, and
20 (c) who does **not** dispute that the claim is an obligation of the Debtors;
- 21 ii. any person or entity whose claim has been paid in full, including, but not limited
22 to any claim of an employee of the Debtors for ordinary course wages or
23 benefits to the extent already paid;
- 24 iii. any person or entity that holds an interest in the Debtors, which interest is based
25 exclusively upon ownership of common or preferred stock, membership
26 interest, partnership interest, or warrants or rights to purchase, sell, or subscribe
27 to such a security or interest; **provided, however**, that interest holders that wish
28 to assert claims (as opposed to ownership interest) against the Debtors that arise
out of or relate to the ownership or purchase of an interest, including claims
arising out of or relating to the sale issuance or distribution of the interest, must
file Proofs of Claim on or before the Bar Date, unless another exception
identified herein applies;
- iv. any holder of a claim allowable under Sections 503(b) or 507(a) of the
Bankruptcy Code as an administrative expense of these chapter 11 cases;
provided, however, that any person or entity wishing to assert that any claim
against any Debtor is entitled to priority under section 503(b)(9) of the

1 Bankruptcy Code shall be required to file a Proof of Claim for such claim
2 subject to the applicable Bar Date;

- 3 v. any person or entity who holds a claim that has been allowed by an order of this
4 Court entered on or before the applicable Bar Dates;
- 5 vi. any holder of a claim for which a separate deadline is fixed by this Court; and
- 6 vii. any holder of a claim who has already properly filed a Proof of Claim with the
7 Claims Agent using a claim form which substantially conforms to Official Form
8 410.

9 **3. Substantive Requirements for Proofs of Claim.**

10 9. The following requirements shall apply with respect to each Proof of Claim:

- 11 a. Contents. Each Proof of Claim must (i) be written in English; (ii)
12 include a claim amount denominated in United States dollars; (iii)
13 conform substantially with the Proof of Claim Form provided by the
14 Debtors or Official Form 410; and (iv) be signed by the claimant or by
15 an authorized agent or legal representative of the claimant.
- 16 b. Timely Filing. Each Proof of Claim must be **actually received** by the
17 Claims Agent on or before the applicable Bar Date, either (i) through
18 the “Submit Electronic Proof of Claim” interface at
19 <http://www.kccllc.net/MarinerHealthCentral>, or (ii) by first-class mail,
20 overnight courier, or hand-delivery to the following address:
- 21 Mariner Health Central, Inc., et al.,
22 Claims Processing Center
23 c/o Kurtzman Carson Consultants, LLC
24 222 N. Pacific Coast Highway, Suite 300
25 El Segundo, CA 90245
- 26 c. No Alternative Filing. **Any Proof of Claim sent or submitted by
27 facsimile or electronic mail, or in any other manner not expressly
28 authorized above, will not be accepted.**
- 29 d. Supporting Documentation. Each Proof of Claim must include
30 supporting documentation in accordance with Bankruptcy Rules
31 3001(c) and 3001(d). If, however, such documentation is voluminous,
32 upon prior written consent of the Debtors’ counsel, such Proof of Claim
33 may include a summary of such documentation or an explanation as to
34 why such documentation is not available; provided, however, that any
35 creditor that received such written consent shall be required to transmit
36 such writings to the Debtors’ counsel upon request no later than ten (10)
37 calendar days from the date of such request.
- 38 e. Section 503(b)(9) Claims. Any Proof of Claim asserting a claim entitled
39 to priority under section 503(b)(9) of the Bankruptcy Code must also:
40 (i) include the value of the goods delivered to and received by the

1 Debtors in the 20 days prior to the Petition Date; (ii) attach any
2 documentation identifying the particular invoices for which such claim
3 is being asserted; and (iii) attach documentation of any reclamation
4 demand made to the Debtors under section 546(c) of the Bankruptcy
5 Code (if applicable).

6 f. Identification of the Debtor. Each Proof of Claim must clearly identify
7 the Debtor against which a claim is asserted, including the individual
8 Debtor's case number. A Proof of Claim filed under the joint
9 administration case number or otherwise without identifying a specific
10 Debtor, will be deemed as filed only against Mariner Health Central,
11 Inc. Unless otherwise ordered by this Court, each Proof of Claim must
12 state a claim against only one Debtor and clearly indicate the Debtor
13 against which the claim is asserted. To the extent more than one Debtor
14 is listed on the Proof of Claim, such claim may be treated as if filed only
15 against the first-listed Debtor.

16 g. Original Signatures Required. Only original Proofs of Claim, or claims
17 submitted online through the "Submit Electronic Proof of Claim"
18 interface at <http://www.kcellc.net/MarinerHealthCentral>, will be
19 deemed acceptable for purposes of claims administration.

20 h. Receipt of Service. Claimants wishing to receive acknowledgment that
21 their Proof of Claim Forms were received by the Claims Agent must
22 submit (i) a copy of the Proof of Claim Form and (ii) a self-addressed,
23 stamped envelope (in addition to the original Proof of Claim sent to the
24 Claims Agent).

25 **4. Procedures for Providing Notice of the Bar Date.**

26 10. No later than 5 business days after the Court enters this Order, the Debtors shall serve
27 by mail a written notice of the Bar Dates and Proof of Claim requirements established herein (the "**Bar**
28 **Date Notice**"), substantially in the form attached as **Exhibit 2** to the Bar Date Declaration, and a Proof
of Claim Form (together the "**Bar Date Package**"), to the following entities:

- 29 a. the U.S. Trustee;
- 30 b. all creditors and other known holders of claims against the Debtors as
31 of the date of this Order, including all people or entities listed in the
32 Schedules as holding claims against the Debtors including all current
33 and former patients who do not have time barred claims;
- 34 c. all people or entities that have requested notice of the proceedings in
35 these chapter 11 cases pursuant to Bankruptcy Rule 2002 as of the date
36 of this Order;

- d. all people or entities that have filed proofs of claim or proofs of interest in these chapter 11 cases as of the date of this Order;
- e. all people or entities who are party to executory contracts and unexpired leases with the Debtors;
- f. the Internal Revenue Service;
- g. the United States Attorney for the District of Delaware;
- h. the United States Attorney for the Northern District of California;
- i. the Centers for Medicare & Medicaid Services; and
- j. the Attorney General for the State of California.

11. The Debtors shall file the Bar Date Notice on the docket of these chapter 11 cases on the date of service on known creditors as set forth above (the “**Service Date**”). The Debtors shall provide each known creditor listed in the Schedules and, upon any amendment to the Debtors’ Schedules, each of the creditors affected by such amendment, with a “personalized” Proof of Claim Form, which will identify how the Debtors have scheduled each such creditor’s claim in the Schedules, including, without limitation: (a) the identity of the Debtor against which the creditor’s claim is scheduled; (b) the amount of the scheduled claim, if any; (c) whether the claim is listed as contingent, unliquidated, or disputed; and (d) whether the claim is listed as secured, unsecured priority, or unsecured non-priority. Each creditor may submit a Proof of Claim by the applicable Bar Date to correct any information that is missing, incorrect, or incomplete. Additionally, any creditor may choose to submit a Proof of Claim on a different form as long as it is substantially similar to Official Form 410 and otherwise complies with the requirements for a Proof of Claim set forth herein.

12. The Debtors shall mail the Bar Date Notice to the last known mailing address for each creditor or party in interest set forth above and shall post the Bar Date Notice at the facility. After the initial mailing of the Bar Date Packages, the Debtors may, in their sole discretion, make supplemental mailings of the Bar Date Notice or Bar Date Package, including in the event that: (a) notices are returned by the post office with forwarding addresses; (b) certain parties acting on behalf of parties in interest decline to pass along notices to these parties and instead return their names and addresses to the Debtors for direct mailing, and (c) additional potential claimants become known as the result of

1 the Bar Date mailing process, with any such supplemental mailings being deemed timely and the
2 relevant Bar Date being applicable to the recipient creditors.

3 13. The Debtors shall cause notice of the General Bar Date and the Governmental Bar Date
4 to be given by publication to creditors to whom notice by mail is impracticable, including creditors
5 who are unknown or not reasonably ascertainable by the Debtors and creditors whose identities are
6 known but whose addresses are unknown by the Debtors. Specifically, the Debtors shall cause notice
7 of the General Bar Date and Government Bar Date to be published, modified for publication as
8 appropriate and otherwise consistent with the form annexed as **Exhibit 3** to the Bar Date Declaration
9 (the “**Publication Notice**”), on one occasion in The New York Times (national edition) or in USA
10 Today (national edition), and in the San Francisco Chronicle, on or before the Service Date.

11 **Consequences of Failure to Timely and/or Properly File a Proof of Claim.**

12 14. Pursuant to Bankruptcy Rule 3003(c)(2), and absent a dismissal of these cases, any
13 person or entity that is required, but fails, to file a Proof of Claim in accordance with this Order on or
14 before the applicable Bar Date shall be forever barred, estopped and enjoined from asserting such
15 prepetition claim against any Debtor, and the Debtors. Any such person or entity shall be precluded
16 from voting on any plan filed in these chapter 11 cases and/or receiving distributions from the
17 Debtors on account of such claims in these chapter 11 cases.

18 15. In the event the Debtors object to a claim based on the subject claimant not following
19 one or more of the protocols set forth in paragraph 9 hereof, including, for example, based on the
20 claimant’s alleged failure to attach to the proof of claim or later to supply sufficient factual support
21 where necessary, or based upon the fact that a claim was filed by a class representative rather than an
22 individual creditor, the claimant shall have the burden to overcome any such objection, and to
23 demonstrate that the claim was proper as filed, or that the claim may promptly be amended to cure
24 any alleged deficiency, and the Court shall determine whether such claim is acceptable.

25 **Miscellaneous**

26 1. For the avoidance of doubt, the U.S. Trustee shall not be required to file a proof of
27 claim or administrative claim for quarterly fees.

28 2. Notice of the Bar Dates as set forth in this Order and in the manner set forth herein

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