



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed April 19, 2022

United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In re:

Northwest Senior Housing Corporation, *et al.*,¹

Debtors.

Chapter 11

Case No. 22-30659 (MVL)

(Jointly Administered)

**ORDER AUTHORIZING THE IMPLEMENTATION OF
PROCEDURES TO MAINTAIN AND PROTECT
CONFIDENTIAL RESIDENT AND PATIENT INFORMATION**

Upon the motion (the “**Motion**”)² of the debtors and debtors in possession in the above-captioned chapter 11 cases (the “**Debtors**”) for entry of an order (this “**Order**”), pursuant to Bankruptcy Code Sections 105(a), 107, and 521(a)(1) and Bankruptcy Rules 1007, 9018, and 9037 (i) authorizing the implementation of procedures to protect confidential information of current and former residents and patients of the Debtors (collectively, the “**Residents and Patients**”) and (ii)

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are Northwest Senior Housing Corporation (1278) and Senior Quality Lifestyles Corporation (2669). The Debtors’ mailing address is 8523 Thackery Street, Dallas, Texas 75225.

² All capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.



granting related relief; and upon consideration of the First Day Declaration; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this matter being a core proceeding within the meaning of 28 U.S.C. § 157(b)(2); and this Court being able to issue a final order consistent with Article III of the United States Constitution; and venue of this proceeding and the Motion in this District being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of the Debtors' estates, their creditors, and other parties in interest; and this Court having found that the Debtors' notice of the Motion and the opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court; and all objections, if any, to the Motion having been withdrawn, resolved or overruled; and this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The relief requested in the Motion is GRANTED as set forth herein.
2. The following Resident and Patient Confidentiality Procedures are hereby approved:
 - a. The Debtors, with the assistance of their professionals, are authorized to prepare and maintain (i) a separate creditor matrix of the Residents and Patients (the "**Resident and Patient Matrix**"), and, if necessary, (ii) separate schedules of claims that may be asserted by and against the Residents and Patients (the "**Resident and Patient Schedules**");
 - b. The Debtors are not required to file the Resident and Patient Matrix and the Resident and Patient Schedules but is permitted to file a redacted version of the Resident and Patient Schedules that redacts the names and addresses of the Residents and Patients and assigns a unique identification number to each of the Residents and Patients, provided however, that the Resident and Patient Matrix and the Resident and Patient Schedules may be reviewed by

(i) this Court, (ii) the Office of the United States Trustee, (iii) any applicable state regulatory agency (through the respective state attorney general), and (iv) any other party in interest that obtains, after notice and a hearing, an order directing the Debtors to disclose the Resident and Patient Matrix and Resident and Patient Schedules to such party;

- c. To the extent the Debtors are required to list Residents and Patients on any document filed with the Court, including, the list of the top 30 unsecured creditors, the Debtors are authorized to list such Residents and Patients by their assigned unique identification number on such document;
- d. If the Debtors' HIPAA-certified noticing and claims agent, Kurtzman Carson Consultants LLC ("**KCC**"), serves any document upon any person listed on the Resident and Patient Matrix, KCC is authorized to note in the certificate of service that the parties served include individuals listed on the Resident and Patient Matrix;
- e. KCC shall process Residents' Proofs of Claim ("**Proofs of Claim**") and, upon request, make available a summary of the total number and amount of all claims filed by Residents and Patients against the Debtors, which summary shall exclude any information subject to HIPAA, its associated regulations, and other privacy requirements;
- f. KCC shall make copies of any Proofs of Claim filed by Residents and Patients available to the Court for in camera review, and any such Proofs of Claim shall otherwise be maintained by KCC and the Debtors on a confidential basis and not subject to public dissemination or disclosure; and
- g. To the extent any Resident or Patient discloses his or her own health information in any pleading, proof of claim, notice, or other publicly available document, the Debtors and their professionals to the extent required by the Bankruptcy Code, the Bankruptcy Rules, or any other applicable law, rule, or court order, may include protected health information about the Resident or Patient in any subsequent pleading, notice, document, list, or other public disclosure made in connection with these Chapter 11 Cases, and such use or disclosure shall not be deemed to be an "impermissible disclosure" within the meaning of HIPAA or any regulation promulgated thereunder.

3. Notice of the Motion shall be deemed good and sufficient notice of such Motion, and the requirements of Bankruptcy Rule 6004(a) and the Local Rules are satisfied by such notice or waived.

4. Notwithstanding Bankruptcy Rule 6004(h), the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

5. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

6. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

End of Order

Submitted by:

Trinitee G. Green (SBN 24081320)
Polsinelli PC
2950 N. Harwood, Suite 2100
Dallas, Texas 75201
Telephone: (214) 397-0030
Facsimile: (214) 397-0033
tggreen@polsinelli.com

and

Jeremy R. Johnson (*Pro Hac Vice* Pending)
Brenna A. Dolphin (*Pro Hac Vice* Pending)
Polsinelli PC
600 3rd Avenue, 42nd Floor
New York, New York 10016
Telephone: (212) 684-0199
Facsimile: (212) 684-0197
jeremy.johnson@polsinelli.com
bdolphin@polsinelli.com

*Proposed Counsel to Debtors and
Debtors-in-Possession*