

ENTERED

September 11, 2024

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

GENESIS CARE PTY LIMITED, *et al.*,¹

Reorganized Debtors.

)
) Chapter 11
)
) Case No. 23-90614 (MI)
)
)
) (Jointly Administered)
)
) **Re: Docket No. 1942**

**ORDER (I) APPROVING OMNIBUS CLAIMS
OBJECTION PROCEDURES AND (II) AUTHORIZING
THE REORGANIZED DEBTORS TO FILE SUBSTANTIVE OMNIBUS
OBJECTIONS TO CLAIMS PURSUANT TO BANKRUPTCY RULE 3007**

Upon the motion (the “Motion”)² of the above-captioned reorganized debtors (the “Reorganized Debtors” and, prior to the Effective Date, the “Debtors”) for entry of an order (this “Order”) (i) approving the Objection Procedures attached hereto and (ii) authorizing the Reorganized Debtors to assert substantive objections to claims in an omnibus format pursuant to Bankruptcy Rule 3007(c) and (d), all as more fully set forth in the Motion; and upon the First Day Declaration; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), and that this Court may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue of this proceeding and the Motion in this district is 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

¹ A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Claims and Noticing Agent at <https://restructuring.ra.kroll.com/GenesisCare>. The location of the Reorganized Debtors’ principal place of business and service address in these chapter 11 cases is: 1419 SE 8th Terrace, Suite 200, Cape Coral, Florida 33990.

² Capitalized terms used but not otherwise defined herein shall have the meanings given to them in the Motion.

interest; and this Court having found that the Debtors' notice of the Motion and opportunity for a hearing on the Motion were appropriate and no other notice need be provided; and this Court having reviewed the Motion ; 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 upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor it is HEREBY ORDERED THAT:

1. Notwithstanding anything to the contrary in the Bankruptcy Code and Bankruptcy Rules, and pursuant to Bankruptcy Rule 3007(c), Bankruptcy Local Rule 3007-1, and the Complex Case Procedures, the Reorganized Debtors may file Omnibus Objections that include objections to claims on any basis provided for in Bankruptcy Rule 3007(d), Bankruptcy Local Rule 3007-1, and/or the Additional Grounds.

2. The Reorganized Debtors are authorized to file and prosecute any Omnibus Objections in accordance with the Objection Procedures attached hereto as **Exhibit 1**, which are hereby approved, and the other procedural safeguards set forth in Bankruptcy Rule 3007(e) and Bankruptcy Local Rule 3007-1.

3. The form of Objection Notice attached hereto as **Exhibit 2** is approved.

4. Notwithstanding Bankruptcy Rule 3006, solely to the extent of withdrawing a claim after an Omnibus Objection to a claim is filed, a claimant may use the Withdrawal of Claim Form attached to the Order as **Exhibit 3** to withdraw their claim after an Omnibus Objection is filed.

5. Nothing in this Order shall affect the Reorganized Debtors' authority to pay claims to the extent authorized by a separate order of the Court (including the Confirmation Order).

6. For the avoidance of doubt, the Reorganized Debtors may include scheduled claims in Omnibus Objections.

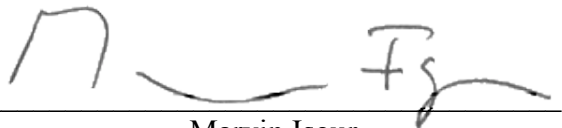
7. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of the Bankruptcy Rules and the Bankruptcy Local Rules are satisfied by such notice.

8. This Order is immediately effective and enforceable upon its entry.

9. The Reorganized Debtors are authorized to take all actions necessary to effectuate the relief granted in this Order.

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

Signed: September 11, 2024



Marvin Isgur
United States Bankruptcy Judge

Exhibit 1

Objection Procedures

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	)	
	)	Chapter 11
GENESIS CARE PTY LIMITED, <i>et al.</i> , ¹	)	
	)	Case No. 23-90614 (MI)
Reorganized Debtors.	)	
	)	(Jointly Administered)

PROCEDURES FOR FILING OMNIBUS CLAIMS OBJECTIONS

1. Grounds for Omnibus Objections. In addition to those grounds expressly set forth in Bankruptcy Rule 3007(d), the Reorganized Debtors² may file omnibus objections (each, an “Omnibus Objection”) as follows:

- a. The Reorganized Debtors may file Omnibus Objections to all Proofs of Claim on the grounds (the “Additional Grounds”) that such claims, in part or in whole:
 - (i) are claims for services, as opposed to goods, as required by section 503(b)(9) of the Bankruptcy Code;
 - (ii) fail to specify the asserted claim amount (other than “unliquidated”);
 - (iii) are incorrectly or improperly classified (in which case the Omnibus Objection will state the reason for the reclassification);
 - (iv) have been withdrawn by informal written (email being sufficient) agreement or formal agreement between the Reorganized Debtors and the claimant, but have not yet been formally withdrawn by (a) the claimant through submission of a Withdrawal of Claim Form available on the Claims and Noticing Agent’s Website at <https://restructuring.ra.kroll.com/GenesisCare>, by (x) U.S. Mail as instructed on the Withdrawal of Claim Form or (y) email as instructed on the Withdrawal of Claim Form; (b) the claimant through the filing of a Withdrawal of Claim Form, substantially in

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

the form attached to this Order as Exhibit 3; or (c) entry of a Court order indicating withdrawal of the claim (in which case a copy of the writing, email or text should be attached to the omnibus claim objection);

- (v) are against non-Debtors, the incorrect Debtor, or are filed against multiple Debtors;
- (vi) fail to specify a Debtor against whom the claim is asserted;
- (vii) are satisfied by payment in full or in part on account of such claim from a party that is not a debtor, including, but not limited to, one or more of the Debtors' and/or Reorganized Debtors' insurers (in which case the details of payments must be included with the Omnibus Objection); or
- (viii) are disallowed or subordinated to all claims and interests senior to or equal to the asserted claim or interest because the claim or interest arises out of the purchase or sale of a security of a Debtor or affiliate pursuant to section 510(b) of the Bankruptcy Code.

2. Form of Omnibus Objection. Each Omnibus Objection will be numbered consecutively, regardless of basis. The claims subject to the Omnibus Objection will be listed alphabetically by claimant on the schedules attached to each Omnibus Objection.

3. Supporting Documentation. In accordance with Local Bankruptcy Rule 3007-1, Omnibus Objections must include an affidavit or declaration signed by a person with personal knowledge supporting the objection.

4. Claims Exhibits. An exhibit listing the claims that are subject to the particular Omnibus Objection will be attached thereto. Each exhibit will include only the claims to which there is a common basis for the objection. Including a claim on one exhibit will not constitute a waiver of the Reorganized Debtors' right to object to the Claim on an additional basis or bases.

The exhibits will include, without limitation, the following information:

- a. the claims that are the subject of the Omnibus Objection and the Proof of Claim or scheduled claims number(s), as applicable, related thereto from the claims register;

- b. the asserted amount of the claim;
- c. the grounds for the objection; and
- d. other information, as applicable, including: (i) the proposed classification of claims the Reorganized Debtors seek to reclassify; (ii) the proposed allowed claim amounts of claims the Reorganized Debtors seek to reduce; and/or (iii) the surviving claims, if any, of claimants affected by the Omnibus Objection.

5. Objection Notice. Each Omnibus Objection will be accompanied by an objection notice, substantially in the form annexed to the Order as Exhibit 2 (the “Objection Notice”), which will:

- a. provide a schedule with the names of the claimants that are subject to the Objection and the applicable claim numbers;
- b. describe the basic nature of the objection;
- c. inform creditors how to file a written response (each, a “Response”) to the objection and identify the deadline for such Response;
- d. identify the hearing date, if applicable, and information on how to participate; and
- e. describe how copies of proofs of claim, the Omnibus Objection, and other pleadings filed in the chapter 11 cases may be obtained.

6. Notice and Service. Each Omnibus Objection will be filed with the Court and served electronically using the Court’s electronic filing system. Each Omnibus Objection (along with a copy of the Objection Notice and these Objection Procedures) will be mailed to each claimholder that is subject to such objection.

7. Omnibus Claims Objection Hearings. Each Omnibus Objection shall be set for hearing no less than 30 days after service of the Omnibus Objection (each, a “Hearing”), unless otherwise ordered by the Court. For all Hearings:

- a. With the consent of the affected claimant (email or telephone agreement being sufficient), the Reorganized Debtors may seek to continue the Hearing on the Omnibus Objection to a subsequent hearing date by contacting the Court’s case manager to seek a continuance. Such

continuance may be incorporated into the initial agenda for the Hearing, announced at the Hearing, or may be provided by separate notice of reset.

- b. For claims subject to an Omnibus Objection and with respect to which either (i) no Response is filed in accordance with the Response Procedures (set forth below) and no appearance is made at the Hearing or (ii) a Response is filed in accordance with the Response Procedures but such Response is resolved prior to the Hearing, the Reorganized Debtors may request that the Court enter an order granting the Omnibus Objection with respect to such claim by filing a Certificate of No Objection or Certification of Counsel, as appropriate, in accordance with Section “Q” of the Complex Case Procedures.
- c. The first Hearing on an Omnibus Objection shall be a non-evidentiary status conference solely with respect to claims where a Response is filed in accordance with the Response Procedures or where an appearance is first made at the Hearing for an applicable claimant, unless agreed to otherwise by the Reorganized Debtors and the applicable claimant, or otherwise ordered by the Court. The Hearing or status conference for a claim where a Response has been filed in accordance with the Response Procedures may be continued to a subsequent Hearing date at the request of the Reorganized Debtors with the consent of the applicable claimant. If a subsequent Hearing is determined to be necessary, the Reorganized Debtors shall file with the Court and serve on the affected claimants a notice of the Hearing or announce such continuance on the record. Notwithstanding the foregoing, nothing herein shall prejudice the Reorganized Debtors’ rights to seek entry of an order sustaining the Omnibus Objection as to any or all claims contained therein, as applicable, pursuant to Bankruptcy Local Rule 3007-1(d).
- d. Hearing Participation. Unless otherwise ordered by the Court, all Hearings on an Omnibus Objection will be hybrid Hearings consistent with section H of the Complex Procedures (***i.e., you may participate in the Hearing either in person or remotely by an audio and video connection.***). Instructions for appearing at the Hearing shall be included in the notice of Omnibus Objection served on each claimant.

8. Contested Matter. Each claim subject to an Omnibus Objection and the Response thereto shall constitute a separate contested matter as contemplated by Bankruptcy Rule 9014, and any order entered by the Court will be deemed a separate order with respect to such claim.

Response Procedures for Responses to Omnibus Objections

9. **Parties Required to File a Response.** Any party who disagrees with an Omnibus Objection is required to file a Response in accordance with the procedures set forth herein and to appear at the Hearing(s) with respect to their claim. If a claimant whose claim is subject to an Omnibus Objection does not file and serve a Response in compliance with these procedures or fails to appear at the Hearing(s), the Court may grant the relief requested in the Omnibus Objection with respect to such claim without further notice to the claimant.

10. **Failure to Respond.** A Response that is not filed and served in accordance with these procedures may not be considered by the Court at the Hearing. **Absent reaching an agreement with the Reorganized Debtors resolving the objection to a claim, failure to timely file and serve a Response or to appear at the Hearing(s) may result in the Court granting the Omnibus Objection without further notice or hearing.** Upon entry of an order sustaining an Omnibus Objection, affected creditors will be served with such order.

11. **Response Contents.** Each Response must contain the following (at a minimum):

a. This case caption:

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	)	
	)	Chapter 11
	)	
GENESIS CARE PTY LIMITED, <i>et al.</i> , ¹	)	Case No. 23-90614 (MI)
	)	
Reorganized Debtors.	)	(Jointly Administered)
	)	
	)	

¹ A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Claims and Noticing Agent at <https://restructuring.ra.kroll.com/GenesisCare>. The location

of the Reorganized Debtors' principal place of business and service address in these chapter 11 cases is: 1419 SE 8th Terrace, Suite 200, Cape Coral, Florida 33990.

- b. The responding party's name and the number of the Omnibus Objection to which the Response is directed;
- c. The factual basis and specific reasons for disagreement with the Omnibus Objection;
- d. The Proof of Claim number(s) from the claims register or the scheduled claim number to which the Response relates; and
- e. The following contact information for the responding party:
 - (i) the name, address, telephone number, and email address of the responding claimant (provided that any claimant who is an individual person may leave out their home address);
 - (ii) the name, address, telephone number, and email address of the claimant's attorney or designated representative to whom the attorneys for the Reorganized Debtors should serve a reply to the Response, if any; or
 - (iii) the name, address, telephone number, and email address of the party with authority to reconcile, settle, or otherwise resolve the objection on the claimant's behalf.

12. Filing and Service of the Response. A Response will be deemed timely only if on or before the response date specified in the Omnibus Objection and Objection Notice (the "Response Deadline") the Response is filed with the Court.

If you do not have electronic filing privileges, you must mail your Response to the Court, such that it is received on or before the Response Deadline, at:

Nathan Oschner
Clerk of Court
515 Rusk Street, 5th Floor
Houston, Texas 77002

13. Discovery. If the Reorganized Debtors or a claimant determines that discovery is necessary with respect to an Omnibus Objection to a particular claim, the Reorganized Debtors or claimant will notify the other party and its counsel of record at least three (3) days prior to the first Hearing on such Omnibus Objection of the proposed discovery and the parties shall use good faith efforts to agree on a proposed discovery scheduling order to be presented to the Court at the first Hearing, or at such later time as agreed by the parties. If the parties are unable to agree on a

consensual discovery schedule, the parties shall request the Court issue a scheduling order that facilitates an efficient resolution of the Omnibus Objection to such claim.

14. Informal Resolution. Parties to an Omnibus Objection may engage in settlement discussions and resolve the objection without the need for a hearing.

15. Protection of Personally Identifiable Information. If any claims subject to an Omnibus Objection have been withheld from public view on the online claims register maintained by the Reorganized Debtors' Claims and Noticing Agent in accordance with the Redaction Order,³ at least two (2) business days prior to any Hearing with respect to such withheld claims, the Claims and Noticing Agent shall provide to the Court an electronic binder of withheld claims by emailing a link to a secure FTP website to sierra_thomasanderson@txs.uscourts.gov.

Miscellaneous

16. Additional Information. Copies of these procedures, the Motion, the Order, or any other pleadings (the "Pleadings") filed in the chapter 11 cases are available at no cost at the Reorganized Debtors' restructuring website <https://cases.ra.kroll.com/GenesisCare>. You may also obtain copies of any of the Pleadings filed in the chapter 11 cases for a fee at the Court's website at <https://ecf.txsb.uscourts.gov/>. A login identification and password to the Court's Public Access to Court Electronic Records ("PACER") are required to access this information and can be obtained through the PACER Service Center at <http://www.pacer.gov>.

17. Reservation of Rights. NOTHING IN ANY OMNIBUS OBJECTION OR OBJECTION NOTICE IS INTENDED OR SHALL BE DEEMED TO CONSTITUTE (A) AN

³ The "Redaction Order" is the *Order (I) Authorizing the Debtors to Redact Certain Personally Identifiable Information, (II) Authorizing Service of Parties in Interest By Email, (III) Approving the Form and Manner of the Notice of Commencement, and (IV) Granting Related Relief* [Docket No. 73].

ADMISSION AS TO THE VALIDITY OF ANY CLAIM AGAINST A DEBTOR ENTITY; (B) A WAIVER OF ANY RIGHT OF ANY DEBTOR TO DISPUTE ANY CLAIM ON ANY GROUNDS, ASSERT COUNTERCLAIMS, RIGHTS OF OFFSET OR RECOUPMENT, DEFENSES, OBJECT TO CLAIMS (OR OTHER CLAIMS OR CAUSES OF ACTION OF A CLAIMANT) ON ANY GROUNDS NOT PREVIOUSLY RAISED IN AN OBJECTION, UNLESS THE COURT HAS ALLOWED A CLAIM OR ORDERED OTHERWISE, OR SEEK TO ESTIMATE ANY CLAIM AT A LATER DATE; (C) A PROMISE OR REQUIREMENT TO PAY ANY CLAIM; (D) AN IMPLICATION OR ADMISSION THAT ANY PARTICULAR CLAIM IS OF A TYPE SPECIFIED OR DEFINED IN THIS MOTION OR ANY ORDER GRANTING THE RELIEF REQUESTED BY THIS MOTION; (E) A REQUEST OR AUTHORIZATION TO ASSUME ANY PREPETITION AGREEMENT, CONTRACT, OR LEASE PURSUANT TO BANKRUPTCY CODE SECTION 365; OR (F) AN ADMISSION AS TO THE VALIDITY, PRIORITY, ENFORCEABILITY, OR PERFECTION OF ANY LIEN ON, SECURITY INTEREST IN, OR OTHER ENCUMBRANCE ON PROPERTY OF THE DEBTORS' ESTATES OR REORGANIZED DEBTOR; OR (G) A WAIVER OR LIMITATION OF ANY RIGHT OF ANY DEBTORS OR REORGANIZED DEBTORS UNDER THE BANKRUPTCY CODE OR ANY OTHER APPLICABLE LAW.

Exhibit 2

Objection Notice

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

GENESIS CARE PTY LIMITED, *et al.*,¹

Reorganized Debtor.

)
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)
)
)

Chapter 11

Case No. 23-90614 (MI)

(Jointly Administered)

NOTICE OF OBJECTION TO CLAIM

By the Omnibus Objection, the Reorganized Debtors are seeking to [disallow/reclassify/modify/reduce/subordinate] your Proof of Claim(s) listed in the schedule attached hereto on the grounds that your claim is [____]. The claim(s) subject to the Omnibus Objection may also be found on the schedules attached to the Omnibus Objection, a copy of which has been provided with this Objection Notice.

You should read these papers carefully and discuss them with your attorney, if you have one. This Notice package includes:

1. The Reorganized Debtors' [Number] Omnibus Objection to Certain Proofs of Claim (the "Omnibus Objection");
2. The Omnibus Objection Procedures;²
3. A form to complete and deliver to the Reorganized Debtors' Claims and Noticing Agent should you wish to withdraw your Proof of Claim(s); and
4. This Objection Notice.

RESPONDING TO THE OMNIBUS OBJECTION

If you do not want the Court to eliminate your claim, then on or before [DATE]

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² On [____], 2024, the Court entered an order [Docket No. ____] approving procedures for filing and resolving objections to claims asserted against the Debtors in these chapter 11 cases (the "Omnibus Objection Procedures"). Capitalized terms used but not otherwise defined herein shall have the meanings given to them in the Omnibus Objection Procedures.

(the “Response Deadline”), you or your lawyer must file a written response (a “Response”) in accordance with the Omnibus Objection Procedures. **Please review the Omnibus Objection Procedures and follow the instructions for filing Responses to Omnibus Objections to ensure that your Response is timely and correctly filed.** If you mail your Response to the Court for filing, you must mail it early enough so that the Court will **receive** it on or before the Response Deadline.

HEARING ON THE OMNIBUS OBJECTION

If you disagree with the Omnibus Objection, you must participate in the Hearing. The Hearing will take place on [DATE] at [TIME] a/p.m. (prevailing Central Time), before Marvin Isgur, United States Bankruptcy Judge, in Courtroom 404, United States Bankruptcy Court, 515 Rusk, 4th Floor, Houston, Texas 77002. **You may participate in the Hearing either in person or remotely via audio/video connection as instructed below and at the top of the Omnibus Objection.**

- **Remote Participation Instructions.** Audio communication will be by use of the Court’s dial-in facility. You may access the facility at **1-832-917-1510**. Once connected, you will be asked to enter the conference room number. Judge Isgur’s conference room number is **954554**. Video communication will be by use of the GoToMeeting platform. Connect via the free GoToMeeting application or click the link on Judge Isgur’s home page. The meeting code is “**JudgeIsgur**”. Click the settings icon in the upper right corner and enter your name under the personal information setting.
- **In Person Instructions.** If you wish to attend the Hearing in person, the Hearing will be conducted in Courtroom 404, United States Bankruptcy Court, 515 Rusk, 4th Floor, Houston, Texas 77002.
- **Hearing Appearances.** Hearing appearances must be made electronically in advance of both electronic and in-person Hearings. To make your appearance, click the “Electronic Appearance” link on Judge Isgur’s home page. Select the case name, complete the required fields, and click “Submit” to complete your appearance.

If you or your attorney do not take these steps in accordance with the Omnibus Objection Procedures, the Court may decide that you do not oppose the objection to your claim. Judge Isgur’s home page is available here: <https://www.txs.uscourts.gov/content/united-states-bankruptcy-judge-marvin-igsur>.

ADDITIONAL INFORMATION

Copies of the Omnibus Objection, the Omnibus Objection Procedures, and all other pleadings (the “Pleadings”) filed in these bankruptcy cases are available for free at <https://cases.ra.kroll.com/GenesisCare>. You may also obtain copies of any of the Pleadings filed in these bankruptcy cases for a fee at <https://ecf.txs.uscourts.gov/>. A login identification and password to the Public Access to Court Electronic Records (“PACER”) are required to access this information and can be obtained through the PACER Service Center at <http://www.pacer.gov>.

Houston, Texas
August 20, 2024

/s/ Genevieve M. Graham

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Co-Counsel to the Reorganized Debtors

Co-Counsel to the Reorganized Debtors

- and -

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ASK LLP

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Facsimile: (651) 406-9676
Email: jdibattista@askllp.com

Counsel to the Reorganized Debtors

Exhibit 3

Withdrawal of Claim Form

United States Bankruptcy Court for the Southern District of Texas

Fill in this information to identify the debtor

Select a Debtor

Claim Withdrawal Form**Part 1: Identify the Claim**

Creditor Name and Address:

Name

Address

City

State

Zip Code

Contact Phone:

Contact Email:

Claim Number (if known):

Date Claim Filed:

(mm/dd/yyyy)

Total Amount of Claim Filed:

\$

Part 2: Sign Below

The person completing this form must sign and date it.

I, the undersigned, am the above-referenced creditor, or an authorized signatory for the above-referenced creditor. I hereby withdraw the above-referenced claim and authorize the Clerk of this Court, or their duly appointed Claims Agent, to reflect this withdrawal on the official claims register for the above referenced Debtor.

Executed on date

(mm/dd/yyyy)

Signature

Print Name

Title (if applicable)

DEFINITIONS

Debtor: The person, corporation, or other entity that has filed a bankruptcy case is called the debtor.

Creditor: A creditor is any person, corporation, or other entity to which the debtor owed a debt.

Proof of Claim: A form filed with the clerk of the bankruptcy court where the bankruptcy case was filed, to tell the bankruptcy court how much the debtor owed a creditor (the amount of the creditor's claim).

Completed claim withdrawal forms can be sent to the following address:

Genesis Care Pty Limited Claims Processing Center
c/o Kroll Restructuring Administration LLC
850 Third Avenue, Suite 412
Brooklyn, NY 11232

Or by email to:

GenesisCareInfo@ra.kroll.com