

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE

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In re	:	Chapter 11
	:	
CANO HEALTH, INC., <i>et al.</i> ,	:	Case No. 24-10164 (KBO)
	:	
Debtors.	:	(Jointly Administered)
	:	
	:	RE: Docket No. 10
	:	Hearing Date: March 7, 2024 at 10 am
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**HUMANA MEDICAL PLAN, INC., HUMANA GOVERNMENT BUSINESS, INC., AND
RELATED ENTITIES' LIMITED OBJECTION AND RESERVATION OF RIGHTS
REGARDING DEBTORS' MOTION FOR ENTRY OF INTERIM AND FINAL ORDERS
(A) AUTHORIZING DEBTORS TO (I) MAINTAIN AND ADMINISTER PREPETITION
REFUND PROGRAMS, AND (II) PAY AND HONOR RELATED PREPETITION
OBLIGATIONS, AND (B) GRANTING RELATED RELIEF**

Creditors Humana Medical Plan, Inc., Human Government Business, Inc., and related entities (collectively, "Humana"), by and through undersigned counsel, and do hereby object, on a limited basis, and reserve their right to further object or otherwise respond to Debtors' *Motion of Debtors Pursuant to 11 U.S.C. §§ 105(a), 363(b) and 531 and Fed. R. Bankr. P. 6003 and 6004 for Entry of Interim and Final Orders (A) Authorizing Debtors to (I) Maintain and Administer Prepetition Refund Programs, and (II) Pay and Honor Related Prepetition Obligations, and (B) Granting Related Relief* (hereinafter, "Debtor's Motion" or the "Motion") [D.I. 10]. In support of this limited objection and reservation of rights, Humana states as follows:

Statement Pursuant to Delaware Local Rule 9013-1(h)

Humana does not consent to the entry of final orders or judgments by this Court if it is determined that this Court, absent consent of the parties, cannot enter final orders or judgments consistent with Article III of the United States Constitution.



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Limited Objection and Reservation of Rights

1. Debtors filed the Motion on February 5, 2024 in the above-captioned bankruptcy cases. In it, Debtors seek both an interim and final order authorizing them to maintain and/or reinitiate various refund programs, as well as honor and pay various prepetition financial obligations, as they undergo Chapter 11 restructuring. *See generally* Mot. [D.I. 10].

2. In response to Debtors' filing the Motion, this Court entered an interim order granting Debtors the relief they sought on a temporary basis on February 6, 2024 (the "Interim Order") [D.I. 78]. In the Interim Order, the Court set a hearing on entry of a final order on Debtors' Motion for March 7, 2024, and required that all objections or responses thereto be filed on or before February 29, 2024 at 4:00 p.m. EST. *Id.* ¶ 11.

3. Humana acknowledges and supports the Debtors' need to continue the operation of various refund programs in order for Debtors to continue their operations of the Debtors' estates.

4. Additionally, Humana acknowledges that Debtors may presently be in possession of funds to which patients, physicians, health plans, and physician affiliates may be entitled to a refund.

5. Humana notes, however, that the specific programs which Debtors intend to relaunch are not identified in its Motion. Specifically, it is unclear from Debtors' Motion whether certain refund programs to which Humana is a party may be implicated by entry of a final order on the Motion.

6. To that end, Humana submits this limited objection as it seeks identification of, and clarification regarding, the contracts, programs, and/or prepetition obligations which will be implicated by entry of an Order on Debtors' Motion.

WHEREFORE, Humana respectfully requests that the Court sustain this limited objection and Humana does hereby reserve its right to further object or otherwise respond to Debtors' Motion until such time as Debtors provide additional information regarding the specific contracts, programs, and/or prepetition obligations which may be implicated by entry of a favorable, permanent order on Debtors' Motion—specifically, whether Humana or any of its subsidiaries will be impacted by any final order this Court may enter—and for all other relief just and proper.

Dated: February 29, 2024

COOCH AND TAYLOR, P.A

/s/ R. Grant Dick IV

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Shore BPO, LLC and Related Entities*

CERTIFICATE OF SERVICE

I, R. Grant Dick IV, hereby certify that on February 29, 2024, I caused a copy of the foregoing to be served on the parties and in the manner listed below and electronically through the CM/ECF system.

Via Email Only

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Dated: February 29, 2024

/s/ R. Grant Dick IV
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