

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

In re:)	
)	
LAVIE CARE CENTERS, LLC, et al.)	CHAPTER 11
)	
Debtor.)	CASE NO. 24-55507-pmb
)	
)	(Jointly Administered)
)	
APRIL BROWN, as Administrator of the Estate of MARTHA PETERS MAYHEW, Deceased,)	
)	
Movant,)	CASE NO. 24-55661-pmb
)	
v.)	
)	
PHEASANT RIDGE FACILITY OPERATIONS, LLC)	
)	
Respondent.)	
)	
)	

REQUEST FOR PAYMENT OF AN ADMINISTRATIVE EXPENSE CLAIM

COMES NOW, April Brown, the Administrator of the Estate of Martha Peters Mayhew (“Creditor”), creditor in the above-styled and numbered Chapter 11 proceeding, and files this request for payment of an administrative claim and states:

1. The name of the creditor is April Brown, the Administrator of the Estate of Martha Peters Mayhew, deceased. The creditor may also be known to debtor as Martha Peters Mayhew.
2. The debtor is Pheasant Ridge Facility Operations, LLC.



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3. All notices should be sent to undersigned counsel.
4. The basis of Creditor's claim is wrongful death and personal injury (survival claims).
5. The debt was incurred on or about May 7, 2025.
6. The total amount of administrative claim is \$1,000,000.00.
7. Attached hereto as Exhibit A are supporting documents for this claim.

This 1st day of July, 2025.

**MITCHELL SHAPIRO GREENAMYRE &
FUNT LLP**

/s/ Kenneth A. Shapiro

Kenneth A. Shapiro

Georgia Bar No. 637803

*Counsel for Creditor April Brown, the
Administrator of the Estate of Martha Peters
Mayhew*

MITCHELL, SHAPIRO, GREENAMYRE & FUNT LLP

881 Piedmont Avenue

Atlanta, GA 30309

(404) 812-4747

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ken@mitchellshapiro.com

CERTIFICATE OF SERVICE

I hereby certify that on this date I electronically filed the foregoing *Request for Payment of an Administrative Expense Claim* and *Notice of Hearing* using the Bankruptcy Court's Electronic Case Filing program, which sends a notice of this document and an accompanying link to this document to the following parties who have appeared in this case under the Bankruptcy Court's Electronic Case Filing program:

Pheasant Ridge Facility Operations,
LLC 4355 Pheasant Ridge Road, SW
Roanoke, VA 24014

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KCC, LLC dba Verita Global
222 N. Pacific Coast Highway
Suite 300
El Segundo, CA 90245

Dated: July 1, 2025

/s/ Kenneth A. Shapiro
Kenneth A. Shapiro
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*Counsel for Movant April Brown, the Administrator
of the Estate of Martha Peters Mayhew*

EXHIBIT A

Frith & Ellerman
LAW FIRM, PC

Lellerman@frithlawfirm.com
540.985.0098

P.O. Box 8248 Roanoke, VA 24014 | 303 Washington Avenue, SW Roanoke, VA 24016 | www.frithlawfirm.com | Facsimile: 540.985.9198

June 26, 2024

Pheasant Ridge Operations, LLC
Consultate Management Company III, LLC
d/b/a as Consulate Health

Re: Estate of Martha Mayhew
1:24 – bk-55750

Consulate:

Please allow this letter to provide a brief outline of the facts supporting the Proof of Claim filed by the Estate of Martha Mayhew, deceased.

My firm, was retained by April Brown, Administrator of the Estate of Martha Mayhew. Mrs. Mayhew was taken to Pheasant Ridge in Roanoke Virginia for rehabilitation in April of 2025.

Mrs. Mayhew, age 75, was in the facility to receive skilled care and rehabilitation services. While in the facility, her husband, adult daughter and adult son, and various other family members visited her frequently. On April 19, 2025, Mrs. Mayhew told her daughter April Brown, that she wasn't eating—because there was something in her chest that felt like a blockage, a “feather-like” feeling right at her bra line. For weeks, she didn't feel able to eat more than a few bites. The issue was reported to the hall nurse and the nurse said they would investigate/look into it.

The facility nurse practitioner / doctor was concerned about Mrs. Mayhew being malnourished but did little other than to suggest speech therapy to perform a swallowing study and make an ENT referral. The facility's only internal change was to add a small amount of protein drink to her morning medication regimen.

The family continued to press the facility staff about what they were doing to get Mrs. Mayhew the nutrition she needed, and for the chest pain Mrs. Mayhew was reporting. The family even asked that Mrs. Mayhew be sent to the hospital for examination and treatment, a request that was denied. During the three weeks she was a resident, Mrs. Mayhew lost 14 lbs.

During a visit on May 3, 2025, Mrs. Mayhew was covered in feces, was weak, almost somnolent, and generally not feeling well. When her daughter April pointed out her condition to the nurse, she was told the doctor would be there to perform an examination on Monday. She was also told the nurse would continue to check on her during the night and check with the doctor on call.

On Sunday May 4, 2025, a family friend was visiting the facility and saw nursing home staff was doing CPR on Mrs. Mayhew. The family made numerous attempts at calling to learn what had happened. Eventually her family was told the facility had found her unresponsive foaming at the mouth. She had been transferred to our local level one trauma center.

June 26, 2025

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Mrs. Mayhew could not recover from the aspiration / malnutrition. It is unknown how long she was unconscious and therefore how long her brain went without oxygen. The hospital also diagnosed her with having a pulmonary embolus, and numerous untreated bed sores, and cardiac arrest related to respiratory arrest. In sum, her change in condition was met with no acute care, treatment, her organs began to fail and no one acted to provide health or transfer her to the hospital.

If we had filed the matter in the Circuit Court, it would have been a wrongful death and survival action. The three beneficiaries would be her husband Mr. Larry Mayhew, and adult children April Brown and Scott Brown.

Pheasant Ridge Operating LLC staff was negligent in failing to treat her malnourishment, perform skin checks, ordered therapy, communicate change in condition to the physicians, and negligent in allowing Mrs. Mayhew to decline so rapidly. They were further negligent in their significant delay in responding to her declining condition.

The family has filed an investigation with the Virginia Department of Health.

Attached please find Mrs. Mayhew's obituary.

Very Truly Yours,

A handwritten signature in cursive script, reading "Lauren M. Ellerman", followed by a horizontal line.

Lauren Ellerman

Enc: Exhibit A / B

**CERTIFICATE/LETTER OF QUALIFICATION -
FOR PROSECUTION OR DEFENSE OF CIVIL ACTION**

Court File No. 202500357

COMMONWEALTH OF VIRGINIA
VA. CODE §§ 64.2-454

Roanoke County Circuit Court

I, the duly qualified clerk/deputy clerk of this Court, **CERTIFY** that on **June 26, 2025**

DATE

April Brown Administrator

NAME(S) OF PERSON(S) QUALIFYING

duly qualified in this Court, under the provisions of Virginia Code § 64.2-454, as administrator of the estate of

MARTHA PETERS MAYHEW, deceased, solely for the purpose of
prosecution or defense of a civil action for personal injury and/or death by wrongful act.

The powers of the fiduciary(ies) named above continue in full force and effect.

\$1,000.00 bond has been posted.

Given under my hand and the seal of this Court on

June 26, 2025

DATE

W. Michael Galliher, Clerk

by

Kayla Battle

, Deputy Clerk



LIST OF HEIRS

COMMONWEALTH OF VIRGINIA VA. CODE § 64.2-509

Court File No.: 202500357

Roanoke County Circuit Court

MARTHA PETERS MAYHEW

NAME OF DECEDENT

May 7, 2025

DATE OF DEATH

I/We, the undersigned, hereby state under oath that the following are all of the heirs of the Decedent:

NAMES OF HEIRS	ADDRESSES	RELATIONSHIP	AGE
Larry D Mayhew Sr	2748 Rutrough Rd Roanoke, VA 24014 USA	Spouse	Adult
Scott Brown	2744 Rutrough Rd Roanoke, VA 24014 USA	Son	Adult
April Brown	2720 Rutrough Rd Roanoke, VA 24014 USA	Daughter	Adult

[] This LIST OF HEIRS is filed in addition to the LIST OF HEIRS previously filed with this Court on
DATE

I/we am/are (please check one):

- ☐ Proponent(s) of the will (no qualification)
☒ Personal representative(s) of the decedent's estate
☐ Heir-at-law of intestate decedent (no qualification within 30 days following death)

Given under my/our hand this **twenty sixth** day of **June, 2025**
DATE

April Brown

PRINTED NAME OF SUBSCRIBER



SIGNATURE OF SUBSCRIBER

PRINTED NAME OF SUBSCRIBER

SIGNATURE OF SUBSCRIBER

PRINTED NAME OF SUBSCRIBER

SIGNATURE OF SUBSCRIBER

State of Virginia

City/County of **Roanoke County**, to-wit:

Subscribed and sworn to before me this **twenty sixth** day of **June, 2025** by **April Brown**


[] CLERK [X] DEPUTY CLERK [] NOTARY PUBLIC

My commission expires

Registration No.

VIRGINIA: In the Clerk's Office of the Roanoke County Circuit Court this **twenty sixth** day of **June, 2025**
the foregoing LIST OF HEIRS was filed and admitted to record.

Teste: W. Michael Galliher
CLERK

by: Kayla Battle, Deputy Clerk

**MARTHA
MAYHEW**



Obituary for Martha Mayhew



Martha Peters Mayhew, 75, of Roanoke, VA, passed away peacefully surrounded by her loving family on Wednesday, May 7, 2025. She was born on February 26, 1950, to the late Bernice Hogan Peters and Waller E. Peters Sr.

Martha was a loving wife, sister, mother, and "Nanny". She and her husband, Larry, were happily married for 33 years. Larry very recently said "It was not long enough." Martha graduated from Jefferson High School in Roanoke, VA. She worked for C&P Telephone Company and later for Pinkerton Chevrolet. In her retirement, she was a caregiver for her parents during their times of need. Martha was devoted to her family. She was a Momma Bear when it came to her children and she loved her grandchildren dearly. Martha was thought of as a second Mom to many of Scott's and April's closest friends throughout the years. She enjoyed sitting on the porch with Larry watching all of the wildlife, most of which she gave names. She was a fan of Jeopardy, Westerns, and most of all WWE. She had a love for the beach which was passed down from her Daddy.

Martha is survived by her husband, Larry D. Mayhew Sr.; her children, Scott Brown (Angie) and April Brown; her grandchildren, Devin Brown (Lauran) and Haley "Sunshine" Ruble; her brother, Waller E. Peters Jr. (Cathy); her sisters, Rhonda P. St. Clair (Mark) and Teresa P. Musgrove (Lawrence); an uncle, aunts, several nieces and nephews, cousins, and friends.

The family would like to thank the RMH 9 South Critical Care Team for the extraordinary care provided and for the compassion shown to the family.

The family will receive friends on Monday, May 12, 2025 from 6:30 PM to 8:00 PM at Oakey's Vinton Chapel. A funeral service will be conducted on Tuesdays, May 13, 2025 at 2:00 PM at Oakey's Vinton Chapel. Burial will follow in the Hogan Family Cemetery.

We will be live-streaming the service from our website @ www.oakeys.com for those who cannot attend. Click on the link below to view the service.

There will be a reception following the burial at the family's home.

This obituary is protected by copyright by Oakey's Roanoke Chapel, Proudly Serving the Communities of Roanoke Valley, Cloverdale, Bonsack, Botetourt, Roanoke City, Vinton, Roanoke County, Hollins, and Cave Spring. Oakey's Roanoke Chapel is located in the state of Virginia, United States.

All rights reserved.

Oakey's Roanoke Chapel

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OPERATIONS, LLC)	
)	
Respondent.)	
)	
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NOTICE OF HEARING

PLEASE TAKE NOTICE that **APRIL BROWN, as Administrator of the Estate of MARTHA PETERS MAYHEW, Deceased**, has filed a *Motion for Payment of an Administrative Expense Claim* (the “Motion”) and related papers with the Court seeking an order granting payment of an administrative expense claim.

PLEASE TAKE FURTHER NOTICE that the Court will hold a hearing on the Motion at **1:20 P. M. on August 4, 2025, in Courtroom 1202**, United States Courthouse, 75 Ted Turner Drive, SW, Atlanta, Georgia 30303, which may be attended in person or via the Court’s Virtual Hearing Room. You may join the Virtual Hearing Room through the “Dial-In and Virtual Bankruptcy Hearing Information” link at the top of the homepage of the Court’s website, www.ganb.uscourts.gov, or the link on the judge’s webpage, which can also be found on the Court’s website. Please also review the “Hearing Information” tab on the judge’s webpage for further information about the hearing. You should be prepared to appear at the hearing via video, but you may leave your camera in the off position until the Court instructs otherwise. Unrepresented persons who do not have video capability may use the telephone dial-in

information on the judge's webpage.

Your rights may be affected by the Court's ruling on these pleadings. You should read these pleadings carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.) If you do not want the Court to grant the relief sought in these pleadings or if you want the Court to consider your views, then you and/or your attorney must attend the hearing. You may also file a written response to the pleadings with the Clerk at the address stated below, but you are not required to do so. If you file a written response, you must attach a certificate stating when, how and on whom (including addresses) you served the response. Mail or deliver your response so that it is received by the Clerk before the hearing. The address of the Clerk's Office is: Clerk, U. S. Bankruptcy Court, Suite 1340, 75 Ted Turner Drive, SW, Atlanta Georgia 30303. You must also mail a copy of your response to the undersigned at the address stated below.

Dated: July 1, 2025

/s/ Kenneth A. Shapiro

Kenneth A. Shapiro

Georgia Bar No. 637803

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FUNT LLP

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Dated: July 1, 2025

/s/ Kenneth A. Shapiro
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