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

)
In re) Chapter 11
LAVIE CARE CENTERS, LLC, et al.1) Case No. 24-55507-PMB
Debtors.) (Jointly Administered)
) Re: D.I. 1103, 1108, 1112
)

GUC TRUSTEE'S OMNIBUS LIMITED RESPONSE TO MOTIONS FOR ADMINISTRATIVE EXPENSE CLAIMS

Ryniker Consultants, LLC, in its capacity as the trustee (the "GUC Trustee") administering the trust (the "GUC Trust") established on behalf of the above-captioned debtors and debtors-in-possession (the "Debtors"), by and through its undersigned counsel, hereby files this omnibus limited response (this "Response") to the motions requesting allowance and payment of certain administrative claims [D.I. 1103, 1108, 1112] (the "Administrative Expense Requests")² filed by certain parties in interest. In further support of this Response, the GUC Trustee asserts as follows:

The last four digits of LaVie Care Centers, LLC's federal tax identification number are 5592. There are 282 Debtors in these chapter 11 cases, which are being jointly administered for procedural purposes only. A complete list of the Debtors and the last four digits of their federal tax identification numbers are not provided herein. A complete list of such information may be obtained on the website of the Debtors' claims and noticing agent at https://www.kccllc.net/LaVie. The location of LaVie Care Centers, LLC's corporate headquarters and the Debtors' service address is 1040 Crown Pointe Parkway, Suite 600, Atlanta, GA 30338.

Capitalized terms not defined herein are defined in the Administrative Expense Requests or the Plan (as defined below), as applicable. The Administrative Expense Requests include the following: (1) the request of Terry Farmer for allowance and payment of a PL/GL Administrative Claim in the amount of \$5,000,000.00 [D.I. 1103]; (2) the request of UnitedHealthcare Insurance Company for allowance and payment of a \$503(b) administrative expense claim in the amount of \$324,611.89 [D.I. 1108]; and (3) the request of AmeriHealth Caritas Health Plan d/b/a Amerihealth Caritas Pennsylvania for allowance and payment of an unliquidated \$503(b) administrative expense claim [D.I. 1112]. The request of April Brown for allowance and payment of an administrative expense claim in the amount of \$1,000,000.00 [D.I. 1109] has been resolved by stipulation [D.I. 1164], as to which the GUC Trustee has no objection.

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LIMITED RESPONSE

- 1. The GUC Trustee takes no position on the substantive merits of the three pending Administrative Expense Requests or whether they should be granted. The GUC Trustee files this Response to the Administrative Expense Requests solely to preserve the GUC Trustee's rights and ensure that the GUC Trustee does not become responsible for addressing or satisfying the Administrative Expense Requests through the GUC Trust.
- 2. As evident in the *Debtors' Modified Second Amended Combined Disclosure Statement and Joint Chapter 11 Plan of Reorganization* [D.I. 730] (the "Plan"), the Plan embodies a settlement that was heavily negotiated (and requiring several days of mediation) among the Debtors, the Committee, and Plan Sponsor over the course of several months. That settlement culminated in the Debtors' and Plan Sponsor's agreement to contribute \$12.75 million dollars, as well as certain other assets, to the GUC Trust, to be used solely for the benefit of unsecured creditors. Other provisions in the Plan were also negotiated to protect General Unsecured Claims and preclude the GUC Trust from being used to satisfy anything other than General Unsecured Claims. For example, the Plan expressly provides that "Allowed Administrative Expense Claims shall not be paid by the GUC Trust or funded by the GUC Contribution." *See Plan*, Art. IV § A. This sentiment was a direct result of the settlement reached at mediation. *See Id.*, Art. III.C.5 (noting that one of the terms reached during mediation was that "[t]he GUC Trust / GUC Contribution will not fund/pay Administrative Expense Claims (including 503(b)(9) and Priority Claims)").
- 3. Here, the only relief sought through the Administrative Expense Requests is allowance and payment of Administrative Expense Claims. The only issue to be determined by these Administrative Expense Requests, then, is whether certain creditors are entitled to an

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Allowed Administrative Expense Claim under the Plan and not whether such creditors are entitled to an Allowed General Unsecured Claim. The resolution of the Administrative Expense Requests should not include, under any circumstances, the recharacterization, treatment and/or allowance of an asserted Administrative Expense Claim as a General Unsecured Claim. To permit this recharacterization would not only violate the plain terms of the Plan, but also abrogate the rights and expectations of general unsecured creditors all the while diminishing their distributions they are entitled to under the GUC Trust. In short, the Administrative Expense Requests cannot be transformed into General Unsecured Claims subject to payment by the GUC Trust.

4. For the foregoing reasons, the GUC Trustee files this Response. The GUC Trustee reserves all rights to supplement this Response and appear before the Court and address the Administrative Expense Requests.

[Signature Page Follows]

Dated: July 30, 2025 TROUTMAN PEPPER LOCKE LLP

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