

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

In re:	)	Chapter 11
	)	
LAVIE CARE CENTERS, LLC, <i>et al.</i> <sup>1</sup>	)	Case No. 24-55507 (PMB)
	)	
Debtors.	)	(Jointly Administered)
	)	

**STIPULATION**

**COME NOW**, Terry Farmer, in his personal capacity and as the duly appointed and acting administrator of the estate of Melanie Marsh (in both capacities, “Farmer”) and LaVie Care Centers, LLC and its 281 other affiliated companies, including, without limitation, Glenburney HealthCare, LLC and Consulate Management Company III, LLC, d/b/a Consulate Healthcare<sup>2</sup> (collectively, the “Debtors”). Farmer, the Debtors and Reorganized Debtors (collectively, the “Parties”) submit this stipulation to resolve the motion filed by Farmer styled “*Motion of Terry Farmer, In His Personal Capacity and as Administrator of the Estate of Melanie Marsh, for Allowance and Payment of PL/GL Administrative Expense Claim*” (the “Claim”) [Docket No. 1103]. The Parties hereby stipulate and agree as follows:

1. The Parties agree that Farmer timely filed a request for allowance of a PL/GL Administrative Claim (as defined in the Debtor’s Modified Second Amended Combined

<sup>1</sup> 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 (the “Bankruptcy 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.veritaglobal.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.

<sup>2</sup> Glenburney is the debtor in Case No. 24-55761-pmb and Consulate is the debtor in Case No. 24-55516-pmb.



Disclosure Statement and Joint Chapter 11 Plan of Reorganization [Docket No. 730] (the “Plan”), being the Claim.

2. The Parties agree that the Claim includes claims for personal injury tort and wrongful death which this Bankruptcy Court lacks jurisdiction to hear and determine under the provisions of 28 U.S.C. § 157(b)(5).

3. The Parties agree that Reorganized Debtors (as such term is defined in the Plan) shall assume the Claim in the ordinary course, and the automatic stay provisions of 11 U.S.C. § 362, to the extent applicable, are hereby terminated to permit Farmer to pursue the liquidation of the Claim in the state or federal courts located within the Southern District of Mississippi (the “Liquidating Court”). Further, none of 11 U.S.C. §§ 105, 524, or 1141; any discharge, release, or exculpation provision of the Plan; any provision in the Order confirming the Plan entered December 5, 2020<sup>4</sup> [Docket No. 735]; or any operative provision of law shall be deemed to impair, limit, or otherwise preclude Farmer from filing such pleadings or commencing such actions in the Liquidating Court as may be necessary to assert and pursue the liquidation of the Claim and Farmer may file such pleadings or commence such actions in the Liquidating Court as may be necessary to assert and pursue the liquidation of the Claim.

4. The Parties agree that Farmer shall be permitted to file a new original complaint and all such pleadings and documents as may be necessary to assert and pursue the liquidation of the Claim in the Liquidating Court.

5. The Parties agree that the Debtors or the Reorganized Debtors shall not assert that the Bankruptcy Cases have any preclusive effect on the liquidation of the Claim or the Liquidating Court’s jurisdiction to preside over the resolution of the Claim.

6. The Parties agree that, except as otherwise set forth herein, the Debtors or Reorganized Debtors reserve any and all rights and defenses to contest the Claim and all such rights and defenses are hereby expressly preserved.

7. The Parties agree that any claim established by the Liquidating Court in favor of Farmer shall be the Allowed PL/GL Administrative Claim for purposes of Farmer's entitlement to distribution under the Plan.

8. The Parties agree that it shall not be necessary for the Parties to return to the Bankruptcy Court for further proceedings for the allowance or payment of any judgment obtained by Farmer in the Liquidating Court.

9. The Parties agree that it shall not be necessary for the Parties to seek approval for any settlement of the Claim from the Bankruptcy Court under FED. R. BANKR. P. 9019, or otherwise.

**APPROVED  
BUTLER SNOW LLP**

/s/ Adam M. Langley

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