

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

In re: THOMAS HEALTH SYSTEM, INC., Debtor.	Chapter 11 Case No. 20-20007 (FWV) (Joint Administration Requested)
In re: HERBERT J. THOMAS MEMORIAL HOSPITAL ASSOCIATION, Debtor.	Chapter 11 Case No. 20-20008 (FWV) (Joint Administration Requested)
In re: CHARLESTON HOSPITAL, INC., Debtor.	Chapter 11 Case No. 20-20009 (FWV) (Joint Administration Requested)
In re: THS PHYSICIAN PARTNERS, INC., Debtor.	Chapter 11 Case No. 20-20010 (FWV) (Joint Administration Requested)

**MOTION TO SHORTEN NOTICE PERIOD APPLICABLE TO
CERTAIN FIRST DAY MOTIONS FILED BY DEBTORS
AND REQUEST TO SCHEDULE EXPEDITED HEARING**

The above-captioned debtors and debtors-in-possession (collectively, the “Debtors”), by and through their undersigned proposed counsel, hereby submit this motion (the “Motion”) pursuant to § 105(a) of Title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.*, as amended (the “Bankruptcy Code”), Rule 2002 and 9006(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), and Rule 9013(f) of the Local Bankruptcy Rules for the Southern District of West Virginia (the “Local Rules”), for entry of and order shortening the notice period and expediting consideration of certain motions filed by the Debtors. In support of this Motion,

the Debtors rely on the *Declaration of Daniel Lauffer In Support of the Debtors' Chapter 11 Petitions and First Day Pleadings* (the "Lauffer Declaration") filed concurrently with this Motion and incorporated herein by reference. In further support of this Motion, the Debtors submit as follows:

JURISDICTION AND VENUE

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 28 U.S.C. § 1334(b). Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. This matter is a core proceeding within the meaning of 28 U.S.C. §157 (b)(2).

2. The predicates for the relief requested herein are section 105(a) of the Bankruptcy Code, Bankruptcy Rules 2002 and 9006(c) and Local Rule 9013-1(f).

BACKGROUND

3. On the date hereof (hereinafter the "Petition Date"), each of the Debtors filed a voluntary petition for relief under chapter 11 the Bankruptcy Code. The Debtors are operating their businesses and managing their property as debtors in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No request for the appointment of a trustee or examiner has been made in these chapter 11 cases (the "Chapter 11 Cases"), and as of the date of the filing of this Motion, no official committees have been appointed or designated.

4. Contemporaneously herewith, the Debtors have filed a motion requesting joint administration of their Chapter 11 Cases.

5. A full description of the Debtors' business operations, corporate structures, capital structures, and reasons for commencing these cases is set forth in full in the Lauffer Declaration. Additional facts in support of the specific relief sought herein are set forth below.

RELIEF REQUESTED

6. By the Motion, the Debtors request entry of the Order authorizing that certain motions (“First Day Motions”) be permitted to be heard on shortened notice and request for an expedited hearing at the Court’s earliest convenience on the First Day Motions.

BASIS FOR RELIEF REQUESTED

7. On the Petition Date, the Debtors filed the First Day Motions to be heard by this Court on an expedited basis. Prompt entry of the relief requested in the First Day Motions is critical to maintaining the Debtors’ ongoing operations.

8. An expedited hearing on the First Day Motions is appropriate under these circumstances and is consistent with past practice in virtually every significant chapter 11 case where certain relief is required at the outset of the case to ensure a debtor’s smooth transition into chapter 11.

9. Additionally, section 105(a) of the Bankruptcy Code provides this Court with the power to set an expedited hearing on the First Day Motions. Specifically, section 105(a) states that a bankruptcy court “may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of [the Bankruptcy Code].” 11 U.S.C. § 105(a).

10. The relief sought in the First Day Motions is essential to avoid substantial disruption to the normal operations of the Debtors’ business to the detriment of all parties in interest.

11. The Debtors request that an expedited hearing be set at the courts earliest convenience on the following First Day Motions¹:

¹ Copies of First Day Motions can be accessed through the Debtors’ website located at www.omniagentsolutions.com/ThomasHealthSystem. This website is updated regularly and includes general case information, case documents and contact information.

- a. *Motion for an Order Directing Joint Administration of their Related Chapter 11 Cases [ECF No. 2];*
- b. *Motion for Entry of an Order: (I) Authorizing Debtors to File a Consolidated Creditor Matrix; (II) Authorizing Debtors to File a Consolidated List of Debtors' 30 Largest Unsecured Creditors; (III) Authorizing Certain Procedures to Maintain the Confidentiality of Patient Information as Required by Privacy Rules; (IV) Establishing Patient Notice Procedures; and (V) Approving the Form and Manner of the Notice of Commencement of Chapter 11 Cases [ECF No. 4];*
- c. *Motion for Entry of Interim and Final Orders: (A) Authorizing the Debtors to Pay Certain Prepetition (I) Wages, Salaries and Other Compensation, (II) Reimbursable Employee Expenses, and (III) Employee Medical and Similar Benefits; (B) Confirming that the Debtors May Continue Prepetition Employee Programs in the Ordinary Course of Business; and (C) Directing Banks and Other Financial Institutions to Honor All Related Checks and Electronic Payment Requests [ECF No. 6];*
- d. *Motion for Entry of Interim and Final Orders: (I) Authorizing the Debtors to Maintain Existing Bank Accounts and Business Forms and Continue to Use Existing Cash Management System; (II) Granting Administrative Expense Priority to Intercompany Claims, and (III) Waiving the Requirements of Section 345(b) of the Bankruptcy Code [ECF No. 10];*
- e. *Motion for Entry of Interim and Final Orders: (I) Prohibiting Utilities from Altering, Refusing or Discontinuing Service; (II) Deeming Utility Companies Adequately Assured of Future Performance; and (III) Establishing Procedures for Determining Requests for Additional Adequate Assurance [ECF No.12];*
- f. *Motion for Entry of Interim and Final Orders Authorizing (I) Debtors to Pay Certain Prepetition Taxes and Fees and (II) Financial Institutions to Honor and Process Related Checks and Transfers [ECF No. 14];*
- g. *Motion for Entry of Interim and Final Orders Authorizing Debtors to: (I) Continue Insurance Coverage Entered into Prepetition and Satisfy Prepetition Obligations Related Thereto; (II) Renew, Amend, Supplement, Extend or Purchase Insurance Policies; (III) Honor the Terms of Premium Financing Agreements and Pay Premiums Thereunder; and (IV) Enter Into New Premium Financing Agreements in the Ordinary Course of Business [ECF No. 15]; and*
- h. *Application to Employ and Retain Omni Management Group as Notice, Claims and Solicitation Agent [ECF No. 18].*

NOTICE

12. The Debtors, with the assistance of their proposed claims and noticing agent, will use their reasonable best efforts under the exigent circumstances of these Chapter 11 Cases to

provide notice of this Motion by overnight mail, email and/or fax to: (a) the Office of the United States Trustee for the Southern District of West Virginia; (b) the Office of the United States Attorney for the District of West Virginia; (c) the creditors appearing on the Debtors' consolidated list of top 30 unsecured creditors; (d) the Internal Revenue Service; (e) any local, state, or federal agencies that regulate the Debtors' businesses; (f) the Bond Trustee and counsel of record; (g) Huntington Bank; (h) United Bank; (i) Bank of America; (j) Fifth Third Bank; (k) all parties requesting notices pursuant to Bankruptcy Rule 2002(f); (l) all Utility Providers; (m) all Insurance Carriers and (n) all known secured creditors. The Debtors submit that, in light of the nature of the relief requested, no other or further notice need be given.

WHEREFORE, the Debtors respectfully request that the Court grant the relief requested herein and such other and further relief as is just and proper.

Dated: January 10, 2010

Respectfully Submitted

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In re: THS PHYSICIAN PARTNERS, INC., Debtor.	Chapter 11 Case No. 20-20010 (FWV) (Joint Administration Requested) Related to Docket No.

**ORDER SHORTENING NOTICE PERIOD AND SETTING
EXPEDITED HEARING ON CERTAIN FIRST DAY MOTIONS**

Upon the motion (the “Motion”)¹ of the above-captioned debtors and debtors-in-possession (collectively, the “Debtors”) for entry of an order, pursuant to section 105(a) of the Bankruptcy Code, authorizing shortening the response time and expediting consideration of

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Motion.

certain First Day Motions, the Court finds that: (a) it has jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C. §§ 157 and 1334(b); (b) this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); (c) the relief requested in the Motion is in the best interest of the Debtors, their estates and creditors, and is necessary to avoid immediate and irreparable harm to the Debtors; (d) proper and adequate notice of the Motion has been given and no other or further notice is necessary; and (e) upon the record herein after due deliberation thereon, good and sufficient cause exists for the granting of the relief set forth herein. Therefore,

IT IS HEREBY ORDERED THAT:

1. The relief requested in the Motion is hereby GRANTED.
2. A hearing will be held on _____, 2020 at _____ AM/PM

(the “First Day Hearing”), to hear and consider the First Day Motions.

3. This Court shall retain jurisdiction over any and all matters arising from or related to the implementation or interpretation of this Order.

Presented By:

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