



*Frank W. Volk*  
Frank W. Volk  
United States District Judge

**Dated: January 15th, 2020**

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

<p><b>In re:</b></p> <p><b>THOMAS HEALTH SYSTEM, INC., et al.</b></p> <p><b>Debtors<sup>1</sup></b></p>	<p>Chapter 11</p> <p>Case No. 20-20007 (FWV)</p> <p>(Jointly Administered)</p> <p>Related to Docket No. 4</p>
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**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**

Upon the motion (the "Motion")<sup>2</sup> of the above-captioned debtors and debtors-in-possession (collectively, the "Debtors") for entry of an order, pursuant to sections 105(a) and 521 of the Bankruptcy Code, Bankruptcy Rules 1007 and 2002, and Local Rule 1007-1 (i) authorizing Debtors to file a consolidated creditor matrix, (ii) authorizing the Debtors to file a consolidated list of the Debtors' thirty (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; the Court finds that (a) it has jurisdiction over the matters raised in the Motion pursuant to 28 U.S.C. §§ 157 and

<sup>1</sup> The Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, are: Thomas Health System, Inc. (0674); Herbert J. Thomas Memorial Hospital Association (4900); Charleston Hospital, Inc. (2692); and THS Physician Partners, Inc. (5947).

<sup>2</sup> Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Motion.

1334; (b) this 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 and their estates' creditors; (d) proper and adequate notice of the Motion and the hearing thereon 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 appearing therefore, it is hereby

**ORDERED** that:

1. The Motion is GRANTED as set forth herein.
2. The Debtors, with the assistance of Omni Management Group (the "Claims Agent") upon the Court's authorization to engage the Claims Agent, are authorized, but not directed, to undertake all mailings directed by the Court, the U.S. Trustee, or in accordance with the Bankruptcy Code, including the notice of commencement of the Chapter 11 Cases, and any other correspondence that the Debtors may wish to send to parties in interest.
3. The Debtors are authorized to file a single consolidated Creditor Matrix for all of the Chapter 11 Cases.
4. The Debtors are authorized to file a consolidated list of their thirty (30) largest unsecured creditors in the Chapter 11 Cases in lieu of each Debtor filing a list of its 20 largest unsecured creditors.
5. The following procedures are established to protect patient health information:
  - a. the Debtors shall omit any reference to current or former patients from the matrix of creditors and any certificate of service;
  - b. the Debtors shall identify current or former patients in the Schedules and Statements solely by a code number, such as "Patient 1," "Patient 2," and so forth, and shall make an unredacted copy of the Schedules and Statements available to (a) the Court and to the United States Trustee upon request; and (b) any other party-in-interest only after this Court has entered an order, after notice and a hearing, authorizing the Debtors or the Claims Agent to do so;

- c. the Debtors or the Claims Agent shall maintain a list of all current or former patients (the “Patient List”) that appear on the matrix of creditors, and shall make the Patient List, or any portion thereof, available to any party-in-interest only after this Court has entered an order, after notice and a hearing, authorizing the Debtors or the Claims Agent to do so; and
- d. when the Debtors or the Claims Agent serve any paper upon any person listed on the Patient List, the Debtors or the Claims Agent shall note in the respective certificate of service that the parties served include persons listed on the Patient List.

6. The Debtors shall serve notice of the Chapter 11 Cases on all current and former patients (i) holding a right to refund of amounts previously paid to the Debtors and (ii) known to hold an actual claim against the Debtors as soon as practicable following the entry of this order. No other filings shall be served on current and former patients, except that patients that (i) are listed in the Schedules of the Debtors, (ii) file a proof of claim, or (iii) file a notice of appearance shall be served in accordance with the Bankruptcy Code and Bankruptcy Rules or as otherwise ordered by this Court.

7. The form of notice of the commencement of the Chapter 11 Cases and the Section 341 Meeting, substantially in the form attached hereto as Exhibit 1 (the “Commencement Notice”), hereby is approved.

8. The Claims Agent is authorized and directed to serve the Commencement Notice, with such revisions as agreed to by the Clerk, within five business days after the Debtors receive written notice of the time and place of the Section 341 Meeting. The Claims Agent will serve the Commencement Notice by regular mail, postage prepaid, on those entities entitled to receive the Commencement Notice pursuant to Bankruptcy Rule 2002. Service of the Commencement Notice in accordance with this paragraph is approved in all respects and is deemed sufficient notice of the commencement of the Chapter 11 Cases and Section 341 Meeting under the Bankruptcy Code, the Bankruptcy Rules, and the Local Rules for the Southern District of West Virginia.

9. The Claims Agent is authorized and directed, pursuant to Federal Rule of Bankruptcy Procedure 2002(l), to cause the Commencement Notice to be published (i) once in the *Charleston Gazette-Mail*, the *Huntington Herald-Dispatch*, and the *Beckley Register-Herald*, and (ii) on the website to be established by the Claims Agent.

10. The Debtors are authorized and empowered to take all actions necessary to implement the relief granted in this Order.

11. Notwithstanding any Bankruptcy Rule or Local Bankruptcy Rule that might otherwise delay the effectiveness of this Order, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

12. All forms of notice provided by the Motion are reasonably calculated to inform interested parties of the Chapter 11 Cases.

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

Presented By:

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*Proposed Counsel to the Debtors and Debtors-in-Possession*

10398442

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

<b>In re:</b>  <b>THOMAS HEALTH SYSTEM, INC., <u>et al.</u></b>  <b><del>Debtor.</del> <u>Debtors</u><sup>1</sup></b>	Chapter 11  Case No. 20-20007 (FWV)  <del>(Joint Administration Requested)</del> <u>Jointly Administered</u>  <u>Related to Docket No. 4</u>
<b><del>In re:</del></b>  <b><del>HERBERT J. THOMAS MEMORIAL HOSPITAL ASSOCIATION,</del></b>  <b><del>Debtor.</del></b>	<del>Chapter 11</del>  <del>Case No. 20-20008 (FWV)</del> <del>(Joint Administration Requested)</del>
<b><del>In re:</del></b>  <b><del>CHARLESTON HOSPITAL, INC.,</del></b>  <b><del>Debtor.</del></b>	<del>Chapter 11</del>  <del>Case No. 20-20009 (FWV)</del> <del>(Joint Administration Requested)</del>
<b><del>In re:</del></b>  <b><del>THS PHYSICIAN PARTNERS, INC.,</del></b>  <b><del>Debtor.</del></b>	<del>Chapter 11</del>  <del>Case No. 20-20010 (FWV)</del> <del>(Joint Administration Requested)</del>

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<sup>1</sup> The Debtors in these cases, along with the last four digits of each Debtor's federal tax identification number, are: Thomas Health System, Inc. (0674); Herbert J. Thomas Memorial Hospital Association (4900); Charleston Hospital, Inc. (2692); and THS Physician Partners, Inc. (5947).

**PATIENT NOTICE PROCEDURES; AND (V) APPROVING THE FORM AND MANNER OF THE NOTICE OF COMMENCEMENT OF CHAPTER 11 CASES**

Upon the motion (the "Motion")<sup>12</sup> of the above-captioned debtors and debtors-in-possession (collectively, the "Debtors") for entry of an order, pursuant to sections 105(a) and 521 of the Bankruptcy Code, Bankruptcy Rules 1007 and 2002, and Local Rule 1007-1 (i) authorizing Debtors to file a consolidated creditor matrix, (ii) authorizing the Debtors to file a consolidated list of the Debtors' thirty (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; 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) this 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 and their estates' creditors; (d) proper and adequate notice of the Motion and the hearing thereon 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 appearing therefore, it is hereby

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Presented By:

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Document 1 ID	file://C:\Users\sharding\AppData\Roaming\OpenText\DM\Temp\WTP-#10398442-v1-Revise_Order_re__Consolidated_List_of_Creditors.docx
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Description	Revise Order re Consolidated List of Creditors #10398442 v2
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Legend:	
<u>Insertion</u>	
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<del>Moved from</del>	
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<del>Moved deletion</del>	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	12
Deletions	27
Moved from	12
Moved to	12
Style change	0

Format changed	0
Total changes	63

**Notice Recipients**

District/Off: 0425-2  
Case: 2:20-bk-20007

User: jjr  
Form ID: pdf001

Date Created: 1/15/2020  
Total: 2

**Recipients of Notice of Electronic Filing:**

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TOTAL: 2