

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION**

IN RE:

PROGRESSIVE ACUTE CARE, LLC, et al.

CASE NO. 16-50740

CHAPTER 11

JOINTLY ADMINISTERED

---

**JOINT *EX PARTE*/CONSENT MOTION TO EXPEDITE HEARING AND  
SHORTEN NOTICE PERIOD ON JOINT MOTION TO GRANT THE  
OFFICIAL COMMITTEE OF UNSECURED CREDITORS LEAVE,  
STANDING, AND AUTHORITY TO COMMENCE, PROSECUTE,  
AND SETTLE CLAIMS OF THE DEBTORS AND THEIR ESTATES**

---

NOW INTO COURT, through undersigned counsel, comes Progressive Acute Care, LLC (“PAC”), Progressive Acute Care Avoyelles, LLC (“PAC Avoyelles”), Progressive Acute Care Oakdale, LLC (“PAC Oakdale”), and Progressive Acute Care Winn, LLC (“PAC Winn,” and collectively with PAC, PAC Avoyelles, and PAC Oakdale, the “Debtors”) AND the Official Committee of Unsecured Creditors of Progressive Acute Care, LLC, *et al.* (the “Committee”), who submit this request for the Court to schedule the hearing on the Joint Motion to Grant the Official Committee of Unsecured Creditors Leave, Standing, and Authority to Commence, Prosecute, and Settle Claims of the Debtors and Their Estates (the “Standing Motion” Doc. No. 327), on an expedited basis for the following reasons:

1. Multiple motions in this case are set for hearing on October 18, 2016, at 10:00 a.m., including a Motion to Appoint Trustee filed by a group of equity security holders (Doc. No. 314) (the “Trustee Motion”). The Trustee Motion requests the appointment of a chapter 11 trustee to investigate possible claims the Debtors and their estates may have against insiders and others. The Debtors and the Committee agree that such claims should be investigated and,

potentially, pursued based upon the outcome of that investigation. The Debtors and the Committee are concerned about the cost of a trustee and the cost of contested litigation over the Trustee Motion.

2. After discussion with the Committee, the Debtors have agreed that the Committee should have standing to investigate and pursue possible claims the Debtors and their estates may have against insiders and others, as more specifically discussed in the Standing Motion.

3. An order granting the Standing Motion will likely moot the bases of the request for relief presented by the Trustee Motion.

4. The Debtors and the Committee ask to have the Standing Motion set for hearing on October 18, 2016, at 10:00 a.m., with the Trustee Motion, so that they may be considered at the same time.

5. The equity holders who filed the Trustee Motion, Business First Bank, and the Office of the U.S. Trustee consent to setting the Derivative Standing Motion for hearing on October 18, 2016, at 10:00 a.m.

### **Prayer**

Wherefore, the Debtors and the Committee pray that the Court schedule the hearing on the Standing Motion for October 18, 2016, and require all objections to be filed no later than October 13, 2016.

Respectfully submitted,

Date: October 6, 2016

/s/ William E. Steffes  
William E. Steffes (La. Bar No. 12426)  
Email: [bsteffes@steffes.law.com](mailto:bsteffes@steffes.law.com)  
STEFFES, VINGIELLO & McKENZIE, L.L.C.  
13702 Coursey Boulevard Building 3  
Baton Rouge, Louisiana 70817  
Phone: (225) 751-1751  
***Counsel to the Debtors***

-and-

/s/ Andrew H. Sherman

Andrew H. Sherman (Bar Roll No. AS6061)

*Admitted Pro Hac Vice*

Email: [asherman@sillcummins.com](mailto:asherman@sillcummins.com)

Boris I. Mankovetskiy (Bar Roll No. BM2376)

*Admitted Pro Hac Vice*

Email: [bmankovetskiy@sillscummins.com](mailto:bmankovetskiy@sillscummins.com)

Sills Cummins & Gross, P.C.

One Riverfront Plaza

Newark, NJ, 07102

Phone: (973) 643-7000

***Counsel for the Official Committee of Unsecured Creditors***

/s/ J. Eric Lockridge

J. Eric Lockridge (#30159)

Email: [eric.lockridge@keanmiller.com](mailto:eric.lockridge@keanmiller.com)

Wade R. Iverstine (Bar Roll No. 31793)

Email: [wade.iverstine@keanmiller.com](mailto:wade.iverstine@keanmiller.com)

KEAN MILLER LLP

400 Convention Street, Suite 700

P. O. Box 3513 (70821-3513)

Baton Rouge, LA 70802

Telephone: (225) 387-0999

***Co-Counsel for the Official Committee of Unsecured Creditors***