

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF LOUISIANA
Lafayette Division**

IN RE:

CASE NO. 16-50740

PROGRESSIVE ACUTE CARE, LLC, *et al.*

CHAPTER 11

DEBTORS

JOINTLY ADMINISTERED

EX PARTE CONSENT MOTION FOR LIMITED RELIEF FROM AUTOMATIC STAY

NOW INTO COURT, through undersigned counsel, come Chadwick Bordelon and Carla Ann Bordelon (collectively “the Bordelons” or “the Plaintiffs”), who hereby seek limited *ex parte* relief from the automatic stay imposed upon the commencement of this case by Progressive Acute Care Avoyelles, LLC (“PAC Avoyelles” or “Debtor”) the debtor and debtor-in-possession, so as to go forward with a medical malpractice claim brought by the Bordelons against PAC Avoyelles bearing PCF no. 2014-00752 (“Medical Review Panel”) before the Patient’s Compensation Fund Medical Review Panel, Division of Administration, State of Louisiana, and in support thereof respectfully represent:

Background

1.

On May 31, 2016, the Debtor and related entities each filed a petition for voluntary relief under chapter 11 of the Bankruptcy Code.

2.

At the time of the bankruptcy filing, the Debtor owned and operated a community-based hospital (“the Hospital”) in Avoyelles Parish, which provided inpatient, outpatient and emergency care, primarily for residents of the immediate region of the Hospital. Following an asset sale

approved by this Court in August 2016 [P-290 and P-322], the Hospital's operations were transferred to Central Louisiana Hospital Group, LLC and/or its assignee(s) (collectively, "CLHG").

3.

Plaintiffs commenced the Medical Review Panel in July 2014, and the deadline for completion of the panel process is currently set to expire on September 16, 2017. Louisiana Hospital Association has provided for defense of the Debtor thus far in the Medical Review Panel proceedings.

4.

The Plaintiffs believe that, if the Medical Review Panel is permitted to go forward among all parties, it is likely that the claims and all other issues pending before the Medical Review Panel can be resolved without possible economic exposure of PAC Avoyelles. In addition to professional liability coverage that may potentially apply for these claims, any liability which may ultimately be attributed to PAC Avoyelles was assumed by CLHG through the asset sale.

5.

In order to facilitate the completion of the Medical Review Panel and to fully resolve such pre-Petition claims against the Debtor, the Plaintiffs and the Debtor's professional liability counsel have agreed to proceed forward with the Medical Review Panel proceedings only. The parties further acknowledge and agree that said proceedings will only determine whether the members of the Medical Review Panel are of the opinion that the healthcare providers named in the Plaintiffs' complaint breached the applicable standard of care and whether those alleged breaches caused the alleged damages. The parties further agree that no money judgment will be rendered through the Medical Review Panel.

Both the Debtor's professional liability counsel and the Debtor's general bankruptcy counsel have consented to the relief requested in this Motion as shown by their signature affixed below; accordingly, Plaintiffs allege that *ex parte* relief is appropriate in view of that consent. The consent of the Debtor shall not be construed to be an admission of liability by the Debtor, CLHG, or any liability carrier thereof.

WHEREFORE, Chadwick Bordelon and Carla Ann Bordelon pray that they be granted limited *ex parte* relief from the automatic stay imposed upon the commencement of this case by Progressive Acute Care Avoyelles, LLC, the debtor and debtor-in-possession, solely so as to go forward with the Medical Review Panel convened to review claims brought by the Bordelons against PAC Avoyelles, bearing PCF no. 2014-00752 before the Patient's Compensation Fund Medical Review Panel, Division of Administration, State of Louisiana, under the conditions that only the Medical Review Panel's opinion will be determined through the Medical Review Panel proceedings and that no money judgment or award will be rendered against the Debtor through said proceedings.

By Counsel for Chadwick Bordelon and Carla Ann Bordelon

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Consent to Limited Relief Requested under
Condition set forth above-

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