

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

IN RE:

PROGRESSIVE ACUTE CARE, LLC, *et al.*

CASE NO. 16-50740

CHAPTER 11

DEBTORS

JOINTLY ADMINISTERED

STIPULATION REGARDING WITHDRAWAL OF OBJECTION

WHEREAS, Progressive Acute Care, LLC (“PAC”); Progressive Acute Care Avoyelles, LLC (“PAC Avoyelles”); Progressive Acute Care Oakdale, LLC (“PAC Oakdale”); Progressive Acute Care Winn, LLC (“PAC Winn”), debtors herein (collectively “the Debtors”), and the Official Unsecured Creditors’ Committee (“the Committee”) filed a *Joint Chapter 11 Plan of Orderly Liquidation* [Doc. 465] (the “Plan”) of Progressive Acute Care, LLC in the above captioned case; and,

WHEREAS, Sysmex America, Inc. (“Sysmex”) filed an objection to the Plan [Doc. 533] on June 20, 2017;

WHEREAS, Sysmex desires to withdraw its Objection under the terms and conditions set forth in this Stipulation;

Stipulation

NOW THEREFORE, in consideration of the cause of the foregoing, the Debtors, the Committee, Sysmex and CLHG-Avoyelles, LLC, CLHG-Oakdale, LLC and CLHG-Winn, LLC, hereby stipulate and agree as follows:

Sysmex shall be entitled to payment of its administrative expense claim no. 142 in the amount of \$6,257.74 pursuant to the terms and conditions of the Plan.

Pursuant to the terms of the Plan, any and all agreements (“Sysmex Agreements”) between Sysmex and any of the Debtors shall be deemed rejected upon Plan confirmation; and, as a result thereof, Sysmex shall be deemed to have asserted, in accordance with the Plan, rejection damages claims against the applicable Debtors in the amounts set forth in Sysmex’s proof of claim no. 40 (\$31,201.41), proof of claim no. 46 (\$86,191.84), and proof of claim no. 35 (\$13,363.38) filed respectively in the PAC Avoyelles, PAC Oakdale and PAC Winn chapter 11 cases subject to a full reservation of rights of the Debtors’ estates and the Liquidation Trustee of the Liquidation Trust established pursuant to the Plan to object to any such claims.

CLHG-Avoyelles, LLC, CLHG-Oakdale, LLC and CLHG-Winn, LLC shall cooperate with Sysmex and allow Sysmex, upon 48-hour notice, to retrieve and recover all equipment subject to the Sysmex Agreements.

Nothing herein shall be deemed a waiver, limitation or augmentation of any rights, claims, objections or defenses of the Debtors’ estates, the Committee, the Liquidation Trustee or Sysmex, including, without limitation, any causes of action under chapter 5 of title 11 of the United States Code, all of which are expressly reserved and preserved.

STIPULATED, AGREED AND ACKNOWLEDGED BY:

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