

**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 SECOND AND FINAL APPLICATION FOR COMPENSATION AND  
REIMBURSEMENT OF EXPENSES FOR SULLIVAN STOLIER, LLC, SPECIAL  
COUNSEL FOR DEBTORS**

Jack M. Stoler and the law firm of Sullivan Stoler, LLC (collectively, the “Applicants”), special counsel to Progressive Acute Care, LLC, Progressive Acute Care Avoyelles, LLC, Progressive Acute Care Oakdale, LLC and Progressive Acute Care Winn, LLC (collectively, the “Debtors”), debtors-in-possession herein, file this *Second and Final Application for Compensation and Reimbursement of Expenses* (the “Application”) and respectfully represent as follows:

1.

On May 31, 2016, each of the Debtors filed a voluntary petition for relief under chapter 11 of title 11 of the U.S. Code (“Bankruptcy Code”). A creditors’ committee has been appointed in the cases; and, a plan of liquidation for the Debtors was confirmed on July 12, 2017.

2.

This Court approved Debtors’ retention of Applicants by *Order* [P-201] entered on July 21, 2016. Applicants were employed to serve as special counsel to the Debtors in connection with the preparation of various documents required for a sale of primarily all of the Debtors’ assets, and advising the Debtors regarding the regulatory compliance requirements under various state and federal health care laws and statutes during the pendency of this chapter 11 proceeding.

3.

This Application represents Applicants' second and final application for compensation and reimbursement of expenses. Applicants' first interim application for compensation was granted by order [P-387] entered on November 4, 2016, allowing professional fees in the amount of \$10,848.75 and reimbursement of expenses in the amount of \$7.20, for a total of \$10,855.95, which amount has been paid in full by the Debtors.

4.

Applicants seek an allowance of \$962.50 in attorneys' fees and \$3.35 for expenses incurred during the period of October 1, 2016 – July 31, 2017, for a total of \$965.85.

5.

Your Applicants show that the following factors under *In the Matter of First Colonel Corp. of America*, 544 F.2d 1291 (15<sup>th</sup> Cir. 1977), *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974); and, the *United States Trustee Guidelines for Reviewing Applications for Compensation and Reimbursement of Expenses Filed Under 11 U.S.C. §330*, are to be considered in awarding fees in this case:

- a) **Time and Labor Required**: Your Applicants attach hereto an itemization of the time spent showing time from October 1, 2016 through July 31, 2017.
- b) **Novelty and Difficulty of the Questions**: The questions posed during this case were not strange or complicated for experienced special counsel, but often required immediate attention.
- c) **The Skill Requisite to Perform Legal Services Properly**: Services rendered by Applicants were performed primarily by Jack M. Stoler and Louis J. Lupin, attorneys with extensive experience in these matters.

d) **The Preclusion of Other Employment Due to Acceptance of the Case:**

Applicants' representation of the debtors-in-possession has not precluded its acceptance of new clients.

e) **The Customary Fee:** The fees charged by Applicants are customary in this area.

f) **Whether the Fee is Fixed or Contingent:** The fees charged are not contingent in nature.

g) **Time Limitations:** The time limitations imposed by the Debtors, creditors, or other circumstances are addressed in (d) above.

h) **Amount Involved and Results Obtained:** All services for which Applicants request payment, and all expenses for which reimbursement is requested have been rendered and spent on behalf of the Debtors and no other persons, creditors, or parties, and the compensation requested is strictly for legal and professional services rendered. The services provided by Applicants have been rendered as requested and as necessary and appropriate in furtherance of the interests of the Debtors herein. The services provided have been an attempt to directly benefit the estates and contribute to the effective administration of this consolidated case.

i) **The Experience, Reputations and Ability of Applicants:** Applicants have over twenty-five (25) years of experience in healthcare law and have extensive experience by holding or having held key government, institutional or academic positions and/or have advanced degrees in Public Health, Health Care, Administration, and Health Information Management.

j) **The Undesirability of the Case:** This is not an undesirable case.

k) **The Nature and Length of Professional Relationship:** The professional

relationship with the client began in June 2008, and has continued until the date of this Application.

6.

Applicants also request an Order that the compensation and reimbursement of costs and expenses requested herein be paid forthwith by the Debtors, and/or any disbursing agent(s) out of funds held by them and out of the Debtors' estates as a priority claim pursuant to 11 U.S.C. §507(a)(2).

7.

All services by Applicants were rendered to and on behalf of the Debtors and their estates and no other person.

**WHEREFORE**, your Applicants pray that this Application be granted and that:

(1) there be an Order made by this Court approving reasonable compensation for professional fees to Applicants in the sum of \$962.50 in attorneys' fees and \$3.35 in expenses for a total of \$965.85;

(2) the Order direct the Debtors and/or disbursing agent(s) to pay the balance of said fees and expenses forthwith out of the Debtors' funds held by them and out of the Debtors' estates as a priority administrative claim pursuant to 11 U.S.C. §507;

(3) the Order make this award and all prior awards final; and,

(4) Applicants be granted any and all other relief to which they may be entitled.

Respectfully submitted,

By: /s/ Barbara B. Parsons  
William E. Steffes (#12426)  
Barbara B. Parsons (#28714)  
STEFFES, VINGIELLO & McKENZIE, LLC  
13702 Coursey Blvd., Building 3  
Baton Rouge, Louisiana 70817  
Telephone: (225) 751-1751  
Facsimile: (225) 751-1998  
E-mail: [bparsons@steffeslaw.com](mailto:bparsons@steffeslaw.com)  
*Counsel for Debtors*

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

**IN RE:**

**CASE NO. 16-50740**

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**DEBTORS**

**JOINTLY ADMINISTERED**

**ITEMIZATION OF EXPENSES  
FOR SPECIAL COUNSEL FOR DEBTORS**

SEE ATTACHED ITEMIZATION

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

**IN RE:**

**CASE NO. 16-50740**

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**DEBTORS**

**JOINTLY ADMINISTERED**

**RECAP OF TIME OF SULLIVAN STOLIER, LLC,  
SPECIAL COUNSEL FOR DEBTORS, FOR THE  
PERIOD OF OCTOBER 1, 2016 THROUGH JULY 31, 2017**

**ATTORNEY SERVICES:**

March 2017 Services

<u>Attorney</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Jack M. Stoler	1.00	\$395.00	\$395.00
Matthew K. Brown	1.25	\$375.00	\$468.75

May 2017 Services

<u>Attorney</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Jack M. Stoler	0.25	\$395.00	\$ 98.75

<b>TOTAL SERVICES</b>			<b><u>\$962.50</u></b>
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Expenses

April 2017			\$ 3.35
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<b>TOTAL EXPENSES</b>			<b><u>\$ 3.35</u></b>
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<b><u>TOTAL SERVICES AND EXPENSES</u></b>			<b><u>\$965.85</u></b>
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**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**

**AFFIDAVIT**

**STATE OF LOUISIANA  
PARISH OF ORLEANS**

I, Jack M. Stoler of Sullivan Stoler, LLC, named in the foregoing Application, do hereby make solemn oath that I have read such Application and that all of the allegations of fact contained therein are true and correct to the best of my knowledge, information and belief.

/s/ Jack M. Stoler  
**JACK M. STOLIER**

**SWORN TO AND SUBSCRIBED** before me, Notary, this 21<sup>st</sup> day of August, 2017, at  
New Orleans, Louisiana.

/s/ Louis J. Lupin  
**NOTARY OF PUBLIC**

**Printed Name:** Louis J. Lupin

**Number:** 20506



# Sullivan | Stoler

Sullivan Stoler LLC  
909 Poydras Street  
Suite 2600  
New Orleans, LA 70112  
Federal Tax I.D. #: 27-3132424

Invoice Date: March 31, 2017

Invoice Number 72902

*Hector Lopez, In-house Counsel*  
**Progressive Acute Care**  
2210 7th Street  
Mandeville, LA 70471

**Regarding:**

File No: 4607-02  
Special Healthcare Counsel for Chapter 11 Bankruptcy

**For professional services rendered:**

03/29/17	JMS	Review of Steffes letter. Conference regarding same. Receive and review preliminary response. Telephone conference with Bill et al.	1.00	
03/29/17	MKB	Review of documents and emails; confer with J. Stoler and conference with Mr. Steffes regarding HIPAA issues and responsibility for medical records/records destruction.	1.25	
Total professional services:			2.25	863.75

**Attorney Time Summary**

Jack M. Stoler	1.00	395.00	\$395.00
Matthew K. Brown	1.25	375.00	\$468.75

**For expenses advanced:**

<b>Summary:</b>	<b>Current Invoice Total</b>	<b>\$863.75</b>
	Prior balance brought forward	\$10,863.71
	Payments Applied to Prior Balance	\$10,855.95
	Write-off/ Credit	(\$7.76)
	<b>Total Balance Due</b>	<b>\$863.75</b>

# SULLIVAN STOLIER SCHULZE & GRUBB, LLC

909 Poydras Street  
Suite 2600  
New Orleans, LA 70112  
Federal Tax I.D. #: 27-3132424

Invoice Date: April 30, 2017

Invoice Number 73170

*Hector Lopez, In-house Counsel*  
**Progressive Acute Care**  
2210 7th Street  
Mandeville, LA 70471

**Regarding:**

File No: 4607-02  
Special Healthcare Counsel for Chapter 11 Bankruptcy

**For expenses advanced:**

03/29/17	E131	Conference Call Service Fee - AT&T.	3.35
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Total expenses advanced:	<hr/> 3.35
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<b>Summary:</b>	<b>Current Invoice Total</b>	<b>\$3.35</b>
	Prior balance brought forward	\$863.75
	<b>Total Balance Due</b>	<b>\$867.10</b>

**SULLIVAN STOLIER**  
**SCHULZE & GRUBB, LLC**

909 Poydras Street  
Suite 2600  
New Orleans, LA 70112  
Federal Tax I.D. #: 27-3132424

Invoice Date: May 31, 2017

Invoice Number 73396

*Hector Lopez, In-house Counsel*  
**Progressive Acute Care**  
13702 Coursey Blvd.  
Building 3  
Baton Rouge, LA 70817

**Regarding:**

File No: 4607-02  
Special Healthcare Counsel for Chapter 11 Bankruptcy

**For professional services rendered:**

05/31/17	JMS	Receive and review email regarding status of bankruptcy. Related communications regarding same.	0.25	
Total professional services:			0.25	98.75

**Attorney Time Summary**

Jack M. Stolier	0.25	395.00	\$98.75
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**For expenses advanced:**

<b>Summary:</b>	<b>Current Invoice Total</b>	<b>\$98.75</b>
	Prior balance brought forward	\$867.10
	<b>Total Balance Due</b>	<b>\$965.85</b>

SULLIVAN STOLIER  
SCHULZE & GRUBB, LLC

909 Poydras Street  
Suite 2600  
New Orleans, LA 70112  
Federal Tax I.D. #: 27-3132424

Invoice Date: June 30, 2017

Invoice Number 73628

*Hector Lopez, In-house Counsel*  
**Progressive Acute Care**  
13702 Coursey Blvd.  
Building 3  
Baton Rouge, LA 70817

**Regarding:**

File No: 4607-02  
Special Healthcare Counsel for Chapter 11 Bankruptcy

**For expenses advanced:**

<b>Summary:</b>	<b>Current Invoice Total</b>	<b>\$0.00</b>
	Prior balance brought forward	\$965.85
	<b>Total Balance Due</b>	<b>\$965.85</b>

**SULLIVAN STOLIER**  
**SCHULZE & GRUBB**

909 Poydras Street  
New Orleans, LA 70112  
Ph: (504) 561-1044  
Federal Tax I.D. #: 26-3132424

Services Rendered Through: July 31, 2017

*Hector Lopez, In-house Counsel*

**Progressive Acute Care**

13702 Coursey Blvd.

Building 3

Baton Rouge, LA 70817

**Regarding:**

File No: 4607-0002

Chapter 11 Special Healthcare

Invoice No: 73863

Invoice Date: 08/14/2017

<b>Summary:</b>	<b>Current Invoice Total</b>	<b>\$0.00</b>
	Balance Forward	\$965.85
	<b>Total Balance Due</b>	<b>\$965.85</b>