

**GARFUNKEL WILD, P.C.**

111 Great Neck Road  
Great Neck, New York 11021  
Phone: 516.393-2200  
Fax: 516.466-5964  
Burton S. Weston  
Adam T. Berkowitz  
Phillip Khezri

*Counsel for the Estates and the Plan Administrator*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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SOUND SHORE MEDICAL CENTER OF  
WESTCHESTER, et al.,

Chapter 11

Case No.: 13-22840 (RDD)

Debtors.

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**PLAN ADMINISTRATOR'S OBJECTION  
TO PROOF OF CLAIM NO. 936 FILED ON BEHALF OF JANET WHITE**

Monica Terrano, as Plan Administrator (the "Plan Administrator") for the estates of Sound Shore Medical Center of Westchester, and its affiliated debtors (collectively, the "Estates"), by and through her counsel, Garfunkel Wild, P.C. ("GW") hereby submits this objection (the "Objection") seeking entry of an Order pursuant to 11 USC § 502 and Fed. R. Bankr. P. 3007 disallowing and expunging a claim filed on behalf of Janet White ("Ms. White") which is designated as claim number 936 on the Debtors' official claims register (the "Claim"), and which is attached hereto as Exhibit A, but expressly reserving the rights of Ms. White's heirs or representatives to proceed with the Action (as defined herein), but limiting all recovery, if any, to the Debtors' applicable insurance coverage. In support of the Objection, the Plan Administrator represents as follows:

**SUMMARY OF RELIEF REQUESTED**

1. On or about September 16, 2013, a proof of claim was filed on behalf of Ms. White by Ms. White's purported counsel. Ms. White passed away prior to the filing of the Claim, in February 2013, and therefore, only an authorized representative of Ms. White's estate was authorized to file the Claim. The Claim lacks any supporting documentation to substantiate that the attorney who filed the Claim was authorized to do so. Since the filing of the Claim, counsel of record has taken no action on the ground that the individual purporting to have given authorization for the filing of the Claim has failed to keep in contact with counsel. No one else has come forward to prosecute the Claim on behalf of Ms. White's estate. Accordingly, representatives of the Estates have been working diligently to try and reach a resolution of the somewhat unique issues that have arisen as a result of Ms. White's death. As set forth more fully below, since the filing of Ms. White's Claim, the Plan Administrator and the Estates have been unable to locate an authorized individual with whom to address how this matter, which involves an unliquidated personal injury claim, should proceed.

2. In the first instance, the Plan Administrator does not want to prejudice Ms. White's estate, however, as long as Ms. White's Claim remains outstanding and unliquidated, the Plan Administrator cannot make distributions to the thousands of creditors who have waited over three years for distributions in these cases.

3. Accordingly, the relief sought by this objection, to expunge Ms. White's Claim but reserve the ability of her estate to proceed against insurance in state court, is intended to balance the interests of creditors of the Estates to receive distributions against any potential prejudice to Ms. White's heirs or representatives which might otherwise arise in connection with addressing Ms. White's Claim.

### **BACKGROUND**

4. On May 29, 2013 (the “Petition Date”), Sound Shore Medical Center of Westchester, and its affiliates (each a “Debtor” and together the “Debtors,”), each filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) with the United States Bankruptcy Court for the Southern District of New York (the “Court”). Pursuant to Sections 1107 and 1108 of the Bankruptcy Code, the Debtors continued to administer their affairs as debtors-in-possession.

5. On June 10, 2013, the United States Trustee appointed an Official Committee of Unsecured Creditors (the “Committee”). [Docket No. 67].

6. On June 3, 2013, this Court granted an order to employ Garden City Group, Inc. (“GCG”), as the Debtors’ Claims and Noticing agent [Docket No. 41].

7. On June 28, 2013, the Debtors filed their respective schedule of assets and liabilities and statement of financial affairs (the “Schedules”) [Docket Nos. 125, 127, 129, 131, 133, 135, 137].

8. By order of this Court dated July 25, 2013 (the “Bar Date Order”) [Docket No. 194], with certain exceptions, the general deadline for the filing of proofs of claim against the Debtors was established as September 16, 2013 (the “Bar Date”) and the deadline for governmental units to file claims against the Debtors was established as November 25, 2013. On August 9, 2013, the Debtors caused written notice of the Bar Date to be mailed to the Debtors’ known and potential creditors [Docket No. 265]. In addition, on August 15, 2013, the Debtors caused notice of the Bar Date to be published in The New York Times [Docket No. 299].

9. On September 16, 2013, the Claim was filed on behalf of Ms. White as a general unsecured claim in an unliquidated amount. The basis for the Claim is “Personal Injury”. No

other information or supporting documentation was provided with the Claim. Upon information in the Debtors' books and records, the Plan Administrator believes the basis for the Claim is an action commenced prior to the Petition Date for alleged personal injury/medical malpractice under the caption *Janet White by Henry White, her Power of Attorney and Janet White Individually v. Sound Shore Medical Center of Westchester*, in the Supreme Court of the State of New York, County of Westchester, which was issued index number 63386/2012 (the "Action").

10. On October 25, 2013, the Court entered an Order requiring medical malpractice claimants to participate in mediation to resolve their claims [Docket No. 402] (the "Mediation Order"). The Mediation Order provides that in the event a medical malpractice claimant opts out of the mediation process, the Debtors are authorized to enter into and file stipulations with the Court modifying the automatic stay for the sole purpose of permitting the medical malpractice claimant to liquidate his or her Claim in a forum outside of this Court, but limiting all recovery against said Debtors solely to any available insurance coverage (the "Stay Modification Option").

11. The Mediation Order further provides that "[t]he Mediator shall report any willful failure to attend or participate in good faith in the Mediation Sessions to the Court. Such failure may result in the imposition of sanctions by the Court, including the disallowance or allowance, as the case may be of the [c]laim."

12. On November 6, 2014, the Court entered an Order (the "Confirmation Order") confirming the Debtors' First Amended Plan of Liquidation Under Chapter 11 of the Bankruptcy Code of Sound Shore Medical Center of Westchester, *et al.* (the "Plan") [Docket No. 908]. Pursuant to the Confirmation Order, Monica Terrano has been appointed as Plan Administrator.

Pursuant to the Plan, the Plan Administrator has the authority, among other things, to object to claims on behalf of the Estates.

13. On December 9, 2014, the Debtors filed their Notice of (I) Entry of Order Confirming Debtors' First Amended Plan of Liquidation; (II) Occurrence of Effective Date of Plan; (III) Supplemental Administrative Claims Bar Date; (IV) Professional Fee Claims Bar Date; and (V) Bar Date for Proofs of Claim Relating to Executory Contracts Rejected Pursuant to Plan declaring the Plan to be "effective" [Docket No. 940].

### **JURISDICTION**

14. This Court has jurisdiction over this Objection pursuant to 28 U.S.C. § 1408. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(B). The statutory predicates for the relief requested herein are Section 502 of the Bankruptcy Code and Rules 3001 and 3002 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules").

15. 28 U.S.C. § 157(b)(2)(B) excludes from "core" classification "the liquidation or estimation of contingent or unliquidated personal injury tort or wrongful death claims against the estate for purposes of distribution in a case under title 11[,]" however, "it is well settled that a bankruptcy court has 'the authority ... to apply ... dispositive legal defenses in the disallowance of claims, including personal injury claims.'" In re Alper Holdings USA, Inc., 398 B.R. 736, 749 (S.D.N.Y. 2008) (citing In re U.S. Lines, Inc., 262 B.R. 223, 234 (S.D.N.Y.2001)); In re Chateaugay Corp., 111 B.R. 67, 76 (Bankr.S.D.N.Y.1990); In re Dow Corning Corp., 215 B.R. 346, 360 (Bankr.E.D.Mich.1997).

### **RELIEF REQUESTED**

16. Since the passing of the Bar Date, the Plan Administrator, together with her counsel and advisors, has reviewed the Debtors' books and records to identify proofs of claim filed by certain creditors based on alleged medical malpractice or personal injury.

17. After reviewing the Claim, GW contacted Ms. White's purported counsel, Mr. Richard Weiss ("Mr. Weiss"), in an attempt to resolve the claim, possibly by entering into a stipulation lifting the automatic stay, allowing Ms. White to prosecute the Claim on behalf of Ms. White in another forum, limiting any recovery to the extent of the Debtors' insurance coverage, and waiving Ms. White's claims against the Estates.<sup>1</sup> At that time, Mr. Weiss informed GW that he did not represent Ms. White, but instead, represented Ms. White's brother, Henry White, as power of attorney for Ms. White. Mr. Weiss informed GW that Henry White had failed to keep in contact with Mr. Weiss after Mr. Weiss had filed the Claim. Mr. Weiss further advised GW that Mr. Weiss had closed Ms. White's file and that Mr. Weiss was neither authorized, nor willing, to seek authority to withdraw, settle, or prosecute the Claim. Prior to drafting this Objection, GW again reach out to Mr. Weiss who again confirmed that he had no contact information for Henry White and that Mr. Weiss would take no action with respect to the Claim. As set forth more fully below, GW also attempted, unsuccessfully, to contact Ms. White's next of kin or locate an executor for her estate. Accordingly, the Plan Administrator is unable to resolve the Claim consensually.

18. After such communications with Mr. Weiss, the Plan Administrator contacted representatives of the party which earlier in these cases purchased Howe Avenue Nursing Home d/b/a Helen and Michael Schaffer Extended Care Center, a facility which provided care to Ms. White until her passing. Representatives of Schaffer Extended Care Center informed the Plan Administrator that Ms. White passed away in February 2013 and provided an out-of-service number for her contact-of-record, Henry White. Upon review of public records, the Plan

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<sup>1</sup> The Plan Administrator has found that, as a general matter, where insurance is available, plaintiffs prefer to lift the automatic stay in order to proceed against insurance, as opposed to mediating a proof of claim. Accordingly, Mr. Weiss was contacted directly to discuss entering into a stipulation lifting the automatic stay prior to commencement of the Debtors' usual mediation procedures. In light of Mr. Weiss's response, a formal mediation notice was not sent.

Administrator ascertained that Ms. White passed away on February 10, 2013, prior to both the Petition Date and the filing of the Claim. The Plan Administrator has been unable to otherwise reach an heir or representative for Ms. White. Moreover, as set forth above, pursuant to 28 U.S.C. § 157(b), Congress did not grant the Bankruptcy Court jurisdiction to adjudicate the underlying personal injury matter. Nevertheless, as discussed more fully below, the Court may disallow and/or expunge the Claim pursuant to dispositive legal defenses.

19. Accordingly, and as set forth more fully below, because Ms. White passed away prior to the filing of the Claim, only an authorized representative of her estate had the authority to file the Claim, and because Mr. Weiss has not established that was authorized to file the Claim by any such representative, the Plan Administrator seeks to disallow and/or expunge the Claim either because the Claim was filed without standing to do so, or, in the alternative, for failure to comply with the Court's Mediation Order.

20. Upon information and belief there is third party insurance coverage for Ms. White's Claim under the Debtors' medical malpractice insurance policy.<sup>2</sup> In connection with the relief sought herein, the Plan Administrator suggests that any Order entered by the Court expunging the Claim should allow any authorized representative for Ms. White's estate to proceed with the Action in state court, but limit all recovery, if any, to the extent of the Debtors' applicable insurance coverage.

21. The Plan Administrator respectfully submits that expunging the Claim and allowing the Action to proceed would be an equitable remedy and would substantially preserve Ms. White's heirs' or representatives' rights have to seek recovery pursuant to the allegations asserted in the Action. Indeed, it is arguable that such relief would afford the Claim better

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<sup>2</sup> The Plan Administrator makes no representation as to applicable insurance coverage, but has been informed by the Debtors' insurance carrier that the Action has been assigned a case number and was defended by counsel appointed by the insurance carrier prior to the Petition Date.

treatment than it would otherwise be entitled to if such Claim were allowed and treated pursuant to the Debtors' Plan.

### **BASIS FOR RELIEF REQUESTED**

#### **Disallowance and/or Expungement for Lack of Authority to File the Claim**

22. Bankruptcy Rule 3001(b) provides who may file a proof of claim:

Who may execute

A proof of claim shall be executed by the creditor or the creditor's authorized agent except as provided in Rules 3004 and 3005.<sup>3</sup>

Fed. R. Bankr. P. 3001.

23. When Bankruptcy Rule 3001(b) is read in tandem with Rule 3001(f), they provide that a proof of claim must be executed by the creditor or the creditor's "authorized agent" in order to constitute prima facie evidence of the validity and amount of the claim.

24. As one court has noted, "the Supreme Court chose to employ the term 'authorized agent' in Bankruptcy Rule 3001(b). Use of the qualification 'authorized' reflects the Supreme Court's intention that an entity that files a proof of claim on another's behalf have express—and not merely implied—permission to do so." In re N. Bay Gen. Hosp., Inc., 404 B.R. 443, 459 (Bankr. S.D. Tex. 2009); In re Standard Metals, 817 F.2d 625, 631 (10th Cir.1987), vacated on other grounds by 839 F.2d 1383 (10th Cir.1987) ("An agent may file a proof of claim only for those individuals who have expressly authorized the agent to do so."); see also Mission Towers v. W.R. Grace, No. 07-287, 2007 WL 4333817, at \*9 (D.Del. Dec.6, 2007) (same); In re Ionosphere Clubs, Inc., 101 B.R. 844, 852 (Bankr.S.D.N.Y.1989) ("Only when an agent has express authorization may he file a claim on behalf of another." (emphasis added)); Gulf States Exploration Co. v. Manville Forest Prods. Corp. (In re Manville Forest Products Corp.), 89 B.R.

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<sup>3</sup> Bankruptcy Rule 3004 pertains to claims filed by a debtor or trustee, while Bankruptcy Rule 3005 pertains to claims filed by a guarantor, surety, indorser, or other codebtor. Neither Rule is applicable with respect to the Claim.



358, 376 (Bankr.S.D.N.Y.1988) (“[E]ach individual claimant or transferee of an unfiled claim must file a proof of claim, of expressly authorize an agent to do so on its behalf.” (emphasis added)).

25. Here, Mr. Weiss had neither express nor implied authority to file the Claim from an authorized individual. As stated above, Ms. White passed away prior to both the Petition Date and the filing of the Claim. Mr. Weiss filed the Claim as purported agent to Ms. White and not as agent to her estate. Mr. Weiss has not represented, either in the Claim, or during subsequent communications between GW and Ms. White’s former counsel, that he had authority from any authorized representative of Ms. White’s estate. Generally, under New York law, a decedent’s estate must go through probate to have a fiduciary appointed as executor. See N.Y. Surr. Ct. Proc. Act Law § 101 et seq. New York Estates, Powers and Trusts Law expressly provides that an executor named in a will has no power to dispose of any part of the estate of the testator before letters testamentary or preliminary letters testamentary are granted, except to pay reasonable funeral expenses, and no power to interfere with the estate in any manner other than to take such action as is necessary to preserve it. EPTL § 11-1.3. Thus, a nominated executor, prior to probate and without an order of the court, has no right, among other things, to sue for the collection of money. Blood v. Waszak, 147 Misc. 729, 730, 265 N.Y.S. 752, 753 (Mun. Ct. 1933) (“The right to interfere for the purpose of preserving the estate, would not authorize suits to recover debts due to the testator.”). Accordingly, upon Ms. White’s death, only a representative authorized by letters testamentary had the power to authorize the filing of a proof of claim on behalf of Ms. White’s estate.

26. Furthermore, under New York General Obligations Law, whatever authority Henry White may have had as power of attorney to authorize Mr. Weiss to file the Claim was

vacated upon Ms. White's death. N.Y. Gen. Oblig. Law § 5-1511 ("A power of attorney terminates when: (a) the principal dies[.]"); Jacobs v. Mazzei, 112 A.D.3d 1115, 977 N.Y.S.2d 123 (3d Dep't 2013) (holding that an agent's authority to raise legal claims on decedent's behalf under durable power of attorney terminated when decedent passed away, and thus agent lacked standing to raise decedent's legal rights).

27. Accordingly, the Plan Administrator seeks to have the Claim disallowed and/or expunged due to Mr. Weiss's lack of authority to file the Claim, subject to allowing Ms. White's estate to proceed with the Action in state court, but limiting all recovery, if any, to the extent of the Debtors' applicable insurance coverage.

**Disallowance and/or Expungement for Failure to Comply with Mediation Order**

28. As noted above, Mr. Weiss has informed GW that he is not authorized to proceed in any fashion with respect to the Claim and offered no information as to any alternative party who may have such authority. Despite repeated efforts, the Plan Administrator is also unable to reach out to the Ms. White's executor or next of kin, as the Claim only provides contact information for Mr. Weiss. While the Plan Administrator did attempt to independently obtain contact information for Henry White, as noted above, such efforts were ultimately unsuccessful.

29. As stated previously, the Mediation Order provides that "[t]he Mediator shall report any willful failure to attend or participate in good faith in the Mediation Sessions to the Court. Such failure may result in the imposition of sanctions by the Court, including the disallowance or allowance, as the case may be of the [c]laim."

30. The Plan Administrator respectfully submits that despite Ms. White's death and the failure of Henry White to remain in communication with Mr. Weiss, the position taken by Mr. Weiss regarding the Claim is the equivalent of "willful failure to attend or participate in

good faith.” Accordingly, the Plan Administrator seeks to have the Claim expunged for failure to comply with the Mediation Order.

31. A bankruptcy court undisputedly has jurisdiction to interpret and enforce its own prior orders. See Travelers Indem. Co. v. Bailey, 557 U.S. 137, 151 (U.S. 2009); Luan Investment S.E. v. Franklin 145 Corp. (In re Petrie Retail, Inc.), 304 F.3d 223 (2d Cir.2002); Universal Oil Ltd. v. Allfirst Bank (In re Millennium Seacarriers, Inc.), 419 F.3d 83, 97 (2d Cir. 2005) (“Bankruptcy courts retain jurisdiction to enforce and interpret their own orders.”). Moreover, the Mediation Order specifically ordered, “that this Court shall retain jurisdiction over the Debtors and the Medical Malpractice Claimants with respect to any matters related to or arising from the implementation.” Accordingly, the Plan Administrator also seeks to have the Claim disallowed and/or expunged for failure to comply with the terms of the Court’s Mediation Order, subject to allowing Ms. White’s estate to proceed with the Action in state court, but limiting all recovery, if any, to the extent of the Debtors’ applicable insurance coverage.

### **RESERVATION OF RIGHTS**

32. The Plan Administrator reserves all rights to object to any surviving claim against the Debtors, whether asserted or unasserted on behalf of Ms. White and to further object to any surviving claim on any other grounds discovered by the Plan Administrator during the pendency of this case. Should the objection addressed herein be denied or dismissed, the Plan Administrator reserves her rights to further object to the disputed claim on any other grounds discovered by the Plan Administrator during the pendency of this case.

### **NOTICE**

33. Notice of this Objection will be given by mailing a copy of such Objection and the proposed order to (i) the United States Trustee, (ii) counsel for the Committee, (iii) Mr.

Weiss, at the address set forth on the Claim, and (iv) all other parties required to be notified under the Case Management Order.

**WHEREFORE**, the Plan Administrator respectfully requests that the relief requested herein be granted and this Court enter an order, substantially in the form annexed hereto as Exhibit B, and grant such other and further relief as is just and proper.

Dated: Great Neck, New York  
February 15, 2017

**GARFUNKEL WILD, P.C.**  
Counsel for the Plan Administrator

By: /s/ Adam T. Berkowitz  
Burton S. Weston  
Adam T. Berkowitz  
Phillip Khezri  
111 Great Neck Road  
Great Neck, NY 11021  
(516) 393-2200

**EXHIBIT A**

## CRT

Proof of Claim Pg 3 of 6

8. **Documents:** Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. [If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #8, and the definition of "redacted")]

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

9. **Signature:** (See instruction #9) Check the appropriate box.

☐ I am the creditor ☒ I am the creditor's authorized agent. ☐ I am the trustee, or the Debtor, or their authorized agent. (See Bankruptcy Rule 3004) ☐ I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005)

(Attach copy of power of attorney, if any)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: Richard WeissTitle: AttorneyCompany: Law Office of Richard Weiss

Address and telephone number (if different from notice address above):

(Signature)

(Date)

Telephone number: 914 235 0833email: richardweissattorney@gmail.com

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

## INSTRUCTIONS FOR PROOF OF CLAIM FORM

The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the Debtor, exceptions to these general rules may apply. The attorneys for the Debtors and their court-appointed claims agent, GCG, are not authorized and are not providing you with any legal advice.

PLEASE SEND YOUR ORIGINAL, COMPLETED CLAIM FORM AS FOLLOWS: **IF BY MAIL:** Sound Shore Medical of Westchester, et al., c/o GCG, Inc., P.O. Box 9982, Dublin, Ohio 43017-5982. **IF BY HAND OR OVERNIGHT COURIER:** Sound Shore Medical of Westchester, et al., c/o GCG, 5151 Blazer Parkway, Suite A, Dublin, OH 43017. ANY PROOF OF CLAIM SUBMITTED BY FACSIMILE OR EMAIL WILL NOT BE ACCEPTED.

THE GENERAL BAR DATE IN THESE CHAPTER 11 CASES IS SEPTEMBER 16, 2013 AT 4:00 P.M. (PREVAILING EASTERN TIME)

THE GOVERNMENTAL BAR DATE IN THESE CHAPTER 11 CASES IS NOVEMBER 25, 2013 AT 4:00 P.M. (PREVAILING EASTERN TIME)

## Items to be completed in Proof of Claim Form

**Court, Name of Debtor, and Case Number:**

These chapter 11 cases were commenced in the United States Bankruptcy Court for the Southern District of New York on May 29, 2013 (the "Commencement Date"). You should select the Debtor against which you are asserting your claim.

**A SEPARATE PROOF OF CLAIM FORM MUST BE FILED AGAINST EACH DEBTOR.****Creditor's Name and Address:**

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. Please provide us with a valid email address. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

**1. Amount of Claim as of Date Case Filed:**

State the total amount owed to the creditor on the Petition Date. Follow the instructions concerning whether to complete items 4, 5 and 6. Check the box if interest or other charges are included in the claim.

**2. Basis for Claim:**

State the type of debt or how it was incurred. Examples include: goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to your claim.

**3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:** State only the last four digits of the Debtor's account or other number used by the creditor to identify the Debtor.

**3a. Debtor May Have Scheduled Account As:**

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the Debtor.

**3b. Uniform Claim Identifier:**

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

**4. Secured Claim:**

Check whether the claim is fully or partially secured. Skip this section if the claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

**5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507(a):**

If any portion of your claim falls in one or more of the listed categories, check the appropriate box(es) and state the amount entitled to priority. (See DEFINITIONS, below) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

**6. Claim Pursuant to 11 U.S.C. § 503 (b)(9):**

If you have a claim arising from the value of any goods received by the Debtor within 20 days before May 29, 2013, the date of commencement of the above cases, in which the goods have been sold to the Debtor in the ordinary course of the Debtor's business, state the amount of such claim and attach documentation supporting such claim. (See DEFINITIONS, below)

**7. Credits:**

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the Debtor credit for any payments received toward the debt.

**8. Documents:**

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential healthcare information. Do not send original documents, as attachments may be destroyed after scanning.

**9. Date and Signature:**

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, attach a complete copy of any power of attorney, and provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.

## DEFINITIONS

### Debtor

A Debtor is the person, corporation, or other entity that has filed a bankruptcy case.

### Creditor

A creditor is the person, corporation, or other entity to whom the Debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. § 101(10).

### Claim

A claim is the creditor's right to receive payment for a debt owed by the Debtor on the date of the bankruptcy filing. See 11 U.S.C. § 101(5). A claim may be secured or unsecured.

### Proof of Claim

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the Debtor on the date of the bankruptcy filing. The creditor must file the form with GCG as described in the instructions above and in the Bar Date Notice.

### Section 503(b)(9) Claim

A Section 503(b)(9) claim is a claim for the value of any goods received by the Debtor within 20 days before the date of commencement of a bankruptcy case in which the goods have been sold to the Debtor in the ordinary course of such Debtor's business.

### Secured Claim Under 11 U.S.C. § 506(a)

A secured claim is one backed by a lien on property of the Debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a Debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien. A claim also may be secured if the creditor owes the Debtor money (has a right to setoff).

### Unsecured Claim

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

### Claim Entitled to Priority Under 11 U.S.C. § 507(a)

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

### Redacted

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

## INFORMATION

### Evidence of Perfection

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

### Acknowledgment of Filing of Claim

To receive a date-stamped copy of your proof of claim form, please provide a self-addressed stamped envelope and a copy of your proof of claim form when you submit the original to GCG. You will also receive an acknowledgment letter from GCG after your proof of claim form has been processed.

### Offers to Purchase a Claim

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the Debtor. These entities do not represent the bankruptcy court or the Debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(c), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.), and any applicable orders of the bankruptcy court.

### Display of Proof of Claim on Case Administration Website

As the official claims agent, and in accordance with Federal Bankruptcy Rule 9037(g), GCG will display the first page of your proof of claim form on the case administration website. Please be aware that any personal information not otherwise redacted on your proof of claim form will be displayed over the Internet.



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SSM0202447537



JANET WHITE  
C/O RICHARD WEISS  
481 MAIN STREET, STE 304  
NEW ROCHELLE, NY 10801

From: (631) 470-5000  
Attn: Arturo D. Tavaréz  
Case Adm./ECF Trainer  
US Bankruptcy Court, SDNY  
300 Quarropas Street  
WHITE PLAINS, NY 10601

Origin ID: NESA



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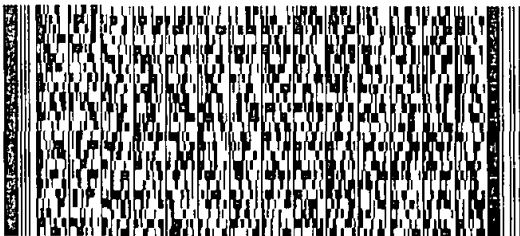
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**EXHIBIT B**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

-----X

SOUND SHORE MEDICAL CENTER OF  
WESTCHESTER, et al.,

Chapter 11

Case No.: 13-22840 (RDD)

Debtors.

-----X

**ORDER GRANTING PLAN ADMINISTRATOR'S OBJECTION TO  
PROOF OF CLAIM NO. 936 FILED BY JANET WHITE**

Upon the Plan Administrator's objection (the "Objection"), dated February 15, 2017, to the proof of claim filed on behalf of Janet White ("Ms. White"), which is designated as claim number 936 (the "Claim"), seeking entry of an order disallowing and expunging the Claim, all as more fully described in the Objection; and due and sufficient notice of the Objection having been provided to the notice party at the address set forth on the Claim; and it appearing that no other or further notice need be provided; and no responses having been filed to the Objection; and a hearing having been held by the Court on the Objection on March 17, 2017; and the Court having found and determined that the relief sought in the Objection is in the best interests of the Debtors, their estates, creditors, and all parties in interest and that the legal and factual basis set forth in the Objection establish just cause for the relief granted herein; and after due deliberation and sufficient cause appearing therefor, it is

**ORDERED**, that the relief requested in the Objection is granted to the extent provided herein; and it is further

**ORDERED**, that, pursuant to Section 502(b) of the Bankruptcy Code, the Claim is hereby disallowed and expunged except to the extent set forth in the next decretal paragraph; and it is further

**ORDERED**, the automatic stay imposed in these cases pursuant to Section 362(a) of the Bankruptcy Code, as extended by the Mediation Order, and injunctions imposed under the Confirmation Order, are hereby modified and lifted for the limited purpose of allowing Ms. White's heirs or representatives to litigate the Action in a forum other than the Bankruptcy Court; provided, however, that (a) any recovery in the Action against the Debtors or any Covered Medical Professionals<sup>1</sup> shall be limited solely to any available insurance coverage of the Debtors or Covered Medical Professionals, as the case may be; (b) each party shall bear its own legal fees and defense costs and other related fees and expenses in connection with any such litigation; and (c) no Debtor shall be required to participate in any way in the Action; and it is further

**ORDERED**, that all rights of the Plan Administrator to object to any surviving claims against the Debtors, whether asserted or unasserted by Ms. White are hereby reserved; and it is further

**ORDERED**, that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: March \_\_, 2017  
White Plains, New York

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HONORABLE ROBERT D. DRAIN  
UNITED STATES BANKRUPTCY JUDGE

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<sup>1</sup> As defined in the Plan.

**Hearing Date: March 17, 2017 at 10:00 a.m. (Prevailing Eastern Time)**  
**Objection Deadline: March 10, 2017 at 4:00 p.m. (Prevailing Eastern Time)**

**GARFUNKEL WILD, P.C.**

111 Great Neck Road  
Great Neck, New York 11021  
Telephone: (516) 393-2200  
Facsimile: (516) 466-5964  
Burton S. Weston  
Adam T. Berkowitz  
Phillip Khezri

*Counsel for the Estates and Plan Administrator*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:

SOUND SHORE MEDICAL CENTER OF  
WESTCHESTER, et al<sup>1</sup>.

Debtors.

Chapter 11  
Case No. 13-22840 (RDD)

(Jointly Administered)

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**NOTICE OF THE PLAN ADMINISTRATOR'S OBJECTION  
TO PROOF OF CLAIM NO. 936 FILED BY JANET WHITE**

**PLEASE TAKE NOTICE**, that Monica Terrano, the Plan Administrator appointed in the above-captioned cases, filed an objection (the "Objection") seeking the entry of an order disallowing and expunging the proof of claim filed by Janet White.

**PLEASE TAKE NOTICE**, that a hearing on the Objection will be held before the Honorable Robert D. Drain, United States Bankruptcy Judge for the Southern District of New York, 300 Quarropas Street, White Plains, New York 10601 on the 17<sup>th</sup> day of March 2017 at 10:00 o'clock in the forenoon of that day, or as soon thereafter as counsel can be heard, to

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<sup>1</sup> The debtors in these chapter 11 cases, along with the last four digits of each debtor's federal tax identification number include: Sound Shore Health System, Inc. (1398), Sound Shore Medical Center of Westchester (0117), The Mount Vernon Hospital (0115), Howe Avenue Nursing Home, Inc., d/b/a Helen and Michael Schaffer Extended Care Center (0781), NRHMC Services Corporation (9137), The M.V.H. Corporation (1514) and New Rochelle Sound Shore Housing, LLC (0117). There are certain additional affiliates of the Debtors who are not debtors and have not sought relief under Chapter 11.

consider the entry of an Order approving the relief requested in the Objection and granting such other and further relief as is just and proper.

**PLEASE TAKE FURTHER NOTICE**, that objections, if any, to the relief requested in the Objection must be in writing, stating in detail the reasons therefor, and must be filed with the Clerk of the Bankruptcy Court, with a hard copy provided to the Clerk's Office at the Court for delivery to the Chambers of the Honorable Robert D. Drain, and shall be served upon (i) Garfunkel Wild, P.C., 111 Great Neck Road, Great Neck, New York 11021, Attention: Burton S. Weston, Esq., Adam T. Berkowitz, Esq., and Phillip Khezri, Esq., counsel to the Estates and Plan Administrator; (ii) Farrell Fritz, P.C., 622 Third Avenue, Suite 37200, New York, New York 10017 Attention: Martin G. Bunin, Esq., counsel to the Post Effective Date Committee; and (iii) the Office of the United States Trustee for the this district, so as to be received by all such parties no later than March 10, 2017 at 4:00 p.m.

**PLEASE TAKE FURTHER NOTICE**, that if no objections are timely served and filed as set forth above, the relief requested in the Objection may be granted without further notice.

Dated: February 15, 2017

**GARFUNKEL WILD, P.C.**  
*Counsel for the Estates and Plan  
Administrator*

By: /s/ Adam T. Berkowitz  
Burton S. Weston  
Adam T. Berkowitz  
Phillip Khezri  
111 Great Neck Road  
Great Neck, NY 11021  
(516) 393-2200