

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

EBH TOPCO, LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 18-11212 (BLS)

(Jointly Administered)

**Re: Docket Nos. 326 and 364**

**NOTICE OF BAR DATE FOR FILING OF PROOFS OF CLAIM  
GENERAL BAR DATE IS OCTOBER 1, 2018  
AT 4:00 P.M. PREVAILING EASTERN TIME**

TO ALL PERSONS AND ENTITIES WITH CLAIMS AGAINST THE DEBTORS:

PLEASE TAKE NOTICE that on May 23, 2018 (the “**Petition Date**”), the above-captioned debtors and debtors in possession (the “**Debtors**”) filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”) in the United States Bankruptcy Court for the District of Delaware (the “**Court**”). The Debtors have continued in possession of their property pursuant to Bankruptcy Code sections 1107(a) and 1108.

Pursuant to the order of the Court dated August 17, 2018 (the “**Bar Date Order**”),<sup>2</sup> all creditors (each a “**Creditor**” and collectively, the “**Creditors**”) holding or wishing to assert unsecured or secured, priority or nonpriority claims (as defined in Bankruptcy Code section 101(5)) against the Debtors or the Debtors’ estates arising or accruing prior to the Petition Date, **including claims arising under Bankruptcy Code section 503(b)(9)** (each, a “**Claim**” and collectively,

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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, are EBH Topco, LLC (6103), Elements Behavioral Health, Inc. (7176), EBH Holding Company, Inc. (0370), EBH Big Rock, Inc. (1880), SoCal Rehab and Recovery, Inc. (3741), The Sexual Recovery Institute, Inc. (1279), Westside Sober Living Centers, Inc. (5717), Ehrman Subsidiary Corp. (3958), PROMAL2, Inc. (1377), PROMAL4, Inc. (2453), SBAR2, Inc. (9844), Promises Residential Treatment Center VI, Inc. (1112), Assurance Toxicology Services, LLC (9612), Elements Screening Services, Inc. (0055), TRS Behavioral Care, Inc. (6343), Spirit Lodge, LLC (1375), San Cristobal Treatment Center, LLC (1419), EBH Acquisition Subsidiary, Inc. (6132), EBH Services of Florida, Inc. (6802), Outpatient Services FL, Inc. (9596), EBH Northeast Services, Inc. (3551), Intensive Outpatient Services PA, Inc. (5581), Wrightsville Services, LLC (9535), NE Sober Living, Inc. (1955), Northeast Behavioral Services, Inc. (8881), The Ranch on Piney River, Inc. (0195), Outpatient Services TN, Inc. (5584), EBH Southwest Services, Inc. (5202), Elements Medical Group of Utah, Inc. (9820), Southeast Behavioral Health Services, Inc. (1267), Elements Medical Group of Mississippi, Inc. (4545), and Elements Medical Group of Arizona, Inc. (8468). The Debtors’ mailing address is 5000 Airport Plaza Dr., Suite 100, Long Beach, California 90815.

<sup>2</sup> Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the *Motion of Debtors for Entry of an Order (I) Establishing Bar Dates for Filing Proofs of Claim, and (II) Approving Form and Manner of Notice Thereof* [Docket No. 326] (“**Motion**”).

the “**Claims**”), are required to file a separate, completed, and executed proof of claim (by completing the proof of claim form enclosed herewith and attached to the Bar Date Order as Exhibit 3) (the “**Proof of Claim Form**”) on account of each such Claim, together with accompanying documentation on or before **Monday, October 1, 2018 at 4:00 p.m.** prevailing Eastern time (the “**General Bar Date**”). Solely with respect to government units as defined by Bankruptcy Code section 101(27), the proofs of claim must be submitted on or before November 19, 2018, at 4:00 p.m. (the “**Governmental Bar Date**”).

Pursuant to the Bar Date Order, the filing of a Proof of Claim Form shall be deemed to satisfy the procedural requirements for the assertion of administrative priority claims under Bankruptcy Code section 503(b)(9). All other administrative claims under Bankruptcy Code section 503(b) must be made by separate requests for payment in accordance with Bankruptcy Code section 503(a) and will not be deemed proper if made by a proof of claim. No deadline has been established for the filing of administrative Claims other than Claims under Bankruptcy Code section 503(b)(9). **Claims under Bankruptcy Code section 503(b)(9) must be filed by the General Bar Date.**

It is your responsibility to determine whether your Claim is listed on the Debtors’ schedules of assets and liabilities and statements of financial affairs filed in this case (collectively, the “**Schedules**”).

In the event that the Debtors should amend their Schedules subsequent to the date hereof, the Debtors shall give notice of such amendment to the holders of the Claims affected thereby, and such holders shall be afforded the later of the General Bar Date or twenty-one (21) days from the date on which such notice has been given to such holders (the “**Amended Schedule Bar Date**”) to file Proof of Claim Forms or forever be barred from doing so.

In the event that a Claim arises with respect to the Debtors’ rejection of an executory contract or unexpired lease, and except as otherwise set forth in any order authorizing rejection of an executory contract or unexpired lease, the holder of such Claim will be afforded the latest of (i) the General Bar Date, (ii) thirty-five (35) days after the date of the entry of any order authorizing the rejection of such executory contract or unexpired lease, or (iii) thirty (30) days after the effective date of any order authorizing the rejection of the executory contract or unexpired lease (the “**Rejection Claim Bar Date**”) to file a Proof of Claim Form or forever be barred from doing so.

AT THIS TIME, Proof of Claim Forms ARE NOT REQUIRED to be filed by Creditors holding or wishing to assert Claims against the Debtors for the following types of claims (collectively, the “**Excluded Claims**”):

- (a) Any Entity (i) that agrees with the nature, classification, and amount of his, her, or its Claim as set forth in the Schedules (including that the claim is an obligation of the specific Debtor against which the claim is listed in its Schedules), and (ii) whose Claim against the Debtors is **not** listed as “disputed,” “contingent,” or “unliquidated” in the Schedules;

- (b) Any Entity that has already properly filed a proof of claim against the Debtors;
- (c) Any Entity asserting a Claim allowable under Bankruptcy Code sections 503(b) and 507(a)(2) as an administrative expense of the Chapter 11 Cases (other than any claim allowable under Bankruptcy Code section 503(b)(9));
- (d) Any Entity whose Claim against the Debtors previously has been allowed by, or paid pursuant to, an order of the Court;
- (e) Any holder of equity securities of, or other interests in, the Debtors solely if, and only if, such holder's Claim relates to such holder's ownership interest in or possession of such equity securities; *provided, however*, that any such holders who wish to assert a Claim against the Debtors based on transactions in the Debtors' securities, including, but not limited to, Claims for damages or rescission based on the purchase or sale of such securities, must file a proof of claim on or prior to the General Bar Date. The Debtors reserve all rights with respect to any such Claims, including, *inter alia*, the right to assert that such Claims are subject to subordination pursuant to Bankruptcy Code section 510(b);
- (f) Current officers and directors of the Debtors who assert Claims for indemnification and/or contribution arising as a result of such officers' or directors' prepetition or postpetition services to the Debtors;
- (g) Any Debtor asserting a Claim against another Debtor; and
- (h) Any non-Debtor affiliate asserting a Claim against any Debtor.

Should the Court fix a date in the future after the General Bar Date by which time any of the Excluded Claims must be filed, you will be so notified.

For any Proof of Claim Form to be validly and properly filed, a signed original<sup>3</sup> of the completed Proof of Claim Form, together with accompanying documentation, must be submitted to the Debtors' noticing and claims agent, Donlin, Recano & Company, Inc. ("**Donlin Recano**"), either by mail delivery or through the court-approved electronic claims filing system in accordance with Local Rule 3001-1(a) no later than 4:00 p.m. prevailing Eastern time on the applicable Bar Date.

Proof of Claim Forms delivered by mail to Donlin Recano should be addressed to:

**If Proof of Claim is sent by mail, send to:**  
Donlin, Recano & Company, Inc.

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<sup>3</sup> Electronic signatures being acceptable.

Re: EBH Topco, LLC, et al.  
P.O. Box 199043  
Blythebourne Station  
Brooklyn, NY 11219

**If Proof of Claim is sent by overnight courier or hand deliver, send to:**

Donlin, Recano & Company, Inc.  
Re: EBH Topco, LLC, et al.  
6201 15th Avenue  
Brooklyn, NY 11219

Proofs of claim may also be submitted electronically through Donlin Recano's website:  
<https://www.donlinrecano.com/Clients/ebh/FileClaim>.

Proof of Claim Forms shall be deemed filed when **actually received** by Donlin Recano (not the date of the postmark). Any entity that files a Proof of Claim by mail and wishes to receive a clocked-in copy by return mail must include an additional copy of the proof of claim and a self-addressed, postage-paid envelope.

A Proof of Claim Form is enclosed with this notice and may be used to file your Claims. Additional Proof of Claim Forms are available at <http://www.uscourts.gov/forms/bankruptcy-forms/proof-claim-0>; or <https://www.donlinrecano.com/Clients/ebh/Static/POC>

All Proof of Claim Forms must be in English and amounts must be in U.S. Dollars.

Additionally, all Proof of Claim Forms must: (a) conform substantially to the enclosed Proof of Claim Form; (b) specify the Debtor against which the Proof of Claim is asserted; (c) set forth with specificity the legal and factual basis for the alleged Claim; (d) include supporting documentation (or, if such documentation is voluminous, a summary of such documentation) or an explanation as to why such documentation is not available; and (e) be signed by the claimant or, if the claimant is not an individual, by an authorized agent of the claimant. Any Proof of Claim asserting a claim entitled to priority under section 503(b)(9) of the Bankruptcy Code must also: (x) include the value of the goods delivered to and received by the Debtors in the twenty (20) days prior to the Petition Date; and (y) attach any documentation identifying the particular invoices for which the 503(b)(9) claim is being asserted.

PLEASE TAKE FURTHER NOTICE THAT, EXCEPT WITH RESPECT TO CLAIMS OF THE TYPE SET FORTH IN PARAGRAPHS (A) THROUGH (H) ABOVE, ANY ENTITY WHO IS REQUIRED TO FILE A PROOF OF CLAIM BUT FAILS TO DO SO ON OR BEFORE OCTOBER 1, 2018 SHALL NOT BE TREATED AS A CREDITOR WITH RESPECT TO SUCH CLAIM FOR PURPOSES OF VOTING AND DISTRIBUTION.

The Debtors reserve the right to: (i) dispute, or to assert offsets or defenses against, any filed Claim or any Claim listed or reflected in the Schedules as to the nature, amount, liability, priority, classification, or otherwise, (ii) subsequently designate any scheduled Claim as disputed, contingent, or unliquidated, and (iii) otherwise amend or supplement the Schedules. Nothing contained in this notice shall preclude the Debtor from objecting to any Claim, whether

scheduled or filed, on any grounds.

The Debtors' Schedules, the Bar Date Order, and other information regarding the Debtors' Chapter 11 Cases are available for free on the Donlin Recano website at <https://www.donlinrecano.com/ebh> or for a fee at the Court's website at <http://www.deb.uscourts.gov>. A login identification and password to the Court's Public Access to Court Electronic Records ("PACER") are required to access this information and can be obtained through the PACER Service Center at <http://www.pacer.psc.uscourts.gov>. Copies of the Schedules and other documents filed in this case also may be examined between the hours of 9:00 a.m. and 4:00 p.m., prevailing Eastern time, Monday through Friday, at the office of the Clerk of the Bankruptcy Court, United States Bankruptcy Court for the District of Delaware, 824 Market Street, 3rd Floor, Wilmington, Delaware 19801. The staff of the Bankruptcy Clerk's Office is prohibited by law from giving legal advice.

CREDITORS WISHING TO RELY ON THE SCHEDULES ARE RESPONSIBLE FOR DETERMINING WHETHER THEIR CLAIMS ARE ACCURATELY LISTED THEREIN.

THE FACT THAT YOU HAVE RECEIVED THIS NOTICE DOES NOT MEAN THAT YOU HAVE A CLAIM AGAINST THE DEBTORS. YOU SHOULD CONSULT WITH YOUR OWN ADVISORS TO DETERMINE WHETHER YOU HOLD A CLAIM AGAINST THE DEBTORS. YOU SHOULD NOT FILE A PROOF OF CLAIM IF YOU DO NOT HAVE A CLAIM AGAINST THE DEBTORS. QUESTIONS CONCERNING THIS NOTICE MAY BE DIRECTED TO THE DEBTORS' COUNSEL BELOW.

Dated: August 20, 2018

**POLSINELLI PC**

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*Counsel to the Debtors and Debtors in Possession*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

EBH TOPCO, LLC, *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 18-11212 (BLS)

(Jointly Administered)

**CHAPTER 11 DEBTORS**

<b><u>Debtor Name:</u></b>	<b><u>Case Number:</u></b>
1. EBH Topco, LLC	18-11212
2. EBH Holding Company, Inc.	18-11215
3. Elements Behavioral Health, Inc.	18-11214
4. Assurance Toxicology Services, LLC	18-11227
5. EBH Acquisition Subsidiary, Inc.	18-11234
6. EBH Big Rock, Inc.	18-11216
7. EBH Services of Florida, Inc.	18-11235
8. EBH Northeast Services, Inc.	18-11238
9. EBH Southwest Services, Inc.	18-11247
10. Elements Screening Services, Inc.	18-11228

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	<b><u>Debtor Name:</u></b>	<b><u>Case Number:</u></b>
11.	Intensive Outpatient Services PA, Inc.	18-11239
12.	NE Sober Living, Inc.	18-11243
13.	Northeast Behavioral Services, Inc.	18-11245
14.	Outpatient Services FL, Inc.	18-11236
15.	Outpatient Services TN, Inc.	18-11248
16.	SoCal Rehab and Recovery, Inc.	18-11217
17.	Southeast Behavioral Health Services, Inc.	18-11242
18.	The Ranch on the Piney River, Inc.	18-11246
19.	The Sexual Recovery Institute, Inc.	18-11218
20.	Westside Sober Living Centers, Inc.	18-11220
21.	Spirit Lodge, LLC	18-11230
22.	San Cristobal Treatment Center, LLC	18-11231
23.	Ehrman Subsidiary Corp.	18-11221
24.	PROMAL2, Inc.	18-11223
25.	PROMAL4, Inc.	18-11224
26.	SBAR2, Inc.	18-11225
27.	Promises Residential Treatment Center VI, Inc.	18-11226
28.	Wrightsville Services, LLC	18-11241
29.	Elements Medical Group of Arizona, Inc.	18-11237
30.	TRS Behavioral Care, Inc.	18-11229
31.	Elements Medical Group of Mississippi, Inc.	18-11240
32.	Elements Medical Group of Utah, Inc.	18-11244