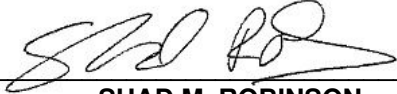




IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.

Dated: October 06, 2023.


SHAD M. ROBINSON
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

In Re:

**WESTLAKE SURGICAL, L.P. D/B/A
THE HOSPITAL AT WESTLAKE
MEDICAL CENTER,**

Debtor.

§
§
§
§
§
§
§

**Case No. 23-10747
Chapter 11**

**ORDER (I) ESTABLISHING COMPLEX CASE SERVICE LIST AND
NOTICE PROCEDURES; (II) APPROVING THE FORM AND MANNER OF
NOTICE OF THE COMMENCEMENT OF THE CHAPTER 11 CASE,
AND (III) SETTING BAR DATES FOR FILING PROOFS OF CLAIM**

(Relates to Docket No. 61)

Upon the motion (the “Motion”)¹ of the Debtor for entry of an order (this “Order”) (i) establishing a complex case service list; (ii) setting notice procedures with respect thereto, and (iii) approving the form and manner of notifying creditors of the commencement of this Chapter 11 Case and the bar date for filing proofs of claim, all as more fully set forth in the Motion; and upon consideration of the Dr. Mark Shen Declaration; and the Court having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334; and the matter being a core proceeding within the meaning of 28 U.S.C. § 157(b)(2); and venue of this proceeding and the Motion in this District being proper pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court being able to issue a final order consistent with Article III of the United States Constitution; and due and sufficient notice of the Motion having been given under the particular circumstances; and it appearing that no other or further notice is necessary; and it appearing that the relief requested in the Motion is in the best interests of the Debtor, its estate, creditors, and other parties-in-interest; and after due deliberation thereon; and good and sufficient cause appearing therefor; it is hereby

ORDERED, ADJUDGED, AND DECREED that:

1. The Motion is granted on a final basis as set forth herein.
2. The Debtor shall establish an official Complex Service List (the “Complex Service List”) for the Chapter 11 Case that will include only the following parties: (i) the Debtor; (ii) the Debtor’s counsel; (iii) members of any Unsecured Creditors’ Committee; (iv) counsel for any Unsecured Creditors’ Committee; (v) the U.S. Trustee; (vi) all secured creditors including secured lenders; (vii) all secured lenders’ counsel that has entered an appearance; (viii) the DIP Lender; (ix) the DIP Lender’s counsel; (x) the holders of the Top Thirty (30) largest unsecured claims against the Debtor on an aggregate basis; (xi) the Office of the Texas Attorney General; (xii) the Court appointed Ombudsman; (xiii) any party that is directly affected by the relief requested; (xiv) any party that has requested notice pursuant to Bankruptcy Rule 2002; (xv) the Internal Revenue Service, and (xvi) the United States Attorney for the Western District of Texas. The parties-in-interest, listed hereinabove, that are already receiving notice via the ECF will not receive further notice by any other means.
3. Notice of any Filing in the Bankruptcy Case, other than those events or deadlines listed below that must be served on all creditors pursuant to Bankruptcy Rule 2002, may be served

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Motion.

only on (i) the parties on the Complex Case Service List; (ii) any party who has filed a notice of appearance and request for service of pleadings but has not yet been added to the Complex Case Service List, and (iii) any party whose interests the specific Filing affects.

4. The Debtor must file the initial Complex Case Service List within seven (7) days after entry of an order by the Court granting this Motion, and the Debtor will update the Complex Case Service List and file a copy thereof every fourteen (14) days for the first month and every sixty (60) days thereafter during the pendency of the Chapter 11 Case. In the event there are no changes to the Complex Case Service List within a sixty (60) day period, the Debtor shall file a notice with the Court so stating.

5. The matters for which notice would not be limited include the following: (i) notice of the meeting of creditors pursuant to Section 341 of the Bankruptcy Code; (ii) notice of the time fixed for filing proofs of claim pursuant to Bankruptcy Rule 3003(c); (iii) notice of the time fixed for filing proofs of claim for all governmental entities pursuant to Bankruptcy Rule 3003(c); (iv) notice of the time fixed for filing objections to and the hearing on approval of a disclosure statement, except that the notice shall include information to view the disclosure statement at <https://www.donlinrecano.com/westlake>; (v) notice of the time fixed for filing objections to and the hearing on the confirmation of a plan of reorganization or a Section 363 Motion of the Debtor, except that the notice shall include information to view the complete pleadings at <https://www.donlinrecano.com/westlake>; (vi) notice of any hearing on dismissal or conversion of the Chapter 11 Case, except that the notice shall include information to view the complete pleadings at <https://www.donlinrecano.com/westlake>; (vii) notice of a final hearing on any entity's request for final compensation and reimbursement of expenses, except that the notice shall include information to view the complete pleadings at <https://www.donlinrecano.com/westlake>, and (viii) notice of any matter with respect to which a different form of notice is ordered to be given by this Court.

6. The Notice of Commencement attached to the Motion as **Exhibit B** is hereby approved in all respects and to this Order as **Exhibit A** is hereby approved in all respects.

7. Except for governmental units, as defined in Section 101(27) of the Bankruptcy Code, and certain other exceptions explicitly set forth in this Order, each person or entity that asserts a claim against the Debtor that arose before the Petition Date, shall be required to file an original, written proof of claim (a "Proof of Claim"), substantially in the form attached to the Motion as **Exhibit C** or attached to this Order as **Exhibit B** or the Official Form 410.

8. Except for governmental units, as defined in Section 101(27) of the Bankruptcy Code, and certain other exceptions explicitly set forth in this Order, all Proofs of Claim must be filed so that they are actually received by DRC, the Debtor's proposed claims and noticing agent ("DRC"), on or before January 8, 2024 at 11:59 p.m. (Central Time) (the "Claims Bar Date") at the addresses and in the form set forth herein.

9. The Claims Bar Date applies to all types of claims against the Debtor that arose or are deemed to have arisen before the Petition Date, except for claims specifically exempt from complying with the applicable Bar Dates (as defined below) as set forth in this Order.

10. All governmental units, as defined in Section 101(27) of the Bankruptcy Code, holding claims that arose prior to the Petition Date, including claims for unpaid taxes, whether such claims arise from prepetition tax years or periods or prepetition transactions to which the Debtor was a party, must file such Proofs of Claim so they are actually received by DRC on or before March 6, 2024 at 11:59 p.m. (Central Time) (the “Governmental Bar Date,” and together with the Claims Bar Date, the “Bar Dates”) at the addresses and in the form set forth herein.

11. All Proofs of Claim must be filed so as to be actually received by DRC on or before the applicable Bar Date. If Proofs of Claim are not received by DRC by the applicable Bar Date, except in the case of certain exceptions explicitly set forth in this Order, the holders of the underlying claims shall be barred from asserting such claims against the Debtor and precluded from voting on any chapter 11 plan filed in the Chapter 11 Case and/or receiving distributions from the Debtor on account of such claims in the Chapter 11 Case.

I. Parties Required to File Proofs of Claim

12. The following entities holding claims against the Debtor arising before the Petition Date shall file Proofs of Claim on or before the applicable Bar Date:

- a. any entity whose claim against the Debtor is not listed in the Debtor’s Schedules or is listed as contingent, unliquidated or disputed if such entity desires to participate in this Chapter 11 Case or share in any distribution in this Chapter 11 Case, and
- b. any entity who believes that its claim is improperly classified in the Schedules or is listed in an incorrect amount and who desires to have its claim allowed in a different classification or amount other than that identified in the Schedules.

13. Patients have been provided a unique Identification Number by DRC (the “Identification Number”). The Patients can either fully identify themselves on any Proof of Claim or Filing, or, the Patients can contact DRC for the Identification Number assigned to them and use that Identification Number without providing their name and/or address.

II. Parties Not Required to File Proofs of Claim

14. Notwithstanding anything to the contrary contained herein, the Court exempts the following entity or entities from any requirement to file a Proof of Claim before the applicable Bar Date:

- a. any person or entity that already has filed a signed Proof of Claim against the Debtor with DRC or the Bankruptcy Court in a form substantially similar to Official Form 410, and does not wish to change any information thereon;
- b. the U.S. Trustee, on account of claims for fees payable pursuant to 28 U.S.C. § 1930;

- c. any person or entity whose claim is listed on the Schedules if: (i) the claim is not scheduled by the Debtor as any of “disputed,” “contingent,” or “unliquidated,” and (ii) such entity agrees with the amount, nature, and priority of the claim as set forth in the Schedules;
- d. any person or entity whose claim has previously been allowed by a final order of the Court;
- e. a current employee of the Debtor, for any claim related to wages, commission or benefits; *provided* that a current employee must submit a Proof of Claim by the Bar Date for all other claims arising before the Petition Date, including claims (if any) for wrongful termination, discrimination, harassment, hostile work environment, and/or retaliation;
- f. any current officer, manager, director, or employee for claims based on indemnification, contribution, or reimbursement;
- g. any person or entity holding a claim for which a separate deadline is fixed by this Court, and
- h. any person or entity holding a claim allowable under Sections 503(b) and 507(a)(2) of the Bankruptcy Code as an expense of administration incurred in the ordinary course or professionals engaged in this Chapter 11 Case by (i) the Debtor or (ii) any official committee appointed in this Chapter 11 Case (the “Creditor’s Committee”).

15. No person or entity wishing to assert an interest in the Debtor shall be required to file a proof of interest; *provided* that any such person or entity wishing to assert a claim, including related to its status as an equity holder, must file a Proof of Claim by the applicable Bar Date unless otherwise exempted by this Order.

III. Form of Proof of Claim and Filing Proofs of Claim

16. The following requirements shall apply with respect to filing each Proof of Claim:

- a. Contents. Each Proof of Claim must: (i) be legible; (ii) include a claim amount denominated in United States dollars; (iii) conform substantially to the Proof of Claim Form provided by the Debtor or Official Form 410, and (iv) be signed by the claimant or by an authorized agent or legal representative of the claimant on behalf of the claimant, whether such signature is an electronic signature or is ink.
- b. Electronic Signatures Permitted. Proofs of Claim signed electronically by the claimant or an authorized agent or legal representative of the claimant may be deemed acceptable for purposes of claims administration. Copies of Proofs of

Claim or Proofs of Claim sent by facsimile or electronic mail will not be accepted.

- c. Supporting Documentation. Each Proof of Claim must include supporting documentation in accordance with Bankruptcy Rules 3001(c) and 3001(d). If, however, such documentation is voluminous, such Proof of Claim may include a summary of such documentation or an explanation as to why such documentation is not available; *provided* that any creditor that does not attach supporting documentation shall be required to transmit such documentation to Debtor's counsel upon request no later than three (3) days from the date of such request.
- d. As described in Paragraph 15 of this Order, the Patients may use an Identification Number provided by DRC and only file through DRC;
- e. Timely Service. Each Proof of Claim must be filed, including supporting documentation, so as to be actually received by DRC as follows:
 - i. by electronic submission through the interface available at <https://www.donlinrecano.com/Clients/wls/FileClaim>, or
 - ii. if submitted through non-electronic means, by U.S. Mail or other hand delivery system as follows:

If by First-Class Mail:

Donlin, Recano & Company, Inc.
Re: Westlake Surgical, L.P.
P.O. Box 199043
Blythebourne Station
Brooklyn, NY 11219

If by Overnight Courier or Hand Delivery:

Donlin, Recano & Company, Inc.
c/o Equiniti
Re: Westlake Surgical, L.P.
48 Wall Street, 22nd Floor
New York, NY 10005

**PROOFS OF CLAIM SUBMITTED BY FACSIMILE OR
ELECTRONIC MAIL WILL NOT BE ACCEPTED.**

- f. Receipt of Service. Claimants wishing to receive acknowledgment that their Proofs of Claim were received by DRC must submit (i) a copy of the Proof of

Claim Form (in addition to the original Proof of Claim Form sent to DRC) and (ii) a self-addressed, stamped envelope.

IV. Consequences of Failure to File a Proof of Claim

17. Any person or entity who is required (and not otherwise exempt), but fails to file a Proof of Claim in accordance with this Order on or before the applicable Bar Date shall be forever barred, estopped, and enjoined from asserting such claim against the Debtor (or filing a Proof of Claim with respect thereto) and the Debtor and its respective property shall be forever discharged from any and all indebtedness or liability with respect to or arising from such claim. Moreover, such creditor shall be prohibited from voting to accept or reject any plan filed in this Chapter 11 Case, participating in any distribution in this Chapter 11 Case on account of such claim, or receiving further notices regarding such claim.

V. Bar Date Notice Procedures

18. On or as soon as is reasonably practicable after the date on which this Order is entered, the Debtor proposes to cause the Notice of Commencement and Proof of Claim Form, substantially in the forms attached hereto as Exhibit B and Exhibit C, respectively, to be served via email if email address information is available and, if no email address is available, then via first class mail to the following entities (or their respective counsel, if known):

- i. the U.S. Trustee;
- ii. proposed counsel for any statutory committee, if any;
- iii. all known claimants and their counsel (if known) as of the date of entry of this Order;
- iv. all persons and other entities that have requested notice of the proceedings in this Chapter 11 Case pursuant to Bankruptcy Rule 2002 as of the date of this Order;
- v. all known equity holders of the Debtor as of the date this Order;
- vi. all persons and other entities that have filed proofs of claim in this Chapter 11 Case as of the date of this Order;
- vii. all persons and other entities who are party to executory contracts and unexpired leases with the Debtor;
- viii. all persons and other entities who are party to litigation with the Debtor;
- ix. all current and former employees (to the extent that contact

information for former employees is available in the Debtor's records);

- x. all regulatory authorities that regulate the Debtor's business;
- xi. the Office of the Texas Attorney General;
- xii. all taxing authorities for the jurisdictions in which the Debtor maintains or conducts business;
- xiii. the United States Internal Revenue Service;
- xiv. the United States Attorney's Office for the Western District of Texas, and all applicable governmental units;
- xv. the consolidated Top Thirty (30) largest unsecured creditors for the Debtor;
- xvi. All other parties included on the proposed Complex Case Service List;
- xvii. The Patients, and
- xviii. such additional persons and entities deemed appropriate by the Debtor.

- (a) The Debtor shall post the Proof of Claim Form on the website established by DRC for the Debtor's case: <https://www.donlinrecano.com/westlake>.

19. DRC is authorized to undertake all mailings directed by the Court, the U.S. Trustee, or as required by the Bankruptcy Code, including, but not limited to, the Notice of Commencement.

VI. Waiver of Bankruptcy Rules 6004(a) and 6004(h)

20. To the extent that any aspect of the relief sought herein constitutes a use of property under Section 363(b) of the Bankruptcy Code, the Court hereby waives the notice requirements under Bankruptcy Rule 6004(a) and the 14-day stay under Bankruptcy Rule 6004(h), to the extent applicable.

VII. Miscellaneous

21. Nothing in the Motion or this Order or the relief granted (including any actions taken or payments made by the Debtor pursuant thereto) shall be construed as (i) authority to assume or reject any executory contract or unexpired lease of real property, or as a request for the same; (ii) an admission as to the validity, priority, or character of any claim or other

asserted right or obligation, or a waiver or other limitation on the Debtor's ability to contest the same on any ground permitted by bankruptcy or applicable non-bankruptcy law; (iii) a promise or requirement to pay any claim or other obligation, or (iv) granting third-party-beneficiary status, bestowing any additional rights on any third party, or being otherwise enforceable by any third party.

22. Notwithstanding Bankruptcy Rule 6004(h), this Order shall be effective and enforceable immediately upon entry hereof.

23. The Debtor is authorized to take all actions necessary to implement the relief granted in this Order.

24. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, or enforcement of this Order.

END OF ORDER

Submitted by:

Charlie Shelton
Bar Number: 24079317
Ruth Van Meter
Bar Number: 20661570
HAYWARD PLLC
7600 Burnet Road, Suite 530
Austin, TX 78757
(737) 881-7100 (Phone/Fax)
cshelton@haywardfirm.com
rvanmeter@haywardfirm.com

**PROPOSED ATTORNEYS FOR
WESTLAKE SURGICAL, L.P. D/B/A
THE HOSPITAL AT WESTLAKE
MEDICAL CENTER**

Information to identify your case:

Debtor	<u>Westlake Surgical, L.P.</u>	EIN	<u>82-0578078</u>
	Name		
United States Bankruptcy Court for the:	<u>WESTERN DISTRICT OF TEXAS</u>	[Date case filed for chapter 11	<u>09 / 08 / 2023</u> OR
			MM/DD/YYYY
Case Number:	<u>23-10747</u>	[Date case filed in chapter	<u>MM/DD/YYYY</u>
		Date case converted to chapter 11	<u>MM/DD/YYYY</u>]

Official Form 309F1 (For Corporations or Partnerships)

Notice of Chapter 11 Bankruptcy Case

10/20

For the debtor listed above, a case has been filed under chapter 11 of the Bankruptcy Code. An order for relief has been entered.

This notice has important information about the case for creditors and debtors, including information about the meeting of creditors and deadlines. Read both pages carefully.

The filing of the case imposed an automatic stay against most collection activities. This means that creditors generally may not take action to collect debts from the debtor or the debtor's property. For example, while the stay is in effect, creditors cannot sue, assert a deficiency, repossess property, or otherwise try to collect from the debtor. Creditors cannot demand repayment from the debtor by mail, phone, or otherwise. Creditors who violate the stay can be required to pay actual and punitive damages and attorney's fees.

Confirmation of a chapter 11 plan may result in a discharge of debt. A creditor who wants to have a particular debt excepted from discharge may be required to file a complaint in the bankruptcy clerk's office within the deadline specified in this notice. (See line 11 below for more information.)

To protect your rights, consult an attorney. All documents filed in the case may be inspected at the bankruptcy clerk's office at the address listed below or through PACER (Public Access to Court Electronic Records) at <https://pacer.uscourts.gov>, or by visiting the court-appointed claims agent's website at: www.donlinrecano.com/westlake.

The staff of the bankruptcy clerk's office cannot give legal advice.

Do not file this notice with any proof of claim or other filing in the case.

1. **Debtor's full name** Westlake Surgical, L.P. d/b/a The Hospital at Westlake Medical Center
2. **All other names used in the last 8 years**
3. **Address**
5656 Bee Caves Rd., Ste. M 302
West Lake Hills, TX 78746
(CORRECTED ADDRESS FROM THE INITIAL NOTICE OF COMMENCEMENT, DATED 9/12/2023)
4. **Debtor's attorney**
Name and address: Herbert C. Shelton, II
Ruth Van Meter
Hayward PLLC
7600 Burnet Road, Suite 530
Austin, Texas 78757
Contact phone: (737) 881-7100
Email: cshelton@haywardfirm.com
rvanmeter@haywardfirm.com
5. **Bankruptcy clerk's office**
Documents in this case may be filed at this address: 903 San Jacinto, Suite 322
Austin, Texas 78701
Hours open: Monday - Friday 8:00 AM - 4:00 PM
Contact phone: (512) 916-5237
You may inspect all records filed in this case at this office or online at <https://pacer.uscourts.gov>. Or by visiting the court-appointed claims agent's website at: www.donlinrecano.com/westlake
6. **Meeting of creditors**
The debtor's representative must attend the meeting to be questioned under oath.
Creditors may attend, but are not required to do so.
Date: October 10, 2023 at Time: 10:00 AM
Location: **Telephone Conference**
Phone Number: (866) 711-2282
Participant Code: 3544189#
The meeting may be continued or adjourned to a later date. If so, the date will be on the court docket.

For more information, see page 2

Debtor Westlake Surgical, L.P.
Name

Case number (if known) 23-10747

7. Proof of claim deadline

Deadline for filing a proof of claim:
For all creditors (except governmental units): January 8, 2024
For governmental units: March 6, 2024

1) Each of the following persons or entities holding claims against the Debtor arising before the Petition Date must file Proofs of Claim **so as to be actually received** on or before the applicable deadline:

- a) any person or entity whose claim against the Debtor is not listed in the Debtor's Schedules or is listed as contingent, unliquidated or disputed if such person or entity desires to participate in this Chapter 11 Case or share in any distribution in this Chapter 11 Case; and
- b) any person or entity who believes that his/her/its claim is improperly classified in the Schedules or is listed in an incorrect amount and who desires to have his/her/its claim allowed in a different classification or amount other than that identified in the Schedules.

2) Each Proof of Claim must be filed, including supporting documentation, as follows:

DO NOT FILE YOUR CLAIM WITH THE BANKRUPTCY COURT.

a) by electronic submission through the interface available at <https://donlinrecano.com/clients/wls/fileclaim> or

b) If proof of claim is sent by mail, send to: Donlin, Recano & Company, Inc.
Re: Westlake Surgical, L.P.
P.O. Box 199043
Blythebroune Station
Brooklyn, NY 11219

c) if proof of claim is sent by overnight courier or hand-delivery, send to: Donlin, Recano & Company, Inc.
c/o Equiniti
Re: Westlake Surgical, L.P.
48 Wall Street, 22nd Floor
New York, NY 10005

d) ATTENTION TO PATIENTS (PAST AND PRESENT) – FILING A PROOF OF CLAIM IS A PUBLICLY VIEWABLE EVENT. IF YOU PREFER TO FILE A PROOF OF CLAIM WITHOUT USING YOUR NAME OR ADDRESS, PLEASE CONTACT DONLIN AT wlsinfo@drc.equiniti.com OR TOLL FREE AT 1-866-745-0270 TO OBTAIN THE SPECIAL IDENTIFICATION NUMBER THAT HAS BEEN ASSIGNED TO YOU.

PROOFS OF CLAIM SUBMITTED BY FACSIMILE OR ELECTRONIC MAIL WILL NOT BE ACCEPTED.

3) Any person or entity who is required but fails to file a Proof of Claim on or before the deadline shall be forever barred, estopped, and enjoined from asserting such claim against the Debtor, and the Debtor and its respective property shall be forever discharged from any and all indebtedness or liability with respect to or arising from such claim. Such person or entity will also be prohibited from voting to accept or reject any plan filed in this Chapter 11 Case, participating in any distribution in this Chapter 11 Case on account of such claim, or receiving further notices regarding such claim

A proof of claim is a signed statement describing a creditor's claim. A proof of claim form may be obtained at www.uscourts.gov or any bankruptcy clerk's office. A proof of claim form may be filed either electronically or as a paper document. For more information on how to file a Proof of Claim, visit the court-appointed claims agent's website at www.donlinrecano.com/westlake.

Your claim will be allowed in the amount scheduled unless:

- ☐ your claim is designated as *disputed*, *contingent*, or *unliquidated*;
- ☐ you file a proof of claim in a different amount; or
- ☐ you receive another notice.

If your claim is not scheduled or if your claim is designated as *disputed*, *contingent*, or *unliquidated*, you must file a proof of claim or you might not be paid on your claim and you might be unable to vote on a plan. You may file a proof of claim even if your claim is scheduled.

You may review the schedules at the bankruptcy clerk's office, online at <https://pacer.uscourts.gov>, or at the court-appointed claims agent's website at www.donlinrecano.com/westlake.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

8. Exception to discharge deadline

If Section 523(c) applies to your claim and you seek to have it excepted from discharge, you must start a judicial proceeding by filing a complaint by the deadline stated below.

The bankruptcy clerk's office must receive a complaint and any required filing fee by the following deadline.

Deadline for filing the complaint: _____

9. Creditors with a foreign address

If you are a creditor receiving notice mailed to a foreign address, you may file a motion asking the court to extend the deadlines in this notice. Consult an attorney familiar with United States bankruptcy law if you have any questions about your rights in this case.

**10. Filing a Chapter 11
bankruptcy case**

Chapter 11 allows debtors to reorganize or liquidate according to a plan. A plan is not effective unless the court confirms it. You may receive a copy of the plan and a disclosure statement telling you about the plan, and you may have the opportunity to vote on the plan. You will receive notice of the date of the confirmation hearing, and you may object to confirmation of the plan and attend the confirmation hearing. Unless a trustee is serving, the debtor will remain in possession of the property and may continue to operate its business.

11. Discharge of debts

Confirmation of a chapter 11 plan may result in a discharge of debts, which may include all or part of your debt. See 11 U.S.C. Section 1141(d). A discharge means that creditors may never try to collect the debt from the debtor except as provided in the plan. If you want to have a particular debt owed to you excepted from the discharge and Section 523(c) applies to your claim, you must start a judicial proceeding by filing a complaint and paying the filing fee in the bankruptcy clerk's office by the deadline.

YOU HAVE 14 DAYS FROM THE DATE IN THE HEADER OF THIS NOTICE TO OBJECT TO THE DEBTOR'S EMERGENCY MOTION FOR ENTRY OF ORDER (I) ESTABLISHING COMPLEX CASE SERVICE LIST AND NOTICE PROCEDURES; (II) APPROVING THE FORM AND MANNER OF NOTICE OF THE COMMENCEMENT OF THE CHAPTER 11 CASE, AND (III) SETTING BAR DATES FOR FILING PROOFS OF CLAIM (THE "MOTION").

The Motion can be inspected at the Clerk's Office, or online at <https://pacer.uscourts.gov>, or by visiting the website of the Court-Appointed Claims Agent at: www.donlinrecano.com/westlake.

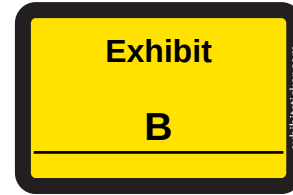
If you have questions regarding this Notice, please contact the restructuring information center toll free at 1-866-745-0270, or submit an inquiry via email at wlsinfo@drc.equiniti.com.

Fill in this information to identify the case:

Debtor name: Westlake Surgical, L.P.

United States Bankruptcy Court for the Western District of Texas

Case number: 23-10747-smr



Official Form 410

Proof of Claim

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach 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. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

1. Who is the current creditor?

Name of the current creditor (the person or entity to be paid for this claim)

Other names the creditor used with the debtor

Unique Patient ID Number: _____
(If Patient is submitting without name and address)

2. Has this claim been acquired from someone else?

☐ No☐ Yes. From whom? _____

3. Where should notices and payments to the creditor be sent?

Where should notices to the creditor be sent?

Where should payments to the creditor be sent? (if different)

Federal Rule of
Bankruptcy Procedure
(FRBP) 2002(g)

Name

Name

Address

Address

City State Zip Code

City State Zip Code

Contact Phone

Contact Phone

Contact Email

Contact Email

Uniform claim identifier for electronic payments in chapter 13 (if you use one):

4. Does this claim amend one already filed?

☐ No☐ Yes. Claim number on court claims registry (if known) _____

Filed on _____
MM / DD / YYYY

5. Do you know if anyone else has filed a proof of claim for this claim?

☐ No☐ Yes. Who made the earlier filing? _____

Part 2: Give Information About the Claim as of the Date the Case was Filed

6. Do you have any number you use to identify the debtor? ☐ No
☐ Yes. Last 4 digits of the debtor's account or any identification number used to identify the debtor: ____ _

7. How much is the claim? \$ _____. Does this amount include interest or other charges?
☐ No
☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as health care information.

9. Is all or part of the claim secured? ☐ No
☐ Yes. The claim is secured by a lien on property.
Nature of property:
☐ Real estate. If the claim is secured by the debtor's principal residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
☐ Motor vehicle
☐ Other. Describe: _____
Basis for perfection: _____
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)
Value of property: \$ _____
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amounts should match the amount in line 7.)
Amount necessary to cure any default as of the date of the petition: \$ _____
Annual interest rate (when case was filed): _____ %
☐ Fixed
☐ Variable

10. Is this claim based on a lease? ☐ No
☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? ☐ No
☐ Yes. Identify the property: _____

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

☐ No

☐ Yes. Check one:

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

\$ _____

☐ Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ _____

☐ Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ _____

☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ _____

☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ _____

☐ Other. Specify subsection of 11 U.S.C. § 507(a)(____) that applies.

\$ _____

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☐ I am the creditor.

☐ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that 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.

I have examined the information in this *Proof of Claim* and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date _____
MM / DD / YYYY

Signature _____

Print the name of the person who is completing and signing this claim:

Name _____
First name Middle name Last name

Title _____

Company _____
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____
Number Street

City State Zip Code

Contact Phone _____ Email _____

Official Form 410

Instructions for Proof of Claim

United States Bankruptcy Court

12/15

These instructions and definitions generally explain the law. In certain circumstances, such as bankruptcy cases that debtors do not file voluntarily, exceptions to these general rules may apply. You should consider obtaining the advice of an attorney, especially if you are unfamiliar with the bankruptcy process and privacy regulations.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both.
18 U.S.C. §§ 152, 157 and 3571.

How to fill out this form

- Fill in all of the information about the claim as of the date the case was filed.
- Fill in the caption at the top of the form, if not already completed.
- If the claim has been acquired from someone else, then state the identity of the last party who owned the claim or was the holder of the claim and who transferred it to you before the initial claim was filed.
- Attach any supporting documents to this form.
Attach redacted copies of any documents that show that the debt exists, a lien secures the debt, or both. (See the definition of *redaction* on the next page.)

Also attach redacted copies of any documents that show perfection of any security interest or any assignments or transfers of the debt. In addition to the documents, a summary may be added. Federal Rule of Bankruptcy Procedure (called “Bankruptcy Rule”) 3001(c) and (d).
- Do not attach original documents because attachments may be destroyed after scanning.
- If the claim is based on delivering health care goods or services, do not disclose confidential health care information. Leave out or redact confidential information both in the claim and in the attached documents.

- A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, individual’s tax identification number, or financial account number, and only the year of any person’s date of birth. See Bankruptcy Rule 9037.
- For a minor child, fill in only the child’s initials and the full name and address of the child’s parent or guardian. For example, write *A.B., a minor child (John Doe, parent, 123 Main St., City, State)*. See Bankruptcy Rule 9037.

Confirmation that the claim has been filed

To receive confirmation that the claim has been filed, either enclose a stamped self-addressed envelope and a copy of this form or you may access the claims agent’s website (www.donlinrecano.com/westlake) to view the filed form.

Understand the terms used in this form

Administrative expense: Generally, an expense that arises after a bankruptcy case is filed in connection with operating, liquidating, or distributing the bankruptcy estate.
11 U.S.C. § 503.

Claim: A creditor’s right to receive payment for a debt that the debtor owed on the date the debtor filed for bankruptcy. 11 U.S.C. §101 (5). A claim may be secured or unsecured.

Creditor: A person, corporation, or other entity to whom a debtor owes a debt that was incurred on or before the date the debtor filed for bankruptcy. 11 U.S.C. § 101 (10).

Debtor: A person, corporation, or other entity who is in bankruptcy. Use the debtor's name and case number as shown in the bankruptcy notice you received. 11 U.S.C. § 101 (13).

Evidence of perfection: Evidence of perfection of a security interest may include documents showing that a security interest has been filed or recorded, such as a mortgage, lien, certificate of title, or financing statement.

Information that is entitled to privacy: A *Proof of Claim* form and any attached documents must show only the last 4 digits of any social security number, an individual's tax identification number, or a financial account number, only the initials of a minor's name, and only the year of any person's date of birth. If a claim is based on delivering health care goods or services, limit the disclosure of the goods or services to avoid embarrassment or disclosure of confidential health care information. You may later be required to give more information if the trustee or someone else in interest objects to the claim.

Priority claim: A claim within a category of unsecured claims that is entitled to priority under 11 U.S.C. § 507(a). These claims are paid from the available money or property in a bankruptcy case before other unsecured claims are paid. Common priority unsecured claims include alimony, child support, taxes, and certain unpaid wages.

Proof of claim: A form that shows the amount of debt the debtor owed to a creditor on the date of the bankruptcy filing. The form must be filed in the district where the case is pending.

Redaction of information: Masking, editing out, or deleting certain information to protect privacy. Filers must redact or leave out information entitled to **privacy** on the *Proof of Claim* form and any attached documents.

Secured claim under 11 U.S.C. § 506(a): A claim backed by a lien on particular property of the debtor. A claim is secured to the extent that a creditor has the right to be paid from the property before other creditors are paid. The amount of a secured claim usually cannot be more than the value of the particular property on which the creditor has a lien. Any amount owed to a creditor that is more than the value of the property normally may be an unsecured claim. But exceptions exist; for example, see 11 U.S.C. § 1322(b) and the final sentence of 1325(a).

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 may be a lien.

Setoff: Occurs when a creditor pays itself with money belonging to the debtor that it is holding, or by canceling a debt it owes to the debtor.

Uniform claim identifier: An optional 24-character identifier that some creditors use to facilitate electronic payment.

Unsecured claim: A claim that does not meet the requirements of a secured claim. A claim may be unsecured in part to the extent that the amount of the claim is more than the value of the property on which a creditor has a lien.

Offers to purchase a claim

Certain entities purchase claims for an amount that is less than the face value of the claims. These entities may contact creditors offering to purchase their claims. Some 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, the bankruptcy trustee, or the debtor. A creditor has no obligation to sell its claim. However, if a creditor decides to sell its claim, any transfer of that claim is subject to Bankruptcy Rule 3001(e), any provisions of the Bankruptcy Code (11 U.S.C. § 101 et seq.) that apply, and any orders of the bankruptcy court that apply.

DO NOT FILE YOUR CLAIM WITH THE BANKRUPTCY COURT.

PLEASE SEND COMPLETED PROOF(S) OF CLAIM TO:

If Proof of Claim is sent by mail, send to:

Donlin, Recano & Company, Inc.
Re: Westlake Surgical, L.P.
P.O. Box 199043
Blythebourne Station
Brooklyn, NY 11219

If Proof of Claim is sent by Overnight Courier or Hand Delivery, send to:

Donlin, Recano & Company, Inc.
C/O Equiniti
Re: Westlake Surgical, L.P.
48 Wall Street, 22nd Floor
New York, NY 10005

Alternatively, you may file your claim electronically with Donlin, Recano at the following link:

<https://www.donlinrecano.com/Clients/wls/FileClaim>

PROOFS OF CLAIM SUBMITTED BY FACSIMILE OR ELECTRONIC MAIL WILL NOT BE ACCEPTED.