



SO ORDERED.

SIGNED this 2nd day of April, 2020.

Lena Mansori James

LENA MANSORI JAMES
UNITED STATES BANKRUPTCY JUDGE

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION

In Re:)	
)	CASE NO. 20-10247
Randolph Hospital, Inc. d/b/a Randolph Health,)	
)	CHAPTER 11
)	
Debtors. ¹)	

FINAL ORDER IMPLEMENTING CERTAIN NOTICE AND CASE MANAGEMENT PROCEDURES

THIS MATTER came on for hearing on April 2, 2020 upon the motion (the “Motion”) ² of Randolph Hospital, Inc. d/b/a Randolph Health and certain of its affiliates (“Randolph” or the “Debtors”), the above-captioned debtors in possession, for entry of an order pursuant to Section 105(a) of Title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the “Bankruptcy Code”), and Rules 2002(m) and 9007 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy

¹ The Debtors in this case, along with each Debtor’s case number, are: Randolph Hospital, Inc. d/b/a Randolph Health, Case No. 20-10247; Randolph Specialty Group Practice, Case No. 20-10248; and MRI of Asheboro, LLC d/b/a Randolph MRI Center, Case No. 20-10249. These Chapter 11 cases have been consolidated for procedural purposes and are being jointly administered pursuant to an Order entered in each case on March 12, 2020.

² Capitalized terms used herein but not otherwise defined shall have the meanings ascribed to such terms in the Motion.

Rules”), establishing certain notice, case management, and administrative procedures (the “Order”); and it appearing that the relief requested in the Motion is the best interests of the Debtors’ estates, their creditors and other parties in interest; and it appearing that the Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334 and LR83.11 of the United States District Court for the Middle District of North Carolina; and it appearing that this proceeding is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and it appearing that venue of this proceeding is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and an interim Order having been entered on the Motion on March 13, 2020 [DE 69]; and it appearing that notice of the Motion and opportunity for a hearing on the Motion was appropriate under the circumstances and that no other or further notice with respect to the Motion need be given; and after due deliberation and sufficient cause appearing therefore, it is HEREBY ORDERED:

1. The Motion is granted on the terms as set forth herein.

Notice Procedures

2. The Debtors are authorized and directed to establish a master service list (the “Master Service List”) that includes the following parties-in-interest:
 - a. The Debtors and their counsel;
 - b. The Bankruptcy Administrator for the Middle District of North Carolina;
 - c. Counsel to any official committee(s) established in the Chapter 11 Cases pursuant to § 1102 of the Bankruptcy Code (the “Committee”);
 - d. The Debtors’ thirty (30) largest unsecured creditors;
 - e. Counsel to the Debtors’ prepetition and post-petition secured creditors;
 - f. The United States Department of Justice;
 - g. The Civil Process Clerk for the United States Attorney’s Office for the

Middle District of North Carolina;

- h. The United States Department of Housing and Urban Development;
- i. The United States Department of Health and Human Services;
- j. The Attorney General's Office for the State of North Carolina;
- k. The North Carolina Department of Health and Human Services;
- l. All counsel having entered a notice of appearance in the case, but only one copy of the filing regardless of how many creditors or parties in interest the counsel represents; and
- m. Those parties that may be added to the Master Service List upon written request to the Debtors or as ordered by the Court for good and sufficient cause.

3. Any creditor or party-in-interest that wishes to receive notice other than as required in accordance with Bankruptcy Rule 2002 must file a notice of appearance and request for service of papers (a "Request") with the Clerk of the Court and serve a copy of such Request upon each of the parties set forth on the Master Service List. Each Request must include such party's (i) name, (ii) address, (iii) name of client, if applicable, (iv) telephone number, (v) facsimile telephone number, and (vi) electronic mail ("e-mail") address, unless such party files a request to be exempted from providing an e-mail address.

4. The Debtors shall update the Master Service List to include the names, mailing addresses, and e-mail addresses of any party-in-interest who has filed a Request to be added and file the updated Master Service List with the Court. Such updates shall be made weekly for the first sixty (60) days and filed with the Court on or before Thursday at 5:00 p.m., prevailing Eastern Time, of each given week. Thereafter, the Debtors shall update the Master Service List on or

before the tenth (10th) day of each month and file it on the case docket. In the event that no changes are made during the applicable period, the Debtors shall file a notice with the Court that no changes were made to the Master Service List. Further, the Debtors shall provide the clerk's office with a document reflecting the changes made to the Master Service List.

5. Except as provided in paragraph 6 below, all Pleadings for which particular notices are required by Bankruptcy Rules 2002(a)(2), (3), and (6), 4001, 6004, 6006, 6007, or 9019 shall be served on the Master Service List and additionally in accordance with the following procedures, unless otherwise ordered by the Court:

- (a) Pleadings related to the use, sale, lease, or abandonment of property other than in the ordinary course of business shall be served on each entity having an interest in the property;
- (b) Pleadings related to relief from, or otherwise related to, the automatic stay shall be served on each entity having a lien or encumbrance on the affected property;
- (c) Pleadings relating to the use of cash collateral or obtaining debtor in possession financing shall be served on each entity with an interest in the cash collateral or each entity with a lien or other interest in property on which a lien is proposed to be granted;
- (d) Pleadings relating to approval of proposed compromises or settlements shall be served on any entity that is a party to the compromise or settlement or which may be directly adversely affected thereby;

- (e) Pleadings relating to rights under § 365 of the Bankruptcy Code shall be served on each party to the executory contract(s) or unexpired lease(s) affected thereby; and
- (f) Notice of other matters for which the Federal Rules of Bankruptcy Procedure specifically require notice to all parties in interest shall be served on all creditors and equity security holders of the Debtor and parties in interest, except as set forth herein or as otherwise authorized by the Court.

6. Except as set forth herein or as otherwise authorized by the Court, the time and service party limitations set forth in the Service and Notice Procedures shall not apply to the instant Order (which shall be served on the entire creditor mailing matrix), or to the matters or proceedings described in the following Federal Rules of Bankruptcy Procedure:

- (a) Rule 2002(a)(1) (any meetings of creditors pursuant to § 341 of the Bankruptcy Code);
- (b) Rule 2002(a)(2) (any proposed use, sale, or lease of property of the estate, other than in the ordinary course of business to the extent that such use, sale, or lease concerns all or substantially all the Debtor's assets);
- (c) Rule 2002(a)(3) (the hearing on approval of a compromise or settlement of a controversy, other than approval of an agreement pursuant to Bankruptcy Rule 4001(d)(1), to the extent that such compromise or settlement involves claims between and among the Debtor and the Official Committee of Unsecured Creditors or a plan of reorganization);
- (d) Rule 2002(a)(4) (a hearing upon the dismissal of the case, or the conversion of the case to another chapter);

- (e) Rule 2002(a)(5) (the time fixed to accept or reject a proposed modification of a plan of reorganization);
- (f) Rule 2002(a)(7) (the time fixed for filing proofs of claim pursuant to Rule 3003(c));
- (g) Rule 2002(b)(1) (the time fixed for filing objections and any hearing to consider approval of a disclosure statement);
- (h) Rule 2002(b)(2) (the time fixed for filing objections and any hearing to consider confirmation of a plan of reorganization);
- (i) Rule 2002(d) (certain matters for which notice is to be provided to equity security holders);
- (j) Rule 2002(f)(1) (the entry of an order for relief in this case);
- (k) Rule 2002(f)(2) (the dismissal or conversion of the case to one under another chapter of the Bankruptcy Code);
- (l) Rule 2002(f)(5) (the time fixed for filing a complaint to determine the dischargeability of a debt pursuant to § 523 of the Bankruptcy Code, as provided in Bankruptcy Rule 4007);
- (m) Rule 2002(f)(6) (the waiver, denial, or revocation of a discharge as provided in Rule 4006);
- (n) Rule 2002(f)(7) (the entry of an order confirming a Chapter 11 plan of reorganization); and
- (o) Rule 2002(f)(8) (a summary of the trustee's final report and account, should the case be converted to one under Chapter 7 of the Bankruptcy Code).

All the foregoing matters or proceedings set forth in paragraph 6 of this Order shall be noticed in accordance with the applicable provisions of Rule 2002 of the Federal Rules of Bankruptcy Procedure, unless otherwise ordered by the Court or otherwise proscribed by the Bankruptcy Code. *Provided, however*, that nothing in this Order shall prejudice (i) the right of the Debtor or any party-in-interest to move the Court to further limit or expand notice of such matters and proceedings upon a showing of good cause, including, but not limited to, the right to file a motion seeking emergency *ex parte* consideration or consideration upon shortened time; or (ii) the rights of any party to seek an enlargement or reduction of a time period under Rule 9006(b) or (c) of the Federal Rules of Bankruptcy Procedure.

7. Upon the completion of noticing any particular matter, the Debtors shall file with the Court either an affidavit of service or certificate of service, annexing thereto the list of those parties to whom notice was provided.

Hearings and Related Procedural Matters

8. The Debtors are authorized to schedule, in cooperation with the Court, periodic Omnibus Hearings at which Pleadings shall be heard. If Omnibus Hearings are scheduled, the guidelines set out below shall apply.

9. Adversary Proceedings and Claims Objections. The Court may set separate hearing dates for claim objections and for pre-trial conferences and trials in connection with adversary proceedings. Initial pre-trial conferences in connection with adversary proceedings shall be scheduled on the next available hearing date that is at least 45 days after the filing of a complaint, unless otherwise ordered by the Court.

10. Hearings Scheduled in Error. If a document is filed by a non-Debtor party that purports to set a hearing date inconsistent with the Procedures herein, the hearing shall be

scheduled, without the necessity of Court order, for the first Omnibus Hearing after the applicable notice period has expired. If this occurs, the Debtors shall provide the movant with notice of these Procedures within five (5) business days of the Debtors' receipt of the documents that are erroneously filed. Further, the Debtors shall file and serve an amended notice of hearing with respect to such matter previously improperly noticed.

11. Guidelines for Setting a Hearing Date. Pleadings other than those filed as set forth above shall not be considered by the Court unless filed and served in accordance with these Procedures at least 21 calendar days before the scheduled hearing date. Notwithstanding Bankruptcy Rule 9006(f), no additional days shall be added to such 21-day period if Pleadings are served by U.S. mail. Nothing in these Procedures shall prejudice the right of any party to move the Court to request an enlargement or reduction of any time period under Bankruptcy Rules 6006(b) and 9006(b)-(c). Debtors' counsel, together with any affected party or parties, may, without leave of the Court, unless the Court orders otherwise, adjourn any matter to a subsequent fixed Omnibus Hearing date. The Court will post all upcoming Omnibus Hearing dates on the website for the United States Bankruptcy Court for the Middle District of North Carolina, which is available at <http://www.ncmb.uscourts.gov/news/chapter-11-case-no-20-10247-randolph-hospital-inc>. The Debtors shall also provide notice of the Omnibus Hearing dates on the website maintained by Epiq.

12. Notice of Hearing. A "Notice of Hearing," using the format attached hereto as Exhibit "A", which is available on the Court's website referenced above, shall be affixed as a first page to all motions, applications, or other requests for relief, and shall include the following:

- (a) The title of the Pleading;
- (b) The Parties upon whom any response or objection to the Pleading is

required to be served;

- (c) The date and time of the applicable objection deadline (the “Applicable Objection Deadline”);
- (d) The date of the Omnibus Hearing or other hearing date (as ordered by the Court) at which the Court will consider the Pleading (the “Applicable Hearing Date”); and
- (e) If applicable, a statement that the relief requested in the Pleading may be granted without a hearing if no objection is timely filed and served in accordance with the Service and Notice Procedures.

13. Telephonic Appearances. If a party desires to participate in a hearing by telephone, such party must contact the courtroom deputy and notify attorneys for the Debtors at least 48 hours prior to the scheduled hearing; provided, however, that the Committee and its counsel may participate in a hearing by telephone on less than 48 hours’ notice if approved by the Court. If the Court permits telephonic participation, the party participating must arrange such telephonic appearance with the Clerk of the Bankruptcy Court, adhering to the procedures applicable in the United States Bankruptcy Court for the Middle District of North Carolina, as well as those required by the Judge assigned to the Chapter 11 Cases.

14. Objection Deadlines. Objections to any Pleading shall be filed and served (i) no later than seven (7) calendar days before the applicable hearing date or (ii) such other date otherwise ordered by the Court (“Objection Deadline”). The Objection Deadline may be extended with the consent of the Pleading movant or applicant, and without the need for further order of the Court, provided that (i) the party requesting the extension, or another interested party, files notice on the case docket indicating the objection deadline has been extended, and (ii) the extended

objection deadline shall be set no later than three (3) business days before the scheduled hearing. The objection will not be considered timely filed unless filed with the Court and received by all parties on the Master Service List and the interested movant, on or before the applicable Objection Deadline. Parties filing an objection shall include their telephone and facsimile numbers in the signature block on the last page of the objection.

15. Deadline for Filing Reply. Unless otherwise ordered by the Court, a reply to an objection shall be filed with the Court and served in accordance with these Procedures on or before 12:00 noon, prevailing Eastern Time, on the day that is at least two business days before the date of a hearing.

16. Relief Without a Hearing. The Court may approve the relief requested in an original Pleading without a hearing provided that (i) no objection or request for a hearing has been timely filed by the applicable Objection Deadline, (ii) after the Objection Deadline, the attorney for the moving party files with the Court (and if the motion, application, or other paper was filed by a party other than the Debtors, serves by hand delivery or overnight mail upon the attorneys for the Debtors), a certificate stating that no objections to such Pleading have been timely filed and served upon the moving party, and (iii) on the next business day following filing and serving such a certificate, the attorney for the moving party delivers to the Court, by U.S. mail, electronic transmission, or hand or overnight delivery, each of the following: (a) the certificate described in subsection (ii) above, and (b) an electronic copy of an order granting the relief requested in the applicable Pleading (collectively, the “Presentment Package”). Upon receipt of the Presentment Package, the Court may grant the relief requested in the Pleading without further submission, hearing, or request. If the Court does not enter the order provided with the Presentment Package at least one (1) business day prior to the hearing date set in accordance with the Procedures, such

Pleading will be considered by the Court at such hearing.

17. Proposed Hearing Agenda. By 12:00 p.m., prevailing Eastern Time, on the day prior to each hearing day, the Debtors' counsel shall provide to the Court, the parties listed in the Master Service List, and any additional parties-in-interest, a proposed agenda letter with regard to the matters which are or were to be heard on such hearing day. The agenda may and should be updated after the initial submission if necessary. The agenda shall list disputed matters first and will be limited to substantive Pleadings – motions and responses — and need not include the supporting affidavits, exhibits, or miscellaneous filings, such as notices of adjournment and affidavits of service.

18. Settlements. In the event that a matter is properly noticed for hearing and the parties reach agreement on a settlement of the dispute prior to the final hearing, the parties may announce the settlement at the scheduled hearing on the hearing day. In the event the Court determines that the notice of the dispute and the hearing is adequate notice of the effects of the settlement (*i.e.*, that the terms of the settlement are not materially different from what parties-in-interest could have expected if the dispute were fully litigated), the Court may approve the settlement at the hearing without further notice of the terms of the settlement. In the event the Court determines that additional or supplemental notice is required, the Debtors shall serve such notice in accordance with the Procedures set forth herein and a hearing to consider such settlement shall be calendared on the next hearing day deemed appropriate by the Court.

19. Bridge Orders. If a motion to extend the time to take any action is filed before the expiration of the period prescribed by the Bankruptcy Code, the Bankruptcy Rules, the Local Rules, or the provisions of any order entered by this Court, the time shall automatically be extended until the Court acts on the motions, without the necessity for the entry of a bridge order.

Automatic Stay Proceedings

20. Hearings and Objection Deadlines. Notwithstanding anything contained herein, motions for relief from the automatic stay filed pursuant to § 362 of the Bankruptcy Code shall be noticed for consideration on the Omnibus Hearing date that is at least twenty-one (21) days after the motion is filed and notice is served upon the Debtors. Unless otherwise ordered by the Court, the objection deadline shall be five (5) calendar days before the scheduled hearing.

21. Automatic Relief Provision Inapplicable. Notwithstanding § 362(e) of the Bankruptcy Code, if a scheduled motion with respect to a request for relief under § 362(d) of the Bankruptcy Code is adjourned to a date that is on or after the thirtieth day after the moving party's request for relief was made, the moving party shall be deemed to have consented to the automatic stay remaining in effect pending the conclusion of a final hearing and determination under § 362(d) of the Bankruptcy Code, and shall be deemed to have waived its right to assert the termination of the automatic stay under § 362(e) of the Bankruptcy Code. Further, a reference to § 363(e) must be set forth in both the caption and the body of any such motion.

22. The Debtors are authorized and empowered to take all actions necessary to implement the relief granted in this Order.

23. Notwithstanding the possible applicability of Bankruptcy Rules 6004, 7062 and 9014, or otherwise, the terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

24. All time periods set forth in this Order shall be calculated in accordance with Bankruptcy Rule 9006(a).

25. The Court retains jurisdiction with respect to all matters arising from or related to the implementation of this Order.

26. Nothing in this Order shall be construed to modify the method of service of process as required under Fed. R. Bankr. P. 9014 and/or 7004, as applicable.

27. The provisions of this Order regarding the scheduling and attendance of hearings is subject to change in the event of ongoing health or weather emergencies. Parties should consult the Court's website for updated information.

28. The Debtors are directed to serve a copy of this Order on all the required parties described herein, within three (3) days of entry of this Order and to file a certificate of service with the Clerk of Court.

[END OF DOCUMENT]

EXHIBIT A

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF NORTH CAROLINA
GREENSBORO DIVISION

In Re:) CASE NO. 20-10247
)
Randolph Hospital, Inc. d/b/a Randolph) CHAPTER 11
Health,)
)
Debtors.¹)

NOTICE OF HEARING ON

PLEASE TAKE NOTICE that a hearing (the "Hearing") to consider the _____ [Dkt. No. ____] (the "_____") filed by _____ (the "Movant") on the ____ day of _____, _____ in the above bankruptcy case of Randolph Hospital, Inc. d/b/a Randolph Health (the "Debtor") shall be held before the United States Bankruptcy Court for the Middle District of North Carolina (the "Bankruptcy Court") located at 101 S. Edgeworth Street, Greensboro, North Carolina 27401 on _____ at _____ (Eastern Time).

PLEASE TAKE FURTHER NOTICE that responses or objections, if any, to the relief requested in the _____ must be in writing, conform to the Federal Rules of Bankruptcy Procedure, the Local Rules of the Bankruptcy Court, and the procedures described in the *Order Establishing Certain Notice and Case Management Procedures* [Dkt. No. __] (the "Case Management Order") entered by the Bankruptcy Court on _____. Any responses or objections shall be served in accordance with the Case Management Order on the following parties:

Any response must be filed and served so as to be received no later than on _____ (the "Objection Deadline"). If you mail your request or response, you must mail it early enough so the parties will receive it on or before the Objection Deadline. If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the _____ and may enter an order granting that relief.

Respectfully submitted, this ____ day of _____, _____.

Movant's Attorney

¹ The Debtors are Randolph Hospital, Inc. d/b/a Randolph Health, Case No. 20-10247; Randolph Specialty Group Practice, Case No. 20-10248; and MRI of Asheboro, LLC d/b/a Randolph MRI Center, Case No. 20-10249.