



ENTERED  
11/08/2017

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE	§	Chapter 11
	§	
ABC DENTISTRY, P.A., <i>et al.</i> <sup>1</sup>	§	Case No. 16-34221
	§	
DEBTORS.	§	Jointly Administered
	§	

**ORDER (A) APPROVING DEBTORS SECOND AMENDED DISCLOSURE STATEMENT; (B) FIXING VOTING RECORD DATE; (C) APPROVING SOLICITATION MATERIALS AND PROCEDURES FOR DISTRIBUTION THEREOF; (D) APPROVING FORMS OF BALLOTS AND ESTABLISHING PROCEDURES FOR VOTING ON PLAN; (E) SCHEDULING HEARING AND ESTABLISHING NOTICE AND PROCEDURES FOR FILING OBJECTIONS TO CONFIRMATION OF THE PLAN, AND (F) GRANTING RELATED RELIEF**

Upon consideration of the Debtors second amended motion for entry of an order (a) approving the Disclosure Statement (as defined below), (b) fixing the deadline by which creditors must vote to accept or reject the Debtors' proposed chapter 11 plan of reorganization, (c) approving solicitation materials and procedures for distribution thereof, (d) approving a form of ballots and establishing procedures for voting on the Debtors' proposed chapter 11 plan of reorganization, (e) scheduling a hearing and establishing notice and procedures for objecting to confirmation of the Debtors' proposed chapter 11 plan, and (f) granting related relief (the "Motion");<sup>2</sup> and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. § 1334; and venue being proper before this Court under 28 U.S.C. § 1408; and upon consideration of the Disclosure Statement; and the statements of the parties at the hearing to consider the Disclosure Statement (the "Disclosure Statement Hearing"); and the

<sup>1</sup> The Debtors in these chapter 11 cases are: ABC Dentistry, P.A.; ABC Dentistry West Orem, P.L.L.C.; and ABC Dentistry Old Spanish Trail, P.L.L.C.

<sup>2</sup> Capitalized terms not otherwise defined herein shall have the meaning given in the Motion or the Disclosure Statement, as applicable.

Court having determined that, though the State has expressly reserved its right to object to confirmation of the Debtors' Plan pending resolution of certain of the State Release Agreement's terms, and therefore there is a risk that the Plan will not be confirmed if the State and the Debtors cannot come to a final resolution regarding the State Release Agreement, the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and sufficient notice of the Motion and the Disclosure Statement Hearing having been given; and no other or further notice being necessary or required; and it appearing to the Court, based upon the full record of these cases, that the Motion should be granted; and after due deliberation, and sufficient cause appearing therefor,

**IT IS HEREBY FOUND THAT:**

A. The Disclosure Statement contains adequate information within the meaning of section 1125 of the Bankruptcy Code.

B. The Debtors have the full organizational authority to propose and prosecute the Plan and Disclosure Statement.

C. Notice of the Motion and the Disclosure Statement were served as proposed in the Motion, and such notice constitutes good and sufficient notice to all interested parties and no other or further notice need be provided.

D. The period, set forth below, during which the Debtors may solicit acceptances to the Plan is a reasonable and adequate period of time under the circumstances for creditors entitled to vote to make an informed decision to accept or reject the Plan.

E. The procedures for the solicitation and tabulation of votes to accept or reject the Plan (as more fully set forth in the Motion and in this Order below) provide for a fair and equitable voting process, and are consistent with section 1126 of the Bankruptcy Code.

F. The notice substantially in the form attached hereto as Exhibit 1 (the “Confirmation Hearing Notice”), the notice substantially in the form attached hereto as Exhibit 3 (the “Non-Voting Creditor Notice”), the procedures set forth below for providing notice of the time, date, and place of the hearing to consider confirmation of the Plan (the “Confirmation Hearing”), and the contents of the Confirmation Hearing Notice and the Non-Voting Creditor Notice, comply with Bankruptcy Rules 2002 and 3017 and constitute sufficient notice to all interested parties.

G. The form of Ballots attached hereto as Exhibit 2 is consistent with Official Form No. B314.

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:**

1. The Disclosure Statement is APPROVED. All objections to the Disclosure Statement that have not been otherwise resolved are overruled.
2. The date of the Disclosure Statement Hearing, November 7, 2017, at 1:30 p.m. (Central Time), is established as the record date (the “Voting Record Date”) for purposes of this Order and determining which creditors are entitled to vote on the Plan.
3. The Confirmation Hearing Notice, Solicitation Materials, Non-Voting Creditor Notice, and Ballots are hereby approved.
4. The Confirmation Hearing will commence on December 13, 2017 at 1:30 p.m. and may be adjourned from time to time by the Court without further notice at any time prior to the commencement of the Confirmation Hearing.
5. Objections to confirmation of the Plan, if any, must (a) be in writing; (b) state the name and address of the objecting party; (c) state the amount and nature of the Claim or Interest of such party; (d) state with particularity the basis and nature of any objection to the Plan; and

(e) be filed, together with proof of service, with the Court and served so that they are received by the parties identified in the Confirmation Hearing Notice or the Non-Voting Creditor Notice no later than 4:00 p.m. (Central Time), on December 7, 2017 (the “Confirmation Objection Deadline”). Objections not timely filed and served in the manner set forth above may not be considered by the Bankruptcy Court and may be overruled. The Debtors and any parties supporting confirmation of the Plan may file replies to objections, if any, to confirmation of the Plan at any time prior to the commencement of the Confirmation Hearing.

6. The Debtors shall serve or cause to be served, within three business days from entry of this Order (the “Solicitation Commencement Date”), (i) the Confirmation Hearing Notice, (ii) the Solicitation Materials, and (iii) the Non-Voting Creditor Notice, consistent with the procedures as set forth in the Motion. Copies of this order, the Disclosure Statement, and Plan may be provided by electronic disk or similar electronic storage device.

7. The Solicitation Materials and the proposed manner of service thereof satisfy the requirements of Bankruptcy Rule 3017(d).

8. Pursuant to Bankruptcy Rule 3017(d), the Debtors are not required to transmit Solicitation Materials to the Non-Voting Parties.

9. In the event that any Solicitation Materials, Confirmation Hearing Notices, and Non-Voting Creditor Notices are returned as undeliverable, and the Debtors have not been timely provided with corrected address information by such parties, the Debtors are excused from re-distributing such materials.

10. The Debtors are authorized to make non-substantive changes to the Disclosure Statement, the Plan, the Confirmation Hearing Notice, the Non-Voting Creditor Notice, and related documents without further order of the Court, including ministerial changes to correct

typographical and grammatical errors, and to make conforming changes among the Disclosure Statement, the Plan and any other materials in the Solicitation Materials prior to mailing.

11. December 5, 2017, at 4:00 p.m. (Central Time) is established as the voting deadline (the “Voting Deadline”) for purposes of this Order and solicitation of votes with respect to the Plan.

12. Solely for purposes of voting to accept or reject the Plan and not for the purpose of the allowance of, or distribution on account of, a Claim, and without prejudice to the rights of the Debtors in any other context, each Claim within a class of Claims entitled to vote to accept or reject the Plan is temporarily allowed in an amount equal to the amount of such Claim as set forth in (i) the Debtors’ schedules for claims for which no proof of claim has been filed, except that Claims listed in a zero-dollar amount shall not be entitled to vote; or (ii) a timely filed proof of claim to which no objection has been filed; or (iii) as authorized by subsequent Court order.

13. All Ballots must be properly executed, completed, and the original thereof shall be delivered so as to be actually received no later than the Voting Deadline, to counsel for the Debtors at the following address: Baker Botts L.L.P., 2001 Ross Avenue, Dallas, Texas 75201 (Attn: Omar J. Alaniz).

14. The following procedures and general assumptions shall be used in tabulating the Ballots:

- (a) Creditors must vote all of their Claims within a particular class either to accept or reject the Plan, may not split their vote, and shall be deemed to have voted in the full amount of their Claims. Accordingly, an individual ballot with respect to multiple claims within a single class that partially rejects and partially accepts the Plan shall not be counted.
- (b) Separate Claims held by a single creditor in a particular class held or filed against one or more Debtors on account of the same liability will be treated as if such creditors held one claim in such class and will be entitled to a single vote to accept or reject the Plan, only in an amount of on such claim.

- (c) .
- (d) Only ballots that are timely received and with original signatures shall be counted. Unsigned ballots or ballots with non-original signatures shall not be counted.
- (e) Ballots postmarked prior to the Voting Deadline, but received after the Voting Deadline, shall not be counted.
- (f) Ballots which are illegible, or contain insufficient information to permit the identification of the creditor, shall not be counted.
- (g) If a creditor casts more than one ballot voting the same claim prior to the Voting Deadline, the last valid ballot received prior to the Voting Deadline shall be deemed to reflect the voter's intent and supersede any prior received ballots.
- (h) The Debtors, in their discretion, may waive any defect in any Ballot at any time, either before or after the close of voting and without notice.

15. In accordance with section 1125(e) of the Bankruptcy Code, to the fullest extent permitted by law, none of the Debtors (including each of their respective employees, members, agents, or representatives (including attorneys, accountants, and financial advisors), each solely in their capacity as such) shall have any liability on account of soliciting votes on the Plan or participating in such solicitation, for violation of any applicable law, rule, or regulation governing solicitation of acceptance or rejection of a plan or the offer, issuance, sale, or purchase of securities.

16. The Debtors are authorized to take or refrain from taking any action necessary or appropriate to implement the terms of and the relief granted in this Order without seeking further order of the Court, including, but not limited to, the making of any payments reasonably necessary to perform the actions and distributions contemplated herein.

17. This Court shall retain jurisdiction with respect to all matters related to this Order.

Dated: 11/7/17

  
\_\_\_\_\_  
THE HONORABLE MARVIN HIGUR  
UNITED STATES BANKRUPTCY JUDGE

United States Bankruptcy Court  
Southern District of Texas

In re:  
ABC Dentistry, P.A.  
ABC Dentistry West Orem, PLLC  
Debtors

Case No. 16-34221-mi  
Chapter 11

**CERTIFICATE OF NOTICE**

District/off: 0541-4

User: mrios  
Form ID: pdf002

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Total Noticed: 8

Date Rcvd: Nov 08, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 10, 2017.

db +ABC Dentistry Old Spanish Trail, PLLC, Baker Botts LLP, 2001 Ross Ave.,  
Dallas, tx 75201-2980  
db +ABC Dentistry West Orem, PLLC, Baker Botts LLP, 2001 Ross Ave., Dallas, tx 75201-2980  
db +ABC Dentistry, P.A., 1500 Southmore Avenue, Pasadena, TX 77502-1307  
cr +CP Retail II, LLC, Law Office of Nelson M. Jones III, 440 Louisiana Street, Ste. 1575,  
Houston, Te 77002, UNITED STATES 77002-1655  
cr +Saeed Rohi, DDS, c/o Charles Long, 5851 San Felipe, Suite 950, Houston, TX 77057-8021  
cr The State of Texas, by and through the Civil Medic, c/o Office of the Attorney General,  
Bankruptcy & Collections Division, P. O. Box 12548 MC-008, Austin, TX 78711-2548

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr +E-mail/Text: jking@offermarking.com Nov 08 2017 20:31:44 First Bank & Trust East Texas,  
c/o James W. King, 6420 Wellington Place, Beaumont, TX 77706-3206  
cr E-mail/Text: houston\_bankruptcy@LGBS.com Nov 08 2017 20:32:36 Harris County,  
c/o John P. Dillman, Post Office Box 3064, Houston, TX 77253-3064

TOTAL: 2

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr Luis Barrera dba Radiant Remodeling

TOTALS: 1, \* 0, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 10, 2017

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 8, 2017 at the address(es) listed below:

Ashley Flynn Bartram on behalf of Creditor The State of Texas, by and through the Civil  
Medicaid Fraud Division of the Texas Attorney Generals Office  
ashley.bartram@texasattorneygeneral.gov, elizabeth.martin@texasattorneygeneral.gov  
Chad Lee Barton on behalf of Debtor ABC Dentistry West Orem, PLLC chad.barton@bakerbotts.com,  
chad-barton-2223@ecf.pacerpro.com  
Chad Lee Barton on behalf of Debtor ABC Dentistry Old Spanish Trail, PLLC  
chad.barton@bakerbotts.com, chad-barton-2223@ecf.pacerpro.com  
Chad Lee Barton on behalf of Debtor ABC Dentistry, P.A. chad.barton@bakerbotts.com,  
chad-barton-2223@ecf.pacerpro.com  
Charles E Long on behalf of Creditor Saeed Rohi, DDS clong@cagehill.com, cagehill@cagehill.com  
Charles E Long on behalf of Plaintiff Saeed Rohi clong@cagehill.com, cagehill@cagehill.com  
Christine A March on behalf of U.S. Trustee US Trustee christine.a.march@usdoj.gov  
Hal F Morris on behalf of Interested Party The State of Texas, by and through the Civil  
Medicaid Fraud Division of the Texas Attorney Generals Office hal.morris@texasattorneygeneral.gov  
Hal F Morris on behalf of Creditor The State of Texas, by and through the Civil Medicaid  
Fraud Division of the Texas Attorney Generals Office hal.morris@texasattorneygeneral.gov  
J Mark Brewer on behalf of Plaintiff Saeed Rohi brewer@bplaw.com,  
winans@bplaw.com; hickman@bplaw.com  
J Mark Brewer on behalf of Creditor Saeed Rohi, DDS brewer@bplaw.com,  
winans@bplaw.com; hickman@bplaw.com  
James W King on behalf of Creditor First Bank & Trust East Texas jking@offermarking.com  
Javier Marcos, Jr on behalf of Creditor Luis Barrera jmarcos@marcoslaw.com,  
ecf.southern@marcoslaw.com  
Javier Marcos, Jr on behalf of Creditor Luis Barrera dba Radiant Remodeling  
jmarcos@marcoslaw.com, ecf.southern@marcoslaw.com  
John P Dillman on behalf of Creditor Harris County houston\_bankruptcy@publicans.com  
Katherine A Brooker on behalf of Debtor ABC Dentistry Old Spanish Trail, PLLC  
katherine.brooker@bakerbotts.com, katherine-brooker-7746@ecf.pacerpro.com



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User: mrios  
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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system (continued)

Katherine A Brooker on behalf of Debtor ABC Dentistry, P.A. katherine.brooker@bakerbotts.com, katherine-brooker-7746@ecf.pacerpro.com  
 Katherine A Brooker on behalf of Debtor ABC Dentistry West Orem, PLLC katherine.brooker@bakerbotts.com, katherine-brooker-7746@ecf.pacerpro.com  
 Nelson M Jones, III on behalf of Creditor CP Retail II, LLC njoneslawfirm@aol.com, rmcca40@aol.com  
 Noah Mariano Schottenstein on behalf of Debtor ABC Dentistry, P.A. noah.schottenstein@bakerbotts.com, noah-schottenstein-3673@ecf.pacerpro.com  
 Noah Mariano Schottenstein on behalf of Debtor ABC Dentistry Old Spanish Trail, PLLC noah.schottenstein@bakerbotts.com, noah-schottenstein-3673@ecf.pacerpro.com  
 Noah Mariano Schottenstein on behalf of Debtor ABC Dentistry West Orem, PLLC noah.schottenstein@bakerbotts.com, noah-schottenstein-3673@ecf.pacerpro.com  
 Omar Jesus Alaniz on behalf of Debtor ABC Dentistry Old Spanish Trail, PLLC omar.alaniz@bakerbotts.com, omar-alaniz-2648@ecf.pacerpro.com  
 Omar Jesus Alaniz on behalf of Defendant ABC Dentistry West Orem, P.L.L.C. omar.alaniz@bakerbotts.com, omar-alaniz-2648@ecf.pacerpro.com  
 Omar Jesus Alaniz on behalf of Defendant ABC Dentistry Pasadena, PA omar.alaniz@bakerbotts.com, omar-alaniz-2648@ecf.pacerpro.com  
 Omar Jesus Alaniz on behalf of Debtor ABC Dentistry, P.A. omar.alaniz@bakerbotts.com, omar-alaniz-2648@ecf.pacerpro.com  
 Omar Jesus Alaniz on behalf of Defendant ABC Dentistry, PA omar.alaniz@bakerbotts.com, omar-alaniz-2648@ecf.pacerpro.com  
 Omar Jesus Alaniz on behalf of Debtor ABC Dentistry Old Spanish Trail, P.L.L.C. omar.alaniz@bakerbotts.com, omar-alaniz-2648@ecf.pacerpro.com  
 Omar Jesus Alaniz on behalf of Defendant ABC Dentistry, P.A. omar.alaniz@bakerbotts.com, omar-alaniz-2648@ecf.pacerpro.com  
 Omar Jesus Alaniz on behalf of Debtor ABC Dentistry West Orem, PLLC omar.alaniz@bakerbotts.com, omar-alaniz-2648@ecf.pacerpro.com  
 Omar Jesus Alaniz on behalf of Debtor ABC Dentistry West Orem, P.L.L.C. omar.alaniz@bakerbotts.com, omar-alaniz-2648@ecf.pacerpro.com  
 Omar Jesus Alaniz on behalf of Defendant ABC Dentistry Old Spanish Trail, P.L.L.C. omar.alaniz@bakerbotts.com, omar-alaniz-2648@ecf.pacerpro.com  
 Omar Jesus Alaniz on behalf of Defendant ABC Dentistry Old Spanish Trail, PLLC omar.alaniz@bakerbotts.com, omar-alaniz-2648@ecf.pacerpro.com  
 Omar Jesus Alaniz on behalf of Defendant ABC Dentistry West Orem, PLLC omar.alaniz@bakerbotts.com, omar-alaniz-2648@ecf.pacerpro.com  
 Omar Jesus Alaniz on behalf of Defendant Iraj S Jabbary omar.alaniz@bakerbotts.com, omar-alaniz-2648@ecf.pacerpro.com  
 Omar Jesus Alaniz on behalf of Defendant ABC Dentistry Hillcroft, PLLC omar.alaniz@bakerbotts.com, omar-alaniz-2648@ecf.pacerpro.com  
 Patrick J Tatum on behalf of Defendant Iraj S Jabbary patrick.tatum@bakerbotts.com, patrick-tatum-9066@ecf.pacerpro.com  
 Patrick J Tatum on behalf of Debtor ABC Dentistry, P.A. patrick.tatum@bakerbotts.com, patrick-tatum-9066@ecf.pacerpro.com  
 Patrick J Tatum on behalf of Defendant ABC Dentistry West Orem, P.L.L.C. patrick.tatum@bakerbotts.com, patrick-tatum-9066@ecf.pacerpro.com  
 Patrick J Tatum on behalf of Debtor ABC Dentistry West Orem, PLLC patrick.tatum@bakerbotts.com, patrick-tatum-9066@ecf.pacerpro.com  
 Patrick J Tatum on behalf of Defendant ABC Dentistry Pasadena, PA patrick.tatum@bakerbotts.com, patrick-tatum-9066@ecf.pacerpro.com  
 Patrick J Tatum on behalf of Defendant ABC Dentistry Hillcroft, PLLC patrick.tatum@bakerbotts.com, patrick-tatum-9066@ecf.pacerpro.com  
 Patrick J Tatum on behalf of Debtor ABC Dentistry West Orem, P.L.L.C. patrick.tatum@bakerbotts.com, patrick-tatum-9066@ecf.pacerpro.com  
 Patrick J Tatum on behalf of Defendant ABC Dentistry, P.A. patrick.tatum@bakerbotts.com, patrick-tatum-9066@ecf.pacerpro.com  
 Patrick J Tatum on behalf of Debtor ABC Dentistry Old Spanish Trail, P.L.L.C. patrick.tatum@bakerbotts.com, patrick-tatum-9066@ecf.pacerpro.com  
 Patrick J Tatum on behalf of Debtor ABC Dentistry Old Spanish Trail, PLLC patrick.tatum@bakerbotts.com, patrick-tatum-9066@ecf.pacerpro.com  
 Patrick J Tatum on behalf of Defendant ABC Dentistry Old Spanish Trail, P.L.L.C. patrick.tatum@bakerbotts.com, patrick-tatum-9066@ecf.pacerpro.com  
 Russell Warren Hall on behalf of Defendant Iraj S Jabbary rwhall@rwhpc.com, caschuler@rwhpc.com  
 Russell Warren Hall on behalf of Defendant ABC Dentistry, P.A. rwhall@rwhpc.com, caschuler@rwhpc.com  
 Russell Warren Hall on behalf of Defendant ABC Dentistry Old Spanish Trail, P.L.L.C. rwhall@rwhpc.com, caschuler@rwhpc.com  
 Russell Warren Hall on behalf of Defendant ABC Dentistry Pasadena, PA rwhall@rwhpc.com, caschuler@rwhpc.com  
 Russell Warren Hall on behalf of Defendant ABC Dentistry Hillcroft, PLLC rwhall@rwhpc.com, caschuler@rwhpc.com  
 Russell Warren Hall on behalf of Defendant ABC Dentistry West Orem, P.L.L.C. rwhall@rwhpc.com, caschuler@rwhpc.com  
 Timothy L. Wentworth on behalf of Creditor Saeed Rohi, DDS tim.wentworth@cagehill.com, staff@cagehill.com  
 Timothy L. Wentworth on behalf of Plaintiff Saeed Rohi tim.wentworth@cagehill.com, staff@cagehill.com  
 US Trustee USTPRegion07.HU.ECF@USD.OJ.GOV

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)  
system (continued)

Vianey Garza on behalf of Creditor Saeed Rohi, DDS vgarza@cagehill.com

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