

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

IN RE:	§	
ABC DENTISTRY, P.A., <i>et al.</i>,¹	§	CASE NO. 16-34221
Debtors	§	
	§	CHAPTER 11
	§	

**DEBTORS' EMERGENCY UNOPPOSED MOTION TO RELEASE FUNDS HELD IN
REGISTRY OF THE COURT**

After years of litigation, the Debtors,² the State of Texas, and Dr. Saeed Rohi agreed to a final resolution of this bankruptcy and all related claims. The parties' mediated global settlement has culminated in the Plan that the parties seek to finalize at a confirmation hearing before this Court on December 13, 2017. To fulfill their obligations under the final settlement agreement, Debtors respectfully request that the Court release to Disbursing Agent the funds deposited in the Court's Registry, totaling \$660,377.64, which were deposited pursuant to the Court's November 30, 2016 Order (I) Directing the Clerk of the Court to Accept Funds in the Court's Registry and (II) Authorizing the Debtors to Contribute Funds. Dkt. No. 133.

Part of the parties' negotiated settlement required Debtors to deposit \$51,000 monthly into the Court's registry or with a mutually agreed upon escrow agent, beginning on December 1, 2016 and ending on the Plan's effective date. To this end, Debtors, on November 22, 2016, filed a motion asking the Court to direct the Clerk of the Court to accept funds in the court's registry and authorize Debtors to contribute funds. Dkt. No. 128. On November 30, 2016, the Court granted the motion, stating in part that "[t]he Clerk of the Court shall hold such funds, with interest, in the Court's registry until further order of the Court. Upon entry of such order, the

¹ 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.

² Unless otherwise defined herein, all capitalized terms have the meaning given to them in the Second Amended Joint Chapter 11 Plan of ABC Dentistry P.A., and its Debtor Affiliates (the "Plan"). Dkt. No. 312.

Clerk of the Court shall release such funds, with interest, to the party or parties designated by the Court in such order.” Dkt. No. 133. Since then, Debtors have met their obligations and deposited approximately \$51,000 per month into the Court’s registry. The amount currently in the Court’s registry equals \$660,377.64.

By this motion and for the following reasons, Debtors’ seek a Court order releasing these funds to Disbursing Agent. On December 13, 2017, this Court will hold a confirmation hearing on the Plan that, along with the agreement to deposit \$51,000 monthly into the Court’s registry, resulted from the parties’ years of litigation and negotiation. One condition of the Plan’s effectiveness is the release of these funds to Disbursing Agent, who shall disburse the funds to Dr. Rohi and the State of Texas. In particular, Disbursing Agent shall as soon as practical disburse \$396,391.68 to Dr. Rohi and his counsel at Saeed Rohi, D.D.S. c/o Brewer & Pritchard, 800 Bering Drive, Suite 201, Houston, Texas 77057 and \$263,985.96 to the State of Texas according to instructions to be delivered from the State of Texas to Disbursing Agent. Such payments may be made by check. The release of the funds is necessary because, in short, the Plan’s effectiveness depends on these payments, and the parties’ settlement depends on the Plan’s effectiveness.

Debtors respectfully request that the Court grant this motion and release to Disbursing Agent the funds deposited into the Court’s registry pursuant to the Court’s November 30, 2016 Order. Dkt. No. 133. Disbursing Agent shall then disburse these funds to Dr. Rohi and the State of Texas. A proposed order granting the requested relief is attached hereto as Exhibit A. In preparation for filing this motion, Defendants’ counsel conferred with counsel for all other parties, who indicated that they do not oppose the release of the funds in the Court’s registry to Disbursing Agent subject to the subsequent payments to Dr. Rohi and the State of Texas.

EMERGENCY RELIEF REQUESTED

Debtors respectfully request emergency consideration of this Motion. The Court is holding a confirmation hearing on the Plan on December 13, 2017. Disbursing the funds presently in the Court's registry is a condition of the Plan's effectiveness, and the Plan's effectiveness is a condition of the parties' agreed global resolution of this dispute. Thus, Debtors respectfully request that the Court approve the relief requested in this Motion on an emergency basis.

DATED: December 12, 2017

Respectfully submitted,

BAKER BOTTS L.L.P.

/s/ Omar J. Alaniz

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Counsel for the Debtors

CERTIFICATE OF CONFERENCE

At the time of this filing, Debtors' counsel has conferred with all parties who have made an appearance. All parties are unopposed to this Motion.

/s/ Omar J. Alaniz
Omar J. Alaniz

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been filed pursuant to the electronic filing requirements of the United States District Court for the Southern District of Texas on the 12th day of December, 2017, which provides for service on counsel of record in accordance with the electronic filing protocols in place.

/s/ Omar J. Alaniz
Omar J. Alaniz

EXHIBIT A

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

IN RE:

ABC DENTISTRY, P.A., *et al.*,¹

Debtors

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CASE NO. 16-34221

CHAPTER 11

**ORDER GRANTING DEBTORS' EMERGENCY UNOPPOSED MOTION TO
RELEASE FUNDS HELD IN REGISTRY OF THE COURT**

This matter is before the Court upon Debtors' Emergency Unopposed Motion to Release Funds Held in Registry of the Court. The Court is of the opinion that the Motion is reasonable, necessary, and in the best interest of all concerned parties, and should be granted.

It is therefore ORDERED that:

1. The Motion to Release Funds is granted;
2. The Clerk of the Court is directed to release the funds, which total approximately \$660,377.64 and were deposited by Debtors pursuant to this Court's November 30, 2016 Order, Dkt. No. 133, to Disbursing Agent, Dr. Iraj S. Jabbar, D.D.S., or a designee of Jabbar that is employed by any of the Plan Proponents; and
3. From these released funds, Disbursing Agent shall, as soon as practicable, disburse \$396,391.68 to Dr. Rohi and his counsel at Saeed Rohi, D.D.S. c/o Brewer & Pritchard, 800 Bering Drive, Suite 201, Houston, Texas 77057 and \$263,985.96 to the State of Texas according to instructions to be delivered from the State of Texas to Disbursing Agent. Such payments may be made by check.

Dated:

THE HONORABLE MARVIN ISGUR
UNITED STATES BANKRUPTCY JUDGE

¹ 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.