



ENTERED
09/06/2016

**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>	§	Case No. 16-34221
DEBTORS.	§	Jointly Administered
	§	
	§	
	§	

**ORDER AUTHORIZING, BUT NOT DIRECTING, THE DEBTORS TO (I) PAY
PREPETITION WAGES, SALARIES AND OTHER COMPENSATION AND (II) PAY
PREPETITION PAYROLL TAXES AND BENEFITS AND CONTINUE BENEFIT
PROGRAMS IN THE ORDINARY COURSE**

Upon the motion of ABC Dentistry, P.A. and its debtor affiliates, as debtors and debtors-in-possession in the above-captioned chapter 11 cases (collectively, the “Debtors”), for an order (“Order”) (i) authorizing the Debtors to pay the prepetition Payment and Program Obligations, and (ii) authorizing the Debtors to continue the Employee Programs and to pay any postpetition Payment and Program Obligations in the ordinary course (the “Motion”); the Court HEREBY FINDS AS FOLLOWS:

- (a) This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334;
- (b) The Motion is a core proceeding pursuant to 28 U.S.C. § 157(b)(2);
- (c) Venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409;
- (d) The relief requested in the Motion is in the best interests of the Debtors’ estates, their creditors, and other parties in interest; and
- (e) The Debtors require immediate relief to avoid irreparable harm that could occur in the event that the Debtors’ Payment and Program Obligations are not timely paid.

Therefore, the Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and any objections to the relief requested herein having been withdrawn or overruled on the merits; upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. Pursuant to sections 105(a), 363(b), 507(a)(4), 507(a)(5), 1107(a), and 1108 of the Bankruptcy Code, the Debtors are authorized, but not directed, in their sole discretion, to pay (a) the prepetition wage amounts as described in Exhibit A to this Order and (b) any and all prepetition amounts relating to the following employee programs in the ordinary course: (i) medical, dental, and vision care insurance; (ii) life, accidental death, and dismemberment insurance, short-term and long-term disability insurance, and related supplemental insurance; (iii) COBRA medical coverage; (iv) the Employee Assistance Program; (v) workers' compensation insurance; and (vi) 401(k) and similar retirement investment plans (collectively, (i) through (vi) are the "Employee Programs"). The Debtors are further authorized to (a) to continue the Employee Programs in the ordinary course to the extent such Employee Programs were in effect immediately prior to the filing of these cases; and (b) to continue making payments postpetition for the Employee Programs as they become due. Notwithstanding the foregoing, any Bonus Compensation is not approved under this Order and will be considered for approval or denial at the hearing to be held on September 26, 2016 at 3:00 p.m. (central time).

2. The Debtors are authorized, but not directed, in their sole discretion, to pay all prepetition processing fees associated with, and all costs incident to, payment of the Payment and Program Obligations (including, without limitation, any costs related to insurance premiums paid by the Debtors in the ordinary course of business).

3. The Debtors are authorized to reissue checks, wire transfers, automated clearing house payments, electronic payments, or other similar methods of payment, from their postpetition bank accounts, for prepetition payments approved by this Court in this Order where such method of payment has been dishonored postpetition.

4. Notwithstanding the relief granted in the Order and any actions taken pursuant to such relief, nothing in the Order shall be deemed: (i) an admission as to the validity of any claim against the Debtors; (ii) a waiver of the Debtors' right to dispute any claim on any grounds; (iii) a promise or requirement to pay any claim; (iv) an implication or admission that any particular claim is of a type specified or defined in the Order or the Motion; (v) a request or authorization to assume any agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code; or (vi) a waiver of the Debtors' rights under the Bankruptcy Code or any other applicable law.

5. Notwithstanding the relief granted in the Order and any actions taken pursuant to such relief, nothing in the Order shall create, nor is intended to create, any rights in favor of, or enhance the status of, any claim held by any person or entity.

6. Notice of the Motion as provided therein shall be deemed good and sufficient notice of such Motion and the requirements of Bankruptcy Rule 6004(a) are waived.

7. The relief granted in the Order is necessary to avoid immediate and irreparable harm to the Debtors and (i) the requirements of Bankruptcy Rule 6003 are deemed satisfied and (ii) the requirements of Bankruptcy Rule 6004(h) are waived.

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

9. Notwithstanding any applicability of any of the Bankruptcy Rules, the terms and conditions of the Order shall be immediately effective and enforceable upon its entry.

10. This Order, and all acts taken in furtherance or reliance thereon, shall be effective notwithstanding any objection.

11. This Court shall retain jurisdiction to hear and determine all matters arising from or related to the implementation, enforcement and/or interpretation of this Order.

Dated: 9-6-16


MARVIN ISGUR
UNITED STATES BANKRUPTCY JUDGE