



ENTERED  
09/07/2016

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

<b>IN RE</b>  <b>ABC DENTISTRY, P.A., <i>et al.</i></b>  <b>DEBTORS.</b>	§ § § § § § § § § §	<b>Chapter 11</b>  <b>Case No. 16-34221</b>  <b>Jointly Administered</b>
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**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establish just cause for the relief granted herein; and any objections to the relief requested herein having been withdrawn or overruled on the merits; upon all of the proceedings had before the Court and after due deliberation and sufficient cause appearing therefor, it is HEREBY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

## **Exhibit A**

## ABC DENTAL - WEST OREM

### BI-WEEKLY EMPLOYEES

Accrual Period is 8/22 through 8/26

DENTAL ASSISTANT	\$560.00
DENTAL ASSISTANT	\$560.00
DENTAL ASSISTANT	\$500.00
REGIONAL OUTREACH EDUCATIONAL MANAGER	\$520.00
DENTAL ASSISTANT	\$520.00
DENTAL ASSISTANT	\$560.00
COLLECTIONS	\$860.00
FRONT DESK	\$440.00
RECEPTIONIST	\$360.00
DENTAL ASSISTANT	\$800.00
DENTAL ASSISTANT	\$540.00
OUTREACH COORDINATOR	\$660.00
OUTREACH COORDINATOR	\$500.00
DENTAL ASSISTANT	\$620.00
FRONT DESK	\$580.00
HEAD DENTAL ASSIATANT	\$780.00
STERILIZATION	\$380.00
FRONT DESK	\$440.00
TOTAL	<u>\$10,180.00</u>

### SALARY EMPLOYEES

Received 8/31 wages prior to filing date

IRAJ JABBARY, DDS	\$0.00
CORPORATE ACCTS ADMINISTRATOR	\$0.00
CORPORATE MANAGER	\$0.00
OUTREACH EDUCATIONAL DIRECTOR	\$0.00
OFFICE MANAGER	\$0.00
TOTAL	<u>\$0.00</u>

### DOCTORS

For services provided 8/16 through 8/26

BITE BLOCK PLLC	\$3,900.00
ELNAZ DDS PA	\$1,400.00
PEARLY WHITE DENTAL CARE	\$9,230.00
REEM DDS PA	\$8,630.00
REEM DDS PA - 2	\$5,500.00
SG DENTAL PLLC	\$1,500.00
SHARAREH PISHEH DDS PA	\$2,250.00
SYEDA REYES DDS PLLC	\$750.00
TOTAL	<u>\$33,160.00</u>

<b>GRAND TOTAL ACCRUED PAYROLL</b>	<u><b>\$43,340.00</b></u>
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## ABC DENTAL - OST

### BI-WEEKLY EMPLOYEES

Accrual Period is 8/22 through 8/26

DENTAL ASSISTANT	\$580.00
FRONT DESK	\$520.00
DENTAL ASSISTANT	\$520.00
REGIONAL OUTREACH EDUCATIONAL MANAGER	\$920.00
HEAD DENTAL ASSISTANT	\$580.00
DENTAL ASSISTANT	\$540.00
STERILIZATION	\$460.00
OUTREACH COORDINATOR	\$600.00
DENTAL ASSISTANT	\$620.00
FRONT DESK	\$560.00
COLLECTIONS	\$560.00
DENTAL ASSISTANT	\$500.00
OUTREACH COORDINATOR	\$600.00
FRONT DESK	\$400.00
TOTAL	<u>\$7,960.00</u>

### SALARY EMPLOYEES

Received 8/31 wages prior to filing date

IRAJ JABBARY, DDS	\$0.00
OFFICE MANAGER	\$0.00
CORPORATE ACCTS ADMINISTRATOR	\$0.00
TOTAL	<u>\$0.00</u>

### DOCTORS

For services provided 8/16 through 8/26

SYEDA REYES DDS PLLC	\$7,100.00
SP DENTAL PLLC	\$9,000.00
32 PEARLS DENTISTRY PLLC	\$11,000.00
	<u>\$27,100.00</u>

<b>GRAND TOTAL ACCRUED PAYROLL</b>	<u><b>\$35,060.00</b></u>
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United States Bankruptcy Court  
Southern District of TexasIn re:  
ABC Dentistry, P.A.  
DebtorCase No. 16-34221-mi  
Chapter 11**CERTIFICATE OF NOTICE**

District/off: 0541-4

User: adol  
Form ID: pdf002Page 1 of 1  
Total Noticed: 4

Date Rcvd: Sep 07, 2016

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 09, 2016.

db +ABC Dentistry, P.A., 1500 Southmore Avenue, Pasadena, TX 77502-1307  
cr +Saeed Rohi, DDS, c/o Charles Long, 5851 San Felipe, Suite 950, Houston, TX 77057-8021

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

cr +E-mail/Text: jking@offermarking.com Sep 07 2016 21:11:53 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 Sep 07 2016 21:12:58 Harris County,  
c/o John P. Dillman, Post Office Box 3064, Houston, TX 77253-3064

TOTAL: 2

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 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: Sep 09, 2016

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 September 7, 2016 at the address(es) listed below:

Charles E Long on behalf of Creditor Saeed Rohi, DDS clong@cagehill.com, cagehill@cagehill.com  
 Christine A March on behalf of U.S. Trustee US Trustee christine.a.march@usdoj.gov  
 J Mark Brewer on behalf of Plaintiff Saeed Rohi brewer@bplaw.com,  
 winans@bplaw.com;hickman@bplaw.com  
 James W King on behalf of Creditor First Bank & Trust East Texas jking@offermarking.com  
 John P Dillman on behalf of Creditor Harris County Houston\_bankruptcy@publicans.com  
 Omar Jesus Alaniz on behalf of Defendant ABC Dentistry Old Spanish Trail, PLLC  
 omar.alaniz@bakerbotts.com  
 Omar Jesus Alaniz on behalf of Debtor ABC Dentistry, P.A. omar.alaniz@bakerbotts.com  
 Omar Jesus Alaniz on behalf of Defendant ABC Dentistry, PA omar.alaniz@bakerbotts.com  
 Omar Jesus Alaniz on behalf of Defendant ABC Dentistry West Orem, PLLC  
 omar.alaniz@bakerbotts.com  
 Omar Jesus Alaniz on behalf of Defendant ABC Dentistry, P.A. omar.alaniz@bakerbotts.com  
 Russell Warren Hall on behalf of Defendant ABC Dentistry West Orem, 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 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  
 US Trustee USTPRegion07.HU.ECF@USDOJ.GOV

TOTAL: 17