

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

**DEBTORS' EMERGENCY MOTION FOR ENTRY OF AN ORDER  
(I) SETTING BAR DATES AND (II) APPROVING OF THE FORM  
AND MANNER OF NOTICE THEREOF**

**NOTICE UNDER ORDER GRANTING COMPLEX CHAPTER 11 BANKRUPTCY  
CASE TREATMENT**

A HEARING WILL BE CONDUCTED ON THIS MATTER ON OCTOBER 4th AT 2:00 PM IN COURTROOM 404, 4th FLOOR, UNITED STATES BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS, 515 RUSK AVENUE, HOUSTON, TEXAS 77002. IF YOU OBJECT TO THE RELIEF REQUESTED, YOU MUST RESPOND IN WRITING, SPECIFICALLY ANSWERING EACH PARAGRAPH OF THIS PLEADING. UNLESS OTHERWISE DIRECTED BY THE COURT, YOU MUST FILE YOUR RESPONSE WITH THE CLERK OF THE BANKRUPTCY COURT WITHIN TWENTY-ONE DAYS FROM THE DATE YOU WERE SERVED WITH THIS PLEADING. YOU MUST SERVE A COPY OF YOUR RESPONSE ON THE PERSON WHO SENT YOU THE NOTICE; OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF REQUESTED.

EMERGENCY RELIEF HAS BEEN REQUESTED. IF THE COURT CONSIDERS THE MOTION ON AN EMERGENCY BASIS, THEN YOU WILL HAVE 21 DAYS TO ANSWER. IF YOU OBJECT TO THE REQUESTED RELIEF OR IF YOU BELIEVE THAT THE EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU SHOULD FILE AN IMMEDIATE RESPONSE.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

**TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:**

<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.

ABC DENTISTRY, P.A. and its debtor affiliates, as debtors and debtors-in-possession in the above-captioned chapter 11 cases (collectively, the “Debtors”), file this *Debtors’ Emergency Motion For Entry Of An Order (I) Setting Bar Dates and (II) Approving of the Form and Manner of Notice Thereof* (the “Motion”) for an order substantially in the form of **Exhibit A** (the “Proposed Order”). In support of the Motion, the Debtors incorporate by reference the *Declaration of Iraj S. Jabbarly, D.D.S. in Support of First Day Motions* (the “First Day Declaration”) and respectfully represent as follows:

**JURISDICTION AND VENUE**

1. This Court has jurisdiction over this Motion under 28 U.S.C. § 1334. The Court’s consideration of this Motion is a core proceeding under 28 U.S.C. § 157(b). Venue of this proceeding is proper in this district under 28 U.S.C. § 1408.

**BACKGROUND**

1. On August 26, 2016 (the “Petition Date”), the Debtors filed voluntary petitions for relief in this Court under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”).

2. The Debtors remain in possession of their property and are operating their business as debtors-in-possession, pursuant to sections 1107 and 1108 of the Bankruptcy Code. No trustee, examiner, or statutory committee has been requested or appointed in this chapter 11 case.

3. Additional detail about the Debtors’ businesses and the events leading to the chapter 11 filings can be found in the Debtors’ motions for joint administration.

**RELIEF REQUESTED**

2. By this Motion and pursuant to Rule 3003(c) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and 3003-1 of the Local Rules for the United States Bankruptcy Court for the Southern District of Texas (the “Local Rules”), the Debtors seek entry of an order (i) setting bar dates and (ii) approving the form and manner of notice thereof.

**BASIS FOR RELIEF**

**II. Request For General Bar Date**

3. Bankruptcy Rule 3003(c)(3) provides that “[t]he court shall fix . . . the time within which proofs of claim or interest may be filed.” FED. R. BANKR. P. 3003(c)(3). Local Rule 3003-1(a) provides that, in chapter 11 cases, “unless otherwise ordered by the court or governed by [subsection (b)], proofs of claim and proofs of interest must be filed within 90 days after the first date set for the meeting of creditors under section 341(a), except that a proof of claim filed by a governmental unit must be filed within 180 days after the order for relief.” Local Rule 3003-1(a). However, Local Rule 3003-1(b) provides that Local Rule 3003-1(a) does not apply to complex chapter 11 cases. Local Rule 3003-1(b). On September 1, 2016, the Court entered an *Order Granting Complex Chapter 11 Bankruptcy Case Treatment*. Therefore, the deadlines set forth in Local Rule 3003-1(a) do not apply.

4. The Debtors request that the Court set bar dates requiring (a) creditors to file a proof of claim on or before November 3, 2016, which is 30 days after the Section 341 Meeting, and more than 60 days after the Petition Date (the “General Bar Date”) and (b) governmental entities to file a proof of claim on or before February 22, 2017, which is 180 days after the Petition Date (the “Government Bar Date”). Similar relief has been granted in this jurisdiction. *See In re Global Geophysical Services, LLC*, Case no. 16-20306 (Bankr. S.D. Tex. Aug. 5, 2016)

(Docket #36); *In re Goodrich Petroleum Corp.*, Case No. 16-31975 (Bankr. S.D. Tex. Apr. 18, 2016) (Docket # 38).

5. Based on the Debtors' books and records and the Debtors' understanding of potential claims, the Debtors believe that the proposed November 3, 2016 bar date is reasonable and meets creditors' due process rights in these chapter 11 cases.

### **III. Service of Bar Date Notice**

6. Through BMC Group, Inc., the Debtors' noticing agent (the "Noticing Agent" or "BMC Group"), the Debtors propose to send a notice of the bar dates to all parties entitled to such notice, substantially in the form attached hereto as **Exhibit 1** to the Proposed Order (the "Bar Date Notice"). The Debtors propose to send the Bar Date Notice by first-class mail no later than three days after entry of the Court's order approving this Motion. As such, creditors will receive at least 28 days' notice by mail, consistent with requirements of the Bankruptcy Rules. *See* FED. R. BANKR. P. 2002(a)(7) (requiring "at least 21 days' notice by mail").

7. Accordingly, the Debtors respectfully request that the Court approve the form and manner of the Bar Date Notice.

WHEREFORE, the Debtors respectfully request that this Court enter an order in the form attached hereto and grant such other and further relief as is just and proper.

Date: September 14, 2016

Respectfully submitted,

BAKER BOTTS L.L.P.

/s/ Omar J. Alaniz

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**PROPOSED COUNSEL TO DEBTORS-IN-POSSESSION**

**Exhibit A**

**Proposed Order**

**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><sup>1</sup></b>  <b>DEBTORS.</b>	§ § § § § § §	<b>Chapter 11</b>  <b>Case No. 16-34221</b>  <b>Jointly Administered</b>
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**ORDER GRANTING DEBTORS’ MOTION FOR ENTRY OF AN ORDER (I) SETTING  
BAR DATES AND (II) APPROVING OF THE FORM AND MANNER OF NOTICE  
THEREOF**

ABC Dentistry, P.A. and its debtor affiliates, as debtors and debtors-in-possession in the above-captioned chapter 11 cases (collectively, the “Debtors”), filed a motion (the “Motion”) for the entry of an order (i) setting bar dates and (iii) approving the form and manner of notice thereof. Having considered the Motion and argument of the parties, the Court hereby finds that:

- A. This Court has jurisdiction to consider the Motion pursuant to 28 U.S.C. § 1334;
- B. Venue of the Motion in this district is proper pursuant to 28 U.S.C. § 1408;
- C. The Motion is a core proceeding pursuant to 28 U.S.C. § 157(b)(1);
- D. The Motion is in the best interests of the Debtors, their estates, their creditors, and other parties-in-interest; and
- E. Proper and adequate notice of the Motion has been given and no other or further notice is necessary.

Therefore, **IT IS HEREBY ORDERED THAT:**

- 1. The general bar date by which all creditors shall file proofs of claim shall be fixed as November 3, 2016, at 5:00 p.m., prevailing Central Time.

<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.

2. All governmental units holding claims against the Debtors must file proofs of claim on or before the government bar date, which shall be fixed as February 22, 2017, at 5:00 p.m., prevailing Central Time.

3. The Debtors shall serve a notice (the “Bar Date Notice”) substantially in the form of the notice attached hereto as Exhibit 1, by first-class mail within three days after entry of this Order. The Bar Date Notice shall be served on (i) the United States Trustee; (ii) counsel to any committees in these cases, if any; (iii) all known holders of claims or counterparties to the Debtors listed on the Debtors’ schedules and statements; (iv) all parties actually known to the Debtors as having potential claims against one or more Debtors; (v) all parties who have requested notice of the Debtors’ case (as of the date of entry of this Order); (vi) attorneys of record to all parties to pending litigation against a Debtor (as of the date of entry of this Order); (vii) the Internal Revenue Service and the Securities and Exchange Commission; and (viii) all persons that have already filed claims (as of the date of entry of this Order).

4. All Proofs of Claim must be filed with the Bankruptcy Clerk for the United States Bankruptcy Court for the Southern District of Texas, Houston Division.

5. Any creditor that is required to file but fails to file a Proof of Claim for its claim in accordance with the procedures set forth in this Order on or before the General Bar Date, the Governmental Bar Date, or such other date established hereby (as applicable) shall be forever barred, estopped, and enjoined from: (a) asserting any claim against any Debtor that is (i) in an amount that exceeds the amount, if any, that is set forth in the Schedules as undisputed, noncontingent, and unliquidated or (ii) of a different nature or in a different classification (any such claim referred to as an “Unscheduled Claim”), and (b) receiving distributions under any plan or plans of liquidation or reorganization in this chapter 11 case in respect of an Unscheduled



Claim. The Debtors and their property shall be forever discharged from any and all indebtedness or liability with respect to such Unscheduled Claim.

6. In the event that the Debtors amend the Debtors' schedules and statements after having given notice of the General Bar Date as provided herein, the Debtors shall give notice of any amendment to the holders of claims affected thereby, and if the subject amendment reduces the unliquidated, noncontingent, and liquidated amount or changes the nature or classification of a claim against the Debtor reflected therein, such holders shall be given until twenty-one days from the date such notice is given (or such other time period as may be fixed by the Court) to file Proofs of Claim with respect to such affected claim, if necessary.

7. The Debtors may extend the applicable Bar Date for a specific creditor by filing a stipulation for approval by the Court.

8. Nothing in this Order shall, or shall be deemed to, prejudice the Debtors' right to object to any claim, whether filed or scheduled (e.g., as contingent, unliquidated, or disputed), on any ground, or to dispute, or to assert offsets against or defenses to, any claim reflected on the Schedules, or any amendments thereto, as to amount, liability, classification, or otherwise, and to subsequently designate any claim as disputed, contingent, or unliquidated.

9. The provisions of this Order apply to all claims of any character against the Debtors or their property, including whether such claims are secured or unsecured, entitled or not entitled to priority, liquidated or unliquidated, or fixed or contingent.

10. To the extent that any of the provisions of this Order conflict with those provided in the Motion, the language in this Order shall control.

11. The Debtors are authorized to take such steps and do such things as it deems to be reasonably necessary to fulfill the notice requirements established by this Order, including the expenditure of all sums reasonably necessary to implement the provisions of this Order.

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

Dated:

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The Honorable Marvin Isgur  
United States Bankruptcy Judge

**Exhibit 1**

**Form Bar Date Notice**

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

<p><b>IN RE</b></p> <p><b>ABC DENTISTRY, P.A., <i>et al.</i><sup>1</sup></b></p> <p style="text-align: center;"><b>DEBTORS.</b></p>	§ § § § § § §	<p><b>Chapter 11</b></p> <p><b>Case No. 16-34221</b></p> <p><b>Jointly Administered</b></p>
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**NOTICE OF DEADLINE FOR FILING PROOFS OF CLAIM**

**TO ALL CREDITORS OF THE DEBTOR AND OTHER PARTIES IN INTEREST  
PLEASE TAKE NOTICE OF THE FOLLOWING:**

On October [4], 2016, the United States Bankruptcy Court for the Southern District of Texas (the “Bankruptcy Court”) entered an order (the “Bar Date Order”) in the above-captioned chapter 11 cases establishing **November 3, 2016, at 5:00 p.m., prevailing Central Time**, as the general claims bar date (the “General Bar Date”) in the chapter 11 cases of the above-captioned debtors and debtors-in-possession (the “Debtors”). The Bar Date Order requires all Entities and Persons, as defined in sections 101(15) and 101(41) of Title 11, United States Code (the “Bankruptcy Code”), including all persons, estates, trusts, and the United States trustee, that have or assert any prepetition Claims (as defined herein) against the above-captioned Debtors, including Entities and Persons asserting claims pursuant to section 503(b)(9) of the Bankruptcy Code (each, a “503(b)(9) Claim”),<sup>2</sup> to file a proof of claim so that such proof of claim is received on or before the General Bar Date.

In accordance with section 502(b)(9) of the Bankruptcy Code, any Claims of governmental units, as defined by section 101(27) of the Bankruptcy Code, against any Debtor, must be filed and served so that such proof of claim is received **on or before February 22, 2017, at 5:00 p.m., prevailing Central Time** (the “Governmental Bar Date”).

The Debtors filed their Schedules of Assets and Liabilities and Statement of Financial Affairs (the “Schedules and Statement”) with the Bankruptcy Court on \_\_\_\_\_, 2016 [Dkt. No. \_\_\_\_].

Copies of the Schedules and Statement can be obtained at <https://ecf.txsb.uscourts.gov/> or <http://www.bmcgroup.com/restructuring/geninfo.aspx?ClientID=398>.

<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> 503(b)(9) Claims are claims on account of goods received by a Debtor within 20 days before the Petition Date, where such goods were sold to the Debtor in the ordinary course of such Debtor’s business.

### **DEFINITION OF CLAIM**

For purposes of this Bar Date Notice, “Claim” shall mean, as to or against a Debtor: (1) any right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (2) any right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

### **PERSONS OR ENTITIES WHO MUST FILE A PROOF OF CLAIM**

Pursuant to the Bar Date Order, all Entities and Persons holding Claims against a Debtor (whether secured, priority, or unsecured) that arose prior to August 26, 2016 (the “Petition Date”), are required to file proofs of claim by the General Bar Date.

Any Person or Entity whose prepetition Claim against a Debtor is not listed in the Schedules and Statement or is listed as “disputed,” “contingent,” or “unliquidated” and that desires to participate in this chapter 11 case or share in any distribution in this chapter 11 case, and any Person or Entity whose prepetition Claim is improperly classified in the Schedules and Statement or is listed in an incorrect amount and that desires to have its Claim allowed in a classification or amount other than that set forth in the Schedules and Statement, must file a proof of claim on or before the General Bar Date.

### **OTHER IMPORTANT INFORMATION REGARDING FILING CLAIMS**

If, after the General Bar Date, the Debtors amend their Schedules and Statement to reduce the undisputed, noncontingent and liquidated amount or to change the nature or classification of a Claim against the Debtors reflected therein, then the affected claimant shall have twenty-one days from the date of service of notice thereof to file a proof of claim or to amend any previously filed proof of claim in respect of such amended scheduled Claim (the “Amended Schedule Bar Date”).

### **CONSEQUENCES OF FAILURE TO FILE PROOF OF CLAIM**

**Any creditor that is required but fails to file a proof of claim for its Claim in accordance with the procedures set forth herein on or before the General Bar Date, the Governmental Bar Date, or such other date established hereby (as applicable) shall be forever barred, estopped, and enjoined from: (a) asserting any Claim against a Debtor that (i) is in an amount that exceeds the amount, if any, that is set forth in the Schedules as undisputed, noncontingent, and unliquidated or (ii) is of a different nature or in a different classification (any such claim referred to as an “Unscheduled Claim”), and (b) receiving distributions under any plan or plans of liquidation or reorganization in this Chapter 11 case in respect of an Unscheduled Claim, and the Debtors and their property shall be forever discharged from any and all indebtedness or liability with respect to such Unscheduled Claim. If it is unclear from the Schedules and Statement whether your Claim is disputed, contingent, or unliquidated as to amount or is otherwise improperly listed and classified, you must file a proof of claim on or before the General Bar Date. Any Entity**

**that relies on the Schedules and Statement bears responsibility for determining that its Claim is accurately listed therein.**

### **PROOF OF CLAIM REQUIREMENTS**

A proof of claim must: (a) be written in the English language; (b) be denominated in lawful currency of the United States (using the exchange rate, if applicable, as of the Petition Date); (c) conform substantially to the Official Bankruptcy Form No. 10; (d) specify the Debtor by name and case number; (e) set forth with specificity the legal and factual basis for the alleged claim; (f) include supporting documentation for the claim or an explanation as to why such documentation is not available; and (g) be signed by the claimant or by an authorized agent of the claimant.

In addition to the above requirements, any proof of claim asserting a 503(b)(9) Claim must also: (a) include the value of the goods delivered to and received by the Debtors in the 20 days prior to the Petition Date; (b) attach any documentation identifying the particular invoices for which the 503(b)(9) Claim is being asserted; (c) attach documentation of any reclamation demand made to any Debtor under section 546(c) of the Bankruptcy Code (if applicable); and (d) set forth whether any portion of the 503(b)(9) claim was satisfied by payments made by the Debtors pursuant to “critical vendor” authority to pay prepetition claims granted by this Court.

If asserting a single claim against more than one Debtor or multiple claims against different Debtors, a separate proof of claim form must be filed with respect to each Debtor. To the extent more than one Debtor is listed on the proof of claim, such claim will be treated as if filed only against the first-listed Debtor.

### **TIME AND PLACE FOR FILING PROOFS OF CLAIM**

All Proofs of Claim must be filed with the Bankruptcy Clerk for the United States Bankruptcy Court for the Southern District of Texas, Houston Division. All Entities and Persons, as defined in sections 101(15) and 101(41) of the Bankruptcy Code including all persons, estates, trusts, and the United States trustee, that have or assert any prepetition Claims (as defined herein) against the above-captioned Debtors, including Entities and Persons asserting 503(b)(9) Claims, must file a proof of claim so that such proof of claim is received on or before **November 3, 2016, at 5:00 p.m., prevailing Central Time.**

Claims of governmental units, as defined by section 101(27) of the Bankruptcy Code, must be filed and served so that such proof of claim is received **on or before February 22, 2017, at 5:00 p.m., prevailing Central Time.**

A proof of claim form may be obtained at [www.uscourts.gov](http://www.uscourts.gov) or any bankruptcy clerk's office. Additionally, proof of claim forms are made available by the Debtors' Noticing Agent at <http://www.bmcgroup.com/restructuring/geninfo.aspx?ClientID=398>.

Creditors' claims will be allowed in the amount scheduled unless: the creditor's claim is designated as disputed, contingent, or unliquidated; the creditor files a proof of claim in a different amount than that scheduled by the debtor; or the creditor receives another notice. If the creditor's claim is not scheduled or if the creditor's claim is designated as disputed, contingent,

or unliquidated, the creditor must file a proof of claim or the creditor's claim might not be paid and/or the creditor might be unable to vote on a plan.

A creditor may file a proof of claim even if its claim is scheduled. Creditors may review the schedules at the bankruptcy clerk's office or online at <http://www.bmcgroup.com/restructuring/geninfo.aspx?ClientID=398>.

Secured creditors retain rights in their collateral regardless of whether they file a proof of claim. Filing a proof of claim submits a creditor to the jurisdiction of the bankruptcy court, with consequences a lawyer can explain. For example, a secured creditor who files a proof of claim may surrender important nonmonetary rights, including the right to a jury trial.

### **RESERVATION OF RIGHTS**

The Debtors reserve their right to: (1) dispute, or to assert offsets or defenses against, any filed Claim or any Claim listed or reflected in the Schedules and Statement as to nature, amount, liability, classification, or otherwise; or (2) subsequently designate any Claim as disputed, contingent, or unliquidated. Nothing set forth in this Notice shall preclude the Debtors from objecting to any Claim, whether scheduled or filed, on any grounds.