

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

In re:

Curae Health, Inc., *et al.*¹

1721 Midpark Road, Suite B200
Knoxville, TN 37921

Debtors.

Chapter 11

Case No. 18-05665

Judge Walker

Jointly Administered

**ORDER GRANTING MOTION (I) TO COMPEL BLUE CROSS BLUE SHIELD OF
TENNESSEE, INC. TO (A) TURNOVER ESTATE PROPERTY AND (B) PROVIDE AN
ACCOUNTING OF ESTATE PROPERTY IN ITS POSSESSION, AND (II) FOR
RELATED RELIEF**

Before the Court is the *Motion (I) To Compel Blue Cross Blue Shield of Tennessee, Inc. to (A) Turnover Estate Property and (B) Provide an Accounting of Estate Property in its Possession, and (II) For Related Relief* (the “Motion”), and the Court having found and

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are Curae Health, Inc. (5638); Amory Regional Medical Center, Inc. (2640); Batesville Regional Medical Center, Inc. (7929); and Clarksdale Regional Medical Center, Inc. (4755); Amory Regional Physicians, LLC (5044); Batesville Regional Physicians, LLC (4952); Clarksdale Regional Physicians, LLC (5311).

concluded that (i) it has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, (ii) this matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), (iii) venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409, (iv) good and sufficient notice of the Motion has been given and a reasonable opportunity to object to, or be heard has been afforded to all interested persons and entities, (v) no objections were timely filed, and (vi) the legal and factual bases set forth in the Motion establish just cause for the relief granted herein including that (a) BCBST² possessed the Pharmacy Rebates during the pendency of the Debtors' bankruptcy cases, (b) Curae has an interest in the Pharmacy Rebates superior to BCBST's interest, (c) the value of the Pharmacy Rebates is not inconsequential,

IT IS THEREFORE ORDERED THAT:

1. The Motion is granted.
2. BCBST shall turnover the Pharmacy Rebates to the Trustee.
3. BCBST shall provide an accounting of all receipts and disbursements by BCBST relating to the Curae Benefit Plan, including the Pharmacy Rebate receipts, within 10 days of the entry of this Order.
4. The Liquidating Trustee is entitled contempt sanctions against BCBST for the expenses incurred in compelling BCBST to comply with the terms of the Confirmation Order and Plan. Accordingly, counsel for Liquidating Trustee shall file a motion requesting an order allowing the fees and expenses incurred in compelling BCBST to comply with the terms of the Confirmation Order and Plan pursuant to Local Rule 9013.
5. The Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order

IT IS SO ORDERED.

² Capitalized terms not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

**THIS ORDER WAS SIGNED AND ENTERED ELECTRONICALLY AS INDICATED
AT THE TOP OF THE FIRST PAGE.**

APPROVED FOR ENTRY:

/s/ Michael E. Collins

Michael E. Collins (Bar No. 16036)

Robert W. Miller (Bar No. 31918)

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capacity as Liquidating Trustee and
Debtor Representative*