

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

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| IN RE: CURAE HEALTH, INC., et al.. Debtors, | Case No.: 3:18-bk-05665 Chapter 11 Judge Walker Jointly Administered |
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OBJECTION TO NOTICE OF: (I) DEBTORS' INTENT TO ASSUME AND ASSIGN CERTAIN EXECUTORY CONTRACTS, UNEXPIRED LEASES OF PERSONAL PROPERTY, AND UNEXPIRED LEASES OF NONRESIDENTIAL REAL PROPERTY; AND (II) CURE AMOUNTS RELATED TO THE FOREGOING

Athenahealth, by and through its counsel, hereby files this Objection to the *Debtors' Notice of: (I) Debtors' Intent to Assume and Assign Certain Executory Contracts, Unexpired Leases of Personal Property, and Unexpired Leases of Nonresidential Real Property; and (II) Cure Amounts Related to the Foregoing* (the "Assumption Notice") (Docket No. 513), and for its Objection states as follows:

Background

1. On August 24, 2018, the above-captioned Debtors filed voluntary petitions for relief under Chapter 11 commencing the above jointly administered Chapter 11 cases.
2. On November 30, 2018, the Debtors filed a motion to approve the sale procedures for the auction of the Debtor's interest in Panola Medical Center (Docket. No. 401) (the "Sale Procedures Motion")
3. Pursuant to the Sale Procedures Motion, the Debtors sought, among other things, authorization and approval of (a) the sale of the Panola Medical Center (the "Sale"), (b) the assumption and assignment of certain executory contracts (the "Contracts") and unexpired leases (the "Leases"), in connection with the Sale, and (c) scheduling a final hearing to approve the Sale, including the assumption and assignment of the Contracts and Leases.

4. Exhibit 1 to the Assumption Notice listed an agreement by and between Athenahealth and the Debtors (the “Agreement”) as an agreement that may be assumed by the approved buyer at the Sale. Exhibit 1 to the Assumption Notice also lists the proposed cure amount associated with the Agreement in the amount of \$0.00.

Objection

5. Athenahealth hereby objects to the proposed cure amount identified on Exhibit 1 of the Assumption Notice as such amount is insufficient to cure all monetary defaults under the Agreement as required by § 365 of the Bankruptcy Code.

6. According to Athenahealth’s records, Curae Health, Inc. owes Athenahealth \$51,777.36 for services provided to the Debtors during the period of August 1, 2018 to August 23, 2018.

7. Additionally, Athenahealth expressly reserves the right to assert additional cure claims for any and all amounts that may remain outstanding under the Agreement at the time that assumption of the Agreement is proposed to be effective.

WHEREFORE, Athenahealth respectfully requests that this Court enter an appropriate order modifying the cure amount required to be paid related to Athenahealth.

Respectfully submitted,

/s/ William L. Norton III
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Certificate of Service

The undersigned hereby certifies that on the 7th day of December, 2018, the foregoing document was automatically served via the Courts electronic filing system to those parties registered to receive electronic filings in this case.

/s/ William L. Norton III