UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

IN RE:	)	
	)	Case No. 18-07762-JJG-11
FAYETTE MEMORIAL HOSPITAL	)	
ASSOCIATION, INC. d/b/a FAYETTE	)	
REGIONAL HEALTH SYSTEMS,	)	
Debtor.	)	
	)	

FIFTH MOTION UNDER BANKRUPTCY CODE SECTION 1121(d) FOR AN ORDER GRANTING A BRIDGE EXTENSION OF THE DEBTOR'S EXCLUSIVE PERIOD TO FILE PLAN OF REORGANIZATION AND SOLICIT VOTES IN CONNECTION THEREWITH

Fayette Memorial Hospital Association, Inc., d/b/a Fayette Regional Health Systems ("**Fayette**" or the "**Debtor**") the debtor and debtor-in-possession, by counsel, hereby files its *Fifth Motion Under Bankruptcy Code Section 1121(d) For an Order Granting a Bridge Extension of the Debtor's Exclusive Period to File a Plan of Reorganization and Solicit Votes in Connection Therewith* ("**Motion**"), and in support thereof, states as follows:

JURISDICTION AND VENUE

1. On October 10, 2018 (the "**Petition Date**"), the Debtor filed a voluntary petition in this Court for reorganization relief under Chapter 11 of Title 11 of the United States Code (the "**Bankruptcy Code**").

2. The Debtor as a debtor-in-possession pursuant to §§ 1107(a) and 1108 of the Bankruptcy Code.

3. The official committee of unsecured creditors was appointed on December 5, 2018 (the "**Committee**"). *See* Notice of Appointment of Unsecured Creditors' Committee (DN 136).

4. This Court has jurisdiction to consider this Motion pursuant to 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding under 28 U.S.C. § 157(b)(2). Venue is proper in this Court under 28 U.SC. §§ 1408 and 1409.

5. The statutory basis for the relief requested herein are Section 105 and Section 1121(d) of the Bankruptcy Code.

RELIEF REQUESTED AND BASIS FOR SAME

6. Contemporaneously herewith, the Debtor filed its *Amended Fourth Motion Under Bankruptcy Code Section 1121(d) for an Order Extending the Debtor's Exclusive Period to File Plan of Reorganization and Solicit Votes in Connection Therewith* (the "**Amended Motion to Extend**"). *See* DN 520. In its Amended Motion to Extend, the Debtor sought the entry of an order extending the periods under Section 1121(b) and (c) of the Bankruptcy Code in which the Debtor has the exclusive right to file a Chapter 11 plan of reorganization by 84 days through and including Tuesday, October 29, 2019, and an additional 24 days to solicit acceptances of such plan, up to and including Monday, December 30, 2019, without prejudice to the Debtor's right to seek additional and further extensions of these periods as may be appropriate under the circumstances then prevailing.

7. The Amended Motion to Extend was filed to enable the Debtor to request a second administrative claims bar date to determine the full extent of administrative claims against the estate to aid its negotiations regarding plan terms with its secured creditor and the Official Committee of Unsecured Creditors.

8. The Amended Motion to Extend is currently pending before this Court, and the deadline to file any objections to the Motion to Extend has not expired.

9. A prior Bridge Order was entered by this Court on August 7, 2019 [DN 501], granting an extension through the date the Court issues an order on the Debtor's Fourth Motion to Extend, which motion is now being amended. This motion is filed in an abundance of caution in the event the

Order entered at DN 501 is construed to grant an extension only through ruling on the original Fourth Motion to Extend.

10. The Debtor therefore seeks a bridge extension of the time period in which Debtor has the exclusive right to file a Chapter 11 plan of reorganization through and including the date on which the Court enters an order on the pending Amended Motion to Extend.

11. The Debtor previously requested three extensions of the exclusivity dates. The original exclusivity dates in this case were February 7, 2019 and April 8, 2019, respectively.

12. Section 1121(b) of the Bankruptcy Code provides for an initial period of 120 days after the commencement of a Chapter 11 case during which a debtor has the exclusive right to file a Chapter 11 plan of reorganization. Section 1121(c)(3) of the Bankruptcy Code provides that if the debtor proposes a plan of reorganization within the statutory exclusive filing period, it has a period of 180 days after the commencement of the Chapter 11 case to solicit votes in connections with such plan of reorganization. Absent an extension, the Debtor's exclusive filing period expires on August 6, 2019 and Debtor's exclusive solicitation period and will expire on October 7, 2019 ("**Exclusive Periods**") (subject to the extension granted by the Bridge Order entered as DN 501). Pursuant to Section 1121(d)(1) of the Bankruptcy Code, the Court may, upon a demonstration of cause, extend the Debtor's Exclusive Periods. Cause exists for extending the Debtor's Exclusive Periods in this case.

13. Section 105(a) of the Bankruptcy Code provides that the Court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of the Bankruptcy Code.

WHEREFORE, the Debtor prays that the Motion be granted, that the Court enter an order granting the bridge extension of the time period in which Debtor has the exclusive right to file a Chapter 11 plan of reorganization through and including the date on which the Court enters an order on the pending Motion to Extend.

Respectfully submitted this 30th day of August, 2019,

/s/ Wendy D. Brewer

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Attorneys for the Debtor

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion* was filed electronically this 30th day of August, 2019. Notice of this filing will be sent to all parties registered to receive such notice by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic filing system.

/s/ Wendy D. Brewer
Wendy D. Brewer (#22669-49)