SO ORDERED: October 14, 2020.

Jeffrey J. Graham
United States Bankruptcy Judge

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.	)	
	)	

ORDER APPROVING AGREED ENTRY RESOLVING MOTION TO TARDILY FILE AN ADMINISTRATIVE CLAIM, OR IN THE ALTERNATIVE, TO AMEND CLAIM NUNC PRO TUNC AND DEBTOR'S RESPONSE IN OPPOSITION THERETO

THIS CASE came before the Court upon the *Agreed Entry Resolving Motion to Tardily File an Administrative Claim, or in the Alternative, to Amend Claim Nunc Pro Tunc and Debtor's Response in Opposition Thereto,* filed by the Debtor Fayette Memorial Hospital Association, Inc. ("**Debtor**"), Osman Clinic & Associates, P.C. ("**Osman Clinic**") and American Telepsychiatry Associates, LLC ("**ATA**" and together with Osman Clinic, "**Osman**"), pursuant to which the parties represented the following:

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

2. On June 3, 2019, Osman filed Claim No. 146 asserting a general unsecured claim against the Debtor's estate in the amount of $247,450.01 ("**Claim No. 146**").

3. On October 21, 2019, Osman filed Claim No. 251 asserting a general unsecured claim against the Debtor's estate in the amount of $166,313.50 ("**Claim No. 251**").

4. On October 24, 2019, Osman filed Claim No. 252 asserting a general unsecured claim against the Debtor's estate in the amount of $166,313.50 ("**Claim No. 252**").

5. On January 2, 2020, pursuant to 11 U.S.C. §547(b), Fayette, in its capacity as debtor and debtor-in-possession, made demand (the "**Preference Demand**") upon Osman for recovery of the Transfers, less credit for new value provided to the Debtor (the "**Net Preference Claim**").

6. On May 15, 2020, Osman filed the *Motion to Tardily File an Administrative Claim, Or In The Alternative, to Amend Claim Nunc Pro Tunc* [DN 832] (the "**Claims Motion**"), by which Osman sought authority to tardily file administrative expense claims on behalf of Osman.

7. On that same date, Osman filed Claim No. 261 asserting an administrative expense claim in the amount of $95,831.00 on behalf of ATA ("**Claim No. 261**") and Claim No. 262 asserting an administrative expense claim in the amount of $45,481.00 on behalf of Osman Clinic ("**Claim No. 262**" and together with Claim No. 146, Claim No. 251, Claim No. 252 and Claim No. 261, the "**Claims**").

8. On June 17, 2020, the Debtor filed its *Response in Opposition to Osman Clinic & Associates, P.C., and American Telepsychiatry Associates, LLC's Motion to Tardily File an Administrative Claim, or in the Alternative, to Amend Claim Nunc Pro Tunc* (the "**Debtor Response**") contesting and objecting to the relief requested in the Claims Motion.

9. Osman and the Debtor reached an amicable resolution of the matters described in the Claims Motion, the Debtor Response, the Claims, and the Preference Demand as set forth in more detail in that certain *Settlement, Release, and Plan Support Agreement* (the "**Osman Settlement Agreement**") filed as Exhibit A to the *Debtor's Motion to Compromise and Settle with Osman Clinic & Associates, Inc., and American Telepsychiatry Associates, LLC* (the "**9019 Motion**") [DN 897 approved by entry of DN 925].

IT IS THEREFORE HEREBY ORDERED as follows:

a) Claim No. 146 is hereby reduced and allowed as a general unsecured claim against the Debtor's estate in the amount of $232,798.63;

b) Claim No. 252 is hereby disallowed as duplicative of Claim No. 251;

c) Claim No. 251 is hereby deemed amended and replaced by Claim No. 261 and Claim No. 262;

d) Claim No. 262 is hereby allowed as a credit in the amount of $45,481.00 against the Net Preference Claim, thereby reducing the Net Preference Claim to $4,406.65 and fully satisfying Claim No. 262; and

e) Claim No. 261 is hereby treated as an allowed administrative expense claim in the amount of $71,873.25 with $4,406.65 to be credited against the Net Preference Claim thereby fully resolving the Net Preference Claim and reducing Claim No. 261 to $67,466.60.

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