

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:)	
)	Chapter 11
GULF COAST HEALTH CARE, LLC, <i>et al.</i> , ¹)	
)	Case No. 21-11336 (KBO)
Debtors.)	
)	Jointly Administered
)	

**CERTIFICATION OF COUNSEL REGARDING ORDER
APPROVING STIPULATION BETWEEN THE DEBTORS
AND THE UNITED STATES OF AMERICA**

The undersigned, proposed counsel to the above-captioned debtors and debtors-in-possession (the “**Debtors**”),² hereby certifies as follows:

1. On October 14, 2021 (the “**Petition Date**”), each Debtor commenced a case by filing a petition for relief under chapter 11 of title 11 of the United States Code (the “**Bankruptcy Code**”).

2. On October 21, 2021, the United States Department of Justice (the “**DOJ**”) informed the Debtors’ proposed counsel via email that the Centers for Medicare and Medicaid (“**CMS**”) had placed an administrative freeze on Medicare reimbursements due to the Debtors for prepetition services under their Medicare provider agreements to the extent any of the Debtors owed prepetition obligations to CMS, in accordance with *Citizens Bank of Maryland v.*

¹ The last four digits of Gulf Coast Health Care, LLC’s federal tax identification number are 9281. There are 62 Debtors in these chapter 11 cases, which cases are being jointly administered for procedural purposes only. A complete list of the Debtors and the last four digits of their federal tax identification numbers are not provided herein. A complete list of such information may be obtained on the website of the Debtors’ claims and noticing agent at <https://dm.epiq11.com/GulfCoastHealthCare>. The location of Gulf Coast Health Care, LLC’s corporate headquarters and the Debtors’ service address is 40 South Palafox Place, Suite 400, Pensacola, FL 32502.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Stipulation.

Strumpf. See 516 U.S. 16 (1995). In the same correspondence, the DOJ represented to the Debtors that it was willing to discuss adequate protection for the release of the frozen funds.

3. The Debtors and the DOJ have negotiated a stipulation (the “**Stipulation**”) which addresses, among other things, the Debtors’ grant of certain adequate protection in exchange for the immediate release of the frozen Prepetition Payments due and owing to the Debtors.

4. A proposed form of order approving the Stipulation is attached hereto as **Exhibit A** (the “**Proposed Order**”). The Stipulation is attached as Exhibit 1 to the Proposed Order. The Debtors have circulated the Stipulation to counsel to the Official Committee of Unsecured Creditors, counsel to OHI Asset Funding (DE), LLC, counsel to New Ark Capital, LLC, and counsel to Housing & Healthcare Finance, LLC, and such parties do not object to entry of an order approving the Stipulation. The Debtors have also circulated the Stipulation to counsel to the United States Trustee for the District of Delaware (the “**U.S. Trustee**”) and the U.S. Trustee indicated to the Debtors that it is not taking a position regarding the Stipulation.

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Accordingly, the Debtors respectfully request that the Court enter the Proposed Order attached hereto as **Exhibit A** at the convenience of the Court.

Dated: Wilmington, Delaware
November 1, 2021

MCDERMOTT WILL & EMERY LLP

/s/ David R. Hurst

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