

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

INVACARE CORPORATION, *et al.*,¹

Debtors.

)

) Chapter 11

)

) Case No. 23-90068 (CML)

)

) **Ref. Docket No. 145**

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

) ss.:

COUNTY OF NEW YORK)

PANAGIOTA MANATAKIS, being duly sworn, deposes and says:

1. I am employed as a Senior Case Manager by Epiq Corporate Restructuring, LLC, located at 777 Third Avenue, New York, New York 10017. I am over the age of eighteen years and am not a party to the above-captioned action.
2. On February 8, 2023, I caused to be served:
 - i. the “Notice of Disclosure Procedures Applicable to Certain Holders of Common Stock and Disclosure Procedures for Transfers of, and Declarations of Worthlessness with Respect to, Common Stock,” dated February 2, 2023, (the “NOL Notice”), attached hereto as Exhibit A, and
 - ii. the “Notice of Commencement,” filed on February 6, 2023 [Docket No. 145] (the “Commencement Notice),

by causing true and correct copies of the:

- a. the NOL Notice and Commencement Notice to be enclosed securely in separate postage pre-paid envelopes and delivered via first class mail to those parties listed on the annexed Exhibit B, and
- b. the NOL Notice and Commencement Notice delivered via electronic mail to those parties listed on the annexed Exhibit C.

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Invacare Corporation (0965); Freedom Designs, Inc. (4857); and Adaptive Switch Laboratories, Inc. (6470). The corporate headquarters and the mailing address for the Debtors is 1 Invacare Way, Elyria, Ohio 44035.

3. All envelopes utilized in the service of the foregoing contained the following legend:
“LEGAL DOCUMENTS ENCLOSED. PLEASE DIRECT TO THE ATTENTION OF
ADDRESSEE, PRESIDENT OR LEGAL DEPARTMENT.”

/s/ Panagiota Manatakis
Panagiota Manatakis

Sworn to before me this
13th day of February, 2023

/s/ Diane M. Streany

Notary Public, State of New York

No. 01ST5003825

Qualified in Westchester County

Commission Expires November 2, 2026

EXHIBIT A

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

INVACARE CORPORATION, *et al.*,¹

Debtors.

)
) Chapter 11
)
) Case No. 23-90068 (CML)
)
) (Jointly Administered)
)
) **Re: Docket Nos. 8, 79**

**NOTICE OF DISCLOSURE PROCEDURES
APPLICABLE TO CERTAIN HOLDERS OF COMMON
STOCK AND DISCLOSURE PROCEDURES FOR TRANSFERS OF, AND
DECLARATIONS OF WORTHLESSNESS WITH RESPECT TO, COMMON STOCK**

TO: ALL ENTITIES (AS DEFINED BY SECTION 101(15) OF THE BANKRUPTCY CODE) THAT MAY HOLD BENEFICIAL OWNERSHIP OF COMMON STOCK OF INVACARE CORPORATION (THE “COMMON STOCK”):

PLEASE TAKE NOTICE that, on January 31, 2023, the above-captioned debtors and debtors in possession (collectively, the “Debtors”) filed petitions with the United States Bankruptcy Court for the Southern District of Texas (the “Court”) under title 11 of the United States Code (the “Bankruptcy Code”). Subject to certain exceptions, section 362 of the Bankruptcy Code operates as a stay of any act to obtain possession of property of or from the Debtors’ estates or to exercise control over property of or from the Debtors’ estates.

PLEASE TAKE FURTHER NOTICE that, on February 1, 2023, the Debtors filed the Debtors’ *Emergency Motion for Entry of an Order (I) Approving Notification and Hearing Procedures for Certain Transfers of, and Declarations of Worthlessness with Respect to, Common Stock and (II) Granting Related Relief* [Docket No. 8] (the “Motion”).

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Invacare Corporation (0965); Freedom Designs, Inc. (4857); and Adaptive Switch Laboratories, Inc. (6470). The corporate headquarters and the mailing address for the Debtors is 1 Invacare Way, Elyria, Ohio 44035.

PLEASE TAKE FURTHER NOTICE that on February 1, 2023, the Court entered the *Order (I) Approving Notification and Hearing Procedures for Certain Transfers of, and Declarations of Worthlessness with Respect to, Common Stock and (II) Granting Related Relief* [Docket No. 79] (the “Order”) approving procedures for certain transfers of, and declarations of worthlessness with respect to, Common Stock and Beneficial Ownership thereof, set forth in Exhibit 1 attached to the Order (the “Procedures”).²

PLEASE TAKE FURTHER NOTICE that, pursuant to the Order, a Substantial Shareholder or person that may become a Substantial Shareholder may not consummate any purchase, sale, or other transfer of Common Stock or Beneficial Ownership of Common Stock in violation of the Procedures, and any such transaction in violation of the Procedures shall be null and void *ab initio*.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Order, the Procedures shall apply to the holding and transfers of Common Stock or any Beneficial Ownership therein by a Substantial Shareholder or someone who may become a Substantial Shareholder.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Order, a 50-Percent Shareholder may not claim a worthless stock deduction with respect to Common Stock, or Beneficial Ownership of Common Stock, in violation of the Procedures, and any such deduction in violation of the Procedures shall be null and void *ab initio*, and the 50-Percent Shareholder shall be required to file an amended tax return revoking such proposed deduction.

² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Order or the Motion, as applicable.

PLEASE TAKE FURTHER NOTICE that, upon the request of any entity, the claims and noticing agent for the Debtors, Epiq, will provide a copy of the Order and a form of each of the declarations required to be filed by the Procedures in a reasonable period of time. Such declarations are also available via PACER on the Court's website at <https://ecf.txsb.uscourts.gov> for a fee, or free of charge by accessing the Debtors' restructuring website at <https://dm.epiq11.com/Invacare>.

PLEASE TAKE FURTHER NOTICE that failure to follow the Procedures set forth in the Order shall constitute a violation of, among other things, the automatic stay provisions of section 362 of the Bankruptcy Code.

PLEASE TAKE FURTHER NOTICE that any prohibited purchase, sale, other transfer of, or declaration of worthlessness with respect to, Common Stock, Beneficial Ownership thereof, or Option with respect thereto in violation of the Order is prohibited and shall be null and void *ab initio* and may be subject to additional sanctions as the Court may determine.

PLEASE TAKE FURTHER NOTICE that the requirements set forth in the Order are in addition to the requirements of applicable law and do not excuse compliance therewith.

Houston, Texas

Dated: February 2, 2023

/s/ *Matthew D. Cavanaugh*

JACKSON WALKER LLP

Matthew D. Cavanaugh

(TX Bar No. 24062656)

Jennifer F. Wertz (TX Bar No. 24072822)

J. Machir Stull (TX Bar No. 24070697)

Victoria N. Argeroplos (TX Bar No. 24105799)

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*Proposed Co-Counsel to the Debtors and
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EXHIBIT B

Claim Name	Address Information
ANDREW SALIGA	ADDRESS AVAILABLE UPON REQUEST
ANGELA GOODWIN	ADDRESS AVAILABLE UPON REQUEST
ANTHONY LAPLACA	ADDRESS AVAILABLE UPON REQUEST
BARBARA LUCAS	ADDRESS AVAILABLE UPON REQUEST
BRIAN RUPPE	ADDRESS AVAILABLE UPON REQUEST
BRUCE JAENKE	ADDRESS AVAILABLE UPON REQUEST
CATHERINE Z LEWIS	ADDRESS AVAILABLE UPON REQUEST
COURTNEY SANKOVICH	ADDRESS AVAILABLE UPON REQUEST
DANIEL J SHOWMAN	ADDRESS AVAILABLE UPON REQUEST
DAVID B DEIOMG	ADDRESS AVAILABLE UPON REQUEST
DAVID C BICKEL	ADDRESS AVAILABLE UPON REQUEST
DAVID S EVANS	ADDRESS AVAILABLE UPON REQUEST
DAVID SCOTT HUGHES	ADDRESS AVAILABLE UPON REQUEST
DENIS MEYER	ADDRESS AVAILABLE UPON REQUEST
EDWARD UHL	ADDRESS AVAILABLE UPON REQUEST
EMIT REYNOLDS	ADDRESS AVAILABLE UPON REQUEST
FLORENCE BIOLA OKUNOLA	ADDRESS AVAILABLE UPON REQUEST
FRANCIS STRIKER	ADDRESS AVAILABLE UPON REQUEST
GAVRIELA GUERRERO	ADDRESS AVAILABLE UPON REQUEST
GRETCHEN SCHULER	ADDRESS AVAILABLE UPON REQUEST
JAMES BECKERMAN	ADDRESS AVAILABLE UPON REQUEST
JASON FIEST	ADDRESS AVAILABLE UPON REQUEST
JEFFREY D SCRANTON	ADDRESS AVAILABLE UPON REQUEST
JENNIFER A MASNY	ADDRESS AVAILABLE UPON REQUEST
JOHANNES BELTMAN	ADDRESS AVAILABLE UPON REQUEST
JOHN MORGAN	ADDRESS AVAILABLE UPON REQUEST
KATHLEEN LENEGHAN	ADDRESS AVAILABLE UPON REQUEST
KEITH KELLEHER	ADDRESS AVAILABLE UPON REQUEST
KEVIN DELURY	ADDRESS AVAILABLE UPON REQUEST
KIMBERLY WILHELM	ADDRESS AVAILABLE UPON REQUEST
LAURA K BAKER	ADDRESS AVAILABLE UPON REQUEST
LINDA BAXTER	ADDRESS AVAILABLE UPON REQUEST
LISA ROTELLI	ADDRESS AVAILABLE UPON REQUEST
LOIS LEE	ADDRESS AVAILABLE UPON REQUEST
MATTHEW MONAGHAN	ADDRESS AVAILABLE UPON REQUEST
MICHAEL GROSPITCH	ADDRESS AVAILABLE UPON REQUEST
MICHAEL VAN DER BREGGEN	ADDRESS AVAILABLE UPON REQUEST
MICHELLE ZIMMERMAN MARCHIONY	ADDRESS AVAILABLE UPON REQUEST
NANCY A MELLINO	ADDRESS AVAILABLE UPON REQUEST
NICHOLAS J DICICCO JR	ADDRESS AVAILABLE UPON REQUEST
OPPENHEIMER & CO INC	ADDRESS AVAILABLE UPON REQUEST
PATRICIA SPIDARE	ADDRESS AVAILABLE UPON REQUEST
PAUL SCHULTE	ADDRESS AVAILABLE UPON REQUEST
PHILLIP J HORN	ADDRESS AVAILABLE UPON REQUEST
POONAM JAIN	ADDRESS AVAILABLE UPON REQUEST
RAMAKANT RAMBHATLA	ADDRESS AVAILABLE UPON REQUEST
RONALD RICHESON	ADDRESS AVAILABLE UPON REQUEST
RONALD TUCKER	ADDRESS AVAILABLE UPON REQUEST
ROSS ALTENBURGER	ADDRESS AVAILABLE UPON REQUEST

Claim Name	Address Information
SPARTANS & CO	ADDRESS AVAILABLE UPON REQUEST
STATE OF OHIO	ADDRESS AVAILABLE UPON REQUEST
STEPHEN HUBENY	ADDRESS AVAILABLE UPON REQUEST
STEVEN BACHIE	ADDRESS AVAILABLE UPON REQUEST
TERESA GILLES	ADDRESS AVAILABLE UPON REQUEST
TIMOTHY LIS	ADDRESS AVAILABLE UPON REQUEST
WEBSTER BLANKENSHIP	ADDRESS AVAILABLE UPON REQUEST

Total Creditor count 56

EXHIBIT C

Electronic Mail Parties

Creditor Name	Email Address
ROSS ALTENBURGER	ADDRESS AVAILABLE UPON REQUEST
NICHOLAS J DICICCO JR	ADDRESS AVAILABLE UPON REQUEST
NANCY A MELLINO	ADDRESS AVAILABLE UPON REQUEST