

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

In re:

INVACARE CORPORATION, *et al.*,¹

Debtors.

)
) Chapter 11
)
) Case No. 23-90068 (CML)
)
) (Jointly Administered)
)

AGENDA FOR APRIL 28, 2023 HEARING

The above-captioned debtors and debtors in possession (collectively, the “Debtors”) hereby file this agenda for the hearing on **April 28, 2023 at 10:30 a.m. (prevailing Central Time)**.

1. *First Amended Joint Chapter 11 Plan of Invacare Corporation and Its Debtor Affiliates* [Docket No. 366]

Outstanding Objections (see attached Exhibit 1):

- Apria Healthcare LLC [Docket No. 460]
- Mike Albert Leasing, Inc./Mike Albert, Ltd. [Docket No. 462]

Resolved Objections (see attached Exhibit 1):

- Bendix Commercial Vehicle Systems LLC [Docket No. 466]
- Kenco Transportation Management LLC [Docket No. 489]
- De Lage Landen Financial Services, Inc. [Docket No. 448]
- Helene Tanous [Docket No. 463]
- Marty Joe Raines and Shane Raines [Docket No. 464]
- Microsoft Corporation [Docket No. 444]

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.

- Rafaela Leal Munoz [Docket No. 470]
- SAP America, Inc. [Docket No. 461]
- U.S. Trustee (informal)
- Ventec Life Systems, Inc. (informal)
- Lumen (informal)
- Oracle America, Inc. [Docket No. 453]
- Xtra Lease (informal)

Status: The Debtors will provide a status update and move forward with confirmation today.

Houston, Texas

Dated: April 28, 2023

/s/ Matthew D. Cavanaugh

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Certificate of Service

I certify that, on April 28, 2023, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ Matthew D. Cavanaugh

Matthew D. Cavanaugh

Exhibit 1

IN RE INVACARE CORPORATION, ET. AL., CASE NO. 23-90068 (CML)**STATUS CHART OF OBJECTIONS AND RESPONSES TO THE PLAN**

<u>OBJECTING PARTY</u>	<u>OBJECTION</u>	<u>STATUS / DEBTORS' RESPONSE</u>
Apria Healthcare LLC [Docket No. 460]	Alleges Invacare owes Apria \$408,613.64 in past-due amounts for warranty repair claims.	Agreed to reserve. Debtors and Apria are working through reconciliation of cure amount.
Bendix Commercial Vehicle Systems LLC [Docket No. 466]	Alleges the Plan unfairly discriminates between creditors in Class 6, the Plan is not filed in good faith, and that the Debtors have non-dischargeable environmental claims.	Resolved. Agreed language to be included in Confirmation Order.
De Lage Landen Financial Services, Inc. [Docket No. 448]	Requests inclusion of the additional 20 amendments associated with the Master Contract Financing Program Agreement in the Debtors' assumption list.	Resolved. Resolved with the addition of the additional amendments on the amended Assumed Executory Contracts and Unexpired Leases Schedule.
Helene Tanous [Docket No. 463]	Objects to the Plan to the extent that it extinguishes her rights to proceed with her product liability lawsuit.	Resolved. Agreed language included in Confirmation Order; motion for relief from stay to be withdrawn.
Kenco Transportation Management LLC [Docket No. 489]	Requests the inclusion of certain language in the Confirmation Order relating to reserving Kenco's rights to pursue non-Debtor Affiliates pursuant to Kenco's Transportation Management Agreement.	Resolved. Agreed language to be included in Confirmation Order.

<u>OBJECTING PARTY</u>	<u>OBJECTION</u>	<u>STATUS / DEBTORS' RESPONSE</u>
Marty Joe Raines and Shane Raines [Docket No. 464]	Objects to the extent that the Plan impedes any relief sought related to their product liability lawsuit.	Resolved. Stipulated agreed order filed at Docket No. 488; agreed language included in Confirmation Order.
Microsoft Corporation [Docket No. 444]	Alleges that the cure amount listed in the Notice is incorrect because it fails to account for one post-petition invoice related to Proof of Claim No. 0000010292.	Resolved. Payments reconciled and objection withdrawn by Microsoft [Docket No. 457].
Mike Albert Leasing, Inc./Mike Albert, Ltd. [D.I. 462]	Objects to cure amount and Debtors' rejection of separate leases under Master Lease Agreement.	Agreed to reserve. Debtors and Mike Albert are working through reconciliation of cure amount.
Oracle America, Inc. [Docket No. 453]	Objected based on certain post-petition invoices that need to be paid prior to assumption.	Resolved. Debtors confirmed certain invoices will be paid.
Rafaela Leal Munoz [Docket No. 470]	Objects to the Plan to the extent that it extinguishes their rights to proceed with their product liability lawsuit.	Resolved. Agreed language included in Confirmation Order; motion for relief from stay resolved by stipulation.
SAP America, Inc. [Docket No. 461]	Objected to assumption of certain leases based on cure amount.	Resolved. Agreed on cure amount; amended cure amount to be reflected in the amended Assumed Executory Contracts and Unexpired Leases Schedule.

<u>OBJECTING PARTY</u>	<u>OBJECTION</u>	<u>STATUS / DEBTORS' RESPONSE</u>
U.S. Trustee	Request for additional information with respect to the exculpation provision and management incentive plan.	Resolved. Revised agreed language included in Plan and Confirmation Order.
Ventec Life Systems, Inc.	Request for inclusion of certain language in Confirmation Order relating to asset sale.	Resolved. Agreed language included in Confirmation Order.
Xtra Lease	Objected to assumption of certain leases based on cure amount.	Resolved. Debtors and Xtra Lease agreed to reject certain leases; rejected leases to be included in the amended Rejected Executory Contracts and Unexpired Leases Schedule.
Lumen	Objected to assumption of certain leases based on cure amount.	Resolved. Agreed on cure amount; amended cure amount to be reflected in the amended Assumed Executory Contracts and Unexpired Leases Schedule.