United States Bankruptcy Court Southern District of Texas

ENTERED

December 19, 2023 Nathan Ochsner, Clerk

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

Chapter 11
Case No. 23-90827 (CML)
(Jointly Administered)

STIPULATION AND AGREED ORDER GRANTING LIMITED RELIEF FROM THE AUTOMATIC STAY

This Stipulation and Agreed Order (the "Stipulation") is entered into by and among (a) the above-captioned debtors and debtors in possession (collectively, the "Debtors") and (b) Neil Speicher, as Personal Representative of The Estate of Theresa Speicher (the "Claimant," and together with the Debtors, the "Parties"). The Parties hereby stipulate and agree as follows:

WHEREAS, on October 22, 2023 (the "Petition Date"), each of the Debtors filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code") in the United States Bankruptcy Court for the Southern District of Texas (the "Bankruptcy Court").

WHEREAS, on October 31, 2023, Claimant commenced a civil action to recover for alleged injuries and damages to Claimant by filing and serving a complaint against Akumin Corp., among others, in The Circuit Court of the Seventeenth Judicial Circuit in and for Broward County, Florida (the "Florida Court"), under Case No. CACE23020532, which is currently captioned Neil Speicher, as Personal Representative of The Estate of Theresa Speicher v. Charles H. Mandell, M.D., Akumin Corp., Total Medical Imaging, LLC, David B. Mishkin, D.O. and Holy Cross Hospital,

¹ A complete list of each of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors' proposed claims and noticing agent at https://dm.epiq11.com/Akumin. The Debtors' service address is 8300 W. Sunrise Boulevard, Plantation, Florida 33322.

Inc. (the "*Speicher Action*"). As more fully set forth therein, the Speicher Action asserts certain medical negligence claims against the Debtor, Akumin Corp., among others (the "*Claims*").

WHEREAS, the Debtors may have insurance policies in place that would provide coverage to the Debtors in connection with the Claims (the "*Insurance Policies*").

WHEREAS, since the Petition Date, the Speicher Action has been stayed by operation of the automatic stay arising under section 362 of the Bankruptcy Code (the "*Automatic Stay*").

WHEREAS, the Parties have agreed to modify the Automatic Stay to allow the Claimant to purse the Claims against the Debtors for the limited purpose of recovering solely from the proceeds of the Insurance Policies, if any, from the non-Debtor defendants, and any other potential non-Debtor third party, and not from the Debtors, the Debtors' employees, and/or the assets of the Debtors (other than the applicable Insurance Policies) or their employees' assets notwithstanding whatever recovery may be obtained by the Claimant from the applicable Insurance Policies of the Debtors, including any deficiency which may arise by virtue of judgment in an amount greater than the limits of coverage.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, AND UPON APPROVAL BY THE BANKRUPTCY COURT OF THIS STIPULATION, IT IS ORDERED AS FOLLOWS:

- 1. The foregoing recitals are hereby incorporated by reference into this Stipulation with the same force and effect as if fully set forth hereinafter.
- 2. The Automatic Stay shall be modified to a limited extent to permit the Claimant to pursue the Claims in the Florida Court for the limited purpose of allowing the Claimant to:

 (a) proceed with the Speicher Action and recover or collect any judgment against Akumin Corp., arising from, or the settlement of, the Speicher Action; *provided*, that such recovery against

Akumin Corp. shall be limited solely to the proceeds of the Insurance Policies, if any, and limited to the extent of any coverage under such Insurance Policies, and not from any of the Debtors, their estates, or their employees; and (b) commence, continue, prosecute, and/or defend, as applicable, any actions against the insurer providing the Insurance Policies; and (c) commence, continue, and/or prosecute their claims against the non-Debtor defendants, and any potential non-Debtor third party (other than the Debtors' employees).

- 3. The Claimant shall not seek any recovery from the Debtors, their estates, their employees, or their successors for any amounts that may be awarded to Claimant in connection with the Claims.
- 4. The Claimant shall not make any demand or seek to collect any sum from or against the Debtors, their estates, the Debtors' employees and/or the assets of any of the foregoing other than the applicable Insurance Policies, notwithstanding whatever recovery may be obtained by Claimant from the applicable Insurance Policies, including any deficiency which may arise by virtue of a judgment in an amount greater than the limits of coverage. For the avoidance of doubt, and except as otherwise provided in Paragraph 5 below, the Claimant shall not make any demand or seek to collect from or against the Debtors, their estates, the Debtors' employees, and/or the assets of any of the foregoing other than the applicable Insurance Policies to satisfy (a) any self-insured retention or deductible liability; (b) any obligation to post any security or deposit with any insurer pursuant to the terms of the Insurance Policies; (c) any defense costs; (d) any portion of a judgment or settlement that exceeds the aggregate available coverage under the Insurance Policies; or (e) any other costs of any kind arising from the Speicher Action.
- 5. Notwithstanding anything to the contrary stated herein, Claimant waives the right to file or assert any additional proofs of claim against the Debtors and waives any right to seek

or receive any distribution from the Debtors or their successors; provided, that such waivers shall not constitute any waiver by Claimant of the right to (a) prosecute any claims and causes of action against the Debtors and any or all of the other non-Debtor defendants in the Speicher Action to judgment, (b) settle any claims and causes of action against the Debtors and any or all of the other non-Debtor defendants in the Speicher Action, (c) commence, continue, prosecute, and/or defend, as applicable, any litigation, actions, and proceedings against the insurance carriers related to insurance coverage under any Insurance Policies and/or any other applicable insurance policy(ies) held by and/or benefitting any of the non-Debtor defendants in the Speicher Action for the Claims and causes of action asserted in the Speicher Action, or (d) pursue, recover, enforce, and/or collect any judgment or settlement in the Speicher Action from the non-Debtor defendants, and insurance carriers to the extent of any coverage under the Insurance Policies and/or other insurance policy(ies) held by and/or benefitting any of the non-Debtor defendants in the Speicher Action. For the avoidance of doubt, Claimant shall be free to pursue recovery on the Claims from the non-Debtor defendants in the Speicher Action and their insurers, and any potential non-Debtor third party (other than the Debtors' employees).

- 6. To the extent applicable, the Automatic Stay is hereby modified, if and to the extent necessary, to permit any insurer from which coverage is sought pursuant to the Claimant's Claims (or any third-party administrator with respect to such Claims) to administer, handle, defend, settle, and/or pay such claims in the ordinary course of business and without further order of this Bankruptcy Court.
- 7. Nothing herein (a) precludes or limits, in any way, the rights of any insurer to contest and/or litigate the existence, primacy, and/or scope of available coverage under any allegedly applicable Insurance Policies or to otherwise assert any defenses to coverage or

- (b) constitutes, or should be construed as, a determination or admission that coverage exists with respect to any claims.
- 8. Neither this Stipulation, nor any terms contained herein shall be offered or received in evidence or in any way referred to in any legal action or administrative proceeding among or between the Parties hereto, other than as may be necessary: (a) to obtain approval and to enforce this Stipulation; (b) to seek damages or injunctive relief in connection therewith; or (c) to prove that the Automatic Stay and discharge injunction have been modified to allow prosecution of the Speicher Action to proceed in the Florida Court.
- 9. The Claimant shall file this Stipulation and the order approving this Stipulation in the Florida Court within five (5) business days after the approval by the Bankruptcy Court and the entry of an order approving this Stipulation on the Bankruptcy Court docket.
- 10. By entering into this Stipulation, the Debtors are not waiving and will not be deemed to have waived any available defenses, including at law, equity, or otherwise, including with respect to the Speicher Action.
- 11. Neither this Stipulation nor any negotiations and writings in connection with this Stipulation will in any way be construed as or deemed to be evidence of or an admission on behalf of any party regarding any claim or right that such party may have against the other party.
- 12. Each of the Parties hereto represents and warrants it is duly authorized to enter into and be bound by this Stipulation.
- 13. The terms and conditions of this Stipulation will be immediately effective and enforceable upon its entry.
- 14. The Debtors are authorized to take all actions necessary to effectuate the relief granted in this Stipulation.

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15. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Stipulation.

THE FOREGOING STIPULATION IS HEREBY APPROVED AND SO ORDERED.

Signed: December 19, 2023

Christopher Lopez /

United States Bankruptcy Judge

Stipulated and agreed by:

Dated: December 18, 2023 Houston, Texas

/s/ Victoria Argeroplos

Matthew D. Cavenaugh (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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-and-

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Counsel for Neil Speicher, as Personal Representative of the Estate of Theresa Speicher

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United States Bankruptcy Court Southern District of Texas

In re: Case No. 23-90827-cml

Akumin Inc. Chapter 11

Canadian Securities Class Action Represe

Debtors

CERTIFICATE OF NOTICE

District/off: 0541-4 User: ADIuser Page 1 of 8 Date Rcvd: Dec 19, 2023 Form ID: pdf002 Total Noticed: 34

The following symbols are used throughout this certificate:

Symbol **Definition**

- Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
- Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 21, 2023:

Recip ID db	Recipient Name and Address Akumin Inc., 8300 W Sunset Blvd, Plantation, FL 33322
aty	+ Chelsey R. List, LOCKE LORD LLP, 200 Vesey Street, 20th Floor, New York, NY 10281-5512
aty	+ Christa L. Chapman, NextGen Injury Law, 515 N. Flager Dr., Suite P-300, West Palm Beach, FL 33401 UNITED STATES 33401-4326
aty	+ Jonathan W. Young, LOCKE LORD LLP, 111 Huntington Avenue, Boston, MA 02199-7613
aty	+ Joseph E. Szydlo, Akin Gump Strauss Hauer & Feld LLP, One Bryant Park, New York, NY 10036-6730
aty	+ Lauren Silver Zabel, Reed Smith LLP, 1717 Arch Street, Suite 3100, Philadelphia, PA 19103-7394
aty	+ Stefan Palys, Lewis Brisbois Bisgaard & Smith LLP, 2112 Pennsylvania Ave., Suite 500, Washington, DC 20037-3234
aty	+ Thomas J. Chapman, NextGen Injury Law, 515 N. Flager Dr., Suite P-300, West Palm Beach, FL 33401-4326
cr	+ ABSIST LLC, Attn Dr. Kenneth Weiss, 495 Brickell Avenue, apartment 2406, Miami, FL 33131-2787
cr	+ Ad Hoc Noteholder Group, c/o Lacy M. Lawrence, Akin Gump Strauss Hauer & Feld LLP, 2300 N. Field Street, Suite 1800, Dallas, TX 75201-4675
cr	+ Canon Financial Services, Inc. c/o Nicola G. Sugli, 601 Route 73 N., Suite 305, Marlton, NJ 08053, UNITED STATES 08053-3475
cr	+ Dr. Jose Pizarro, M.D., c/o Christopher Thompson, Esq., Burr & Forman LLP, 200 S. Orange Ave, Suite 800, Orlando, FL 32801 UNITED STATES 32801-6404
cr	 Premier Diagnostic Imagining LLC, c/o Christopher Thompson, Esq., Burr & Forman LLP, 200 S. Orange Ave, Suite 800, Orlando, FL 32801 UNITED STATES 32801-6404
cr	+ S&S Singh Partners, 555 East 28th Division Hwy, Lititz, PA 17543-9766
cr	+ SCF Funding I, LLC, c/o Ballard Spahr LLP, 1 East Washington Street, Suite 2300, Phoenix, AZ 85004-2555
cr	+ STORE Master Funding IV, LLC, c/o Ballard Spahr LLP, 1 East Washington Street, Suite 2300, Phoenix, AZ 85004-2555
cr	+ Soca Properties, LLC, c/o Shutts & Bowen, LLP, 200 S. Biscayne Blvd, Suite 4100, Miami, FL 33131-2362
cr	+ Stonepeak Infrastructure Partners, c/o Sidley Austin LLP, 1000 Louisiana Street, Suite 5900, Houston, TX 77002-5014
cr	 UMB Bank, National Association, in its Capacity as, Seth Lieberman, Esq., Pryor Cashman LLP, 7 Times Square, New York, NY 10036-6569

TOTAL: 19

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

	Notice Type: Email Address + Email/Text: swulfekuhle@broward.org	Date/Time	Recipient Name and Address
Ci	Ç	Dec 19 2023 20:20:00	Broward County, c/o Records, Taxes & Treasury, Attn: Bankruptcy Section, 115 S. Andrews Ave. A-100, Ft. Lauderdale, FL 33301-1888
cr	+ Email/Text: bankruptcy@abernathy-law.com	Dec 19 2023 20:21:00	COLLIN COUNTY TAX ASSESSOR/COLLECTOR, Abernathy, Roeder, Boyd & Hullett, P.C., 1700 Redbud Blvd., Suite 300, McKinney, TX 75069-3276
cr	+ Email/Text: dallas.bankruptcy@LGBS.com	Dec 19 2023 20:22:00	City Of Frisco, C/O John Kendrick Turner, 2777 North Stemmons Frwy, Suite 1000, Dallas, TX 75207, UNITED STATES 75207-2328
cr	+ Email/Text: bankruptcy.legalnotice@cityofmesquite.com	Dec 19 2023 20:21:00	City of Mesquite, Grimes & Linebarger, LLP, c/o John K. Turner, 120 W Main Suite 201, Mesquite, TX 75149-4224
cr	+ Email/Text: dallas.bankruptcy@LGBS.com	Dec 19 2023 20:22:00	Dallas County, Linebarger Goggan Blair & Sampson, LLP, c/o John K Turner, 2777 N. Stemmons Frwy Ste 1000, Dallas, TX 75207-2328

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District/off: 0541-4 User: ADIuser Page 2 of 8 Date Rcvd: Dec 19, 2023 Form ID: pdf002 Total Noticed: 34 ^ MEBN Dec 19 2023 20:21:42 EPIQ CORPORATE RESTRUCTURING, 777 3RD AVE FL 12, NEW YORK, NY 10017-1302 ^ MEBN Dec 19 2023 20:20:22 Florida Power & Light Company, c/o Law Firm of Russell R. Johnson III,, 2258 Wheatlands Drive, Manakin-Sabot, VA 23103-2168 + Email/Text: lreece@pbfcm.com cr Dec 19 2023 20:21:00 Garland ISD, Plano ISD, Frisco ISD, Carrolton-Farmers Branch ISD, c/o LInda Reece, 1919 S. Shilloh Rd., Suite 640, LB 40, Garland, TX 75042-8234 ^ MEBN intp Jolene Wise United States Securities and Dec 19 2023 20:21:27 Exchange, 175 W. Jackson Blvd., Suite 1450, Chicago, IL 60604-2710 + Email/Text: dallas.bankruptcy@LGBS.com cr Tarrant County, Linebarger Goggan Blair & Sampson, LLP, c/o John K. Turner, 2777 N Dec 19 2023 20:22:00 Stemmons Frwy Ste 1000, Dallas, TX 75207-2328 Email/Text: bcd@oag.texas.gov intp Dec 19 2023 20:21:00 Texas Health and Human Services Commission, c/o Bankruptcy and Collections Division, P.O. Box 12548, Austin, TX 78711-2548 + Email/Text: bcd@oag.texas.gov Dec 19 2023 20:21:00 Texas Workforce Commission, Courtney J. Hull, c/o Sherri K. Simpson, Paralegal, P.O. Box 12548, Austin, TX 78711-2548 Email/Text: julie.parsons@mvbalaw.com Dec 19 2023 20:21:00 The County of Denton, Texas, McCreary Veselka Bragg & Allen, PC, Attn: Julie Anne Parsons, PO Box 1269, Round Rock, TX 78680-1269 Email/Text: julie.parsons@mvbalaw.com Dec 19 2023 20:21:00 The County of Williamson, Texas, McCreary Veselka Bragg & Allen, PC, Attn: Julie Anne Parsons, PO Box 1269, Round Rock, TX 78680-1269 cr + Email/Text: BKECF@traviscountytx.gov Dec 19 2023 20:21:00 Travis County, c/o Jason A. Starks, P.O. Box 1748, Austin, TX 78767-1748

TOTAL: 15

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID cr	Bypass Reason	Name and Address 626 Holdings, LLC
cr		Accord CapX LLC
cr		Atalaya Capital Management LP
pla		Canadian Securities Class Action Representative Pl
cr		Cigna Health and Life Insurance Company
cr		Liberty Mutual Ins. Co.
cr		MP2 Energy Texas, LLC d/b/a Shell Energy Solutions
cr		PNC BANK, NATIONAL ASSOCIATION
cr		Post Road Equipment Finance, LLC
cr		Prime Alliance Bank, Inc.
cr		Richardson ISD
cr		Siemens Financial Services, Inc.
cr		Siemens Medical Solutions USA, Inc.
cr		Varian Medical Systems, Inc.
cr		Waystar, Inc.
cr		Webster Capital Finance Inc.
intp		Yahaira Lopez

TOTAL: 17 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

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Date Revd: Dec 19, 2023 Form ID: pdf002 Total Noticed: 34

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 21, 2023 Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 19, 2023 at the address(es) listed below:

Name Email Address

Andrew Jimenez

on behalf of U.S. Trustee US Trustee andrew.jimenez@usdoj.gov

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crestel@lowenstein.com

Andrew S. Richmond

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Brandon Kevin Bains

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Britney Baker

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Christopher Thompson

on behalf of Creditor Dr. Jose Pizarro M.D. crthompson@burr.com, mlucca-cruz@burr.com

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Date Rcvd: Dec 19, 2023 Form ID: pdf002 Total Noticed: 34

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