

ENTERED

May 07, 2024

Nathan Ochsner, Clerk

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

)	
In re:)	Chapter 11
)	
INVACARE CORPORATION, <i>et al.</i> , ¹)	Case No. 23-90068 (CML)
)	
Reorganized Debtors.)	(Jointly Administered)
)	
)	Re: Docket No. 722

**ORDER SUSTAINING INVACARE CORPORATION'S OBJECTION
TO PROOF OF CLAIM NO. 10333 FILED BY RICHARD STACK**

Upon the objection (the "Objection")² of Invacare Corporation, one of the above-captioned Reorganized Debtors, for entry of an order (this "Order") disallowing the Stack Claim; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and that this Court may enter a final order consistent with Article III of the United States Constitution; and this Court having found that venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Objection is in the best interests of Invacare, its creditors, and other parties in interest; and this Court having found that Invacare's notice of the Objection and opportunity for a hearing on the Objection were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Objection and having heard the statements in support of the relief requested therein; and this Court having determined that the


¹ The Reorganized 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 Reorganized Debtors is 1 Invacare Way, Elyria, Ohio 44035.

² Capitalized terms used but not otherwise defined herein shall have the same meaning ascribed to them in the Objection.

legal and factual bases set forth in the Objection establish just cause for the relief granted herein; and upon all of the proceedings had before this Court; and after due deliberation and sufficient cause appearing therefor, it is HEREBY ORDERED THAT:

1. The Stack Claim is disallowed in its entirety.
2. Epiq Corporate Restructuring, LLC, as claims, noticing and solicitation agent, is authorized and directed to update the claims register maintained in these chapter 11 cases to reflect the relief granted in this Order.
3. Notwithstanding the relief granted in this Order and any actions taken pursuant to such relief, nothing in this Order shall be deemed: (a) an admission as to the validity of any prepetition claim against a Reorganized Debtor entity; (b) a waiver of Invacare's right to dispute any prepetition claim on any grounds; (c) a promise or requirement to pay any prepetition claim; (d) an implication or admission that any particular claim is of a type specified or defined in this Objection or any order granting the relief requested by this Objection; (e) a request or authorization to assume any prepetition agreement, contract, or lease pursuant to section 365 of the Bankruptcy Code; or (f) a waiver of Invacare's rights under the Bankruptcy Code or any other applicable law.
4. Invacare is authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Objection.
5. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Signed: May 07, 2024



Christopher Lopez
United States Bankruptcy Judge

United States Bankruptcy Court
Southern District of Texas

In re:
Invacare Corporation
Adaptive Switch Laboratories, Inc.
Debtors

Case No. 23-90068-cml
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0541-4
Date Rcvd: May 07, 2024

User: ADIuser
Form ID: pdfclmob

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Total Noticed: 19

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 May 09, 2024:

Recip ID	Recipient Name and Address
db	+ Freedom Designs, Inc., 2241 N Madera Road, Simi Valley, CA 93065-1762
db	+ Invacare Corporation, 1 Invacare Way, Elyria, OH 44035-4196
aty	+ Brittany B Falabella, Hirschler Fleischer PC, The Edgeworth Building, 2100 East Cary Street, Richmond, VA 23223-7270
aty	+ PATRICIA BERG, 1254 WOODBRIDGE STREET, ST. CLAIR SHORES, MI 48080-1621
cr	Bernardo Maglalang, c/o Sera H. Russell, III, 111 Mercury St, POB 53866, Lafayette, LA 70505-3866
cr	+ Carter Healthcare, Inc., c/o 4100 First Place Tower, 15 East Fifth Street, Tulsa, OK 74103-4345
cr	+ Helene Tanous, c/o Allen M. DeBard, Langley & Banack, Inc., 745 E. Mulberry - Ste. 700, San Antonio, TX 78212-3172
cr	+ Microsoft Corporation, c/o Maria A. Milano, Fox Rothschild LLP, 1001 4th Ave., Suite 4500 Seattle, WA 98154-1192
cr	+ Mike Albert, Ltd. and Mike Albert Leasing, Inc., c/o Quilling, Selander, et al, 2001 Bryan Street, Suite 1800, Dallas, TX 75201-3070
cr	Randal Taylor, 898 W 6th St, Lewiston, PA 17044-1925

TOTAL: 10

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.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/Text: COURTS@ARGOPARTNERS.NET	May 07 2024 20:00:00	Argo Partners, 12 West 37th Street, Ste. 900, New York, NY 10018-7381
cr	+ Email/Text: julie.parsons@mvalaw.com	May 07 2024 19:59:00	Burnet Central Appraisal District, c/o Julie Anne Parsons, P.O. Box 1269, Round Rock, TX 78680-1269
cr	Email/Text: houston_bankruptcy@LGBS.com	May 07 2024 20:00:00	Cypress-Fairbanks ISD, Linebarger Goggan Blair & Sampson LLP, C/O Tara L. Grundemeier, P.O. Box 3064, Houston, TX 77253-3064
cr	+ Email/Text: houston_bankruptcy@LGBS.com	May 07 2024 20:00:00	Harris County, Linebarger Goggan Blair & Sampson LLP, c/o Tara L. Grundemeier, P.O. Box 3064, Houston, TX 77253-3064
intp	^ MEBN	May 07 2024 19:56:28	Jolene Wise United States Securities & Exchange Co, 175 W. Jackson Blvd., Suite 1450, Chicago, IL 60604-2710
cr	+ Email/Text: schristianson@buchalter.com	May 07 2024 19:59:00	Oracle America, Inc., Buchalter PC, c/o Shawn M. Christianson, 425 Market St., Suite 2900, San Francisco, Ca 94105-2491
cr	+ Email/Text: bankruptcy@fultonbank.com	May 07 2024 20:00:00	SAP America, Inc., c/o Brown & Connery LLP, Donald K. Ludman, Esquire, 6 North Broad Street, Suite 100, Woodbury, NJ 08096-4635
cr	+ Email/Text: AGBankRevenue@ag.tn.gov	May 07 2024 19:59:00	TN Dept of Revenue, c/o TN Attorney General's Office, Bankruptcy Division, P.O. Box 20207, Nashville, TN 37202-4015
cr	^ MEBN	May 07 2024 19:55:54	Texas Comptroller of Public Accounts, Revenue Acco, Courtney J. Hull, P.O. Box 12548, Austin, TX 78711-2548

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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	Bypass Reason	Name and Address
db		Adaptive Switch Laboratories, Inc.
tr		Litigation Trustee
cr		Ad Hoc Committee of Convertible Unsecured Notehold
cr		Apria Healthcare Group, LLC
intp		Azurite Management LLC
cr		Bendix Commercial Vehicle Systems LLC
cr		Birlasoft Solutions Inc.
cr		Brian Ridgway
intp		Cantor Fitzgerald Securities
cr		Cellco Partnership d/b/a Verizon Wireless
cr		Changzhou Dade Machinery Co., Ltd.
intp		Computershare Trust Company, N.A., as Indenture Tr
cr		Core Health & Fitness, LLC
cr		DE LAGE LANDEN FINANCIAL SERVICES, INC.,
intp		Doug Kaplan
op		Elvira Leal
op		Epiq Corporate Restructuring, LLC
cr		Ferriot, Inc.
intp		Highbridge Capital Management LLC
cr		Impact Molding Clearwater, LLC
cr		Jeremy Hill
op		Joe Leal
cr		Joerns and Dynamic Medical Systems LLC
cr		John Strickland, Confluence Technologies LLC
cr		Kenco Transportation Management, LLC
cr		Lori Borchardt
cr		Metal Impact South, LLC
cr		Meyers, Roman, Friedberg & Lewis LLP
intp		Official Committee of Unsecured Creditors
intp		PNC Bank, National Association
op		Rafaela Leal Munoz
cr		Roller Die and Forming Company, Inc.
cr		Samuel, Son & Co (USA), Inc.
intp		Steven H. Rosen
cr		Sunrise Medical (US) LLC
cr		Sunrise Medical GmbH
cr		The Raines Family
sutr		Wilmington Trust, National Association, as Success

TOTAL: 38 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

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: May 09, 2024

Signature: /s/Gustava Winters

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CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 7, 2024 at the address(es) listed below:

Name	Email Address
Ali M M Mojdehi	on behalf of Creditor Core Health & Fitness LLC amojdehi@btlaw.com, melissa.turpin@btlaw.com
Allen M. DeBard	on behalf of Creditor Helene Tanous adebard@langleybanack.com cjohnston@langleybanack.com;sfoushee@langleybanack.com
Allison Rego	on behalf of Creditor Core Health & Fitness LLC arego@btlaw.com, melissa.turpin@btlaw.com
Andrew I Silfen	on behalf of Successor Trustee Wilmington Trust National Association, as Successor Indenture Trustee andrew.silfen@afslaw.com, lisa.indelicato@afslaw.com
Annie E Catmull	on behalf of Creditor Oracle America Inc. aecatmull@o-w-law.com, aecatmull@ecf.courtdrive.com,llumtaciae@gmail.com
Beth M Brownstein	on behalf of Successor Trustee Wilmington Trust National Association, as Successor Indenture Trustee beth.brownstein@arentfox.com, nicholas.marten@afslaw.com
Christina Walton Stephenson	on behalf of Creditor The Raines Family Crissie.Stephenson@crowedunlevy.com elisa.weaver@crowedunlevy.com;ecf@crowedunlevy.com
Courtney Hull	on behalf of Creditor Texas Comptroller of Public Accounts Revenue Accounting Division bk-chull@oag.texas.gov, sherri.simpson@oag.texas.gov
David Weitman	on behalf of Interested Party David Weitman david.weitman@klgates.com david.weitman@klgates.com;charlotte.greguski@klgates.com
David Weitman	david.weitman@klgates.com david.weitman@klgates.com;charlotte.greguski@klgates.com
David M Neumann	on behalf of Creditor Meyers Roman, Friedberg & Lewis LLP dneumann@meyersroman.com, mnowak@meyersroman.com,docket@meyersroman.com
Deana S Stein	on behalf of Creditor Kenco Transportation Management LLC dstein@beneschlaw.com, docket2@beneschlaw.com
Donald K Ludman	on behalf of Creditor SAP America Inc. dludman@brownconnery.com
Elysia Lampert	on behalf of Creditor Birlasoft Solutions Inc. elampert@foley.com
H. Brad Parker	on behalf of Creditor Samuel Son & Co (USA), Inc. bparker@parkerlawpc.com, hbradparker@gmail.com;legalassistant1@parkerlawpc.com;legalassistant2@parkerlawpc.com;parker.haroldb.r106074@notify.be stcase.com;HBradParkerPC@jubileebk.net
Hector Duran, Jr	on behalf of U.S. Trustee US Trustee Hector.Duran.Jr@usdoj.gov
Heidi Rasmussen	on behalf of Creditor Joerns and Dynamic Medical Systems LLC heidi.rasmussen@morganlewis.com norma.orocho@morganlewis.com
Ira L Herman	on behalf of Interested Party PNC Bank National Association iherman@blankrome.com, nybankruptcydocketing@blankrome.com
James Britton	on behalf of Successor Trustee Wilmington Trust National Association, as Successor Indenture Trustee james.britton@arentfox.com
Jana Smith Whitworth	on behalf of U.S. Trustee US Trustee jana.whitworth@usdoj.gov
Jason Lee Boland	on behalf of Creditor Ad Hoc Committee of Convertible Unsecured Noteholders jason.boland@nortonrosefulbright.com
Jennifer F Wertz	

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	on behalf of Debtor Invacare Corporation jwertz@jw.com kgradney@jw.com;jpupo@jw.com;steso@jw.com;dduhon@jw.com
Jennifer F Wertz	on behalf of Debtor Freedom Designs Inc. jwertz@jw.com, kgradney@jw.com;jpupo@jw.com;steso@jw.com;dduhon@jw.com
Jennifer F Wertz	on behalf of Debtor Adaptive Switch Laboratories Inc. jwertz@jw.com, kgradney@jw.com;jpupo@jw.com;steso@jw.com;dduhon@jw.com
Jeremy Dunnaback	on behalf of Debtor Invacare Corporation jdunnaback@bakerlaw.com kpeto@bakerlaw.com;cldocketing@bakerlaw.com
John C Gentile	on behalf of Creditor Kenco Transportation Management LLC jgentile@beneschlaw.com, docket2@beneschlaw.com;lmolinaro@beneschlaw.com
John Clayborn Leininger	on behalf of Creditor Lori Borchardt jcl@os.law
John F Higgins, IV	on behalf of Interested Party Highbridge Capital Management LLC jhiggins@porterhedges.com emoreland@porterhedges.com;eliana-garfias-8561@ecf.pacerpro.com;mwebb@porterhedges.com
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Jolene M Wise	on behalf of Interested Party Jolene Wise United States Securities & Exchange Commission wisej@sec.gov isenmanb@sec.gov
Joseph E Bain	on behalf of Interested Party Official Committee of Unsecured Creditors JBain@joneswalker.com kvrana@joneswalker.com;joseph-bain-8368@ecf.pacerpro.com;mellaine-salinas-0728@ecf.pacerpro.com;msalinas@joneswalker.com
Julia Francos Montgomery	on behalf of Creditor SAP America Inc. jmontgomery@brownconnery.com
Julie Anne Parsons	on behalf of Creditor Burnet Central Appraisal District jparsons@mvbalaw.com vcovington@mvbalaw.com;kalexander@mvbalaw.com;julie.parsons@ecf.courtdrive.com
Justin Kesselman	on behalf of Successor Trustee Wilmington Trust National Association, as Successor Indenture Trustee justin.a.kesselman@usdoj.gov
K. Gail Russell	on behalf of Creditor Roller Die and Forming Company Inc. grussell@tilfordlaw.com
Kevin M. Capuzzi	on behalf of Interested Party Official Committee of Unsecured Creditors kcapuzzi@beneschlaw.com docket2@beneschlaw.com;lmolinaro@beneschlaw.com
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Mark H Ralston	on behalf of Creditor Cellco Partnership d/b/a Verizon Wireless mralston@fishmanjackson.com sjames@fjrpllc.com;ralstonlaw@gmail.com;LAWeisbruch@fjrpllc.com
Martin J Lehman	on behalf of Creditor DE LAGE LANDEN FINANCIAL SERVICES INC., mlehman@pamlaw.com, lfitzgerald@pamlaw.com
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Matthew D Cavanaugh	on behalf of Debtor Adaptive Switch Laboratoires Inc. mcavanaugh@jw.com, kgradney@jw.com;dtrevino@jw.com;jpupo@jw.com;JacksonWalkerLLP@jubileebk.net;steso@jw.com;dduhon@jw.com
Matthew D Cavanaugh	on behalf of Debtor Freedom Designs Inc. mcavanaugh@jw.com, kgradney@jw.com;dtrevino@jw.com;jpupo@jw.com;JacksonWalkerLLP@jubileebk.net;steso@jw.com;dduhon@jw.com
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Michael J Lombardo	on behalf of Creditor Samuel Son & Co (USA), Inc. mjlbombardo@dhpqlaw.com
Nicholas Albert Morrow	on behalf of Other Prof. Rafaela Leal Munoz nmorrow@morrowssheppard.com jsheppard@morrowssheppard.com
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Nicholas Albert Morrow	on behalf of Other Prof. Joe Leal nmorrow@morrowssheppard.com jsheppard@morrowssheppard.com
Patrick Michael Lynch	on behalf of Creditor Mike Albert Ltd. and Mike Albert Leasing, Inc. plynch@qslwm.com, jtowzen@qslwm.com
Paul M Green	on behalf of Creditor Sunrise Medical GmbH pmgreen@jonesday.com
Paul M Green	on behalf of Creditor Sunrise Medical (US) LLC pmgreen@jonesday.com
Paul Marc Rosenblatt	on behalf of Trustee Litigation Trustee prosenblatt@kilpatricktownsend.com jrisener@kilpatricktownsend.com;jborey@kilpatricktownsend.com
Paul Marc Rosenblatt	on behalf of Interested Party Official Committee of Unsecured Creditors prosenblatt@kilpatricktownsend.com jrisener@kilpatricktownsend.com;jborey@kilpatricktownsend.com
Robert S Westermann	on behalf of Creditor Apria Healthcare Group LLC rwestermann@hirschlerlaw.com, rhenderson@hirschlerlaw.com
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Robert W Glantz	on behalf of Creditor Impact Molding Clearwater LLC rglantz@muchlaw.com, ccafcules@muchlaw.com
Sandra Vrejan	on behalf of Creditor Joerns and Dynamic Medical Systems LLC sandra.vrejan@morganlewis.com norma.orocho@morganlewis.com
Sharon Marie Beausoleil	on behalf of Interested Party Computershare Trust Company N.A., as Indenture Trustee sbeausoleil@foley.com, rdiep@foley.com;docketflow@foley.com;sharon-beausoleil-5887@ecf.pacerpro.com
Shawn M Christianson	on behalf of Creditor Oracle America Inc. schristianson@buchalter.com, cmcintire@buchalter.com
Stephen R. Butler	on behalf of Creditor TN Dept of Revenue agbanktexas@ag.tn.gov
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Tara L Grundemeier	on behalf of Creditor Harris County houston_bankruptcy@lgbs.com
Tara L Grundemeier	on behalf of Creditor Cypress-Fairbanks ISD houston_bankruptcy@lgbs.com
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Trey A Monsour

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US Trustee

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msalinas@jw.com;kgradney@jw.com;dtrevino@jw.com;jpupo@jw.com;steso@jw.com;dduhon@jw.com

Victoria Nicole Argeroplos

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TOTAL: 76