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Order Filed on April 30, 2025
by Clerk
U.S. Bankruptcy Court
District of New Jersey

In re:

ATLANTIC NEUROSURGICAL SPECIALISTS, P.A., *et al.*,[1]

Debtors.

Chapter 11

Case No. 24-15726 (VFP)

(Jointly Administered)

Hearing Date: May 20, 2025, at 2:00 p.m. (ET)

CONSENT ORDER AND STIPULATION

The relief set forth on the following pages, numbered two (2) through four (4), is hereby ORDERED.

DATED: April 30, 2025

Honorable Vincent F. Papalia
United States Bankruptcy Judge

[1] The Debtors in these chapter 11 cases, together with the last four digits of each Debtor's federal tax identification number, are: Atlantic Neurosurgical Specialists, P.A., d/b/a Atlantic Neurosurgical Specialists and Altair Health (0733); ANS Newco, LLC, d/b/a Altair Health (7893); and Hanover Hills Surgery Center LLC, d/b/a Altair Health Surgical Center and Altair Health (8645).

This Consent Order and Stipulation (this "Consent Order") is entered into by and among (i) the Liquidation Trustee, Jay L. Lubetkin, Esq. (the "Trustee"), appointed through the *Order Approving Disclosure Statement On A Final Basis And Confirming Amended Combined Disclosure Statement And Joint Chapter 11 Plan Of Liquidation Proposed By Chapter 11 Debtors-In-Possession Atlantic Neurosurgical Specialists, P.A., ANS New Co LLC, Hanover Hills Surgery Center LLC And The Official Committee Of Unsecured Creditors, And Granting Related Relief Pursuant To 11 U.S.C. §§ 1121-1129, Bankruptcy Rules 3016-3020, And Local Bankruptcy Rules 3016-1 AND 3018-1* [D.I. 437]; (ii) the Pension Benefit Guaranty Corporation ("PBGC"); and (iii) Julie A. Su, Acting Secretary of Labor, U.S. Department of Labor (the "Acting Secretary"). The Trustee, PBGC, and Acting Secretary are each a "Party" and referred to collectively at times herein as the "Parties."

Whereas, on September 25, 2024, the Debtors filed *Debtors' Motion for Entry of an Order (1) Directing the Return and Transfer to the Debtors of Contributions to the Debtors' Retirement Plans Which Resulted in Overfunding of the Retirement Plans and (2) Related Relief* [D.I. 205] (the "Motion").

Whereas, on October 8, 2024, PBGC filed the *Objection of the Pension Benefit Guaranty Corporation to Debtors' Motion for Entry of an Order (1) Directing the Return and Transfer to the Debtors of Contributions to the Debtors' Retirement Plans and (2) Related Relief* [D.I. 237] (the "PBGC Objection").

Whereas, on October 29, 2024, the Acting Secretary filed *Acting Secretary of Labor's Objection to Debtors' Motion for Entry of an Order (1) Directing the Return and Transfer to the Debtors of Contributions to the Debtors' Retirement Plans and (2) Related Relief* [D.I. 287] (the "Acting Secretary Objection" and together with the PBGC Objection, the "Objections").

Whereas, the Parties have agreed to convert the Motion and the Objections to an adversary proceeding (the "Adversary Proceeding") according to the terms set forth in this Consent Order.

NOW, THEREFORE, intending to be bound, and for good and valuable consideration, it is hereby stipulated and agreed by and among the Parties and the Court orders as follows:

1. **Recitals**. The foregoing recitals and prefatory statements are incorporated by reference into and made an integral part of this Consent Order and shall be fully enforceable and binding on the Parties.

2. **Authority**. The Parties warrant that they are authorized to enter into this Consent Order and that by their signatures below it will become a binding agreement.

3. **Commencement of Adversary Proceeding**. The Parties stipulate and agree to convert the Motion and the Objections to the Adversary Proceeding.

4. **Deadline for Amended Complaint**. The Liquidation Trustee for the Debtors shall have sixty (60) days from the date of entry of this Consent Order to file an adversary complaint and procedurally commence the Adversary Proceeding, which proceeding will be deemed to have commenced on September 25, 2024.

5. **No Prejudice**. Except as specifically set forth herein, the rights of the Parties are preserved.

6. **Retention of Jurisdiction**. The Court shall retain jurisdiction with respect to all matters arising from or related to this Consent Order.

Agreed: April 29, 2025

FAEGRE DRINKER BIDDLE & REATH LLP

/s/ Richard J. Bernard

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Agreed: April 29, 2025

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Agreed: April 29, 2025

/s/ Michael Hartman

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