

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:	BK No. 1-18-10598-MJK
COMPREHENSIVE CANCER SERVICES ONCOLOGY, P.C.,	Proceedings Under Chapter 11
Debtor.	Hon. Michael J. Kaplan
In re:	BK No. 1-18-10599-MJK
CCS MEDICAL, PLLC,	Proceedings Under Chapter 11
Debtor.	Hon. Michael J. Kaplan

NINTH EMERGENCY ORDER PURSUANT TO 11 U.S.C. §§ 105, 361, AND 363
AUTHORIZING DEBTORS TO USE CASH COLLATERAL AND PAY CERTAIN
PREPETITION INSURANCE OBLIGATIONS,
AND GRANTING ADEQUATE PROTECTION

Upon consideration of the Motions for Use of Cash Collateral and Payment of Prepetition Wage (the “*Motions*”),¹ by the Debtors in the above-captioned proceedings, by and through their proposed counsel, Baumeister Denz LLP; and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334, and the Standing Order of Reference so ordered by Hon. William M. Skretny, Chief Judge, United States District Court for the Western District of New York, on February 29, 2012; and consideration of the Motion and the relief requested therein being a core proceeding pursuant to 28 U.S.C. §§ 157(b)(2)(A) and (b)(2)(M); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and it appearing that due notice of the Motions having been provided in accordance with the Court’s Order granted on April 6, 2018 and entered on April 9, 2018; and it appearing that no other or further notice of the Motions need be provided at this time; and the Motions having come on for an interim hearing on April 13, 2018 (the “*Interim Hearing*”); and the Motions having come on for the continued Interim Hearing on April 20, 2018; and the

¹ Capitalized terms utilized but not otherwise defined herein shall have the meanings ascribed to them in the Motions.

Motions having come on for the further continued Interim Hearing on April 26, 2018; and the Motions having come on for the further continued Interim Hearing on May 2, 2018; and the Motions having come on for the further continued Interim Hearing on May 11, 2018; and the Motions having come on for the further continued Interim Hearing on May 16, 2018; and the Motions having come on for the further continued Interim Hearing on May 24, 2018; and Bank of America, N.A. having appeared by Daniel Flores, Esq. and Timothy Wheeler, Esq., the United States having appeared by assistant U.S. Attorneys, Kevin Robinson, Esq. and Daniel Moar, Esq., McKesson Corporation having appeared by Jeffrey Garfinkle, Esq., the Debtors having appeared by proposed counsel, Arthur Baumeister, Esq., the United States Trustee having appeared by assistant U.S. Trustee, Joseph Allen, Esq. and the appointed Chapter 11 Trustee, Mark Schlant, Esq., having appeared; and the parties having consented to the relief set forth herein; and the Court having determined that the relief set forth herein is immediately necessary to avoid immediate and irreparable harm to the Debtors and their estates pending further hearings, and otherwise is fair and reasonable and in the best interests of the Debtors, their estates, and their creditors, and is essential for the continued operation of the Debtors' business; and adequate protection being provided on account of the interests of certain holders of liens on the property of the Debtors' estates; and after due deliberation and sufficient cause appearing therefor, it is

ORDERED that, the Motions are granted to the extent and as limited as set forth herein; and it is further

ORDERED that, the Debtors are immediately authorized to use Cash Collateral limited to the following purposes and limited to the following amounts (if so stated), to the extent that, in the judgment of the Chapter 11 Trustee, they are necessary and appropriate for the protection of the interests of the estates and/or property of the estates:

- To National Fuel, for utility service at several locations, an amount not to exceed

\$3,291.32.

- To Hover Networks, for telephone service, \$875.96.
- To AT&T, for telephone and telecommunications service, \$67.79.
- To Spectrum (Time Warner Cable), for telephone and communications services, \$652.50.
- To Lime Energy, \$327.67.
- To Verizon, for telephone service, \$430.76.
- To ADP, for services relating to the issuance of payroll, and amount not to exceed \$250.00.
- Weekly payroll for employees of the Debtors Comprehensive Cancer Services Oncology, P.C. and CCS Medical, PLLC and limited to Oncology and Corporate Employees for the pay period of 5/7/18 through 5/11/18, as more particularly set forth in spreadsheets circulated among the appearing parties, with any such payment to any individual physician employee for this pay period limited to no more than \$2,500.00, with total payments not to exceed \$30,000.00. Sufficient funds to cover all employment taxes shall be reserved and adequate deposits to cover the taxes shall be made within two business days of the issuance of wages.

and it is further

ORDERED, that Debtors Comprehensive Cancer Services Oncology, P.C. and CCS Medical, PLLC are authorized, without the need for any further or additional approval, to incur and to pay payroll to employee Frank Catafalmo for services during the week beginning May 28, 2018, but only for 20 hours of work (half of his normal number of hours) and only in an amount equal to half of the compensation he normally received for a 40-hour week; and it is further

ORDERED that, Bank of America, N.A., the United States and all creditors holding liens on or claims against cash collateral, or rights of setoffs, including those identified

in paragraphs 7 and 8 of the Debtors' Cash Collateral Motion, are hereby granted roll-over or replacement liens or rights of setoffs as security to the same extent, in the same priority, and with respect to the same assets, as served as collateral for said creditors' prepetition indebtedness, to the extent of cash collateral actually used during the pendency of this Chapter 11 case, with such replacement liens to attach pro rata to the extent that cash collateral used was subject to each party's respective first priority lien, without the need of any further public filing or other recordation to perfect such roll-over or replacement liens or security interests; and it is further

ORDERED that, in order for the parties to be able to ascertain which creditor's collateral has been used for the purposes authorized herein, the Debtors shall keep and preserve records, currently in their possession or hereafter received or created, that may enable the secured parties to ascertain the source of all receipts used pursuant to this Order including the amounts received from particular payors and the invoices to which those receipts pertain; and it is further

ORDERED that, to the extent that the replacement liens fail to compensate the secured creditors for the cash collateral the use of which is authorized by this Order, as shown by secured creditors on notice and hearing, they shall have, respectively, an administrative claim under 11 U.S.C. § 507(b) with priority over other expenses of administration under § 507(a)(2), except as provided in § 506(c); and it is further

ORDERED that, to the extent applicable, the requirements set forth in Rule 6003(b) have been satisfied and the relief granted herein is necessary to avoid immediate and irreparable harm to the Debtor and its estate; and it is further

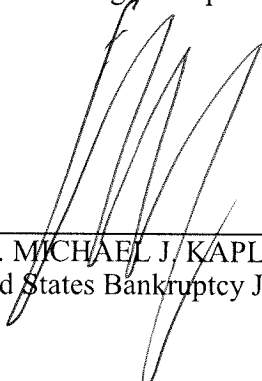
ORDERED that, the Interim Hearing shall be continued to June, 2018 at 11:00 AM; and it is further

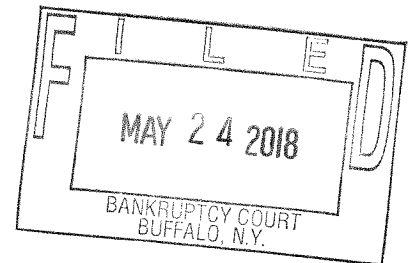
ORDERED that, Bank of America, N.A. and the United States may expressly consent in writing, prior to the continued Interim Hearing, to additional use of cash collateral as

essential to support the Debtors on an emergency basis, and such additional use shall be subject to the terms of this Order; and it is further

ORDERED that the protection thus granted shall not preclude the United States or Bank of America, N.A. from seeking additional relief should either party fail to be fully compensated for the use of its cash collateral, but nothing shall preclude any party in interest from objecting to any such additional relief.

Dated: May 24, 2018
Buffalo, New York



HON. MICHAEL J. KAPLAN,
United States Bankruptcy Judge

Notice Recipients

District/Off: 0209-1
Case: 1-18-10598-MJK

User: vernenj
Form ID: pdforder

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Total: 29

Recipients of Notice of Electronic Filing:

tr	Mark J. Schlant	mschlant@zsa.cc
aty	Andrew A. De Mello	andrew.a.de.mello@usdoj.gov
aty	Arthur G. Baumeister, Jr.	abaumeister@bdlegal.net
aty	Kevin D. Robinson	kevin.d.robinson@usdoj.gov
aty	Timothy R. Wheeler	timothy.wheeler@wilsonelser.com

TOTAL: 5

Recipients submitted to the BNC (Bankruptcy Noticing Center):

db	Comprehensive Cancer Services Oncology, P.C.	3041 Orchard Park Rd. – Suite C	Orchard Park, NY 14127
pr	Won Sam Yi	6425 Landstone Dr.	Clarence Center, NY 14032
aty	Daniel Flores	Wilson Elser Moskowitz	Edelman & Dicker LLP 200 Campus Drive Florham Park, NJ 07932
smg	Office of the U.S. Trustee	300 Pearl Street, Suite 401	Olympic Towers Buffalo, NY 14202
21610397	3800 Delaware Avenue LLC	c/o Zaepfel Development Co.	5505 Main Street Williamsville, NY 14221
21610419	Bank of America, N.A.	2059 Northlake Parkway, 3 North	Tucker, GA 30084
21610428	Buffalo News	One News Plaza, PO Box 100	Buffalo, NY 14240
21610457	Colucci & Gallaher PC	2000 Liberty Building	424 Main Street Buffalo, NY 14202
21610458	Com Doc –	PO Box 932159	Cleveland, OH 44193
21610461	Connors, LLP	1000 Liberty Building	Buffalo, NY 14202
21610465	CR3 Partners, LLC	13727 Noel Road	Tower II, Suite 200 Dallas, TX 75240
21610558	Key Bank	PO Box 89446	Cleveland, OH 44101-6446
21610567	Linac Repair Services, LLC	1765 Redgrave Rd	Knoxville, TN 37922
21610587	McKesson Medical– Surgical Inc.	PO Box 660266	Dallas, TX 75266-0266
21610591	Mehmet Erk MD	8270 Wehrle Drive	Williamsville, NY 14221
21610627	PKV Associates LLC	101 South Parrish Drive	Amherst, NY 14228
21610641	RADPHYS Oncology Services, LLC	1765 Redgrave Rd.	Knoxville, TN 37922
21610648	Results Through Collaboration, LLC	830 AIA N Ste 13 #524	Ponte Vedra Beach, FL 32082
21610655	Satish Arora, M.D.	2095 Kensington Ave	Snyder, NY 14226
21610664	SHC Services, Inc.	PO Box 27124	Salt Lake City, UT 84127-0124
21610688	TheraCom LLC	Payment Center	PO Box 640105 Cincinnati, OH 45264-0105
21610690	Time Warner Cable	P O Box 70872	Charlotte, NC 28272-0872
21610705	Varian Medical Systems–	Atlanta 1350 Spring Street Suite 275	Atlanta, GA 30309
21610716	Whiteboard IT Solutions	525 Hertel Ave	Buffalo, NY 14207

TOTAL: 24

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**

In Re:

Comprehensive Cancer Services
Oncology, P.C.
dba CCS Oncology, dba CCS
Healthcare

Case No.: 1-18-10598-MJK
Chapter: 11

Tax ID: 26-2899685

Debtor(s)

NOTICE OF ENTRY

PLEASE TAKE NOTICE of the entry of the Order referenced below, duly entered in the within action in the Clerk's Office of the United States Bankruptcy Court, Western District of New York on **May 24, 2018**. The Clerk of Court of the United States Bankruptcy Court, Western District of New York, hereby certifies that a copy of the subject Order was sent to all parties in interest herein as required by the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure.

Docket #156: Ninth Emergency Order Pursuant to 11 U.S.C. §§ 105, 361, and 363 Authorizing Debtors to Use Cash Collateral and Pay Certain Prepetition Insurance Obligations, and Granting Adequate Protection(RE: related doc(s) 25 Motion to Use Cash Collateral). Signed on 5/24/2018. NOTICE OF ENTRY. (Vernen, J.)

Date: May 24, 2018

Lisa Bertino Beaser
Clerk of Court

Form ntcentry/Doc 156
www.nywb.uscourts.gov

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Case: 1-18-10598-MJK

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aty	Timothy R. Wheeler	timothy.wheeler@wilsonelser.com

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