

FILED
12/27/2022 12:00 AM
IRIS Y. MARTINEZ
CIRCUIT CLERK
COOK COUNTY, IL
2020CH04431
Calendar, 11
20791518

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

**IN THE MATTER OF THE)
CONSERVATION OF NEXTLEVEL) No. 2020 CH 4431
HEALTH PARTNERS, INC.)**

**PETITION FOR APPROVAL OF UNCONTESTED
RECOMMENDATIONS FOR ALLOWANCE OF
CLAIMS AT LEVELS D AND G
And
APPLICATION FOR APPROVAL OF 100%
DIVIDEND AT LEVELS D AND G**

Dana Popish Severinghaus, Director (the “Director”) of the Illinois Department of Insurance (the “Department”), acting solely in her capacity as statutory and Court affirmed conservator (the “Conservator”) of NextLevel Health Partners, Inc., in Conservation (“NLHP”), requests that the Court enter an order (1) approving her uncontested recommendations for the allowance of claims (as set forth herein at Paragraphs 4 and 5) (the “Petition”); and (2) approving her application (the “Application”) for the issuance of a 100% dividend on all claims allowed at priority levels (d) and (g) of the statutory schedule of distribution, 215 ILCS 5/205(1)(d) and (g), (“Level D” and “Level G,” respectively), and in support thereof the Conservator states as follows:

THE PETITION

1. The Conservator has reviewed all claims submitted seeking payment from the receivership assets of NLHP.
2. The Conservator issued notices of determination on those claims recommended for allowance in an amount less than that claimed by the claimant. With respect to each such claim, there are no claimant objections pending. The Conservator further represents that counsel for NLHP and for NextLevel Health Innovations, Inc. (“NLHI”) has informed the Conservator

FILED DATE: 12/27/2022 12:00 AM 2020CH04431

that neither of them objects¹ to the Conservator's recommendations for the allowance of claims as set forth in this Petition.

3. As to those claims recommended for allowance by the Conservator in the amount claimed, no notice of recommendation was required or issued (claims as to which no notice of determination was issued are marked with an asterisk following the claimant's name in Paragraph 4, below). 215 ILCS 5/209(11)(a). Again, as set forth in Paragraph 2, the Conservator further represents that counsel for NLHP and for NLHI has informed the Conservator that neither of them objects to the Conservator's recommendations for the allowance of claims as set forth in this Petition.

4. The Conservator recommends that each of the below listed uncontested recommendations for the allowance of claim be approved for purposes of allowing each such claim to participate in any distributions of NLHP's assets that may be made on claims allowed at Level D:

Claim Number	Provider Name	Recommended Allowance
1063694388	Transitions Hospice LLC*	\$1,688.62
1124279815	Guardian Healthcare And Hosp*	\$36,655.06
1154324994	Journeycare*	\$33,529.98
1225170889	Vitas Healthcare Corporation*	\$52,728.83
1962782995	Angels Grace Hospice LLC*	\$411.00
1962477919	Palos Comm Hospital Hospice*	\$348.37
1982657292	Family Centered Hospice*	\$33,529.98
1700838661	In Home Health*	\$696.50
PP1871678334	Kindred THC Chicago LLC	\$669,279.50
PP1831170232	Gottlieb Memorial Hospital	\$24,907.03
PP1376521575	Loyola Univ Medical Center	\$192,136.66
PP1750313961	MacNeal Hospital	\$89,491.37

1. The Conservator, NLHP and NLHI disagree as to whether NLHP and NLHI have standing to object to the Conservator's recommendations for the allowance of claim as set forth herein. This issue is avoided with NLHP and NLHI's waiver of their asserted right to object as to the claims set forth herein.

5. The Conservator recommends that each of the below listed uncontested recommendations for the allowance of claim be approved for purposes of allowing each such claim to participate in any distributions of NLHP's assets that may be made on claims allowed at Level G:

Claim Number	Provider Name	Recommended Allowance
GC1830000002	Nextlevel Health Innovations, Inc	\$3,501,853.00
PP1830000001	Illinois Dept Of Healthcare And Family Services*	\$240,643.09

THE APPLICATION

6. The Conservator represents that:
- i. all claims asserted against NLHP's assets in these proceedings have been reviewed and recommended for allowance or disallowance;
 - ii. as of December 21, 2022, NLHP had assets in the amount of \$6,999,977;
 - iii. there are sufficient assets in the receivership estate to pay all current and future administrative expenses, payable at priority level (a) of the statutory schedule of distribution, 215 ILCS 5/205(1)(a);
 - iv. there are no claims at priority levels (b) and (c) of the statutory schedule of distribution, 215 ILCS 5/205(1)(b) and (c);
 - v. the total value of all claims allowed at Level D is \$1,135,402.90;
 - vi. there are sufficient assets in the receivership estate to issue a 100% dividend on all claims allowed at Level D;
 - vii. after the proposed Level D distribution, remaining assets will be in the approximate amount of \$5,864,574.10;
 - viii. there are no claims at priority levels (e) and (f) of the statutory schedule of distribution, 215 ILCS 5/205(1)(e) and (f);
 - ix. the total value of all claims allowed at Level G is \$3,742,496.09;
 - x. after the proposed Level G distribution, remaining assets will be in the approximate amount of \$2,122,078.01; and,

- xi. there are sufficient assets in the receivership estate to issue a 100% dividend on all claims allowed at Level G.

7. For the reasons set forth above, and in accordance with 214 ILCS 5/210(2), the Conservator recommends that the Court approve her issuance of a 100% dividend on all claims allowed by this Court for purposes of participating in any distributions of NLHP's assets that may be made at Level D and Level G.

NEXT STEPS

8. As previously represented to the Court in the parties' *Joint Petition To Set A Date For The Fixing Of Rights And Liabilities, And Deadlines, And Procedures For The Filing Of Claims*, following the payment of the claims allowed at Levels D and G NLHP shall take those actions necessary to complete effectuate its dissolution through a regulatory process for voluntary dissolution under the supervision of the Director and the Department pursuant to 50 Ill. Admin. Code §2410.10 *et seq.*, and pursuant to applicable provisions of the Business Corporation Act, 805 ILCS 5/12.1 *et seq.*

9. After the dissolution of NLHP, the Conservator will file with the Court a petition to dismiss the conservation and terminate these proceedings.

CONCLUSION

Wherefore, the Conservator requests that the Court enter an order approving her Petition and Application as follows:

- A. Approving the Conservator's recommendations for the allowance of claims, as set forth in Paragraph 4, above, for purposes of allowing each such claim to participate in any distributions of NLHP's assets that may be made at Level D;


B. Approving the Conservator’s recommendation for the allowance of claim, as set forth in Paragraph 5, above, for purposes of allowing each such claim to participate in any distributions of NLHP’s assets that may be made at Level G; and,

C. Setting this cause is set for status.

Respectfully submitted,

Dana Popish Severinghaus

Director of Insurance
of the State of Illinois, acting solely in her
capacity as Conservator of NextLevel
Health Partners, Inc.

By: 
One of her attorneys

J. Kevin Baldwin
Daniel A. Guberman
Counsel to the Receiver
222 Merchandise Mart Plaza
Suite 960
Chicago, Illinois 60654
(312) 836-9500
Attorney Code # 16819
dguberman@osdchi.com