

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

IN RE:

ASTRIA HEALTH, et al.

Debtors and Debtors in
Possession.¹

Lead Case No. 19-01189-11

Jointly Administered

**SUPPLEMENTAL CERTIFICATE OF
SERVICE**

I, Heather Fellows, depose and say that I am employed by Kurtzman Carson Consultants LLC (KCC), the claims and noticing agent for the Debtors in the above-captioned case.

On January 11, 2021, at my direction and under my supervision, employees of KCC caused to be served per postal forwarding address the following document via First Class Mail upon the service list attached hereto as **Exhibit A**:

- **Notice of Errata to Second Amended Plan, Ballots and Confirmation Hearing Notices** [Docket No. 2007]

Furthermore, on January 12, 2021, at my direction and under my supervision, employees of KCC caused to be served per postal forwarding address the following document via First Class Mail upon the service list attached hereto as **Exhibit C**:

(Continued on Next Page)

¹ The Debtors, along with their case numbers, are as follows: Astria Health (19-01189-11), Glacier Canyon, LLC (19-01193-11), Kitchen and Bath Furnishings, LLC (19-01194-11), Oxbow Summit, LLC (19-01195-11), SHC Holdco, LLC (19-01196-11), SHC Medical Center-Toppenish (19-01190-11), SHC Medical Center-Yakima (19-01192-11), Sunnyside Community Hospital Association (19-01191-11), Sunnyside Community Hospital Home Medical Supply, LLC (19-01197-11), Sunnyside Home Health (19-01198-11), Sunnyside Professional Services, LLC (19-01199-11), Yakima Home Care Holdings, LLC (19-01201-11), and Yakima HMA Home Health, LLC (19-01200-11).



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- **Notice of Rejection of Executory Agreements; attached hereto as Exhibit B.**

Dated: January 15, 2021

/s/ Heather Fellows
Heather Fellows
KCC
222 N. Pacific Coast Highway,
3rd Floor
El Segundo, CA 90245
Tel 310.823.9000

Exhibit A

Exhibit A
Creditor Matrix
Served via First Class Mail

CreditorName	CreditorNoticeName	Address1	Address2	City	State	Zip
Bio Systems	Attn Charlie Alutto	Corporate VP	2355 Waukegan Rd	Bannockburn	IL	60015-1586

Exhibit B

1 JAMES L. DAY (WSBA #20474)
2 BUSH KORNFELD LLP
3 601 Union Street, Suite 5000
4 Seattle, WA 98101
5 Tel: (206) 521-3858
6 Email: jday@bskd.com

7 SAMUEL R. MAIZEL (Admitted
8 Pro Hac Vice)
9 DENTONS US LLP
10 601 South Figueroa Street, Suite
11 2500
12 Los Angeles, California 90017-5704
13 Tel: (213) 623-9300
14 Fax: (213) 623-9924
15 Email:
16 samuel.maizel@dentons.com

17 SAM J. ALBERTS (WSBA
18 #22255)
19 DENTONS US LLP
20 1900 K. Street, NW
21 Washington, DC 20006
22 Tel: (202) 496-7500
23 Fax: (202) 496-7756
24 Email: sam.alberts@dentons.com

25 Attorneys for the Chapter 11
26 Debtors and Debtors In Possession

27 MARK D. NORTHRUP
28 (WSBA #16947)
MILLER NASH GRAHAM &
DUNN LLP
2801 Alaskan Way, Suite 300
Seattle, Washington 98121-
1128
Tel: (206) 624-8300
Email:
mark.northrup@millernash.com

WILLIAM KANNEL
(Admitted Pro Hac Vice)
IAN A. HAMMEL (Admitted
Pro Hac Vice)
MINTZ, LEVIN, COHN,
FERRIS, GLOVSKY AND
POPEO, P.C.
One Financial Center
Boston, Massachusetts 02111
Tel: (617) 542-6000
Email: wkannel@mintz.com
Email: iahammel@mintz.com
Email: tmckeon@mintz.com

Attorneys for the Lapis Parties

HONORABLE WHITMAN L.
HOLT

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re:

ASTRIA HEALTH, *et al.*,

Debtors and Debtors in
Possession.¹

Chapter 11
Lead Case No. 19-01189-11
Jointly Administered

**NOTICE OF REJECTION OF
EXECUTORY AGREEMENTS**

¹ The Debtors, along with their case numbers, are as follows: Astria Health (19-01189-11), Glacier Canyon, LLC (19-01193-11), Kitchen and Bath Furnishings, LLC (19-01194-11), Oxbow Summit, LLC (19-01195-11), SHC Holdco, LLC (19-01196-11), SHC Medical Center - Toppenish (19-01190-11), SHC Medical Center - Yakima (19-01192-11), Sunnyside Community Hospital Association (19-01191-11), Sunnyside Community Hospital Home Medical Supply, LLC (19-01197-11), Sunnyside Home Health (19-01198-11), Sunnyside Professional Services, LLC (19-01199-11), Yakima Home Care Holdings, LLC (19-01201-11), and Yakima HMA Home Health, LLC (19-01200-11).

REJECTION NOTICE

DENTONS US LLP
601 South Figueroa Street, Suite 2500
Los Angeles, CA 90017-5704
Phone: (213) 623-9300
Fax: (213) 623-9924

BUSH KORNFELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone: (206) 292-2110

1 **PLEASE TAKE NOTICE OF THE FOLLOWING:**

2 **REJECTION OF EXECUTORY AGREEMENTS**

3
4 1. By Order dated December 23, 2020 [Docket No. 2217] (the
5 “Confirmation Order”), the United States Bankruptcy Court for the Eastern District
6 of Washington (the “Bankruptcy Court”) confirmed the *Modified Second Amended*
7 *Joint Chapter 11 Plan of Reorganization of Astria Health and Its Debtor Affiliates*
8 [Docket No. 2196] (including all exhibits thereto, any plan supplement, and as
9 amended, modified, or supplemented from time to time, the “Plan”)² filed by Astria
10 Health, a Washington nonprofit public benefit corporation (“Astria”), and the above-
11 referenced affiliated debtors and debtors in possession (collectively, the “Debtors”),
12 in the above-referenced chapter 11 cases (the “Chapter 11 Cases”) and Lapis
13 Advisers, LP as lender under the debtor in possession facility in the Chapter 11
14 Cases, agent under the Debtors’ prepetition credit agreement, and as investment
15 advisor and investment manager for certain funds which are beneficial holders of
16 those certain Washington Health Care Facilities Authority Revenue Bonds, Series
17 2017a Bonds and the Series 2017b Bonds (collectively the “Lapis Parties” and,
18 together with the Debtors, the “Plan Proponents”), as satisfying the requirements of
19 § 1129 of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (the
20 “Bankruptcy Code”).

21
22 2. The Effective Date of the Plan will occur no later than January 16,
23 2021, unless extended by agreement between the Plan Proponents and Multicare or
24 by order of the Court. All creditors will be served with a notice of occurrence of the
25 Effective Date which may also be obtained: (a) via download from the Bankruptcy
26 Court’s website at ecf.waeb.uscourts.gov for registered users of the PACER and/or
27 CM/ECF systems (for a fee); (b) via download from www.kccllc.net/astriahealth; or
28 (c) by (i) written request to Astria Health c/o KCC, LLC, 222 North Pacific Coast
Highway, Suite 300, El Segundo, California 90245 or (ii) e-mail request to
astriainfo@kccllc.com.

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30 **3. YOU ARE OR MIGHT BE A COUNTERPARTY TO AN
31 EXECUTORY AGREEMENT DEEMED REJECTED BY THE PLAN AS OF
32 THE EFFECTIVE DATE. IF YOU HAVE PREVIOUSLY BEEN NOTIFIED
33 THAT YOUR EXECUTORY CONTRACT IS BEING ASSUMED UNDER
34 THE PLAN, THEN YOU MAY DISREGARD THIS NOTICE. A LIST OF
35 ASSUMED EXECUTORY CONTRACTS MAY BE DOWNLOADED AT:
36 <http://www.kccllc.net/astriahealth/document/1901189201204000000000021>.**

37
38 ² Capitalized terms used but not otherwise defined herein have the definitions set forth in the Plan.

REJECTION NOTICE

DENTONS US LLP
601 South Figueroa Street, Suite 2500
Los Angeles, CA 90017-5704
Phone: (213) 623-9300
Fax: (213) 623-9922

BUSH KORNFELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104

1 4. **Rejection of Executory Agreements.** Pursuant to Section IV.B.1 of
2 the Plan, immediately prior to the Effective Date, all Executory Contracts of the
3 Debtors will be deemed rejected in accordance with the provisions and requirements
4 of §§ 365 and 1123 except those Executory Contracts that (i) have been assumed by
5 order of the Court, (ii) are subject to a motion to assume pending on the Effective
6 Date, or (iii) have been identified on a list of assumed contracts to be filed with the
7 Court prior to the Voting Deadline, which shall be a date prior to the Effective Date
8 of the Plan. The Confirmation Order will constitute a Court order approving such
9 rejections of Executory Contracts as of the Effective Date pursuant to §§ 365 and
10 1123.

11 5. **Bar Date for Rejection Damages.** Pursuant to Section IV.B.2 of the
12 Plan, Claims arising out of the rejection of an Executory Agreement pursuant to the
13 Plan must be filed with the Bankruptcy Court and served upon counsel to the Debtors
14 within 30 days after the entry of an order (including the Confirmation Order)
15 approving such rejection (*i.e.*, **January 22, 2021**). Any Claims not filed within such
16 time period will be forever barred from assertion against the Debtors and/or their
17 property and/or their Estates.

18 6. **Viewing the Plan and Confirmation Order.** The Plan and the
19 Confirmation Order may be obtained: (a) via download from the Bankruptcy Court's
20 website at ecf.waeb.uscourts.gov for registered users of the PACER and/or CM/ECF
21 systems (for a fee); (b) via download from www.kccllc.net/astriahhealth; or (c) by (i)
22 written request to Astria Health c/o KCC, LLC, 222 North Pacific Coast Highway,
23 Suite 300, El Segundo, California 90245 or (ii) e-mail request to
24 astriainfo@kccllc.com.

25 Dated: December 28, 2020

DENTONS US LLP

26 By: /s/ Samuel R. Maizel

27 Samuel R. Maizel
28 Sam J. Alberts
Geoffrey M. Miller

Counsel to the *Debtors and Debtors In Possession*

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Dated: December 28, 2020

MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY AND POPEO, P.C.

By: /s/ William Kannel
William Kannel
Ian A. Hammel

Counsel to the *Lapis Parties*

REJECTION NOTICE

DENTONS US LLP
601 South Figueroa Street, Suite 2500
Los Angeles, CA 90017-5704
Phone: (213) 623-9300
Fax: (213) 623-9922

BUSH KORNFELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104

Exhibit C

Exhibit C
Contract Counterparties
Served via First Class Mail

CreditorName	CreditorNoticeName	Address	City	State	Zip
Washington State Hospital Association	Attn Melissa Waddell	999 3rd Ave Ste 1400	Seattle	WA	98104-4041
Westfall, Lincoln Ion D.O.		2033 Manson Blvd	Manson	WA	98831-9649