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

IN RE:

ASTRIA HEALTH, et al.

Debtors.¹

Lead Case No. 19-01189-11

Jointly Administered

**AGREED ORDER GRANTING
PACIFICORP, dba PACIFIC POWER &
LIGHT'S REQUEST FOR
ALLOWANCE AND PAYMENT OF 11
U.S.C. § 509(b)(3) CLAIMS**

**[Related Proofs of Claim Nos.:
49-1 in Case No. 19-01190 and
61-1 in Case No. 19-01192]**

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 (19-19-01200-11).

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DENTONS US LLP BUSH KORNFIELD LLP



1 The Court, having read and considered *Proof of Claim No. 49-1* in Case No.
2 19-01190 (the "Toppenish Claim") and *Proof of Claim No. 61-1* in Case No. 19-
3 01192 (the "ARMC Claim") filed by PacifiCorp, *dba* Pacific Power & Light
4 ("PacifiCorp") and this Agreed Order evidencing the agreement between PacifiCorp
5 and Astria Health, along with the above-referenced affiliated reorganized debtors
6 (collectively, the "Debtors"), the debtors and debtors in possession in the chapter 11
7 bankruptcy cases;

8 **WHEREAS**, it appearing that PacifiCorp's Toppenish Claim and ARMC
9 Claim seek payment for electricity provided to Debtors SHC Medical Center -
10 Toppenish *dba* Astria Toppenish Hospital ("Toppenish") and SHC Medical Center -
11 Yakima *dba* Astria Regional Medical Center, along with its various clinics,
12 (collectively, "ARMC") prior to May 6, 2019 (the "Petition Date") in the total
13 amount of \$299,902.97 (the "Prepetition Claim"), including (i) \$60,614.04 to
14 Toppenish, as detailed in the Toppenish Claim, and (ii) \$239,288.93 to ARMC, as
15 detailed in the ARMC Claim, of which a total of \$249,915.92 is claimed to have been
16 incurred before twenty (20) days prior to the Petition Date (the "Non-Priority
17 Prepetition Claim");

18 **WHEREAS**, it appearing PacifiCorp requested administrative expense
19 priority (the "Request") under 11 U.S.C. § 503(b)(9) for electricity provided to
20 Toppenish and ARMC within twenty (20) days of the Petition Date in the total
21 amount of \$49,987.05 (the "503(b)(9) Claim"), including (i) \$10,932.01 to
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1 Toppenish, as detailed in the Toppenish Claim, and (ii) \$39,055.04 to ARMC, as
2 detailed in the ARMC Claim;

3 **WHEREAS**, it appearing the Debtors and PacifiCorp have agreed to settle the
4 503(b)(9) Claim for a total amount of \$24,993.53 (the “Agreed Settlement Amount”)
5 to be paid upon entry of this Agreed Order;

6 **WHEREAS**, it appearing the Debtors and PacifiCorp have agreed that that in
7 connection with the settlement of the 503(b)(9) Claim, the Non-Priority Prepetition
8 Claim as asserted by PacifiCorp is amended to \$274,909.44 (the “Adjusted Non-
9 Priority Prepetition Claim”);

10 **WHEREAS**, on December 23, 2020, the United States Bankruptcy Court for
11 the Eastern District of Washington (the “Court”) entered an order [Docket No. 2217]
12 (the “Confirmation Order”) confirming the Debtors *Modified Second Amended Joint*
13 *Chapter 11 Plan of Reorganization of Astria Health and Its Debtor Affiliates* [Docket
14 No. 2196] (the “Plan”), which Plan became effective on January 15, 2021 (the
15 “Effective Date”) [Docket No. 2264]. Under the Plan and pursuant to the
16 Confirmation Order, the Court retained jurisdiction over the 503(b)(9) Claim. *See*
17 Plan at Section VI, ¶ 1; Confirmation Order at Section II, ¶ 21;

18 **WHEREAS**, it appearing the Debtors and PacifiCorp believe that this
19 agreement is reasonable, fair, and equitable resolution of the 503(b)(9) Claim, and is
20 in the best interests of the Debtors’ estates;

1 PRESENTED BY:

2 DENTONS US LLP

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