



CSD 1008 [08/21/00]
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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF CALIFORNIA
325 West F Street, San Diego, California 92101-6991

In Re
BORREGO COMMUNITY HEALTH FOUNDATION

Debtor.

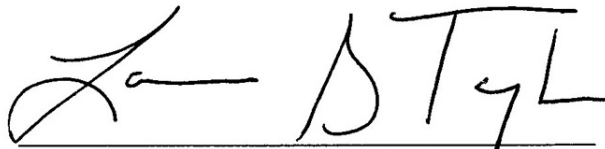
BANKRUPTCY NO. 22-02384-11
Date of Hearing: ~~XXX~~ September 13, 2022
Time of Hearing: ~~XXX~~ 3:00 p.m.
Name of Judge: Laura S. Taylor

ORDER ON

EMERGENCY FIRST DAY MOTION FOR ENTRY OF ORDER: (I) AUTHORIZING THE DEBTOR TO (A) PAY PREPETITION EMPLOYEE WAGES AND SALARIES, AND (B) PAY AND HONOR EMPLOYEE BENEFITS AND OTHER WORKFORCE OBLIGATIONS; (II) AUTHORIZING THE DEBTOR TO PAY PREPETITION AGENCY PAYMENT OBLIGATIONS; AND (III) AUTHORIZING AND DIRECTING THE APPLICABLE BANK TO PAY ALL CHECKS AND ELECTRONIC PAYMENT REQUESTS MADE BY THE DEBTOR RELATING TO THE FOREGOING

The court orders as set forth on the continuation pages attached and numbered 2 through 3 with exhibits, if any, for a total of pages 3. Motion/Application Docket Entry No. 3.

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// September 15, 2022
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Judge, United States Bankruptcy Court

DATED:

Judge, United States Bankruptcy Court

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ORDER GRANTING DEBTOR'S EMERGENCY FIRST DAY MOTION FOR ENTRY OF ORDER: (I) AUTHORIZING THE DEBTOR TO (A) PAY PREPETITION EMPLOYEE WAGES AND SALARIES, AND (B) PAY AND HONOR EMPLOYEE BENEFITS AND OTHER WORKFORCE OBLIGATIONS; (II) AUTHORIZING THE DEBTOR TO PAY PREPETITION AGENCY PAYMENT OBLIGATIONS; AND (III) AUTHORIZING AND DIRECTING THE APPLICABLE BANK TO PAY ALL CHECKS AND ELECTRONIC PAYMENT REQUESTS MADE BY THE DEBTOR RELATING TO THE FOREGOING

DEBTOR: BORREGO COMMUNITY HEALTH FOUNDATION CASE NO: 22-02384

Having considered the Emergency Motion,¹ the accompanying Memorandum of Points and Authorities in support of the Emergency Motion, and the Declaration of Isaac Lee in support of the Emergency Motion, the arguments of counsel at the hearing, and good cause appearing therefore,

1. The Emergency Motion is granted subject to the terms of this Order.
2. The Debtor is authorized, in its sole discretion, to do the following:
 - a) To honor and pay any Employee Obligations for Employees of the Debtor that are outstanding as of the Petition Date, including Wages, Withholding Obligations, Reimbursement Obligations, Bonuses, and PTO, provided, however, that no payment to any individual Employee of prepetition Employee Obligations shall exceed, in the aggregate for that individual Employee, the \$15,150 statutory cap provided for under § 507(a)(4) of the Bankruptcy Code (the "Statutory Cap") unless otherwise required by applicable law or ordered by this Court;
 - b) To pay any Administration Fees owed to Ceridian that are outstanding as of the Petition Date;
 - c) To pay any Agency Payment Obligations that are outstanding as of the Petition Date, provided, however, that no payment for any individual Temporary Staff member's prepetition services shall exceed the \$15,150 Statutory Cap unless otherwise required by applicable law or ordered by this Court;
 - d) To pay postpetition (when payable) any amounts that accrued prepetition for Continuation Health Coverage ("COBRA"), and to continue to perform any obligations related thereto in the ordinary course of business;
 - e) To pay its portion of any premiums, claims or administration fees for the Health Plans that accrued and remain unpaid as of the Petition Date and to continue to pay, in its discretion and in the ordinary course of its business, the administration fees, premiums for and claims under the Health Plans incurred postpetition;
 - f) To pay any accrued and unpaid prepetition premiums and related charges to maintain Employee Life Insurance, AD&D, ST, Workers' Compensation Insurance, Unemployment Insurance Plan, employee assistance program postpetition and to deliver the Employees' portion of any accrued and unpaid prepetition premiums to the corresponding administrators in connection with the payment of the Wages and Withholding Obligations;

¹ Defined terms in this Order shall have the same meaning as in the Emergency Motion unless otherwise defined herein.

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- g) To continue to honor, in its discretion and in the ordinary course of its business, miscellaneous employee retirement and benefit programs that are Employee-funded (e.g., 401(k) Plan, AirMedCare), and to distribute to third-parties the payments for these programs in connection with the payment of Wages and Withholding Obligations; and
 - h) To continue to pay and honor, in its discretion and in the ordinary course of its business, all Employee-related expenses and obligations that accrue postpetition in the ordinary course of the Debtor's business.
3. City National Bank shall honor and pay all checks and electronic payment requests made by the Debtor relating to the foregoing obligations.
 4. Notwithstanding the relief granted in this Order and any actions taken pursuant to such relief, nothing in this Order shall be deemed: (a) an admission as to the validity of any claim against the Debtor; (b) a waiver of the Debtor's right to dispute any claim on any grounds; (c) a promise or requirement to pay any claim; (d) an implication or admission that any particular claim is of a type specified or defined in this Order, or the Emergency Motion; (e) a request or authorization to assume any agreement, contract, or lease pursuant to § 365; (f) a waiver or limitation of the Debtor's rights under the Bankruptcy Code or any other applicable law; or (g) a concession by the Debtor that any liens (contractual, common law, statutory, or otherwise) satisfied pursuant to the Motion are valid, and the Debtor expressly reserves its rights to contest the extent, validity, or perfection or seek avoidance of any or all such liens.
 5. Nothing in this Order or any action taken by the Debtor in furtherance of the implementation hereof shall be deemed to constitute an assumption or rejection of any executory contract or unexpired lease pursuant to § 365, and all of the Debtor's rights with respect to such matters are expressly reserved.
 6. Notwithstanding the relief granted herein and any actions taken hereunder, nothing contained herein shall (a) create, nor is it intended to create, any rights in favor of, or enhance the status of any claim held by, any person or entity, or (b) be deemed to convert the priority of any claim from a prepetition claim into an administrative expense claim.
 7. The requirements of Bankruptcy Rule 6003(b) are satisfied because the relief requested in the Emergency Motion is necessary to avoid immediate and irreparable harm to the Debtor.
 8. Notice of the Emergency Motion as provided therein shall be deemed good and sufficient notice, and the requirements of Bankruptcy Rules 2002 and 6004(a) and LBR 9013-9(d) and Appendix D1(2) are waived and/or satisfied by such notice.
 9. The Debtor is authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Emergency Motion.
 10. This Order is entered without prejudice to the United States Trustee and any official committee of unsecured creditors, which shall retain the right to raise any issue with the Court regarding matters arising from or related to this Order.
 11. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

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Notice Recipients

District/Off: 0974-3

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Date Created: 9/15/2022

Case: 22-02384-LT11

Form ID: pdfO1

Total: 3

Recipients of Notice of Electronic Filing:

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TOTAL: 1

Recipients submitted to the BNC (Bankruptcy Noticing Center):

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TOTAL: 2