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8 *Department of Health Care Services*

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10 UNITED STATES BANKRUPTCY COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 In re
13 BORREGO COMMUNITY HEALTH
FOUNDATION, a California nonprofit
14 public benefit foundation,
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16 Debtor and Debtor in Possession,
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20 BORREGO COMMUNITY HEALTH
FOUNDATION, a California nonprofit
21 public benefit corporation,
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23 Plaintiff,
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25 v.
26 CALIFORNIA DEPARTMENT OF
HEALTH CARE SERVICES, by and
through its Director, Michelle Baass,
27
28 Defendant.

No. 22-90056
**DEFENDANT CALIFORNIA
DEPARTMENT OF HEALTH
CARE SERVICES' EX PARTE
APPLICATION TO EXCEED
PAGE LIMIT FOR OPPOSITION
TO DEBTOR'S EMERGENCY
MOTION**

Date: October 6, 2022
Time: 2 p.m.
Dept: Courtroom: Dept. 3
Judge: Hon. Laura S. Taylor



1 Defendant California Department of Health Care Services (Department)
2 respectfully moves ex parte for leave to file its Opposition to Debtor’s 49-page
3 Emergency Motion to Enforce the Automatic Stay, or Alternatively, for Temporary
4 Restraining Order, in excess of the 25-page limit set forth in Local Bankruptcy Rule
5 (LBR) 9013-7(d)(1), up to and including 50 pages.

6 Under LBR 1003-3, the Court “may deviate from the procedures set forth in
7 any Local Bankruptcy Rule in a specific case or proceeding and on the Court’s
8 motion or at the request of any party.” Here, good cause exists to extend the page
9 limit of the Department’s Opposition to Debtor’s Emergency Motion, under LBR
10 9013-7(d)(1), based on the following grounds:

11 First, the Opposition must address two alternative grounds for emergency
12 relief (an order enforcing the automatic stay, or alternatively, for a temporary
13 restraining order) set forth in the Debtor’s 49-page Emergency Motion.

14 Second, addressing the Debtor’s arguments will require the Department to
15 provide unique, comprehensive analysis that applies a complex fact pattern to
16 California law, substantive federal law, substantive bankruptcy law, and bankruptcy
17 procedure.

18 Third, the Opposition must address the Debtor’s extensive allegations of
19 irreparable harm.

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1 For the foregoing reasons, the Department respectfully requests that the Court
2 grant this Ex Parte Application and extend the page limit for Department's
3 Opposition up to and including 50 pages.

4 Dated: October 3, 2022

Respectfully submitted,

5 ROB BONTA
6 Attorney General of California
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CSD 3000A [07/01/18]

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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-LT11

Borrego Community Health Foundation

Plaintiff(s)

ADVERSARY NO. 22-90056-LT

v. California Department of Health Care Services

Defendant(s)

Date of Hearing:
 Time of Hearing:
 Name of Judge: Honorable Laura S. Taylor

ORDER ON

Ex Parte Motion to Exceed Page Limit for Opposition to Emergency Motion to Enforce the Automatic Stay, or Alternatively, for Temporary Restraining Order

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

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DATED:

 Judge, United States Bankruptcy Court

ORDER ON Ex Parte Mtn to Exceed P. Lim. re: Opp'n to Emerg. Mtn. to Enforce Auto. Stay, or Alt., for TRO

DEBTOR: Borrego Community Health Foundation

CASE NO.: 22-02384

ADV NO.: 22-90056

Upon consideration of the Ex Parte Motion to Exceed Page Limit for DHCS' Opposition to Emergency Motion to Enforce the Automatic Stay, or Alternatively, for Temporary Restraining Order (the "Ex Parte Motion") [Adv. Docket No. ___], and the Court having found that the relief requested in the Ex Parte Motion is in the best interests of the Debtor's estate, its creditors, and other parties in interest,

IT IS HEREBY ORDERED THAT:

1. The Ex Parte Motion is granted;
2. Defendant DHCS may file the Opposition up to 50 pages;
3. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.