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13 *Debtor and Debtor In Possession*

14 **UNITED STATES BANKRUPTCY COURT**
15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 In re
17 **BORREGO COMMUNITY HEALTH**
FOUNDATION, a California nonprofit
18 public benefit corporation,
19 Debtor and Debtor in Possession.

Case No. 22-02384-LT11
Chapter 11 Case

20 **BORREGO COMMUNITY HEALTH**
FOUNDATION, a California nonprofit
21 public benefit corporation,
22 Plaintiff,
23 v.
24 **CALIFORNIA DEPARTMENT OF**
HEALTH CARE SERVICES,
25 Defendant.

Adv. Pro. No. 22-90056-LT
**EX PARTE MOTION TO EXCEED PAGE
LIMIT AND TO FILE TABLES RE REPLY IN
SUPPORT OF EMERGENCY MOTION: (I) TO
ENFORCE THE AUTOMATIC STAY
PURSUANT TO 11 U.S.C. § 362; OR,
ALTERNATIVELY (II) FOR TEMPORARY
RESTRAINING ORDER**

Judge: Honorable Laura S. Taylor
Date: October 6, 2022
Time: 2:00 p.m. PDT
Place: Jacob Weinberger U.S. Courthouse
Department 3 – Room 129
325 West F. St.



EX PARTE MOTION

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Borrego Community Health Foundation (the “Debtor”), the debtor and debtor in possession in the above-captioned chapter 11 bankruptcy case (the “Case”), respectfully submits this *Ex Parte Motion to Exceed Page Limit* (the “Ex Parte Motion”). Specifically, the Debtor seeks leave to (i) file its *Reply in Support of Emergency Motion (I) To Enforce the Automatic Stay Pursuant to 11 U.S.C. § 362; or, Alternatively, (II) For a Temporary Restraining Order* (the “Reply”) [Docket No. 39] in excess of the ten (10) page limit (the “Page Limit”) for replies set forth in Local Rule 9013-7(d)(2) of the Local Bankruptcy Rules and Administrative Procedures for the Bankruptcy Court for the Southern District of California (the “LBR”), and (ii) to file the Reply to include tables of authorities and table of contents (the “Tables”), pursuant to LBR 9013-7(d)(3).

Under LBR 1003-3, the Court “may deviate from the procedures set forth in any Local Bankruptcy Rule in a specific case or proceeding and on the Court's own motion or at the request of any party.” Here, good cause exists to extend the Page Limit of the Reply under LBR 9013-7(d)(2), because, as with the Motion: (1) the Debtor must apply a complex fact pattern to California law, substantive federal law, substantive bankruptcy law, and bankruptcy procedure; (2) the Reply supports two, alternative grounds of emergency relief (an order enforcing the automatic stay or, alternatively, for a temporary restraining order), which require unique, comprehensive analysis; and (3) the issues that are the subject of the Reply are critical to ensuring the Debtor, the Debtor’s estate, and the Debtor’s patients are not caused irreparable harm. Accordingly, the Debtor respectfully requests that this Court grant the *Ex Parte Motion* and extend the permissible page limit for the Reply up to 33 pages.

Good cause exists as well to permit the filing of the Reply with Tables. One day after receiving the opposition from the California Department of Health Care Services [Adv. Proc. Docket Nos. 30-33] and multiple evidentiary objections [Adv.

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1 Proc. Docket No. 34-35], the Debtor filed the Reply and the declaration in support
2 thereof [Adv. Proc. Docket No. 39] and responded to numerous evidentiary
3 objections [Adv. Proc. Docket Nos. 40-41] on October 4, 2022. In an abundance
4 of caution, the Debtor now seeks leave merely to file the Tables with the identical
5 Reply.

6 Based on the foregoing, the Debtor respectfully requests the Court enter an
7 order (i) granting the *Ex Parte* Motion, and (ii) granting such other and further relief
8 as is just and proper under the circumstances.

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Dated: October 5, 2022

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By: */s/ Tania M. Moyron*
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Debtor and Debtor In Possession

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