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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,
24
25 v.
26 CALIFORNIA DEPARTMENT OF
HEALTH CARE SERVICES, by and
through its Director, Michelle Baass,
27
28 Defendants.

Case No. 22-02384-LT11
Chapter 11 Case
Adv. Pro. No. 22-90056-LT
**APPELLANT CALIFORNIA
DEPARTMENT OF HEALTH
CARE SERVICES'S
DESIGNATION OF RECORD ON
APPEAL**

27 Pursuant to Federal Rule of Bankruptcy Procedure 8009, Appellant California
28 Department of Health Care Services (Department) designates the following items



1 for inclusion in the record with respect to the Notice of Appeal, filed on November
 2 7, 2022, of the "Court Modified" Order on Plaintiff's Emergency Motion, and
 3 accompanying Findings of Fact and Conclusions of Law, filed on October 26,
 4 2022.

DESIGNATION OF RECORD

A. Items from the United States Bankruptcy Court for the Southern District of California, Case No. 22-02384-LT11

Date of Filing	Docket Number	Description of Item
9/12/22	1	Chapter 11 Voluntary Petition for Non-Individual
9/27/22	7	Declaration of Isaac Lee in Support of Debtor's Emergency First Day Motions.

B. Items from the United States Bankruptcy Court for the Southern District of California, Adv. Pro. No. 22-90056-LT

Date of Filing	Docket Number	Description of Item
9/26/22	1	Adversary Case Complaint.
9/27/22	3	Emergency Motion to Enforce Automatic Stay, or Alternatively, for Temporary Restraining Order; Points and Authorities in Support, Declarations in Support.
9/27/22	4	Declaration of Jacob Nathan Rubin in Support of Emergency Motion.
9/27/22	8	Supplemental Declaration of Rose MacIsaac in Support of Emergency Motion.
9/27/22	9	Supplemental Declaration(s) in Support of Emergency Motion.
9/28/22	10	Ex Parte Application Supplementing Emergency Motion.
9/29/22	15	Department's Opposition to Debtor's Ex Parte Application Supplementing Emergency Motion.
9/29/22	16	Objections and Motion to Strike Supplemental Declaration of Maizel.
9/29/22	17	Declaration of Dana Durham in Support of the Department's Opposition to Ex Parte Application Supplementing Emergency Motion.
9/29/22	20	Supplemental Declaration of Jacob Nathan Rubin in Support of Emergency Motion.
9/30/22	21	Supplemental Declaration of Lamagna in Support of Ex Parte Application Supplementing Emergency Motion.
9/30/22	23	Notice of Hearing and Briefing Deadlines on Emergency Motion.
9/30/22	24	Minute Order for Ex Parte Application Supplementing Emergency Motion
9/30/22	25	Order re: Issuance of Clarifying Letter by the Department to Health Plans.

1	9/30/22	26	Report by the Department re: Clarifying Letter to Health Plans.
2	10/3/22	30	Department's Opposition to Emergency Motion.
3	10/3/22	31	Declaration of Stuart Busby in Support of the Department's Opposition to Emergency Motion.
4	10/3/22	32	Declaration of Bambi Cisneros in Support of the Department's Opposition to Emergency Motion.
5	10/3/22	33	Declaration of Dana Durham in Support of the Department's Opposition to Emergency Motion.
6	10/3/22	34	Department's Objections and Motion to Strike Initial Rubin Declaration in Support of Emergency Motion.
7	10/3/22	35	Department's Objections and Motion to Strike Supplemental Rubin Declaration in Support of Emergency Motion.
8	10/3/22	36	Department's Ex Parte Application to Exceed Page Limit for Opposition to Debtor's Emergency Motion.
9	10/4/22	37	Statement of Official Committee of Unsecured Creditors in Support of Emergency Motion.
10	10/4/22	39	Reply in Support of Emergency Motion and Declarations in Support Thereof.
11	10/4/22	40	Debtor's Response to Objections and Motion to Strike Initial Rubin Declaration and Supplemental Rubin Declaration in Support of Emergency Motion.
12	10/5/22	41	Declaration of Maizel in Support of Debtor's Response to Objections and Motion to Strike Initial and Supplemental Declarations of Rubin.
13	10/5/22	46	Transcript hearing held on 9/30/22.
14	10/5/22	47	Reply in Support of Emergency Motion.
15	10/6/22	55	Minute Order re: Motion to Enforce Automatic Stay, or Alternatively, for Temporary Restraining Order.
16	10/15/22	61	Department's Objection to Plaintiff's Proposed Findings of Fact for Court's Order on Emergency Motion.
17	10/26/22	65	Order and Findings of Facts and Conclusions of Law re: Emergency Motion.
18	10/26/22	66	Court Modified Order on Emergency Motion.
19	10/26/22	67	Answer to Complaint by the Department.
20	10/31/22	69	Notice of Pre-Trial Status Conference Hearing Scheduled for December 7, 2022 at 2 p.m. in Courtroom 3.
21	11/7/22	75	Notice of Appeal and Statement of Election.
22	11/8/22	77	Receipt of Notice of Appeal and Statement of Election.
23	11/9/22	80	Notice of Referral of Appeal to the USDC, with Service of Notice of Appeal.
24	11/9/22	81	Transmittal Memorandum to USDC, BK Appeal No. 1.
25	11/9/22	82	Notice of Electronic Filing re: Appeal Transmitted to District Court, BK Appeal No. 1.

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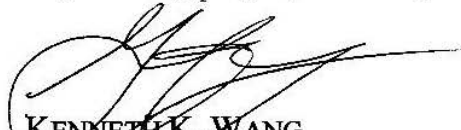
C. Items from the United States District Court for the Southern District of California, Case No. 3:22-CV-01751 GPC MSB

Date of Filing	Docket Number	Description of Item
11/9/22	1	Notice of Appeal from Bankruptcy Court and Statement of Election.
11/17/22	2	Scheduling Order.

Dated: November 21, 2022

Respectfully submitted,

ROB BONTA
Attorney General of California
RICHARD T. WALDOW
Supervising Deputy Attorney General



KENNETH K. WANG
GRANT LIEN
Deputy Attorneys General
*Attorneys for Defendant/Appellant
California Department of Health Care
Services*

LA2022602345

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

**300 South Spring Street, Room 1700
Los Angeles, CA 90013**

A true and correct copy of the foregoing document entitled (*specify*): **APPELLANT CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES'S DESIGNATION OF RECORD ON APPEAL** will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) **November 21, 2022**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Samuel R. Maizel, attorney for the Plaintiff Borrego Community Health Foundation at Samuel.maizel@dentons.com;
- Tania M. Moyron, attorney for Plaintiff Borrego Community Health Foundation at tania.moyron@dentons.com;
- David Ortiz, Esq., at the Office of the United States Trustee at david.a.ortiz@usdoj.gov;
- Regional 15 of the Office of the United States Trustee at ustp.region15@usdoj.gov;
- Steven Golden, Esq. attorney for the Unsecured Creditors Committee at sgolden@pszjlaw.com
- and INDIVIDUALS AND ENTITIES ON THE ATTACHED LIST

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) _____, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

SEE ATTACHED SERVICE MAILING LIST

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method

for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

<u>November 21, 2022</u>	<u>NORMA L. HERRERA-GILBODY</u>	<u>/s/ Norma L. Herrera-Gilbody</u>
<i>Date</i>	<i>Printed Name</i>	<i>Signature</i>

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

INDIVIDUALS AND ENTITIES

Description	CreditorName	CreditorNoticeName	Email
Counsel for Ally Bank , c/o AIS Portfolio Services, LLC	AIS Portfolio Services, LLC	Ally Bank Department	ECFNotices@aisinfo.com
Secured Creditors	Ally Auto		corporatefinance@ally.com
Secured Creditors	Ally Auto		support@invest.ally.com
Top Creditor	Arthur Santos Smile Dental	Attn Arthur Santos	yoko_miyai@yahoo.com
Counsel for AB Staffing Solutions, LLC	Bryan Cave Leighton Paisner LLP	Kyle S. Hirsch	kyle.hirsch@bclplaw.com
Counsel for AB Staffing Solutions, LLC	Bryan Cave Leighton Paisner LLP	Olivia J. Scott	olivia.scott3@bclplaw.com
Counsel for Mckesson Corporation, on Behalf of itself and Certain Corporate Affiliates	Buchalter	Jeffrey K. Garfinkle	jgarfinkle@buchalter.com
Counsel for Creditor Oracle America, Inc., successor in interest to NetSuite, Inc.	Buchalter, A Professional Corporation	Shawn M. Christianson, Esq.	schristianson@buchalter.com
California Department of Public Health	CA Department of Public Health	Stephanie Spich	stephanie.spich@cdph.ca.gov
California Health & Human Services Agency	CA Health & Human Services Agency (CalHHS)	Mark Ghaly, Secretary & Jared Goldman, General Counsel	Mark.Ghaly@chhs.ca.gov; Jared.Goldman@chhs.ca.gov
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Top Creditor	Ehab Samaan		ehabminerva@aol.com
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Secured Creditors	Enterprise Fleet Management		fleetquestions@erac.com
Secured Creditors	First American Equipment Finance		mail@faef.com
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Top Creditor	Internal Revenue Service	Attn Gregory S Moxley	gregory.s.moxley@irs.gov
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Committee Member	McKesson Corpora ion	Attn Pamela M. Craik, Regional Credit Director	Pamela.craik@McKesson.com
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Top Creditor	MPower TelePacific	Attn Steve Wexler	Steve.Wexler@tpx.com
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Deputy General Counsel for the California Department of Health Care Services	Office of the CA Attorney General	DOJ - Kenneth K Wang	Kenne h.Wang@doj.ca.gov
Top Creditor	Oz Group Inc	Attn Chris Rosales	chris_rosales@yourcsteam.com
Proposed Counsel for the Official Committee of Unsecured Creditors	Pachulski Stang Ziehl & Jones LLP	Jeffrey N. Pomerantz, Esq., Teddy M. Kapur, Esq., Steven W. Golden, Esq.	jpomerantz@pszjlaw.com; tkapur@pszjlaw.com; sgolden@pszjlaw.com
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Committee Member	Pourshirazi & Youssefi Dental Corporation	Attn Homayoun Pourshirazi	Drhpemail@gmail.com
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Counsel for California Physicians Service dba Blue Shield of California and Blue Shield of California Promise Health Plan, California Physicians Service dba Blue Shield of California and Blue Shield of California Promise Health Plan	Snell & Wilmer L.L.P.	Andrew B. Still & Michael B. Reynolds	astill@swlaw.com; mreynolds@swlaw.com
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Counsel for Daryl R. Priest (Top Creditor)	The Maul Firm PC	Anthony F Maul	afmaul@maulfirm.com
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Office of The United States Trustee	US Trustee for Southern District of CA		Ustp.region15sop@usdoj.gov

Description	CreditorName	CreditorNoticeName	Email
Secured Creditors	VAR Technology Finance		info@vartechnologyfinance.com
Committee Member	Vista Village Family Dentistry	Attn Mehrnaz Irani, DDS	info@vistavillagefamilydentistry.com
Top Creditor, Committee Member	Vitamin D Public Relations, LLC	Attn Denise Gitsham	dgitsham@gmail.com
Top Creditor, Committee Member	We Klean Inc.	Attn Aracelis Gutierrez	agutierrez@weklean.org; nleal@weklean.org