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Department of Health Care Services, by and
9 *through its Director, Michelle Baass*

10 UNITED STATES DISTRICT COURT
11 SOUTHERN DISTRICT OF CALIFORNIA

12 In re
13 BORREGO COMMUNITY HEALTH
FOUNDATION, a California nonprofit
14 public benefit foundation,
15 Debtor and Debtor in Possession.

Case No. 22-CV-01751-GPC-MSB
Chapter 11 Case No. 22-02384-LT11
Adv. Pro. No. 22-90056-LT

**JOINT MOTION FOR ORDER
APPROVING STIPULATION FOR
ORDER TEMPORARILY
STAYING APPEAL AND
BRIEFING SCHEDULE FOR 60
DAYS**

18 BORREGO COMMUNITY HEALTH
FOUNDATION, a California nonprofit
19 public benefit corporation,
20 Plaintiff and Appellee,
21 v.
22 CALIFORNIA DEPARTMENT OF
HEALTH CARE SERVICES, by and
23 through its Director, Michelle Baass,
24 Defendant and Appellant.

25
26 Appellant, and Defendant below, California Department of Health Care
27 Services (“Appellant”) and Appellee, and Plaintiff below, Borrego Community
28 Health Foundation (“Appellee,” and collectively with Appellant, the “Parties”), by



1 and through their respective attorneys of record, jointly move this Court for entry of
2 an order approving this Stipulation (the “Stipulation”) for an order temporarily
3 staying the present appeal and briefing schedule for sixty (60) days pending ongoing
4 settlement negotiations, pursuant to Civil Rule 7.2.

5 **RECITAL**

6 The Parties enter into this Stipulation based on the following facts:

7 1. This bankruptcy appeal (the “Appeal”) arises from the entry of an order in
8 the adversary proceeding titled Borrego Community Health Foundation, a California
9 nonprofit public benefit corporation v. California Department of Health Care
10 Services, by and through its Director, Michelle Baass, bearing Adversary Proceeding
11 No. 22-90056-LT, related to Appellee’s above-captioned Chapter 11 case.

12 2. On November 9, 2022, Appellant filed the Notice of Appeal, which
13 commenced this Appeal. [Docket No. 1].

14 3. Pursuant to this Court’s Scheduling Order, the Appellant’s opening brief
15 is due on January 20, 2023, and the Appellee’s opposition brief is due on February
16 10, 2023. [Docket No. 2].

17 4. The Bankruptcy Court entered an order, which requires the Parties to
18 mediate their disputes, including the issues encompassed in this Appeal, before the
19 Honorable Dennis Montali, Bankruptcy Judge of the United States Bankruptcy Court
20 for the Northern District of California (the “Mediator”).

21 5. The Parties have been engaged in negotiations with the Mediator since
22 November 2022.

23 6. Based on information exchanged by the Parties and the progress made thus
24 far in mediation, the Parties seek to stay the Appeal for a period of sixty (60) days to
25 avoid unnecessary fees and expenses and use of judicial resources.

26 7. A stay of this Appeal and the briefing deadlines for sixty (60) days will
27 allow mediation and settlement discussions to proceed, and to allow any settlement
28 to be finalized, documented, and approved by the Bankruptcy Court, as necessary.

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STIPULATION

The Parties stipulate as follows:

- 1. The Appeal and the briefing schedule shall be stayed for a period of sixty (60) days.
- 2. Nothing in this Stipulation shall prejudice the Parties from seeking further extensions of time in from this Court.

IT IS SO STIPULATED.

Dated: January 20, 2023

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

/s Darin L. Wessel
 DARIN L. WESSEL
 Deputy Attorney General
*Attorneys for Defendant/Appellant
 California Department of Health Care
 Services, by and through its Director,
 Michelle Baass*

Dated: January 20, 2023

DENTONS US LLP
 SAMUEL R. MAIZEL
 TANIA M. MOYRON

By: /s/ Samuel R. Maizel
*Attorneys for Debtor Plaintiff and
 Appellee Borrego Community Health
 Foundation*

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PROOF OF SERVICE

18 BORREGO COMMUNITY HEALTH
 FOUNDATION, a California nonprofit
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 20 Plaintiff and Appellee,
 21 v.
 22 CALIFORNIA DEPARTMENT OF
 HEALTH CARE SERVICES, by and
 23 through its Director, Michelle Baass,
 24 Defendant and Appellant.

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CERTIFICATE OF SERVICE

Case Name: **Borrego Community Health** No. **22-02384**
Foundation Suspension (DHCS)

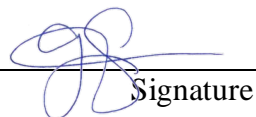
I hereby certify that on **January 20, 2023**, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

- **JOINT MOTION FOR ORDER APPROVING STIPULATION FOR ORDER TEMPORARILY STAYING APPEAL AND BRIEFING SCHEDULE FOR 60 DAYS**
- **[PROPOSED] ORDER ON JOINT MOTION FOR ORDER APPROVING STIPULATION FOR ORDER TEMPORARILY STAYING APPEAL AND BRIEFING SCHEDULE FOR 60 DAYS**

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on **January 20, 2023**, at San Diego, California.

G. Lopez
Declarant



Signature