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

17 In re

18 BORREGO COMMUNITY
 19 HEALTH FOUNDATION,

20 Debtor and Debtor in
 21 Possession.

Case No. 22-02384-11

Chapter 11 Case

Judge: Honorable Laura S. Taylor

**SECOND STIPULATION
 BETWEEN THE DEBTOR AND
 BETA RISK MANAGEMENT
 AUTHORITY TO EXTEND
 DEADLINE TO FILE
 ASSUMPTION OBJECTION**

25 Borrego Community Health Foundation, the debtor and debtor in possession in
 26 the above-captioned case (the “Debtor”) and BETA Risk Management Authority and
 27 BETA Healthcare Group (collectively “BETA” and collectively with the Debtor, the
 28

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1 “Parties”), hereby agree and stipulate as follows:

2 **RECITALS**

3
4 WHEREAS, on September 12, 2022, the Debtor filed a voluntary petition for
5 relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”)
6 commencing the above referenced bankruptcy case (the “Bankruptcy Case”) in the
7 United States Bankruptcy Court for the Southern District of California (the “Court”);

8
9 WHEREAS, on December 19, 2022, the Court entered an order (the “Bidding
10 Procedures Order”) [Docket No. 321] granting the *Debtor’s Motion For The Entry of*
11 *(I) An Order (1) Approving Form Of Asset Purchase Agreement; (2) Approving*
12 *Auction Sale Format and Bidding Procedures, (3) Approving Process For*
13 *Discretionary Selection Of Stalking Horse Bidder And Bid Protections; (4) Approving*
14 *Form Of Notice To Be Provided To Interested Parties; (5) Scheduling A Court*
15 *Hearing To Consider Approval Of The Sale To The Highest And Best Bidder; And (6)*
16 *Approving Procedures Related To The Assumption Of Certain Executory Contracts*
17 *And Unexpired Leases; And (II) An Order Authorizing The Sale Of Property Free*
18 *And Clear Of All Claims, Liens And Encumbrances* [Docket No. 161] (the
19 “Motion”);¹

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24 WHEREAS, the Bidding Procedures provide that if any counterparty objects
25 for any reason to the assumption and assignment of an Assumed Executory Contract
26

27 ¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the
28 Bid Procedures.

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1 (including to a Cure Amount) (an “Assumption Objection”), the counterparty must
2 file the Assumption Objection and serve it so as to be actually received on or before
3
4 (i) February 13, 2023, (ii) such date otherwise specified in the Cure Notice, or (iii)
5 solely with respect to those counterparties to Assumed Executory Contracts who are
6 not initially served with a Cure Notice, seven (7) days after service by overnight mail
7
8 of such Cure Notice (the “Assumption Objection Deadline”);

9 WHEREAS, the Parties previously stipulated to extend the Assumption
10 Objection Deadline to March 8, 2023;

11 WHEREAS, BETA requests a further extension of the Assumption Objection
12 Deadline as it continues discussions with the proposed purchaser of the Debtor’s
13 assets, Desert Aids Project d/b/a/ DAP Health; and

14
15
16 WHEREAS, in light of the foregoing, the Parties have jointly agreed to further
17 extend the Assumption Objection Deadline for BETA.

18 **STIPULATION**

19
20 **NOW THEREFORE**, subject to approval of the Court, the Parties hereby
21 agree and stipulate as follows:

22 1. The Assumption Objection Deadline for the BETA to file an Assumption
23 Objection will be extended to **April 10, 2023**.

24 2. No other deadlines shall be affected by this stipulation unless further agreed
25 to by the Parties.
26

27
28 **IT IS SO STIPULATED.**

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1 SEEN AND AGREED:

2 Dated: March 8, 2023

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SAMUEL R. MAIZEL
TANIA M. MOYRON

3
4
5 By /s/ Tania M. Moyron
6 Tania M. Moyron

7 Attorneys for the Chapter 11 Debtor and
8 Debtor In Possession

9
10 AND

11 Dated: March 8, 2023

PYLE SIMS DUNCAN &
12 STEVENSON
13 GERALD N. SIMS

14 By: /s/ Gerald N. Sims
15 Gerald N. Sims

16 Attorney for BETA Risk Management
17 Authority and BETA Healthcare Group
18 _____

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Proposed Order

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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:

Time of Hearing:

Name of Judge: Laura S. Taylor

ORDER ON

**APPROVING STIPULATION BETWEEN THE DEBTOR AND BETA RISK MANAGEMENT AUTHORITY
AND BETA HEALTHCARE GROUP TO EXTEND DEADLINE TO FILE ASSUMPTION OBJECTION**

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

The Court having considered the Second Stipulation Between the Borrego Community Health Foundation (the "Debtor") and BETA Risk Management Authority and BETA Healthcare Group (collectively, "BETA") to Extend Deadline to File Assumption Objection (the "Stipulation") [Docket No.] filed by the Debtor and records in this case; the Court having found that good and sufficient cause exists for granting the Stipulation;

IT IS HEREBY ORDERED that:

1. The Stipulation is granted.
2. The Assumption Objection Deadline for BETA to file an Assumption Objection will be extended to April 10, 2023.

IT IS SO ORDERED.