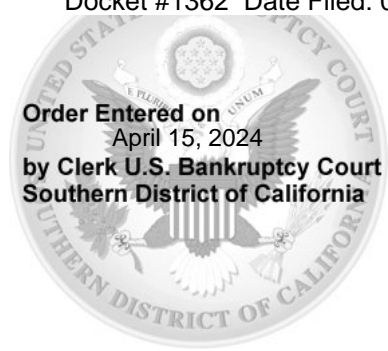


CSD 1001A [07/01/18]

Name, Address, Telephone No. & I.D. No.

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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

Date of Hearing: June 12, 2024

Time of Hearing: 10:00 a.m.

Name of Judge: Laura S. Taylor

**ORDER ON**

**Stipulation Regarding the Joint Motion for Enhancement of Estate Professional Fees**

The court orders as set forth on the continuation pages attached and numbered 2 through 2 with exhibits, if any, for a total of 7 pages. Motion/Application Docket Entry No. 1361.

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DATED: April 15, 2024

Judge, United States Bankruptcy Court



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On April 12, 2024, Borrego Community Health Foundation filed a "Stipulation By and Among the Post-Effective Date Debtor, the Liquidating Trustee, the Official Committee of Unsecured Creditors, and the California Department of health Care Services Regarding the Joint Motion for Enhancement of Estate Professional Fees" (the "Stipulation").

IT IS HEREBY ORDERED:

1. That the Stipulation, attached hereto as Exhibit A, is approved in its entirety.
2. That the terms and conditions of the Stipulation shall be binding upon the parties and are hereby full incorporated into this Order by reference.

# Exhibit A

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Debtor and the Liquidating Trustee

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13 Attorneys to the Official Committee of  
14 Unsecured Creditors

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

17 In re  
18 BORREGO COMMUNITY  
HEALTH FOUNDATION,  
19 Debtor and Debtor in Possession.

Case No. 22-02384-11  
Chapter 11 Case  
Judge: Honorable Laura S. Taylor

**STIPULATION BY AND AMONG THE  
POST-EFFECTIVE DATE DEBTOR,  
THE LIQUIDATING TRUSTEE, THE  
OFFICIAL COMMITTEE OF  
UNSECURED CREDITORS, AND THE  
CALIFORNIA DEPARTMENT OF  
HEALTH CARE SERVICES  
REGARDING THE JOINT MOTION  
FOR ENHANCEMENT OF ESTATE  
PROFESSIONAL FEES**

26 Borrego Community Health Foundation, the debtor and debtor in possession  
27 (prior to the effective date of the Plan (defined below), the “Debtor,” and after the  
28 effective date, the “Post-Effective Date Debtor”) in the above-captioned chapter 11

1 bankruptcy case, the Liquidating Trustee (the “Liquidating Trustee”) of the Borrego  
2 Community Health Foundation Liquidating Trust (the “Liquidating Trust”)   
3 established pursuant to the *First Amended Joint Combined Disclosure Statement and*  
4 *Chapter 11 Plan of Liquidation of Borrego Community Health Foundation* [Docket  
5 No. 1168] (the “Plan”), confirmed by the order [Docket No. 1273] entered January 25,  
6 2024 (the “Confirmation Order”), and that certain Liquidating Trust Agreement, dated  
7 as of February 14, 2024 (the “Liquidating Trust Agreement”), the Official Committee  
8 of Unsecured Creditors (the “Committee”), and the California Department of Health  
9 Care Services (“DHCS” and collectively with the Post-Effective Date Debtor, the  
10 Liquidating Trustee, and the Committee, the “Parties”) hereby enter this *Stipulation*  
11 *By and Among the Post-Effective Date Debtor, the Liquidating Trustee, the Official*  
12 *Committee of Unsecured Creditors, and the California Department of Health Care*  
13 *Services Regarding the Joint Motion for Enhancement of Estate Professional Fees*  
14 (the “Stipulation”). In support of the Stipulation, the Parties refer to the following  
15 recitals:

16 **RECITALS**

17 WHEREAS, on September 12, 2022, the Debtor filed a voluntary petition for  
18 relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”)   
19 commencing the above referenced bankruptcy case in the United States Bankruptcy  
20 Court for the Southern District of California (the “Court”);

21 WHEREAS, on January 25, 2024, the Court entered the Confirmation Order,  
22 which provides:

23 All final applications for payment of Professional Fee Claims must be Filed  
24 with this Court and served on the Debtor, the Liquidating Trustee, the Co-  
25 Liquidating Trustee, and the U.S. Trustee on or before 45 days after the  
effective Date or such later date as may be agreed to by the Liquidating Trustee.

26 Confirmation Order at ¶ 31.

27 WHEREAS, on March 29, 2024, the Debtor and the Committee filed the *Joint*  
28 *Motion for Enhancement of Estate Professional Fees* [Docket No. 1353] (the “Fee

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1 Enhancement Motion”), which requests the approval and allowance of a fee  
2 augmentation in an amount calculated to compensate each estate professional at their  
3 regular, non-reduced hourly rate;

4 WHEREAS, the deadline to file an objection to the Fee Enhancement Motion  
5 is currently set for April 12, 2024 (the “Objection Deadline”); and

6 WHEREAS, the Parties have agreed to extend the Objection Deadline as to  
7 DHCS as set forth herein.

8 **STIPULATION**

9 **NOW THEREFORE**, subject to approval of the Court, the Parties hereby  
10 agree and stipulate as follows:

11 1. The Objection Deadline for DHCS will be continued from April 12,  
12 2024, to May 3, 2024.

13 2. The deadline for the Post-Effective Date Debtor and the Committee to  
14 file a reply to an objection filed by DHCS, if any, shall be extended to May 10, 2024.

15 3. The Court shall retain jurisdiction over all matters relating to the  
16 interpretation and enforcement of this Stipulation.

17 **IT IS SO STIPULATED.**

18 SEEN AND AGREED:

19  
20 Dated: April 12, 2024

DENTONS US LLP  
SAMUEL R. MAIZEL  
TANIA M. MOYRON

21  
22 By: /s/ Tania M. Moyron  
23 Tania M. Moyron

24 Attorneys for the Post-Effective Date  
Debtor and the Liquidating Trustee

25 *[Signatures continue to the next page]*  
26  
27  
28

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1 Dated: April 12, 2024

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Steven W. Golden

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By: /s/ Steven W. Golden  
Steven W. Golden

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5

Attorneys for the Official Committee of  
Unsecured Creditors

6

7 Dated: April 12, 2024

ROB BONTA  
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BENJAMIN G. DIEHL  
Supervising Deputy Attorney General

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By: /s/ Darin L. Wessel  
Darin L. Wessel

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DARIN L. WESSEL  
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Deputy Attorneys General  
Attorneys for Creditor California  
Department of Health Care Services

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### Notice Recipients

District/Off: 0974-3 User: Admin. Date Created: 4/15/2024  
Case: 22-02384-LT11 Form ID: pdfO1 Total: 70

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