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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

**SECOND 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

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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 *Second*  
11 *Stipulation By and Among the Post-Effective Date Debtor, the Liquidating Trustee,*  
12 *the Official Committee of Unsecured Creditors, and the California Department of*  
13 *Health Care Services Regarding the Joint Motion for Enhancement of Estate*  
14 *Professional Fees* (the “Stipulation”). In support of the Stipulation, the Parties refer  
15 to the following 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”

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 was originally set for April 12, 2024 (the “Objection Deadline”);

6 WHEREAS, on April 12, 2024, the Parties filed the *Stipulation By and Among*  
7 *the Post-Effective Date Debtor, the Liquidating Trustee, the Official Committee of*  
8 *Unsecured Creditors, and the California Department of Health Care Services*  
9 *Regarding the Joint Motion for Enhancement of Estate Professional Fees* [Docket  
10 No. 1361], which the Court approved [Docket No. 1362], extending the Objection  
11 Deadline to May 3, 2024, as to DHCS; and

12 WHEREAS, the Parties have agreed to further extend the Objection Deadline  
13 as to DHCS as set forth herein.

14 **STIPULATION**

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

- 17 1. The Objection Deadline for DHCS will be continued from May 3, 2024  
18 to May 17, 2024.
- 19 2. The deadline for the Post-Effective Date Debtor and the Committee to  
20 file a reply to an objection filed by DHCS, if any, shall be extended to May 24, 2024.
- 21 3. The Court shall retain jurisdiction over all matters relating to the  
22 interpretation and enforcement of this Stipulation.

23 **IT IS SO STIPULATED.**

24 SEEN AND AGREED:

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1 Dated: May 3, 2024

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Unsecured Creditors

12 Dated: May 3, 2024

13 ROB BONTA  
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14 BENJAMIN G. DIEHL  
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15 By: /s/ Darin L. Wessel  
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19 Department of Health Care Services  
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