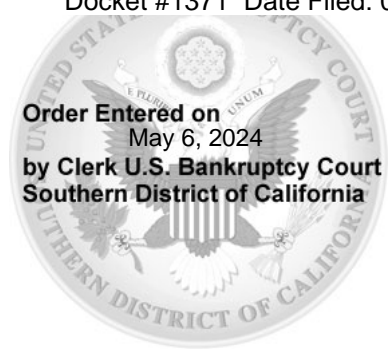


CSD 1001A [07/01/18]

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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

Second 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. 1370.

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DATED: May 6, 2024

Judge, United States Bankruptcy Court



On May 3, 2024, Borrego Community Health Foundation filed a "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" (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

**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

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

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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 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:

25
26
27
28

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Dated: May 3, 2024

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Dated: May 3, 2024

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Attorneys for the Official Committee of
Unsecured Creditors

Dated: May 3, 2024

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

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Deputy Attorneys General
Attorneys for Creditor California
Department of Health Care Services

Notice Recipients

District/Off: 0974-3

User: Admin.

Date Created: 5/6/2024

Case: 22-02384-LT11

Form ID: pdf01

Total: 3

Recipients of Notice of Electronic Filing:

aty Tania M. Moyron tania.moyron@dentons.com

TOTAL: 1

Recipients submitted to the BNC (Bankruptcy Noticing Center):

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TOTAL: 2