Case 22-02384-LT11 CSD 1001A [07/01/18](Page 1) Filed 12/11/24 Entered 12/11/24 16:39:16 Pg. 1 of Doc 1512 Docket #1512 Date Filed: 12/11/2024 Name, Address, Telephone No. & I.D. No. Name, Address, Telephone No. & I.D. No. Samuel R. Maizel (Bar No. 189301) Order Entered on Tania M. Movron (Bar No. 235736) December 11, 2024 DENTONS US LLP by Clerk U.S. Bankruptcy Court 601 South Figueroa Street, Suite 2500 Southern District of California Los Angeles, CA 90017-5704 Telephone: 213/623-9300 Attorneys for Post-Effective Date Debtor and the Co-Liquidating Trustee Jeffrey N. Pomerantz (Bar No. 143717) Steven W. Golden (Admitted Pro Hac Vice) PACHULSKI STANG ZIEHL & JONES LLP 10100 Santa Monica Blvd., 13th Floor Los Angeles, CA 90067 Telephone: 310/277-6910 Attorneys for the Co-Liquidating Trustee UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF CALIFORNIA 325 West F Street, San Diego, California 92101-6991 In Re BANKRUPTCY NO. 22-02384-LT11 BORREGO COMMUNITY HEALTH FOUNDATION,

ORDER ON STIPULATION BY AND AMONG THE POST-EFFECTIVE DATE DEBTOR, THE LIQUIDATING TRUSTEE, THE CO-LIQUIDATING TRUSTEES AND SUREN CHTCHYAN REGARDING CLAIM NO. 94

Debtor.

The court orders as set forth on the continuation pages attached and numbered 2 through 2 with exhibits, if any, for a total of 18 pages. Stipulation Docket Entry No. 1510.

December 11, 2024

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DATED:

Judge, United States Bankruptcy Court



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CSD 1001A [07/01/18](Page 2)
ORDER ON STIPULATION BY AND AMONG SUREN CHTCHYAN REGARDING CLAIM NO. 94

DEBTOR: BORREGO COMMUNITY HEALTH FOUNDATION

On December 11, 2024, Borrego Community Health Foundation (the Post-Effective Date Debtor), The Liquidating Trustee, the Co-Liquidating Trustees and Suren Chtchyan filed a *Stipulation By and Among the Post-Effective Date Debtor, The Liquidating Trustee, The Co-Liquidating Trustees And Suren Chtchyan Regarding Claim No. 94* [Docket No. 1510] (the "Stipulation").

IT IS HEREBY ORDERED:

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



CASE NO: 22-02384-LT11

EXHIBIT 1

Entered 12/11/24 10:39:06 Doc 1510

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4906-1196-9283.1 10283.00003

Borrego Community Health Foundation, the debtor and debtor in possession (prior to the effective date of the Plan (defined below), the "<u>Debtor</u>," and after the effective date, the "<u>Post-Effective Date Debtor</u>") in the above-captioned chapter 11 bankruptcy case, the Liquidating Trustee (the "<u>Liquidating Trustee</u>") of the Borrego Community Health Foundation Liquidating Trust (the "<u>Liquidating Trust</u>"), the Co-Liquidating Trustees of the Liquidating Trust (the "<u>Co-Liquidating Trustees</u>") and Suren Chtchyan (the "<u>Claimant</u>", and collectively with the Post-Effective Date Debtor, the Liquidating Trustee, and the Co-Liquidating Trustees, the "<u>Parties</u>") hereby enter into this *Stipulation By and Among the Post-Effective Date Debtor, the Liquidating Trustee, the Co-Liquidating Trustees and Suren Chtchyan Regarding Claim No. 94*.

RECITALS

WHEREAS, on September 12, 2022, the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code commencing Case No. 22-02384 (the "Chapter 11 Case") in the United States Bankruptcy Court for the Southern District of California;

WHEREAS, on or about November 14, 2022, Claimant filed Proof of Claim No. 94 in the amount of \$224,819.00 ("Claim 94"), a copy of which is attached hereto as **Exhibit A**;

WHEREAS, the Liquidating Trust was established pursuant to the *First Amended Joint Combined Disclosure Statement and Chapter 11 Plan of Liquidation of Borrego Community Health Foundation* [Docket No. 1168] (the "Plan"), confirmed by the order [Docket No. 1273] entered January 25, 2024 (the "Confirmation Order"), and that certain *Liquidating Trust Agreement*, dated as of

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February 14, 2024 (the "Liquidating Trust Agreement");

WHEREAS, the Post-Effective Date Debtor has reviewed its books and records and believes that Claim 94 relates to dental services performed by the Claimant on behalf of the Debtor; and

WHEREAS, after the Post-Effective Date Debtor's professionals reviewed Claim 94, the Parties have agreed to resolve any issues regarding Claim 94 as set forth herein.

STIPULATION

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

- 1. Claim 94 shall be reduced and allowed as a general unsecured claim in the amount of \$110,000.00 (the "Allowed Claim Amount").
- 2. Within thirty (30) days of entry of the order approving this Stipulation, the Liquidating Trust shall pay the Allowed Claim Amount to Claimant pursuant to the Plan.
- 3. In consideration of the agreements with and value provided herein and other good and valuable consideration, the Parties hereby waive, remise, release and forever discharge the other, including each of their respective former and current predecessors, successors, assigns, affiliates, subsidiaries, parent companies, partners, members, managers, investors shareholders, directors, accountants, attorneys, employees, agents, representatives and servants of, from and against any and all claims, actions, causes of action, suits, proceedings, defenses, counterclaims, contracts, judgments, damages, accounts, reckonings, executions, and liabilities whatsoever of every name and nature, whether known or unknown, whether or not well-founded in fact or in law, and whether in law, at equity or otherwise, which either Party ever had or now has for or by reason of any matter, cause or anything whatsoever to this date relating to or arising out of the Parties' prior business relationship, or the Chapter 11 Case.

4. Each of the Parties to the Stipulation acknowledge that they are familiar with California Civil Code Section 1542 and with respect to the matters released herein, each Party expressly waives any and all rights under California Civil Code Section 1542 and under any other federal or state statute or law of similar effect. California Civil Code Section 1542 provides:

A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

5. Claimant hereby warrants that Claimant (a) is authorized and empowered to execute this Stipulation on behalf of the Claimant, (b) has read this Stipulation in its entirety and fully understands and accepts the terms set forth herein, (c) has had an opportunity to consult with legal counsel and any other advisors of Claimant's choice with respect to the terms of this Stipulation, and (d) is signing this Stipulation on Claimant's own free will.

[Remainder of Page Intentionally Left Blank]

	6.	The	terms,	covenants,	conditions,	and	prov	isions	of this	Stipul	atio	n
canno	t be a	altere	d, chan	ged, modifi	ied, or adde	d to,	, or	deleted	from,	except	in	a
writin	ıg sign	ed by	all par	ties hereto.								

- 7. This Stipulation may be executed in counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same.
- 8. The Court shall retain jurisdiction over all matters relating to the interpretation and enforcement of this Stipulation.

Dated: December 11, 202	DENTONS US LLP SAMUEL R. MAIZEL TANIA M. MOYRON
	TAMA W. WOTKON

By	/s/ Tania M. Moyron	
	Tania M. Moyron	

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

PACHULSKI STANG ZIEHL & JONES LLP Jeffrey N. Pomerantz Steven W. Golden

By <u>/s/ Steven W. Golden</u> Steven W. Golden

Attorneys for the Co-Liquidating Trustee

Dated: December 6, 2024

Dated: December 11, 2024

By Suren Chtchyan

EXHIBIT A

Fill in this information to identify the case:						
Debtor	Borrego Community Health Foundation					
United States Ba	ankruptcy Court for the: Southern District of Californ (State)	ia				
Case number	22-02384					

Official Form 410

Proof of Claim 04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Pa	art 1: Identify the Clair	n	
2.	Who is the current creditor? Has this claim been acquired from someone else?	Suren Chtchyan Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor No Yes. From whom?	
3.	Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? Suren Chtchyan 3727 W. Sunset Blvd Los Angeles, CA 90026 Contact phone 3236659693 Contact email schtchyan@hotmail.com Uniform claim identifier for electronic payments in chapter 13 (if you use of the contact email sentence).	Where should payments to the creditor be sent? (if different) Contact phone Contact email one):
4.	Does this claim amend one already filed?	✓ No✓ Yes. Claim number on court claims registry (if known)	Filed on
5.	Do you know if anyone else has filed a proof of claim for this claim?	✓ No Yes. Who made the earlier filing?	

Pa	art 2: Give Information Al	pout the Claim as of the Date the Case Was Filed
6.	Do you have any number you use to identify the debtor?	✓ No Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor:
7.	How much is the claim?	\$ 224819.00 Does this amount include interest or other charges? No Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8.	What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information. Services Performed
9.	Is all or part of the claim secured?	Yes. The claim is secured by a lien on property. Nature or property: Real estate: If the claim is secured by the debtor's principle residence, file a Mortgage Proof of Claim Attachment (Official Form 410-A) with this Proof of Claim. Motor vehicle Other. Describe: Basis for perfection: Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property:
10.	Is this claim based on a lease?	✓ No Yes. Amount necessary to cure any default as of the date of the petition. \$
11.	Is this claim subject to a right of setoff?	✓ No Yes. Identify the property:

Official Form 410 Proof of Claim

	5_55	
12. Is all or part of the claim entitled to priority under	✓ No	
11 U.S.C. § 507(a)?	Yes. Check all that apply:	Amount entitled to priority
A claim may be partly priority and partly nonpriority. For example,	Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	\$
in some categories, the law limits the amount entitled to priority.	Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).	\$
endued to priority.	Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).	\$
	Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$
	Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$
	Other. Specify subsection of 11 U.S.C. § 507(a)() that applies.	\$
	* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun or	n or after the date of adjustment.
13. Is all or part of the claim	✓ No	
pursuant to 11 U.S.C. § 503(b)(9)?	Yes. Indicate the amount of your claim arising from the value of any goods received days before the date of commencement of the above case, in which the goods he the ordinary course of such Debtor's business. Attach documentation supporting	ave been sold to the Debtor in
	\$	
Part 3: Sign Below		
The person completing this proof of claim must sign and date it. FRBP 9011(b). If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is. A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.	I am the creditor. I am the creditor's attorney or authorized agent. I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004. I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005. I understand that an authorized signature on this <i>Proof of Claim</i> serves as an acknowledge the amount of the claim, the creditor gave the debtor credit for any payments received toward have examined the information in this <i>Proof of Claim</i> and have reasonable belief that the I declare under penalty of perjury that the foregoing is true and correct. Executed on date 11/15/2022	ard the debt.
	Name SUREN CHTCHYAN	
	First name Middle name Last na	me
	Title OWNER/DENTIST	
	Company SUREN_CHTCHYAN_DDS Identify the corporate servicer as the company if the authorized agent is a servicer.	
	Address	
	Contact phone Email	

Official Form 410 **Proof of Claim**

Case 22-02384-LT11 Filed 12/11/24 Entered 12/11/24 10:39:06 Doc 1510 Pg. 10 KCC ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (866) 967-0670 | International (310) 751-2670

Debtor:				
22-02384 - Borrego Community Health Foundation				
District:				
Southern District of California, San Diego Division				
Creditor:	Has Supporting Doc	umentation:		
Suren Chtchyan	Yes, supportir	ng documentation successfully uploaded		
3727 W. Sunset Blvd	Related Document S	tatement:		
Los Angeles, CA, 90026	Has Related Claim:			
Phone:	Related Claim Filed	D.,,		
3236659693	Related Claim Filed	by.		
Phone 2:	Filing Party:			
3237918049	Creditor			
Fax:				
Email:				
schtchyan@hotmail.com				
Other Names Used with Debtor:	Amends Claim:			
	No			
	Acquired Claim:			
	No			
Basis of Claim:	Last 4 Digits:	Uniform Claim Identifier:		
Services Performed	No			
Total Amount of Claim:	Includes Interest or Charges:			
224819.00	No			
Has Priority Claim:	Priority Under:			
No				
Has Secured Claim:	Nature of Secured A	mount:		
No	Value of Property:			
Amount of 503(b)(9):	Annual Interest Rate	:		
No	Arrogrado Amounti			
Based on Lease:	Arrearage Amount:			
No	Basis for Perfection:			
Subject to Right of Setoff:	Amount Unsecured:			
No				
Submitted By:				
SUREN CHTCHYAN on 15-Nov-2022 1:52:03 a.m. Eastern	Time			
Title:				
OWNER/DENTIST				
Company:				
SUREN CHTCHYAN DDS				

Supporting Documentation Redacted (on file with KCC)

Additional Supporting Documents Received on 11/18/2022



NOV 1 R 2022

KURTZHAN CARSON CONSULTANTS



Case 22-02384-LT11 Filed 12/11/24 Entered 12/11/24 10:39:06 Doc 1510 Pg. 16 of 18

Your claim can be filed electronically on KCC's website at https://epoc.kccllc.net/BorregoHealth.

ID: 25777721

PIN: 9vvyRmgF

Fill in this information to identify the case:						
Debtor	Borrego Community Health Foundation					
United States E	Bankruptcy Court for the Southern District of California					
Case number	22-02384					

Official Form 410
Proof of Claim

The Debtor has listed your claim as Disputed on Schedule F (E/F, Part 2) as a General Unsecured claim. If you believe that you have a claim against the Debtor, please complete and return this form accordingly.

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Other than a claim under 11 U.S.C. § 503(b)(9), this form should not be used to make a claim for an administrative expense arising after the commencement of the case.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. Do not send original documents; they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed.

Pa	art 1: Identify the Clai	m			NameID: 15089
1.	Who is the current creditor?	Suren Chtchyan Name of the current creditor (the person or entity to be paid for this claim Other names the creditor used with the debtor	,		
2.	Has this claim been acquired from someone else?	No Yes. From whom?			
3.	Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent? Suren Chtchyan 3727 W. Sunset Blvd Los Angeles, CA 90026	Where should p different)	payments to the creditor	be sent? (if
	Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)		Number Stree	et State	ZIP Code
í	RECEIVED	Address Contact phone 3236659693 Contact email SCHTCHYAN & HOTMAIL.CO	Country Contact phone		
	NOV 1 8 2022 Ancarson consultants	Uniform claim identifier for electronic payments in chapter 13 (if you use	one):		_
4.	Does this claim amend one already filed?	No Yes. Claim number on court claims registry (if known)		Filed on) / YYYY
5.	Do you know if anyone else has filed a proof of claim for this claim?	No Yes. Who made the earlier filing?			

04/22

Pa	art 2: Give Information Ab	out the Claim as of the Date the Case Was Filed
6.	Do you have any number you use to identify the debtor?	No Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor:
7.	How much is the claim?	\$ 224819.00 Does this amount include interest or other charges?
		Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).
8.	What is the basis of the claim?	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card. Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c). Limit disclosing information that is entitled to privacy, such as health care information.
		SERVICES PERFORMED (PAtients treatment)
9.	Is all or part of the claim secured?	Yes. The claim is secured by a lien on property. Nature of property: Real estate: If the claim is secured by the debtor's principal residence, file a Mortgage Proof of Claim Attachment (Official Form 410-A) with this Proof of Claim. Motor vehicle Other. Describe: Basis for perfection: Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property: Amount of the claim that is secured: \$
	RECEIVED	Amount necessary to cure any default as of the date of the petition: \$
	NOV 1 8 2022	Annual Interest Rate (when case was filed)%
	KURTZMAN CARSON COZSOLTA	
10.	Is this claim based on a lease?	No Yes. Amount necessary to cure any default as of the date of the petition. \$
11.	Is this claim subject to a right of setoff?	No Yes, Identify the property:

12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?	No No		Amount entitled to priority		
	Yes. Check all that apply:		•		
A claim may be partly priority and partly nonpriority. For example,	Domestic support obligations 11 U.S.C. § 507(a)(1)(A) or	s (including alimony and child suppo (a)(1)(B).	ort) under \$		
in some categories, the law limits the amount entitled to priority.		oward purchase, lease, or rental of province of the contract o			
endued to priority.		sions (up to \$15,150*) earned with petition is filed or the debtor's busin C. § 507(a)(4).			
	Taxes or penalties owed to g	governmental units. 11 U.S.C. § 507	/(a)(8). \$		
	Contributions to an employe	ee benefit plan. 11 U.S.C. § 507(a)((5). \$		
	Other. Specify subsection of	f 11 U.S.C. § 507(a)() that applie	es. \$		
	* Amounts are subject to adjustment	on 4/01/25 and every 3 years after that f	or cases begun on or after the date of adjustment.		
13. Is all or part of the claim pursuant to 11 U.S.C.	No				
§ 503(b)(9)?	days before the date of commer		y goods received by the debtor within 20 th the goods have been sold to the Debtor ion supporting such claim.		
	\$				
The person completing this proof of claim must sign and date it. FRBP 9011(b).	Check the appropriate box:				
If you file this claim electronically, FRBP 5005(a)(2) authorizes courts	I am the creditor's attorney or author I am the trustee, or the debtor, or the	orized agent. neir authorized agent. Bankruptcy Ri	ule 3004.		
to establish local rules specifying what a signature	I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.				
A person who files a	understand that an authorized signature the amount of the claim, the creditor gav		n acknowledgement that when calculating s received toward the debt.		
fraudulent claim could be fined up to \$500,000,	have examined the information in this F	Proof of Claim and have reasonable	belief that the information is true and correct		
imprisoned for up to 5 years, or both.	declare under penalty of perjury that the	e foregoing is true and correct.			
18 U.S.C. §§ 152, 157, and 3571.	Executed on date	22	7		
	Sulen Chicn	YAN GUL			
	Print the name of the person who is c	ompleting and signing this claim	:		
	Name Surea	Middle name	CHTCH Y AW Last name		
	Title OWN豆	R / DENTIST	Γ		
	Company SUPE Identify the corporate ser	N CHICAY AN vicer as the company if the authorized age	ant is a servicer.		
	Address 3727 \	W. SUNSET &	3200		
NOV 18 2022	Number Stree		90026		
ZHAN CARSTH CATSUTANYS	City 7	State	ZIP Code Country		
EMPORTOGRAPHICAL CONTRACTOR OF A C.	Contact phone <u>323 66596</u>	12	Email SCHTCHYAN THOTMAIL		

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Notice Recipients

District/Off: 0974-3 User: Admin. Date Created: 12/11/2024

Case: 22-02384-LT11 Form ID: pdfO1 Total: 4

Recipients of Notice of Electronic Filing:
aty Steven W Golden sgolden@pszjlaw.com
aty Tania M. Moyron tania.moyron@dentons aty aty tania.moyron@dentons.com

TOTAL: 2

Recipients submitted to the BNC (Bankruptcy Noticing Center):
db BORREGO COMMUNITY HEALTH FOUNDATION,
Springs, CA 92004

587 Palm Canyon Dr. Suite 208 Borrego

Samuel Ruven Maizel Dentons US LLP aty 601 South Figueroa Street Suite 2500 Los Angeles,

CA 90017

TOTAL: 2