

CSD 1182 [08/01/24]

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,

BANKRUPTCY NO. 22-02384-11

Tax I.D.(EIN)#: _____ /S.S.#:XXX-XX-____ Debtor(s)

NOTICE OF MOTION FOR RELIEF AS COUNSEL

TO: Inland Empire Health Plan

You are herewith served with the attached Motion by Helen Yang, Kelly Singer, Movant,
for: Motion to be Relieved as Counsel

and any accompanying declarations.

If you object to the Court granting the relief requested in the Motion:

- You are required** to obtain a hearing date and time from the appropriate Courtroom Deputy for the judge assigned to this bankruptcy case. Determine which deputy to call by looking at the Bankruptcy Case No. in the above caption of this notice. If the case number is followed by the letters:

-	CL	-	call (619) 557-6019	-	DEPARTMENT ONE (Room 218)
-	JBM	-	call (619) 557-5157	-	DEPARTMENT TWO (Room 118)
-	LT	-	call (619) 557-5157	-	DEPARTMENT THREE (Room 129)
- Within 14¹ days from the date of service of the motion**, you are further required to serve a copy of your **Declaration in Opposition to Motion** and separate **Request and Notice of Hearing** [Local Form CSD 1184] upon the undersigned moving party, together with any opposing papers. The opposing declaration must be signed and verified in the manner prescribed by FRBP 9011, and the declaration must:

¹Depending on how you were served, you may have additional time for response. See FRBP §



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- a. identify the interest of the opposing party; and
 - b. state, with particularity, the grounds for the opposition.
3. **You must** file the original of the Declaration and Request and Notice of Hearing with proof of service with the Clerk of the U.S. Bankruptcy Court at 325 West F Street, San Diego, California 92101-6991, no later than the next business day following the date of service.

If you fail to serve your “Declaration in Opposition to Intended Action” and “Request and Notice of Hearing” within the 14-day¹ period provided by this notice, **no hearing will take place**, you will lose your opportunity for hearing, and the debtor or trustee may proceed to take the intended action.

DATED: April 25, 2025

Helen Yang

Attorney for Moving Party

CERTIFICATE OF SERVICE

I, the undersigned whose address appears below, certify:

That I am, and at all relevant times was, more than 18 years of age;

That on the 25th day of April, 2025, I served a true copy of the within NOTICE OF MOTION, together with the following pleadings [describe any other papers] on the following persons listed below by the mode of service shown below:

List additional papers:

1. **To Be Served by the Court via Notice of Electronic Filing (“NEF”):**

Under controlling Local Bankruptcy Rules(s) (“LBR”), the document(s) listed above will be served by the court via NEF and hyperlink to the document. On April 25, 2025, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at the e-mail address(es) indicated and/or as checked below:

- ☒ Attorney for Debtor (or Debtor), if required:
Samuel Ruven Maizel
Tania M. Moyron
Dentons US LLP
601 South Figueroa Street, Suite 2500
Los Angeles, CA 90017
Email: samuel.maizel@dentons.com
taniamoyron@dentons.com
- ☒ Chapter 7 Trustee: Haeji Hong, David Ortiz - DOJ-Ust
880 Front St., Suite 3230
San Diego, CA 92101
Email: Haeji.Hong@usdoj.gov, david.a.ortiz@usdoj.gov
- ☒ For Chapter 7, 11, & 12 cases: ☐ For Chapter 13 cases:
UNITED STATES TRUSTEE
ustp.region15@usdoj.gov
MICHAEL KOCH, TRUSTEE
mkoch@ch13.sdcocxmail.com

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2. **Served by United States Mail:**

On _____, I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing accurate copies in a sealed envelope in the United States Mail via 1) first class, postage prepaid or 2) certified mail with receipt number, addressed as follows:

☐ Attorney for Debtor (or Debtor), if required:

3. **Served by Personal Delivery, Facsimile Transmission, Overnight Delivery, or Electronic Mail:**

Under FRCP 5 and controlling LBR, on _____, I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission, by overnight delivery and/or electronic mail as follows:

☐ Attorney for Debtor (or Debtor), if required:

I declare under penalty of perjury under the laws of the United States of America that the statements made in this proof of service are true and correct.

Executed on April 25, 2025

Helen Yang, /s/ Helen Yang
(Typed Name and Signature)

555 South Flower Street, 31st Floor
(Address)

Los Angeles, CA 90071
(City, State, ZIP Code)

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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

ADVERSARY NO.

☐ Plaintiff☐ Defendant**MOTION TO BE RELIEVED AS COUNSEL**

I, Helen Yang, Kelly Singer (enter name of Counsel of Record), hereby move the Court to be relieved as counsel for Inland Empire Health Plan (enter name(s) of Client) (referred to as "Client(s)") pursuant to Southern California District Local Civil Rule 83.3(f)(3), and California Rules of Professional Conduct ("R.P.C.") Rule 1.16(a) (mandatory withdrawal) and/or R.P.C. 1.16(b) (permissive withdrawal).

1. My Client(s) are a (check all that apply):

- a. Individual(s) ☐
- b. Corporation ☒
- c. Partnership ☐
- d. Unincorporated association ☐
- e. Trustee ☐
- f. Creditor(s) ☐
- g. Personal representative(s) ☐
- h. Other ☐ : _____

I represent the Client(s) in their capacity as: Creditor

(enter role in case: [i.e. Debtor(s), Creditor(s), Trustee, etc.]).

2. This motion is supported by the accompanying declaration signed under the penalty of perjury by Helen Yang (enter Declarant's name), and is based upon the following facts:

3. This Motion to be Relieved as Counsel is made pursuant to:

☒ **R.P.C. 1.16(a):** (1) the lawyer knows or reasonably should know that the client is bringing an action, conducting a defense, asserting a position in litigation, or taking an appeal, without probable cause and for the purpose of harassing or maliciously injuring any person; and/or (2) continuing to represent the above-referenced Client(s) will result in violation(s) of the California Rules of Professional conduct or of the State Bar Act; and/or (3) the lawyer's mental or physical condition renders it unreasonably difficult to carry out the representation effectively; and/or (4) the client discharges the lawyer.

☐ **R.P.C. 1.16(b):** One or more of the following is true: (1) Client(s) insist upon presenting a claim or defense in litigation, or asserting a position or making a demand in a non-litigation matter, that is not warranted under existing law and cannot be supported by good faith argument for an extension, modification, or reversal of existing law; (2) Client(s) have either sought to pursue a criminal or fraudulent course of conduct or have used the Counsel's services to advance a course of conduct that the lawyer reasonably believes was a crime or fraud; (3) Client(s) have insisted that Counsel pursue a course of conduct that is criminal or fraudulent; (4) Client(s) by other conduct has rendered it unreasonably difficult for Counsel to carry out the representation effectively; (5) Client(s) has breached a material term of an agreement with, or obligation, to the Counsel relating to the representation, and the lawyer has given the client a reasonable warning after the breach that the lawyer will withdraw unless the client fulfills the agreement or performs the obligation; (6) Client(s) knowingly and freely assents to termination of the representation; (7) Counsel's inability to work with co-counsel indicates that the best interests of the Client(s) likely will be served by withdrawal.

4. To the best of my knowledge, the Client(s)' last known contact information is as follows:

- a. Mailing address: Anna Wang, General Counsel
10801 Sixth Street, Rancho Cumamonga, CA 91730
- b. Telephone number(s): (909) 890-2000
- c. Facsimile number (if applicable): _____
- d. Email address (if known): _____

5. If this Motion is granted, and Counsel is relieved from further representation of the Client(s) in this matter, the Client(s) will be informed of their obligation to file with the Court any changes of address.

6. Counsel of record has complied with R.P.C. 1.16(d), as on April 25, 2025 (enter date of service), Client(s) have been served with this Motion, attached Declaration, as well as a copy of their entire file by the following method(s):

- a. ☐ By U.S. mail, postage pre-paid
- b. ☐ By U.S. mail, return receipt requested
- c. ☐ By overnight mail
- d. ☒ By email (if agreement of the parties)
- e. ☐ By other means (describe here): _____

7. Client(s)' last known address has been confirmed by Counsel as of: (state date that last known address was valid as known by Counsel) April 25, 2025 .

8. A Hearing in this matter is currently scheduled for _____ at _____m. in Department _____, Room _____ of the United States Bankruptcy Court for the Southern District of California, whose address is 325 West F Street, San Diego, CA 92101.
9. The following upcoming hearings or other proceedings pending in this matter (i.e. discovery deadlines, depositions, hearings, mediation, etc.) are as follows: (enter date/time location (s)):

a.

None

b.

c.

- 10 Trial in this action:
- a. ☐ Has been set for: (date, time, location, etc.):_____
- b. ☒ No Trial Date has yet been set / Not Applicable.

- 11 Other matters: the following additional information should be considered by the court in determining whether to grant this motion:

Declarations as required by LBR 9013-7(a)(1) must accompany this motion.

Wherefore, for the foregoing reasons Counsel requests that the Motion to be Relieved as Counsel be Granted.

DATED: April 25, 2025

Signature: /s/ HelenYang

Name: Helen Yang

Attorney for: Inland Empire Health Plan