

In re:  
Beverly Community Hospital Association  
Debtor

Case No. 23-12359-SK  
Docket #0879 Date Filed: 11/17/2023  
Chapter 11

## CERTIFICATE OF NOTICE

District/off: 0973-2  
Date Rcvd: Nov 15, 2023

User: admin  
Form ID: pdf042

Page 1 of 5  
Total Noticed: 2

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 17, 2023:

Recip ID	Recipient Name and Address
aty	+ SHEPPARD, MULLIN, RICHTER & HAMPTON LLP, 321 North Clark St., 32nd Flr., Chicago, IL 60654-4714

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
db	+ Email/PDF: acheng@beverly.org	Nov 16 2023 01:05:00	Beverly Community Hospital Association, 309 West Beverly Blvd, Montebello, CA 90640-4308

TOTAL: 1

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
aty		Orrick, Herrington & Sutcliffe LLP

TOTAL: 1 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 17, 2023 Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 14, 2023 at the address(es) listed below:

Name	Email Address
Adrian Butler	on behalf of Interested Party Courtesy NEF abutler@bushgottlieb.com
Alan I Nahmias	on behalf of Creditor Sodexo Inc. & Affiliates anahmias@mbn.law, jdale@mbn.law



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Daniel A Lev	on behalf of Trustee Howard M Ehrenberg (TR) daniel.lev@gmlaw.com cheryl.caldwell@gmlaw.com;dlev@ecf.courtdrive.com
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7 Attorneys for Howard M. Ehrenberg, Chapter 11 Trustee

8  
9 **UNITED STATES BANKRUPTCY COURT**

10 **CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION**

11 In re  
12 BEVERLY COMMUNITY HOSPITAL  
ASSOCIATION, dba BEVERLY  
13 HOSPITAL, a nonprofit public benefit  
corporation,<sup>1</sup>

14 Debtor.

Case No. 2:23-bk-12359-SK

Chapter 11

Jointly administered with:

Case No. 2:23-bk-12360-SK

Case No. 2:23-bk-12361-SK

15 **ORDER GRANTING CHAPTER 11**  
16 **TRUSTEE'S APPLICATION FOR ORDER**  
17 **AUTHORIZING EMPLOYMENT OF FTI**  
18 **CONSULTING, INC. AS TRUSTEE'S**  
19 **FINANCIAL ADVISORS**

DATE:

TIME: [No Hearing Requested]

PLACE:

20 **[RELATES TO DOCKET NO. 849]**

21  
22  
23  
24  
25  
26 <sup>1</sup> The debtors in these chapter 11 cases, along with the last four digits of each debtor's federal tax  
27 identification number, are: Beverly Community Hospital Association d/b/a Beverly Hospital (6005),  
28 Montebello Community Health Services, Inc. (3550), and Beverly Hospital Foundation (9685). The mailing  
address for the Debtors is 309 W. Beverly Boulevard, Montebello, California 90640.

- 1 ☒ Affects all Debtors
- 2 ☐ Affects Beverly Community Hospital
- 3 Association
- 4 ☐ Affects Montebello Community Health
- 5 Services, Inc.
- 6 ☐ Affects Beverly Hospital Foundation

7

8 The Court, having considered the “Chapter 11 Trustee’s Application for

9 Order Authorizing Employment of FTI Consulting, Inc. As Trustee’s Financial Advisors;

10 Declaration of Chad Sandler in Support Thereof” (the “Application”) [Docket No. 849] filed

11 by Howard M. Ehrenberg (“Applicant” or the “Trustee”), the duly appointed, qualified, and

12 acting chapter 11 trustee for the estates of the jointly administered debtors Beverly

13 Community Hospital Association, dba Beverly Hospital, a nonprofit public benefit

14 corporation (“Beverly Community”), Montebello Community Health Services, Inc.

15 (“Montebello Health”), and Beverly Hospital Foundation (“Beverly Foundation”)

16 (collectively and interchangeably, the “Debtor” or “Debtors”), and the separately filed

17 declaration of Daniel A. Lev attesting to the lack of any objection or opposition to the

18 Application or request for hearing in support thereof, and after finding that the Court has

19 jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, and after further

20 finding that venue of this proceeding and the Application in this district is proper pursuant

21 to 28 U.S.C. § 1408, and after further finding, based on the representations made in the

22 Application and the declaration of Chad Shandler (the “Shandler Declaration”) affixed

23 thereto, that (i) FTI Consulting, Inc. (“FTI”) does not hold or represent an interest adverse

24 to the Debtors’ estates, and (ii) FTI is a “disinterested person” as defined in 11 U.S.C. §

25 101(14) and as required by 11 U.S.C. § 327(a), and after further finding that the relief

26 requested in the Application is in the best interests of the Debtors’ estates, their creditors,

27 and other parties in interest, and after further finding that the Trustee provided adequate

28 and appropriate notice of the Application under the circumstances and that no other or

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1 further notice is required, and after further finding that no objection or opposition to the  
2 Application or request for hearing was timely filed by the Office of the United States  
3 Trustee, the Debtors, creditors, or parties in interest, and for good cause appearing  
4 therefor,

5 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** as follows:

6 1. The Application is granted.

7 2. The Trustee is authorized to retain and employ FTI as his financial  
8 advisor effective as of the October 1, 2023 in accordance with the "Engagement Letter"  
9 attached as Exhibit 1 to the Application.

10 3. FTI is authorized to provide the Trustee with the professional  
11 services as described in the Application and the Engagement Letter.

12 4. FTI shall apply for compensation for professional services rendered  
13 and reimbursement of expenses incurred in connection with the Debtors' chapter 11  
14 cases in compliance with 11 U.S.C. §§ 330 and 331 and shall also comply with the  
15 applicable provisions of the Federal Rules of Bankruptcy Procedure, Local Bankruptcy  
16 Rules, and any other applicable procedures and orders of the Court.

17 5. FTI shall maintain time records in accordance with Bankruptcy Rule  
18 2016(a) and LBR 2016-1(a)(1).

19 6. Notwithstanding anything to the contrary in the Engagement Letter,  
20 the Application or the Shandler Declaration, to the extent that FTI uses the services of  
21 independent contractors or subcontractors (collectively, the "Contractors") or affiliates in  
22 these chapter 11 cases, FTI shall (i) pass through the cost of such Contractors to the  
23 Trustee at the same rate that FTI pays the Contractors; (ii) seek reimbursement for actual  
24 costs only, (iii) ensure that the Contractors and affiliates are subject to the same conflicts  
25 checks as required for FTI, and (iv) file with this Court such disclosures required by  
26 Bankruptcy Rule 2014(a) with respect to such Contractors and affiliates.



1                   7.     The Trustee shall be bound by the indemnification, contribution,  
2 reimbursement, and exculpation provisions set forth in the Engagement Letter, subject  
3 during the pendency of these cases to the following:

4                   a.     Subject to the provisions of subparagraphs (b) and (c) below, the  
5 Debtors, by and through the Trustee, solely on behalf of the bankruptcy estates of the  
6 Debtors, are authorized to indemnify, and shall indemnify, FTI for any claims arising from,  
7 related to, or in connection with the services to be provided by FTI as specified in the  
8 Application, but not for any claim arising from, related to, or in connection with FTI's post-  
9 petition performance of any other services (other than those in connection with the  
10 engagement), unless such post-petition services and indemnification therefor are  
11 approved by this Court;

12                  b.     The Trustee and the bankruptcy estates of the Debtors shall have no  
13 obligation to indemnify FTI, or provide contribution or reimbursement to FTI, for any claim  
14 or expense that is either (i) judicially determined (the determination having become final)  
15 to have arisen from FTI's bad faith, gross negligence, or willful misconduct, (ii) for a  
16 contractual dispute in which the Trustee alleges the breach of FTI's contractual  
17 obligations if the Court determines that indemnification, contribution, or reimbursement  
18 would not be permissible pursuant to applicable law, or (iii) settled prior to a judicial  
19 determination as to the exclusions set forth in clauses (i) and (ii) above, but determined  
20 by this Court, after notice and a hearing pursuant to subparagraph (c) *infra*, to be a claim  
21 or expense for which FTI is not entitled to receive indemnity, contribution, or  
22 reimbursement under the terms of the Engagement Letter as modified by this Order; and

23                  c.     If, before the earlier of (i) the entry of an order confirming a chapter  
24 11 plan in these cases (that order having become a final order no longer subject to  
25 appeal), and (ii) the entry of an order closing these chapter 11 cases, FTI believes that it  
26 is entitled to the payment of any amounts by the Debtors on account of the Trustee's  
27 indemnification, contribution and/or reimbursement obligations under the Engagement  
28 Letter (as modified by this Order), including, without limitation, the advancement of

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1 defense costs, FTI must file an application therefor in this Court, and the Trustee may not  
2 pay any such amounts to FTI before the entry of an order by this Court approving the  
3 payment. This subparagraph (c) is intended only to specify the period during which the  
4 Court shall have jurisdiction over any request for fees and expenses by FTI for  
5 indemnification, contribution, or reimbursement, and not as a provision limiting the  
6 duration of the Trustee's obligation to indemnify FTI.

7 8. FTI shall use its reasonable best efforts to avoid duplication of  
8 services provided to any of the Trustee's other retained professionals in these chapter 11  
9 cases.

10 9. The Trustee and FTI are authorized to take all actions necessary to  
11 effectuate the relief granted pursuant to this Order in accordance with the Application.

12 10. Notice of the Application as provided therein is deemed to be good  
13 and sufficient notice of such Application, and the requirements of the LBRs are satisfied  
14 by the contents of the Application.

15 11. To the extent the Application, the Shandler Declaration, or the  
16 Engagement Letter is inconsistent with this Order, the terms of this Order shall govern.

17 12. The terms and conditions of this Order shall be immediately effective  
18 and enforceable upon its entry.

19 ###

20  
21  
22  
23 Date: November 14, 2023

  
Sandra R. Klein  
United States Bankruptcy Judge