Case 22-02384-LT11 Filed 05/01/25 Entered 05/02/25 11:32:09 Doc 1601 Pg. 1 of CSD 1001A [07/01/18](Page 1) Docket #1601 Date Filed: 05/01/2025 Name, Address, Telephone No. & I.D. No. Samuel R. Maizel (Bar No. 189301) Tania M. Moyron (Bar No. 235736) Order Entered on DENTONS US LLP May 2, 2025 601 South Figueroa Street, Suite 2500 by Clerk U.S. Bankruptcy Court Los Angeles, CA 90017-5704 Southern District of California Telephone: 213/623-9300 Attorneys for Post-Effective Date Debtor and the Co-Liquidating Trustee DISTRICT O 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.

ORDER ON STIPULATION BY AND AMONG THE POST-EFFECTIVE DATE DEBTOR, THE LIQUIDATING TRUSTEE, THE CO-LIQUIDATING TRUSTEES AND NICOLAS TRANSITO REGARDING CLAIM NO. 244

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 15 pages. Stipulation Docket Entry No. 1595.

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DATED:

May 1, 2025

BORREGO COMMUNITY HEALTH FOUNDATION,

Judge, United States Bankruptcy Court

22-02384-LT11



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ORDER ON STIPULATION BY AND AMONG THE POST-EFFECTIVE DATE DEBTOR, THE LIQUIDATING TRUSTEE,
THE CO-LIQUIDATING TRUSTEES AND NICOLAS TRANSITO REGARDING CLAIM NO. 244

DEBTOR: BORREGO COMMUNITY HEALTH FOUNDATION

On May 1, 2025, Borrego Community Health Foundation (the Post-Effective Date Debtor), The Liquidating Trustee, the Co-Liquidating Trustees and Nicolas Transito filed a *Stipulation By and Among the Post-Effective Date Debtor, The Liquidating Trustee, The Co-Liquidating Trustees And Nicolas Transito Regarding Claim No. 244* [Docket No. 1595] (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

Case 22-02384-LT11 Filed 05/01/25 Case 22-02384-LT11 Filed 05/01/25

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Borrego Community Health Foundation, the debtor and debtor in possession (prior to the effective date of the Plan (defined below), the "Debtor," and after the effective date, the "Post-Effective Date Debtor") in the above-captioned chapter 11 bankruptcy case, the Liquidating Trustee (the "Liquidating Trustee") of the Borrego Community Health Foundation Liquidating Trust (the "Liquidating Trust"), the CoLiquidating Trustees of the Liquidating Trust (the "Co-Liquidating Trustees") and Nicolas Transito (the "Claimant", and collectively with the Post-Effective Date Debtor, the Liquidating Trustee, and the Co-Liquidating Trustees, the "Parties") hereby enter into this Stipulation By and Among the Post-Effective Date Debtor, the Liquidating Trustee, the Co-Liquidating Trustees and Nicolas Transito Regarding Claim No. 244.

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 September 13, 2022, the Bankruptcy Court established November 21, 2022 as the deadline by which parties holding prepetition claims against the Debtor must file proofs of claim (the "Claims Bar Date") [See Docket No. 16].

WHEREAS, on or about February 22, 2024, after the Claims Bar Date, Claimant filed Proof of Claim No. 244 in the amount of \$4,669.00 ("Claim 244"), a copy of which is attached hereto as Exhibit A;

WHEREAS, the Liquidating Trust was established pursuant to the First

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

WHEREAS, Claimant and the Co-Liquidating Trustees are in dispute over Claim 244, as to whether Claimant has sufficient evidence of excusable neglect to avoid having Claim 244 disallowed as late filed.

WHEREAS, the Parties have agreed to resolve their dispute regarding Claim 244 as set forth herein.

STIPULATION

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

- Based on the evidence provided by the Claimant, and the fact that Claim 244 was filed after the Claims Bar Date, Claim 244 shall be reduced and allowed as a general unsecured claim in the amount of \$3,501.75 (the "Allowed Claim Amount").
- Claimant shall not file any additional proofs of claim, nor will 2. Claimant amend (or seek to amend) Claim 244.
- Within thirty (30) days of entry of the order approving this Stipulation, and after Claimant has provided a completed W-9 to the Co-Liquidating Trustees, the Liquidating Trust shall pay the Allowed Claim Amount to Claimant pursuant to the Plan.
- 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, subsidiaries, parent companies,

DENTONS US LLP 601 SOUTH **FIGUEROA** STREET, SUITE 2500 LOS ANGELES. CALIFORNIA 10 90017-5704 (213) 623-9300

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partners, members, managers, investors directors, officers, shareholders, 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 Chapter 11 Case.

5. 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.

- 6. 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.
- The terms, covenants, conditions, and provisions of this Stipulation cannot be altered, changed, modified, or added to, or deleted from, except in a

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EXHIBIT A

Fill in this information to identify the case:					
Debtor	Borrego Commu	unity Health Fo	oundation		
United States B	ankruptcy Court for the:	Southern	District of California (State)		
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.

Part 1	Identify the Clair	m			
	tho is the current reditor?	NICOLAS TRANSITO Name of the current creditor (the person or entity to be paid for this claim) Other names the creditor used with the debtor			
ac	as this claim been equired from omeone else?	✓ No Yes. From whom?			
no pa cr	there should be be and ayments to the reditor be sent? Rederal Rule of ankruptcy Procedure RBP) 2002(g)	Where should notices to the creditor be sent? NICOLAS TRANSITO NICOLAS TRANSITO 77 E 7TH STREET, SUITE C UPLAND, California 91786, United States Contact phone 9099462124	Where should payments to the creditor be sent? (if different) Contact phone		
an	oes this claim mend one already ed?	Contact email silviatransito@gmail.com Uniform claim identifier for electronic payments in chapter 13 (if you No Yes. Claim number on court claims registry (if know	Contact email		
an a p	o you know if nyone else has filed proof of claim for is claim?	No Yes. Who made the earlier filing?			



		pout the Claim as of the Date the Case Was Filed				
	Do you have any number you use to identify the	No No				
	debtor?	Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor:				
	How much is the claim?	\$ 4669 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).				
	What is the basis of the	Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.				
	claim?	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				
1.		☑ No				
	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: \$				
		Amount of the claim that is secured: \$				
		Amount of the claim that is unsecured: \$(The sum of the secured and unsecured amount should match the amount in line 7.				
		Amount necessary to cure any default as of the date of the petition: \$				
		Annual Interest Rate (when case was filed)% Fixed				
		☐ Variable				
0.	Is this claim based on a	☑ No				
	lease?	Yes. Amount necessary to cure any default as of the date of the petition.				
1.	Is this claim subject to a right of setoff?	☑ No				
	right of setoff?	Yes. Identify the property:				

12. Is all or part of the claim entitled to priority under	✓ No			
11 U.S.C. § 507(a)?	Yes. Che	ck all that apply:	Amount entitled to priority	
A claim may be partly priority and partly		estic support obligations (including alimony and child support) under .S.C. § 507(a)(1)(A) or (a)(1)(B).	\$	
nonpriority. For example, in some categories, the law limits the amount	Up to	s \$3,350* of deposits toward purchase, lease, or rental of property ervices for personal, family, or household use. 11 U.S.C. § 507(a)(7).	\$	
entitled to priority.	days	es, salaries, or commissions (up to \$15,150*) earned within 180 before the bankruptcy petition is filed or the debtor's business ends, hever is earlier. 11 U.S.C. § 507(a)(4).	\$	
	Taxe	es or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$	
	Cont	ributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$	
	Othe	er. Specify subsection of 11 U.S.C. § 507(a)() that applies.	\$	
.i	* Amounts	s are subject to adjustment on 4/01/25 and every 3 years after hat for cases begun	on or after the date of adjustment.	
13. Is all or part of the claim	No		3.	
entitled to administrative priority pursuant to 11 U.S.C. 503(b)(9)? Yes. Indicate the amount of your claim arising from the value of any goods received by the debtor within days before the date of commencement of the above case, in which the goods have been sold to the De the ordinary course of such Debtor's business. Attach documentation supporting such claim.				
	\$ <u>4669</u>			
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. 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 acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt. I have examined the information in this <i>Proof of Claim</i> and have reasonable belief that the information is true and correct. I declare under penalty of perjury that the foregoing is true and correct. Executed on date			
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Debtor:	- W			
22-02384 - Borrego Community Health Founda	ation			
District:	ian			
Southern District of California, San Diego Divis Creditor:		umantation		
NICOLAS TRANSITO		Has Supporting Documentation:		
NICOLAS TRANSITO NICOLAS TRANSITO				
77 E 7TH STREET, SUITE C	Related Bocament o	Related Document Statement.		
77 2 7 111 311 (221), 33112 3	Has Related Claim:			
UPLAND, California, 91786	No			
United States	Related Claim Filed I	Зу:		
Phone:	Filian Bonton			
9099462124	Filing Party:			
Phone 2:				
9097145714				
Fax:				
9099462128				
Email:				
silviatransito@gmail.com				
Other Names Used with Debtor:	Amends Claim:			
	No			
	Acquired Claim:			
Pagin of Claims	No Local 4 Digitary	Uniform Claim Identifier:		
Basis of Claim: Services performed	Last 4 Digits:	Uniform Claim Identifier:		
Total Amount of Claim:	No Includes Interest or 0	 		
4669	No	Sharges.		
Has Priority Claim:	Priority Under:			
No	. Herity ender			
Has Secured Claim:	Nature of Secured A	mount:		
No	Value of Property:			
Amount of 503(b)(9):	Annual Interest Rate			
Yes: 4669		•		
Based on Lease:	Arrearage Amount:	Arrearage Amount:		
No	Basis for Perfection:	Basis for Perfection:		
Subject to Right of Setoff:	Amount Unsecured:			
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Submitted By:				
SILVIA TRANSITO on 22-Feb-2024 3:50:39 p.	m. Eastern Time			
Title:				
MANAGER				
Company:				
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2872452 Nicolas Tra	<u>a</u>	10/8/2019	10/22/2019
3382389 Nicolas Tra		10/23/2019	6/16/2020
3382523 Nicolas Tra		11/20/2019	6/16/2020
3397833 Nicolas Tra		1/7/2020	6/24/2020
3410154 Nicolas Tra		3/10/2020	11/4/2020
3418232 Nicolas Tra		2/28/2020	11/3/2020
3476115 Nicolas Tra		3/2/2020	11/5/2020
3487079 Nicolas Tra		6/9/2020	11/5/2020
3493550 Nicolas Tra		6/10/2020	11/5/2020
3493691 Nicolas Tra		6/30/2020	11/5/2020
3639931 Nicolas Tra		8/21/2020	11/5/2020
3688044 Nicolas Tra		8/7/2020	10/20/2020
3688298 Nicolas Tra		10/7/2020	10/23/2020
3731403 Nicolas Tra		10/8/2020	10/30/2020
3731433 Nicolas Tra		7/27/2020	11/4/2020
3731444 Nicolas Tra		8/3/2020	11/4/2020
3731453 Nicolas Tra		8/10/2020	11/4/2020
3731460 Nicolas Tra		8/17/2020	11/4/2020
3742147 Nicolas Tra		8/18/2020	11/9/2020
3748730 Nicolas Tra		1/13/2020	11/8/2020
3748747 Nicolas Tra		2/10/2020	11/8/2020
3792368 Nicolas Tra		3/18/2020	11/25/2020
3808653 Nicolas Tra		8/6/2020	12/4/2020
3808668 Nicolas Tra		8/13/2020	12/4/2020
3809078 Nicolas Tra		10/9/2020	12/5/2020
3814128 Nicolas Tra		10/29/2020	12/14/2020
3814724 Nicolas Tra		11/16/2020	12/15/2020
3831203 Nicolas Tra		11/3/2020	1/22/2021

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10/18/2019	-	-	104	2061
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• •	D4341,D43		140	1024
6/11/2020		Correction	110	1024
• •	D0150,D02		130	1047
· ·	D0120,D02		110	1919
	D5001.1,D5		0	1396
· ·	D7140,D72		0	1396
	D5003.1,D5		0	1396
11/3/2020	D5211,D52	Correction	0	1396
11/3/2020	D2393	Correction	0	1396
11/3/2020	D9430,D02	Correction	100	1587
10/14/2020	D9430,D02	Correction	100	1020
10/21/2020	D0120,D02	Correction	110	1020
10/29/2020	D2393	Correction	150	1732
11/2/2020	D5001.1,D5	Correction	0	1732
11/2/2020	D5002.1,D5	Correction	0	1732
11/2/2020	D5003.1,D5	Correction	0	1732
11/2/2020	D5213,D52	Correction	1320	1732
11/3/2020	D3120,D21	Correction	120	1892
11/5/2020	D2150	Correction	120	1268
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11/23/2020		Correction	1320	2064
12/4/2020	D7140	Correction	120	1791
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12/11/2020		Correction	150	1945
12/14/2020			120	2139
1/19/2021	-	Correction	0	1965
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Notice Recipients

District/Off: 0974-3 User: Admin. Date Created: 5/2/2025

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

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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,
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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