

CSD 1001A [07/01/18](Page 1)

Docket #1602 Date Filed: 05/01/2025

Name, Address, Telephone No. &amp; I.D. No.

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Order Entered on  
May 2, 2025  
by Clerk U.S. Bankruptcy Court  
Southern District of California

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

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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

BORREGO COMMUNITY HEALTH FOUNDATION,

Debtor.

BANKRUPTCY NO.  
22-02384-LT11

**ORDER ON  
STIPULATION BY AND AMONG THE POST-EFFECTIVE DATE DEBTOR,  
THE LIQUIDATING TRUSTEE, THE CO-LIQUIDATING TRUSTEES AND  
VILLAMOR USITA REGARDING CLAIM NO. 186**

The court orders as set forth on the continuation pages attached and numbered 2 through 2 with exhibits, if any, for a total of 16 pages. Stipulation Docket Entry No. 1597.

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DATED: May 1, 2025



Judge, United States Bankruptcy Court



ORDER ON STIPULATION BY AND AMONG THE POST-EFFECTIVE DATE DEBTOR, THE LIQUIDATING TRUSTEE, THE CO-LIQUIDATING TRUSTEES AND VILLAMOR USITA REGARDING CLAIM NO. 186

DEBTOR: BORREGO COMMUNITY HEALTH FOUNDATION

CASE NO: 22-02384-LT11

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On May 1, 2025, Borrego Community Health Foundation (the Post-Effective Date Debtor), The Liquidating Trustee, the Co-Liquidating Trustees and Villamor Usita filed a *Stipulation By and Among the Post-Effective Date Debtor, The Liquidating Trustee, The Co-Liquidating Trustees And Villamor Usita Regarding Claim No. 186* [Docket No. 1597] (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.

## **EXHIBIT 1**

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7 Debtor and the Co-Liquidating Trustee  
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11 Email: jpomerantz@pszjlaw.com  
sgolden@pszjlaw.com

12 Attorneys for the Co-Liquidating Trustee

14 **UNITED STATES BANKRUPTCY COURT**  
15 **SOUTHERN DISTRICT OF CALIFORNIA**

16 In re

17 BORREGO COMMUNITY  
18 HEALTH FOUNDATION,

19 Debtor and Debtor in  
20 Possession.

Case No. 22-02384-11

Chapter 11 Case

Judge: Honorable Laura S. Taylor

**STIPULATION BY AND AMONG THE  
POST-EFFECTIVE DATE DEBTOR,  
THE LIQUIDATING TRUSTEE, THE  
CO-LIQUIDATING TRUSTEES AND  
VILLAMOR USITA REGARDING  
CLAIM NO. 186**

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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 Co-Liquidating Trustees of the Liquidating Trust (the “Co-Liquidating Trustees”) and Villamor Usita (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 Villamor Usita Regarding Claim No. 186*.

#### 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 November 29, 2022, after the Claims Bar Date, Claimant filed Proof of Claim No. 186 in the amount of \$158,860.00 (“Claim 186”), a copy of which is attached hereto as **Exhibit A**;

WHEREAS, the Liquidating Trust was established pursuant to the *First*



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1 *Amended Joint Combined Disclosure Statement and Chapter 11 Plan of*  
2 *Liquidation of Borrego Community Health Foundation* [Docket No. 1168] (the  
3 “Plan”), confirmed by the order [Docket No. 1273] entered January 25, 2024 (the  
4 “Confirmation Order”), and that certain *Liquidating Trust Agreement*, dated as of  
5 February 14, 2024 (the “Liquidating Trust Agreement”);

6 WHEREAS, the Co-Liquidating Trustees have reviewed the Debtor’s books  
7 and records and have reconciled Claim 186 to the amount of \$62,118.00 (the  
8 “Reconciled Claim Amount”).

9 WHEREAS, Claimant and the Co-Liquidating Trustees are in dispute over  
10 Claim 186, both as to the validity of the Reconciled Claim Amount and whether  
11 Claimant has sufficient evidence of excusable neglect to avoid having Claim 186  
12 disallowed as late filed.

13 WHEREAS, the Parties have agreed to resolve their dispute regarding Claim  
14 186 as set forth herein.

15 **STIPULATION**

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

18 1. Based on the evidence provided by the Claimant, and the fact that  
19 Claim 186 was filed after the Claims Bar Date, Claim 186 shall be reduced and  
20 allowed as a general unsecured claim in the amount of \$46,588.50 (the “Allowed  
21 Claim Amount”).

22 2. Claimant shall not file any additional proofs of claim, nor will  
23 Claimant amend (or seek to amend) Claim 186.

24 3. Within thirty (30) days of entry of the order approving this Stipulation,  
25 and after Claimant has provided a completed W-9 to the Co-Liquidating Trustees,  
26 the Liquidating Trust shall pay the Allowed Claim Amount to Claimant pursuant to  
27 the Plan.

28 4. In consideration of the agreements with and value provided herein and

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1 other good and valuable consideration, the Parties hereby waive, remise, release  
2 and forever discharge the other, including each of their respective former and  
3 current predecessors, successors, assigns, subsidiaries, parent companies,  
4 shareholders, partners, members, managers, investors directors, officers,  
5 accountants, attorneys, employees, agents, representatives and servants of, from and  
6 against any and all claims, actions, causes of action, suits, proceedings, defenses,  
7 counterclaims, contracts, judgments, damages, accounts, reckonings, executions,  
8 and liabilities whatsoever of every name and nature, whether known or unknown,  
9 whether or not well-founded in fact or in law, and whether in law, at equity or  
10 otherwise, which either Party ever had or now has for or by reason of any matter,  
11 cause or anything whatsoever to this date, relating to or arising out of the Chapter  
12 11 Case.

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

18  
19 A general release does not extend to claims that the  
20 creditor or releasing party does not know or suspect to  
21 exist in his or her favor at the time of executing the  
22 release and that, if known by him or her, would have  
23 materially affected his or her settlement with the debtor  
24 or released party.

25 6. Claimant hereby warrants that Claimant (a) is authorized and  
26 empowered to execute this Stipulation on behalf of the Claimant, (b) has read this  
27 Stipulation in its entirety and fully understands and accepts the terms set forth  
28 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)

1 is signing this Stipulation on Claimant's own free will.

2 7. The terms, covenants, conditions, and provisions of this Stipulation  
3 cannot be altered, changed, modified, or added to, or deleted from, except in a  
4 writing signed by all parties hereto.

5 8. This Stipulation may be executed in counterparts each of which shall  
6 be deemed an original, but all of which together shall constitute one and the same.

7 9. The Court shall retain jurisdiction over all matters relating to the  
8 interpretation and enforcement of this Stipulation.

9  
10 Dated: April 30, 2025

DENTONS US LLP  
SAMUEL R. MAIZEL  
TANIA M. MOYRON

11  
12 By /s/ Tania M. Moyron  
13 Tania M. Moyron  
14 Attorneys for the Post-Effective Date  
Debtor and the Co-Liquidating Trustee

15 Dated: April 30, 2025

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

16  
17 By /s/ Steven W. Golden  
18 Steven W. Golden  
19 Attorneys for the Co-Liquidating Trustee

20  
21 Dated: April 29, 2025

  
Villamor Usita

DENTONS US LLP  
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LOS ANGELES, CALIFORNIA 90017-5704  
(213) 623-9300



# EXHIBIT A



**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: _____
7. How much is the claim? \$ 158,860.00	Does this amount include interest or other charges? <input checked="" type="checkbox"/> No <input type="checkbox"/> 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.  <u>DENTAL CLAIMS THAT WERE NOT PAID</u>
9. Is all or part of the claim secured?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. The claim is secured by a lien on property. <b>Nature or property:</b> <input type="checkbox"/> Real estate: If the claim is secured by the debtor's principle residence, file a <i>Mortgage Proof of Claim Attachment</i> (Official Form 410-A) with this <i>Proof of Claim</i> . <input type="checkbox"/> Motor vehicle <input type="checkbox"/> Other. Describe: _____  <b>Basis for perfection:</b> _____ 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.)  <b>Value of property:</b> \$ _____ <b>Amount of the claim that is secured:</b> \$ _____ <b>Amount of the claim that is unsecured:</b> \$ _____ (The sum of the secured and unsecured amount should match the amount in line 7.)  <b>Amount necessary to cure any default as of the date of the petition:</b> \$ _____  <b>Annual Interest Rate</b> (when case was filed) _____ % <input type="checkbox"/> Fixed <input type="checkbox"/> Variable
10. Is this claim based on a lease?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Amount necessary to cure any default as of the date of the petition. \$ _____
11. Is this claim subject to a right of setoff?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Identify the property: _____





Signed by Judge Laura A. Straz at 9:00 AM May 10, 2025

\$ \_\_\_\_\_

## Contact phone \_\_\_\_\_ Email \_\_\_\_\_

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

<b>Debtor:</b> 22-02384 - Borrego Community Health Foundation <b>District:</b> Southern District of California, San Diego Division		
<b>Creditor:</b> Villamor Usita 11010 Foothill Blvd. Suite 120 RANCHO CUCAMONGA, California, 91730-7616 United States <b>Phone:</b> 9094818881 <b>Phone 2:</b>  <b>Fax:</b> 9094817722 <b>Email:</b> info@newsmlidentistry.com	<b>Has Supporting Documentation:</b> Yes, please mail physical supporting documentation <b>Related Document Statement:</b>	
	<b>Has Related Claim:</b> No <b>Related Claim Filed By:</b>	
	<b>Filing Party:</b> Creditor	
<b>Other Names Used with Debtor:</b>	<b>Amends Claim:</b> No <b>Acquired Claim:</b> No	
<b>Basis of Claim:</b> DENTAL CLAIMS THAT WERE NOT PAID	<b>Last 4 Digits:</b> No	<b>Uniform Claim Identifier:</b>
<b>Total Amount of Claim:</b> 158,860.00	<b>Includes Interest or Charges:</b> No	
<b>Has Priority Claim:</b> No	<b>Priority Under:</b>	
<b>Has Secured Claim:</b> No <b>Amount of 503(b)(9):</b> No <b>Based on Lease:</b> No <b>Subject to Right of Setoff:</b> No	<b>Nature of Secured Amount:</b> <b>Value of Property:</b> <b>Annual Interest Rate:</b> <b>Arrearage Amount:</b> <b>Basis for Perfection:</b> <b>Amount Unsecured:</b>	
<b>Submitted By:</b> Villamor Usita on 29-Nov-2022 6:57:46 p.m. Eastern Time <b>Title:</b> Dentist/Owner <b>Company:</b> New Smile Dentistry		



# **Additional Supporting Documents Received on 12/8/2022**

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**DEC 08 2022**

**KURTZMAN CARSON CONSULTANTS**



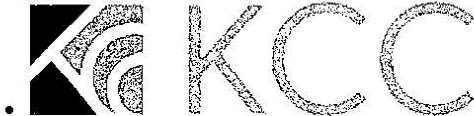
220238422120800000000001

Case 22-02384-LT11 Filed 05/01/25 Entered 05/01/25 12:34:57 Doc 1597 Pg. 12  
11/29/22, 3:58 PM of 13 KCC ePOC

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**Borrego Community Health Foundation**

**Case Number: 22-02384**

Blank Proof Of Claim Form with Instructions

For phone assistance:

(866) 967-0670 (Domestic US)

(310) 751-2670 (International)

This claim was successfully submitted for \$ 158,860.00 against Borrego Community Health Foundation on 29-Nov-2022 6:57:46 p.m. Eastern Time.

You can download a copy of the Claim Filing Summary [here](#).

If you would like to make any changes to your claim, please [request a new PIN](#) from KCC and file an amended claim.

**You have physical supporting documentation and should [mail them along with your claim form summary to KCC at:](#)**

**Borrego Health Claims Processing Center  
c/o KCC  
222 N. Pacific Coast Highway, Suite 300  
El Segundo, CA 90245**

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**DEC 08 2022**

**KURTZMAN CARSON CONSULTANTS**

Supporting Documentation Redacted  
(on file with KCC)

Notice Recipients

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

Recipients submitted to the BNC (Bankruptcy Noticing Center):

db	BORREGO COMMUNITY HEALTH FOUNDATION,	587 Palm Canyon Dr.	Suite 208	Borrego
	Springs, CA 92004			
aty	Samuel Ruven Maizel	Dentons US LLP	601 South Figueroa Street	Suite 2500 Los Angeles,
	CA 90017			
				TOTAL: 2