Case 22-02384-LT11 CSD 1001A [07/01/18](Page 1) Filed 05/01/25 Entered 05/03/25 21:13:13 Doc 1604 Pg. 1 of Docket #1604 Date Filed: 05/01/2025

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-LT11

Order Entered on

May 1, 2025

by Clerk U.S. Bankruptcy Court Southern District of California

Debtor.

### ORDER ON

STIPULATION BY AND AMONG THE POST-EFFECTIVE DATE DEBTOR, THE LIQUIDATING TRUSTEE, THE CO-LIQUIDATING TRUSTEES AND ANDREW LIM REGARDING CLAIM NO. 179

The court orders as set forth on the continuation pages attached and numbered 2 through 2 with exhibits, if any, for a total of 13 pages. Stipulation Docket Entry No. 1596.

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May 1, 2025 DATED:

Judge, United States Bankruptcy Court

Case 22-02384-LT11 Filed 05/01/25 Entered 05/03/25 21:13:13 Doc 1604 Pg. 2 of CSD 1001A [07/01/18](Page 2)

ORDER ON STIPULATION BY AND AMONG THE POST-EFFECTIVE DATE DEBTOR, THE LIQUIDATING TRUSTEE, THE CO-LIQUIDATING TRUSTEES AND ANDREW LIM REGARDING CLAIM NO. 179

DEBTOR: BORREGO COMMUNITY HEALTH FOUNDATION CASE NO: 22-02384-LT11

On May 1, 2025, Borrego Community Health Foundation (the Post-Effective Date Debtor), The Liquidating Trustee, the Co-Liquidating Trustees and Andrew Lim filed a *Stipulation By and Among the Post-Effective Date Debtor, The Liquidating Trustee, The Co-Liquidating Trustees And Andrew Lim Regarding Claim No.* 179 [Docket No. 1596] (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**

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, shareholders, partners, members, managers, investors directors, officers, 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)

4918-5257-1439.2 10283.00003

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 Andrew Lim (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 Andrew Lim Regarding Claim No. 179.

### **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 "<u>Chapter 11 Case</u>") 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 28, 2022, after the Claims Bar Date, Claimant filed Proof of Claim No. 179 in the amount of \$23,410.00 ("Claim 179"), a copy of which is attached hereto as **Exhibit A**;

WHEREAS, the Liquidating Trust was established pursuant to the First

WHEREAS, the Co-Liquidating Trustees have reviewed the Debtor's books and records and have reconciled Claim 179 to the amount of \$13,235.00 (the "Reconciled Claim Amount").

WHEREAS, Claimant and the Co-Liquidating Trustees are in dispute over Claim 179, both as to the validity of the Reconciled Claim Amount and whether Claimant has sufficient evidence of excusable neglect to avoid having Claim 179 disallowed as late filed.

WHEREAS, the Parties have agreed to resolve their dispute regarding Claim 179 as set forth herein.

### **STIPULATION**

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

- 1. Based on the evidence provided by the Claimant, and the fact that Claim 179 was filed after the Claims Bar Date, Claim 179 shall be reduced and allowed as a general unsecured claim in the amount of \$9,926.25 (the "Allowed Claim Amount").
- 2. Claimant shall not file any additional proofs of claim, nor will Claimant amend (or seek to amend) Claim 179.
- 3. 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.
  - 4. In consideration of the agreements with and value provided herein and

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

# **EXHIBIT A**

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<b>i</b> .	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: 1026
7.	How much is the claim?	\$
3.	What is the basis of the claim?	Examples: Goods sold, money toaned, 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.  DENTAL SERVICES PERFORMED
Э.	Is all or part of the claim secured?	No 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:
	9	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.)
	RECEIVED  NOV 2 8 2022	Amount necessary to cure any default as of the date of the petition:  Annual Interest Rate (when case was filed)%
10.	Is this claim based on a lease?	No 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 Yes. Identify the property:

<ol><li>Is all or part of the claim entitled to priority under</li></ol>	No No	
11 U.S.C. § 507(a)?	Yes. Check all that apply:	Amount entitled to priority
A claim may be partly priority end partly nonpriority. For example,	Domestic support obligations (including ailmony 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).	\$
, ,	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	on or after the date of adjustment.
3. 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 rece days before the date of commencement of the above case, in which the goods the ordinary course of such Debtor's business. Attach documentation supportin	have been sold to the Debtor in
	\$	
		₩
Rant 3: Sign Below		
The person completing	Check the appropriate box:	
this proof of claim must sign and date it.	I am the creditor.	
FRBP 9011(b).	I am the creditor's attorney or authorized agent.	
If you file this claim electronically, FRBP	am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.	
5005(a)(2) authorizes courts to establish local rules		
	I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.	es e
is.	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 acknowled the amount of the claim, the creditor gave the debtor credit for any payments received to	
is. A person who files a fraudulent claim could be	I understand that an authorized signature on this Proof of Claim serves as an acknowled	ward the debt.
is. A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5	I understand that an authorized signature on this <i>Proof of Claim</i> serves as an acknowled the amount of the claim, the creditor gave the debtor credit for any payments received to	ward the debt.
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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. §§ 162, 167, and 3571.	I understand that an authorized signature on this <i>Proof of Claim</i> serves as an acknowled the amount of the claim, the creditor gave the debtor credit for any payments received to I 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    10	ward the debt. e information is true and correct.
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# Supporting Documentation Redacted (on file with KCC)

## Case 22-02384-LT11 Filed 05/01/25 Entered 05/03/25 21:13:13 Doc 1604 Pg. 14 of 16

United States Bankruptcy Court Southern District of California

In re: Case No. 22-02384-LT

BORREGO COMMUNITY HEALTH FOUNDATION,

Chapter 11

Debtor

**CERTIFICATE OF NOTICE** 

District/off: 0974-3 User: Admin. Page 1 of 3
Date Rcvd: May 01, 2025 Form ID: pdfO1 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 May 03, 2025:

Recipi ID Recipient Name and Address

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 90017-5709

TOTAL: 2

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).

NONE

#### 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.

NONE

#### 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: May 03, 2025 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 May 1, 2025 at the address(es) listed below:

Name Email Address

Allison M. Rego

on behalf of Creditor Inland Valley Investments LLC allison.rego@mgr-legal.com

Allison M. Rego

on behalf of Creditor Premier Healthcare Management  $\,$  Inc. allison.rego@mgr-legal.com

Allison M. Rego

on behalf of Creditor DRP Holdings LLC allison.rego@mgr-legal.com

Allison M. Rego

on behalf of Creditor Promenade Square LLC allison.rego@mgr-legal.com

Andrew B. Still

on behalf of Creditor California Physicians' Service dba Blue Shield of California astill@swlaw.com kcollins@swlaw.com

Andrew B. Still

on behalf of Creditor Blue Shield of California Promise Health Plan astill@swlaw.com kcollins@swlaw.com

# Case 22-02384-LT11 Filed 05/01/25 Entered 05/03/25 21:13:13 Doc 1604 Pg. 15 of 16

District/off: 0974-3 User: Admin. Page 2 of 3
Date Rcvd: May 01, 2025 Form ID: pdfO1 Total Noticed: 2

Anthony Bisconti

on behalf of Interested Party San Ysidro Health tbisconti@bklwlaw.com

1193516420@filings.docketbird.com,docket@bklwlaw.com

Anthony Dutra

Anthony Dutra

on behalf of Creditor Philip D. Szold M.D., Inc. dba La Mesa Pediatrics adutra@hansonbridgett.com,

SSingh@hansonbridgett.com

Bernard M. Hansen

on behalf of Creditor Premier Healthcare Management Inc. bernardmhansen@sbcglobal.net

Cheryl Skigin

on behalf of Creditor Ally Bank caskigin@earthlink.net

Christine E. Baur

 $on\ behalf\ of\ Creditor\ Greenway\ Health\ \ LLC\ christine@baurbklaw.com, admin@baurbklaw.com$ 

Christine M. Fitzgerald

 $on \ behalf \ of \ Attorney \ Christine \ M. \ Fitzgerald \ @littler.com \ maria @thersfirm.com; amy @thersfirm.com \ maria \ @thersfirm.com; amy \ @thersfirm.com \ maria \ @thersfirm.com; amy \ @$ 

Daren Brinkman

on behalf of Creditor Pourshirazi & Youssefi Dental Corporation firm@brinkmanlaw.com 7764052420@filings.docketbird.com

Darin L. Wessel

on behalf of Defendant CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES by and through its Director, Michelle

Baass darin.wessel@doj.ca.gov

Darin L. Wessel

on behalf of Creditor CALIFORNIA DEPARTMENT OF HEALTH CARE SERVICES by and through its Director, Michelle

Baass darin.wessel@doj.ca.gov

Dean T. Kirby, Jr.

on behalf of Creditor Ramona Crossings LLC dkirby@fsl.law, jwilson@fsl.law

Elvina Rofael

on behalf of United States Trustee United States Trustee elvina.rofael@usdoj.gov

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