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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re

UNITED SITE SERVICES, INC. *et al.*,¹

Debtors.

Case No. 25-23630 (MBK)

Chapter 11

(Jointly Administered)

**Hearing: March 9, 2026,
at 10:00 a.m. (ET)**

**NOTICE OF MOTION OF UNITED SITE SERVICES
OF CALIFORNIA, INC., FOR ENTRY OF AN ORDER
APPROVING A SETTLEMENT WITH VICKI RAE RASMUSSEN**

¹ The last four digits of the tax identification number of United Site Services, Inc. are 3387. A complete list of the Debtors in these chapter 11 cases (the “**Chapter 11 Cases**”), with each one’s tax identification number, principal office address and former names and trade names, is available on the website of the Debtors’ noticing agent at www.veritaglobal.net/USS. The location of the principal place of business of United Site Services, Inc., and the Debtors’ service address for these Chapter 11 Cases is 118 Flanders Road, Suite 1000, Westborough, MA 01581.



252363026020600000000001

NOTICE IS HEREBY GIVEN as follows:

A hearing on the *Motion of United Site Services of California, Inc., for Entry of an Order Approving a Settlement with Vicki Rae Rasmussen* (the “**Motion**”) will be held on **March 9, 2026 at 10:00.m. (ET)**, or as soon thereafter as counsel may be heard, before the Honorable Michael B. Kaplan, United States Bankruptcy Judge, United States Bankruptcy Court for the District of New Jersey, 402 East State Street, Trenton, NJ 08608 (the “**Court**”).

The Motion sets forth the relevant legal and factual bases upon which the relief requested should be granted. A proposed order granting the relief requested in the Motion is also attached to the Motion.

Objections to the Motion must: (a) be in writing; (b) state with particularity the basis of the objection; (c) conform to the Federal Rules of Bankruptcy Procedure and the Local Rules of the Bankruptcy Court for the District of New Jersey, and (d) be filed with the Court and served so as to be actually received by **March 2, 2026, at 4:00 p.m. (ET)**, by: (i) Milbank LLP, 55 Hudson Yards, New York, NY 10001 (Attn: Dennis F. Dunne, Samuel A. Khalil, Matthew Brod, Lauren C. Doyle, and Benjamin M. Schak), proposed co-counsel for the Debtors; and (ii) Cole Schotz P.C., Court Plaza North, 25 Main Street, Hackensack, NJ 07601 (Attn: Michael D. Sirota, Felice R. Yudkin, and Daniel J. Harris), proposed co-counsel for the Debtors.

Only those responses or objections that are timely filed, served, and received will be considered at the Hearing. Failure to file a timely objection may result in entry of a final order granting the relief requested in the Motion.

Unless an objection is timely filed and served, the Motion will be decided on the papers in accordance with D.N.J. LBR 9013-3(d) and the relief requested may be granted without further notice or hearing.

All documents filed in these Chapter 11 Cases may be obtained free of charge by visiting the website of Verita Global at www.veritaglobal.net/USS. You may also obtain copies of pleadings

by visiting the Bankruptcy Court's website at <https://www.njb.uscourts.gov/> in accordance with the procedures and fees set forth on that website.

Dated: February 6, 2026

Respectfully submitted,

/s/ Michael D. Sirota

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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re

UNITED SITE SERVICES, INC. *et al.*,¹
Debtors.

Case No. 25-23630 (MBK)

Chapter 11

(Jointly Administered)

**Hearing: March 9, 2026,
at 10:00 a.m. (ET)**

**MOTION OF UNITED SITE SERVICES OF
CALIFORNIA, INC. FOR ENTRY OF AN ORDER
APPROVING A SETTLEMENT WITH VICKI RAE RASMUSSEN**

¹ The last four digits of the tax identification number of United Site Services, Inc. are 3387. A complete list of the Debtors in these chapter 11 cases (the “**Chapter 11 Cases**”), with each one’s tax identification number, principal office address and former names and trade names, is available on the website of the Debtors’ noticing agent at www.veritaglobal.net/USS. The location of the principal place of business of United Site Services, Inc., and the Debtors’ service address for these Chapter 11 Cases is 118 Flanders Road, Suite 1000, Westborough, MA 01581.

TO THE HONORABLE MICHAEL B. KAPLAN, UNITED STATES BANKRUPTCY JUDGE:

The Debtor United Site Services of California, Inc. (“**USS-California**” and, together with the other above-captioned debtors and debtors in possession, the “**Debtors**” or “**USS**”), respectfully states as follows in support of this motion (the “**Motion**”).

RELIEF REQUESTED

1. USS-California seeks entry of an order (i) authorizing it to enter into and perform under a proposed settlement and (ii) granting certain related relief. A proposed form of order is attached as **Exhibit A** to this Motion.

2. The principal statutory bases for the relief requested in this Motion are sections 105(a) and 363(b) of title 11 of the U.S. Code (the “**Bankruptcy Code**”), Rule 9019(a) of the Federal Rules of Bankruptcy Procedure (the “**Bankruptcy Rules**”), and Rule 9019-3 of the Local Rules of the United States Bankruptcy Court for the District of New Jersey (the “**Local Rules**”).

JURISDICTION AND VENUE

3. The Court has jurisdiction over this Motion pursuant to 28 U.S.C. § 1334. This case has been referred to the Court pursuant to 28 U.S.C. § 157(a) by the *Standing Order of Reference to the Bankruptcy Court under Title 11* (D.N.J. amended June 6, 2025) (Bumb, C.J.). This Motion is a core proceeding under 28 U.S.C. § 157(b). The Debtors consent to the Court’s entry of a final order on this Motion if it is determined that the Court cannot otherwise enter a final order or judgment consistent with Article III of the U.S. Constitution. Venue in the Court is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

PRELIMINARY STATEMENT

4. USS-California seeks the Court’s approval of the settlement that would resolve personal injury claims against USS-California and one of its employees, Erich Alan Heinrichs (together, the “**USS Defendants**”) and related counterclaims and cross-claims. This action arose on August 9, 2024, when an un-insured passenger car owned by Vicki Rae Rasmussen crossed into

oncoming traffic and collided with a truck owned by USS-California and driven by Mr. Heinrichs. Ms. Rasmussen was injured in the collision, and the driver of her car, Gilbert Sigala, was killed. Ms. Rasmussen then sued the USS Defendants and Mr. Sigala's estate in California Superior Court, alleging negligence on the part of both drivers. The USS Defendants denied Ms. Rasmussen's allegations and countersued Ms. Rasmussen for negligent entrustment.

5. Ms. Rasmussen and the USS Defendants have agreed to dismiss all claims and counterclaims with prejudice, with no side admitting fault and each side bearing its own costs. Although USS-California believes that its claims have greater merit than the claims against it, the Debtors believe that this "walk-away" settlement is fair and equitable and in the best interests of USS-California's estate because it will avoid future litigation expenses and because Ms. Rasmussen has limited assets from which to recover a judgment.

BACKGROUND

I. UNITED SITE SERVICES

6. USS is one of the United States' leading providers of portable restrooms and complementary site services. USS's primary service is portable sanitation: convenient access to regularly serviced portable restrooms and sinks across a variety of settings, including special events, construction sites, and other agricultural and industrial settings that lack sufficient permanent facilities. USS owns approximately 350,000 portable restrooms, which range from plastic single-user units to luxury mobile trailers with running water, electricity and air conditioning.

7. In addition to portable restrooms, as part of its core services, USS offers hand hygiene stations ranging from alcohol-based sanitizer stations to portable sinks with soap and water. In addition to these services, USS offers a range of complementary services, such as temporary fences, crowd control barricades, roll-off dumpsters, modular storage, and temporary power sources. USS also offers non-hazardous liquid waste removal services, by pumping and

hauling high volumes of liquid waste from commercial settings, such as grease traps from restaurants, underground water from construction sites, and leachate from landfills.

8. USS is headquartered in Westborough, Massachusetts and has over 3,000 employees.

9. On December 29, 2025 (the “**Petition Date**”), each Debtor, including USS-California, commenced a case under chapter 11 of the Bankruptcy Code by filing a voluntary petition for relief. The Debtors are operating their business as debtors in possession pursuant to sections 1107 and 1108 of the Bankruptcy Code. No trustee, examiner or official committee has been appointed. These Chapter 11 Cases are prepackaged cases commenced for the purpose of implementing a comprehensive restructuring in accordance with the terms of a restructuring support agreement. The Debtors commenced solicitation of votes on the *Joint Prepackaged Plan of Reorganization of United Site Services, Inc. and Its Debtor Affiliates Pursuant to Chapter 11 of the Bankruptcy Code* [Dkt. No. 16] (the “**Plan of Reorganization**”) reflecting the terms of the restructuring support agreement prior to commencing these Chapter 11 Cases, and filed that Plan of Reorganization on the Petition Date.

10. For further information about USS, its business operations, assets and capital structure, and the circumstances that led to the filing of the Chapter 11 Cases, USS refers to the *Declaration of Chris Kelly in Support of Chapter 11 Petitions and First Day Motions of United Site Services, Inc. et al.* [Dkt. No. 15] (the “**First Day Declaration**”), filed on December 29, 2025.²

II. FACTUAL BACKGROUND

11. The following is alleged on information and belief based, in part, on the information contained in the Traffic Crash Report issued by the California Highway Patrol (“**CHP**”): On the morning of August 9, 2024, Erich Alan Heinrichs (an employee of USS-California) was driving a

² Capitalized terms used but not defined in this Motion have the meanings ascribed to them in the First Day Declaration.

USS truck on westbound State Highway 120 in rural Tuolumne County, California, when a small Buick Verano crossed over the double yellow lines from the eastbound lane and struck Mr. Heinrichs's truck head-on. The Verano's driver, Gilbert Sigala sustained fatal injuries from the collision. The Verano's owner, Vicki Rae Rasmussen, was in the passenger seat and suffered physical injuries.

12. On August 5, 2025, Vicki Rae Rasmussen filed a complaint in California Superior Court, Stanislaus County, commencing a personal injury action (Case No. CV-25-007510) against Mr. Sigala's estate, Mr. Heinrichs, and USS-California. Four months later, the USS Defendants filed a joint answer denying all allegations in Ms. Rasmussen's complaint, and filed separate cross-complaints against Mr. Sigala's estate and Ms. Rasmussen, alleging (among other things) that Mr. Sigala's negligent driving had caused the collision and that Ms. Rasmussen had acted negligently in allowing him to drive the Verano.

13. USS-California later became aware that Ms. Rasmussen, an elderly woman with few assets, is likely "judgment proof" and the Verano was not insured at the time of the collision. Thus, despite USS-California's belief that it could prevail in the litigation, it would realistically obtain minimal recovery, if any, while incurring significant legal costs. (Although USS-California is insured, its defense would be within the applicable deductible.)

14. For these reasons, the USS Defendants agreed to settle with Ms. Rasmussen. Under the proposed settlement, each of the USS Defendants and Ms. Rasmussen will dismiss their claims against each other, with prejudice, and both the USS Defendants and Ms. Rasmussen will bear their own costs.³

15. USS-California believes that the proposed settlement is in the best interests of its estate and creditors, as it provides a swift resolution to this litigation without the need for

³ In connection with the settlement, USS-California also intends to dismiss the cross-complaint against the estate of Mr. Sigala. The estate has never been served and USS-California is unaware of any probate assets from which to recover.

significant judicial intervention and with the benefit of preserving time, cost, and other estate resources. Accordingly, the settlement should be approved.

BASIS FOR RELIEF

I. THE COURT SHOULD APPROVE THE SETTLEMENT PURSUANT TO SECTIONS 105(A) AND 363(B) OF THE BANKRUPTCY CODE AND RULE 9019 OF THE BANKRUPTCY RULES.

16. Section 105(a) of the Bankruptcy Code provides in relevant part that “[t]he court may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a). Section 105(a) has been interpreted to expressly empower bankruptcy courts with broad equitable powers to “craft flexible remedies that, while not expressly authorized by the Code, effect the result the Code was designed to obtain.” *Off. Comm. of Unsecured Creditors of Cybergenics Corp. ex rel. Cybergenics Corp. v. Chinery*, 330 F.3d 548, 568 (3d Cir. 2003) (en banc). In addition, Bankruptcy Rule 9019 provides that “[o]n motion by the trustee and after notice and a hearing, the court may approve a compromise or settlement.” Fed. R. Bankr. P. 9019(a). Taken together, section 105(a) and Bankruptcy Rule 9019 empower the Court to approve a proposed compromise and settlement when it is in the best interests of the debtor’s estate and its creditors.

17. If a settlement involves the use of estate assets outside of a debtor’s ordinary course of business, it requires approval under section 363(b) of the Bankruptcy Code. *Myers v. Martin (In re Martin)*, 91 F.3d 389, 394 n.2 (3d Cir. 1996). (“Section 363 of the Code is the substantive provision requiring a hearing and court approval; Bankruptcy Rule 9019 sets forth the procedure for approving an agreement to settle or compromise a controversy.”). Courts normally defer to a debtor’s business judgment if there is a legitimate business justification for the use of estate property. *See Dai-Ichi Kangyo Bank, Ltd. v. Montgomery Ward Holding Corp. (In re Montgomery Ward Holding Corp.)*, 242 B.R. 147, 153 (Bankr. D. Del. 1999) (holding that only a “sound business purpose” is needed to justify use of estate property pursuant to section 363(b)).

18. Settlements in bankruptcy are favored as a means of minimizing litigation, expediting the administration of the bankruptcy estate, and providing for the efficient resolution of bankruptcy cases. *See In re Martin*, 91 F.3d at 393.

19. In making that determination, the United States Court of Appeals for the Third Circuit has provided four criteria that a bankruptcy court should consider when evaluating a motion pursuant to Bankruptcy Rule 9019: (a) “the probability of success in litigation”; (b) “the likely difficulties in collection”; (c) “the complexity of the litigation involved, and the expense, inconvenience and delay necessarily attending it”; and (d) “the paramount interest of the creditors.” *Id.*

20. Whether to approve a proposed settlement is committed to the discretion of the bankruptcy court, which must determine whether a proposed compromise is fair and equitable. *TMT Trailer*, 390 U.S. at 424; *Will v. Nw. Univ. (In re Nutraquest, Inc.)*, 434 F.3d 639, 644–45 (3d Cir. 2006). In determining whether to approve a proposed settlement, “[t]he Bankruptcy Court need not probe the merits of all claims or conduct a ‘mini-trial’ before approving the settlement; rather, avoiding litigating the issues is one of the main advantages of settlement[.]” *In re NovaPro Holdings, LLC*, 815 F. App’x 655, 658 (3d Cir. 2020); *accord In re ID Liquidation One, LLC*, 555 F. App’x 202, 207 (3d Cir. 2014). “Instead, the court need only canvas the issues to determine whether the settlement falls above the ‘lowest point in the range of reasonableness[.]’” *In re Immune Pharms. Inc.*, 635 B.R. 118, 122 (Bankr. D.N.J. 2021); *see also In re Annunziata*, Case No. 17-1864-MAS, 2018 WL 1091291, at *5 (D.N.J. Feb. 28, 2018) (“A settlement does not need to be the ‘best possible compromise’ available, it only needs to be above ‘the lowest point in the range of reasonableness.’”).

21. The Debtors submit that the *Martin* factors weigh in favor of the proposed settlement: Although the USS Defendants are likely to obtain a favorable judgment (after all, it was Ms. Rasmussen’s own drug-impaired driver of her vehicle who jumped the center lines into oncoming traffic, as stated in the CHP’s Traffic Crash Report), collection efforts are unlikely to be successful against an elderly and uninsured counter-defendant, and the litigation is likely to cost

far more than it is worth in legal expenses and distraction. The settlement is the product of good-faith discussions and arm's length bargaining among the USS Defendants and Ms. Rasmussen.

22. Accordingly, USS-California believes, in its business judgment, that the proposed settlement is fair, well within the range of reasonableness, in the best interests of its estate and creditors and should be approved.

REQUEST OF WAIVER OF STAY

23. To the extent the requested relief constitutes a use of property under section 363(b) of the Bankruptcy Code, USS-California seeks a waiver of the fourteen-day stay under Bankruptcy Rule 6004(h) regarding the use, sale, or lease of property.

RESERVATION OF RIGHTS

24. Notwithstanding anything to the contrary herein, nothing contained in this Motion or any actions taken pursuant to any order granting the relief requested by this Motion is intended or should be construed as (a) an admission as to the validity of any particular claim against the Debtors, (b) a waiver of the Debtors' rights to dispute any particular claim on any grounds (other than as provided for in the settlement), (c) a promise or requirement to pay any particular claim, and (d) an implication or admission that any particular claim is of a type specified or defined in this Motion or any order granting the relief requested by this Motion. If the Court grants the relief sought herein, any payment made pursuant to the Court's order is not intended and should not be construed as an admission as to the validity of any particular claim or a waiver of any Debtor's rights to subsequently dispute such claim.

NOTICE

25. Notice of this Motion will be provided to (a) persons listed on the Master Service List filed pursuant to section IV of the Chapter 11 Complex Case Procedures (Dec. 2, 2025); (b)

Ms. Rasmussen, through her counsel; and (c) the estate of Mr. Sigala. USS-California respectfully submits that no further notice is required.

[Remainder of page intentionally blank]

Upon the foregoing Motion, USS-California respectfully requests that the Court (a) enter an order, substantially in the form attached to the Motion as **Exhibit A**, granting the Motion, and (b) grant such other relief as is just and proper.

Dated: February 6, 2026

Respectfully submitted,

/s/ Michael D. Sirota

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EXHIBIT A TO SETTLEMENT MOTION

PROPOSED ORDER

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In re

UNITED SITE SERVICES, INC. *et al.*,¹
Debtors.

Case No. 25-23630 (MBK)

Chapter 11

(Jointly Administered)

Related to Dkt. No. _____

**ORDER APPROVING A SETTLEMENT BETWEEN UNITED SITE
SERVICES OF CALIFORNIA, INC., AND VICKI RAE RASMUSSEN**

The relief set forth on the following pages, numbered three (3) through four (4), is
ORDERED.

¹ The last four digits of the tax identification number of United Site Services, Inc. are 3387. A complete list of the Debtors in these chapter 11 cases (the “**Chapter 11 Cases**”), with each one’s tax identification number, principal office address and former names and trade names, is available on the website of the Debtors’ noticing agent at www.veritaglobal.net/USS. The location of the principal place of business of United Site Services, Inc., and the Debtors’ service address for these Chapter 11 Cases is 118 Flanders Road, Suite 1000, Westborough, MA 01581.

Caption in compliance with D.N.J. LBR 9004-1(b)

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(Page 3)

Debtors: United Site Services, Inc. *et al.*

Case No.: 25-23630 (MBK)

Caption of Order: Order Approving a Settlement Between United Site Services of California, Inc., and Vicki Rae Rasmussen

Upon the motion (the “**Motion**”)¹ of the above-captioned debtors (collectively, the “**Debtors**”) for entry of an order (this “**Order**”) (i) authorizing United Site Services of California, Inc. (“**USS-California**”) to enter into and perform all of its obligations under a proposed settlement pursuant to Rule 9019 of the Federal Rules of Bankruptcy Procedure; and (ii) granting related relief; and the Court having jurisdiction to decide the Motion and to enter this Order pursuant to 28 U.S.C. § 1334; and these Chapter 11 Cases having been referred to this Court by standing order of the U.S. District Court for the District of New Jersey; and consideration of the Motion being a core proceeding pursuant to 28 U.S.C. § 157(b) upon which this Court may enter a final order consistent with Article III of the U.S. Constitution; and venue being proper in the Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided, such that no other or further notice is required or necessary under the circumstances; and the Court having determined that the legal and factual bases set forth in the Motion and in the record establish just cause for entry of this Order; it is hereby **ORDERED** that:

1. The Motion is **GRANTED** as set forth herein.
2. Any objections to the Motion and to the relief requested therein and/or granted in this Order that have not been withdrawn, waived, settled, and all reservations of rights included in such objections, are overruled on the merits.
3. Pursuant to sections 105(a) and 363(b) of the Bankruptcy Code and Bankruptcy Rule 9019, the proposed settlement in which each of the USS Defendants and Ms. Rasmussen will dismiss their claims, with prejudice, and both the USS Defendants and Ms. Rasmussen will bear their own costs, is hereby approved.
4. The Debtors are authorized to seek dismissal of USS-California’s cross-complaint against the estate of Mr. Sigala.

¹ Capitalized terms used but not otherwise defined herein shall have the meanings set forth in the Motion.

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Debtors: United Site Services, Inc. *et al.*

Case No.: 25-23630 (MBK)

Caption of Order: Order Granting Motion to Approve the Settlement Between the Debtors and Vicki Rae Rasmussen

5. The Debtors are authorized to take all actions necessary to effectuate the relief granted pursuant to this Order in accordance with the Motion.

6. Notice of the Motion as described therein shall be deemed good and sufficient notice of the Motion and the relief requested therein, and the requirements of Bankruptcy Rule 6004(a) and the Local Rules are satisfied by such notice.

7. Notwithstanding Bankruptcy Rule 6004(h) or any other provision of the Bankruptcy Rules or Local Rules, this Order shall be effective and enforceable immediately upon its entry.

8. The Debtors and their agents are authorized to take all steps necessary or appropriate to carry out this Order.

9. The Court retains jurisdiction over all matters arising from or related to the implementation, interpretation or enforcement of this Order.