

So Ordered.  
Dated: July 15, 2019



*Frank L. Kurtz*  
Frank L. Kurtz  
Bankruptcy Judge

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WASHINGTON

<p>In re</p> <p>ASTRIA HEALTH, et al.,</p> <p>Debtors.<sup>1</sup></p>	<p>Lead Case No. 19-01189-11</p> <p>Jointly Administered</p> <p>ORDER AUTHORIZING RETENTION AND EMPLOYMENT OF BERKELEY RESEARCH GROUP, LLC AS FINANCIAL ADVISORS TO THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS <i>NUNC PRO TUNC</i> TO MAY 29, 2019</p>
--	--

<sup>1</sup> The Debtors, along with their case numbers, are as follows: Astria Health (19-01189-11), Glacier Canyon, LLC (19-01193-11), Kitchen and Bath Furnishings, LLC (19-01194-11), Oxbow Summit, LLC (19-01195-11), SHS Holdco, LLC (19-01196-11), SHC Medical Center - Toppenish (19-01190-11), SHC Medical Center - Yakima (19-01192-11), Sunnyside Community Hospital Association (19-01191-11), Sunnyside Community Hospital Home Medical Supply, LLC (19-01197-11), Sunnyside Home Health (19-01198-11), Sunnyside Professional Services, LLC (19-01199-11), Yakima Home Care Holdings, LLC (19-01201-11), and Yakima HMA Home Health, LLC (19-01200-11).

ORDER-1



69210783.2



885310019072000000000007

1 Upon the application [Dkt # 312] of the Official Committee of Unsecured  
2 Creditors (the “**Committee**”) appointed in the chapter 11 cases of Astria Health  
3 and its debtor affiliates, the debtors in possession (the “**Debtors**”), for an order,  
4 pursuant to § 1103(a) of title 11 of the United States Code (the “**Bankruptcy**  
5 **Code**”), Rules 2014 and 2016(a) of the Federal Rules of Bankruptcy Procedure  
6 (the “**Bankruptcy Rules**”) and Rule 2014-1 of the Local Rules of the United  
7 States Bankruptcy Court for the Eastern District of Washington (the “**Local**  
8 **Rules**”), authorizing the Committee to employ and retain Berkeley Research  
9 Group, LLC (“**BRG**”) as financial advisor to the Committee in the Cases<sup>2</sup>, *nunc*  
10 *pro tunc* to May 29, 2019 (the “**Application**”); and upon the supporting declaration  
11 of Christopher J. Kearns [Dkt # 313] (the “**Kearns Declaration**”); and the Court  
12 having reviewed the Application, its supporting materials, and any responses  
13 thereto; and the Court having found and concluded that (i) it has jurisdiction over  
14 this matter pursuant to 28 U.S.C. §§ 157 and 1334, (ii) this matter is a core  
15 proceeding pursuant to 28 U.S.C. § 157(b)(2), (iii) venue is proper in this District  
16 pursuant to 28 U.S.C. §§ 1408 and 1409, (iv) notice of the Application was  
17 sufficient under the circumstances and no further notice is necessary, and (v) the  
18 legal and factual bases set forth in the Application and the Declaration establish  
19 just cause for the relief granted in this Order; and this Court having determined that  
20 (a) granting the relief requested in the Application as set forth in this Order is in  
21 the best interests of the Committee and the bankruptcy estates, (b) BRG does not

22  
23  
24 <sup>2</sup> All capitalized terms not defined in this Order shall have the meanings ascribed to  
25 them in the Application.

26 ORDER-2



1 represent any entity having an adverse interest in connection with these cases, as  
2 required by 11 U.S.C. § 1103(b), and it and its professionals do not represent or  
3 hold any interest adverse to the Committee or the bankruptcy estates and are  
4 disinterested under 11 U.S.C. § 101(14), and (c) the Application and its supporting  
5 materials are in compliance with the applicable provisions of the Bankruptcy Code,  
6 the Bankruptcy Rules, and the Local Rules; and after due deliberation; and  
7 sufficient cause appearing therefore;

8 **IT IS HEREBY ORDERED AS FOLLOWS**

9 1. The Application is granted.

10 2. The Committee is authorized to retain and employ BRG as its  
11 financial advisor pursuant to 11 U.S.C. § 1103(a), Bankruptcy Rules 2014 and  
12 2016(a), and Local Rule 2014-1 *nunc pro tunc* to May 29, 2019 on the terms set  
13 forth in the Application and the Kearns Declaration.

14 3. BRG shall be compensated for its services and reimbursed for any  
15 related expenses in accordance with 11 U.S.C. §§ 330 and 331, the applicable  
16 provisions of the Bankruptcy Rules and the Local Rules, and any Orders of this  
17 Court.

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

20 5. The Court shall retain jurisdiction with respect to all matters arising  
21 from or related to the implementation of this Order.

22 *///End of Order///*

23  
24  
25 ORDER-3

26  
**POLSINELLI**  
1000 SECOND AVENUE, SUITE 3500  
SEATTLE, WA 98104 • (206) 393-5400

69210783.2

1 Presented by:

2  
3 POLSINELLI PC

4 /s/Jane Pearson

5 Jane Pearson, WSBA #12785  
6 1000 Second Avenue, Suite 3500  
7 Seattle, WA 98104  
8 Telephone: (206) 393-5415  
9 E-mail: jane.pearson@polsinelli.com

10 SILLS CUMMIS & GROSS P.C.

11 /s/Andrew H. Sherman

12 Andrew H. Sherman (admitted *pro hac vice*)  
13 Boris Mankovetskiy (admitted *pro hac vice*)  
14 One Riverfront Plaza  
15 Newark, NJ 07102  
16 Telephone: (973) 643-6982  
17 E-mail: asherman@sillscummis.com  
18 bmankovetskiy@sillscummis.com

19 *Attorneys for the Official*  
20 *Committee of Unsecured Creditors*

21  
22  
23  
24  
25 ORDER-4

26  
69210783.2

 **POLSINELLI**  
1000 SECOND AVENUE, SUITE 3500  
SEATTLE, WA 98104 • (206) 393-5400