

1 JAMES L. DAY (WSBA #20474)
BUSH KORNFELD LLP
601 Union Street, Suite 5000
2 Seattle, WA 98101
Tel: (206) 521-3858
3 Email: jday@bskd.com

HONORABLE FRANK L. KURTZ

4 SAMUEL R. MAIZEL (Admitted *Pro Hac Vice*)
DENTONS US LLP
601 South Figueroa Street, Suite 2500
Los Angeles, California 90017-5704
5 Tel: (213) 623-9300
Fax: (213) 623-9924
6 Email: samuel.maizel@dentons.com

7 SAM J. ALBERTS (WSBA #22255)
DENTONS US LLP
1900 K. Street, NW
Washington, DC 20006
8 Tel: (202) 496-7500
Fax: (202) 496-7756
9 Email: sam.alberts@dentons.com

10 *Proposed Attorneys for the Chapter 11 Debtors and
Debtors In Possession*

11 **UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON**

12 IN RE:
13 ASTRIA HEALTH, et al.,
14 Debtors and Debtors in
15 Possession.¹

Chapter 11
Lead Case No. 19-01189-11

Jointly Administered

**DEBTORS' NOTICE OF EMERGENCY
MOTION TO PAY CERTAIN MECHANICS
LIEN HOLDERS FOR GRANT PROJECT
SERVICES PURSUANT TO 11 U.S.C. § 105**

EMERGENCY HEARING:
Telephonic Hearing: **July 5, 2019, 11:00 a.m.**
Dial-In Information: **(888) 273-3658**; Access Code: **5423885**.

18 ¹ The Debtors, along with their case numbers, are as follows: Astria Health (19-01189-11),
19 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 -
20 Toppenish (19-01190-11), SHC Medical Center - Yakima (19-01192-11), Sunnyside Community
Hospital Association (19-01191-11), Sunnyside Community Hospital Home Medical Supply,
21 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).

**NOTICE OF DEBTORS' EMERGENCY
GRANT PROJECT PAYMENT MOTION**
112588870\V-1



Los Angeles, CA 190118919062500000000016
T 213-623-9300 / F 213-623-9924 T 206 292 2110 / F 206 292 2104

1 **TO: LIMITED MAILING LIST**
2 **TO: OFFICE OF UNITED STATES TRUSTEE**

3 **PLEASE TAKE NOTICE** that Astria Health (“Astria”) and the above-
4 referenced affiliated debtors (collectively, the “Debtors”), the debtors and debtors
5 in possession in the above-captioned chapter 11 bankruptcy cases (collectively, the
6 “Chapter 11 Cases”), have submitted a motion [Docket No. 326] (the “Emergency
7 Motion”), pursuant to § 105 of title 11 of the United States Code, §§ 101 *et seq.*
8 (the “Bankruptcy Code”),¹ seeking an order authorizing the Debtor SHC Medical
9 Center - Toppenish (“Toppenish”) to pay a total of \$61,426.48 (the “Proposed
10 Payment”) to Theorem Architecture and V.K. Powell Construction, LLC (the
11 “Vendors”) with respect to work arising out of a critical, State-supported work
12 related to the conversion of an existing acute care unit and construction of
13 additional space for inpatient 90 to 180 day civil commitments at Toppenish (the
14 “Grant Project”). The Proposed Payment is effectively cash-flow neutral to the
15 estates because the same amount is to be reimbursed to Toppenish by the
16 Washington State Department of Commerce, Local Government Division,

17 ¹ All references to § herein are to sections of the Bankruptcy Code. All references
18 to “Bankruptcy Rules” are to provisions of the Federal Rules of Bankruptcy
19 Procedure. All references to “LBR” are to provisions of the Local Bankruptcy
20 Rules of the United States Bankruptcy Court for the Eastern District of Washington
21 (the “Bankruptcy Court”).

**NOTICE OF DEBTORS’ EMERGENCY
GRANT PROJECT PAYMENT MOTION**

DENTONS US LLP BUSH KORNFIELD LLP
SUITE 2500 LAW OFFICES
601 South Figueroa Street 601 Union Street, Suite 5000
Los Angeles, California 90017-5704 Seattle, Washington 98101-2373
T 213-623-9300 / F 213-623-9924 T 206 292 2110 / F 206 292 2104

1 Community Capital Facilities Unit (the “State”), under approval by the Washington
2 State Legislature through *The 2017-2019 Community Behavioral Health Beds*
3 *Program* and the *Behavioral Health Facilities Grant Program* (together, the “Grant
4 Program”). In order to assure final payment from the State for the Grant Project, it
5 is vital that the Debtors make the Proposed Payment and submit the necessary
6 paperwork to the State for reimbursement from the Grant Program no later than
7 July 15, 2019, the contractually required deadline (the “Reimbursement Deadline”).
8 The basis for the relief requested is set forth in the Emergency Motion and in the
9 Declaration of Eric P. Jensen (the “Jensen Declaration”) attached thereto.² Copies
10 of the Emergency Motion and Jensen Declaration may be obtained upon request
11 from the undersigned, may be reviewed at the office of the Clerk of the United
12 States Bankruptcy Court for the Eastern District of Washington, or may be viewed
13 at the website of the Debtors’ proposed Noticing Agent at
14 <http://www.kccllc.net/astriahealth> (without fee) or at the United States Bankruptcy
15 Court for the Eastern District of Washington PACER website at
16 <http://www.waeb.uscourts.gov> on the internet (with fee). The Debtors reserve the
17 right to supplement the Emergency Motion with supporting declarations and
18 motions.

19 _____
20 ² Capitalized terms not otherwise defined herein have the meaning ascribed to them
21 in the Application.

1 **PLEASE TAKE FURTHER NOTICE** that the Court has set a telephonic
2 hearing on the Emergency Motion, which shall be conducted by telephonic
3 conference, on the following date and time, with the following dial-in instructions:

4 Date: **Friday, July 5, 2019**
5 Time: **11:00 a.m.**
6 Dial-In Information: **(888) 273-3658;**
7 Access Code: **5423885.**

8 **PLEASE TAKE FURTHER NOTICE** that any response, written or oral, to
9 the Emergency Motion may be presented at the time of the hearing on the Grant
10 Project Payment Motion.

11 **PLEASE TAKE FURTHER NOTICE** that, pursuant to LBR 2002-
12 1(a)(1)(C), your failure to file a written objection with the Court and serve a copy
13 on the undersigned attorney, or otherwise participate in the hearing on the
14 Emergency Motion, may result in the Court granting the relief requested in the
15 Emergency Motion.

16 Dated: June 25, 2019

17 /s/ Sam J. Alberts
18 JAMES L. DAY (WSBA #20474)
19 BUSH KORNFELD LLP

20 SAMUEL R. MAIZEL (Admitted *Pro*
21 *Hac Vice*)
 SAM J. ALBERTS (WSBA #22255)
 DENTONS US LLP

*Proposed Attorneys for the Chapter 11
Debtors and Debtors In Possession*