

METINER G. KIMEL - State Bar No. 21280
 KIMEL LAW OFFICES
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Objections due by: August 12, 2019
 Preliminary hearing date: 8/15/19
 Hearing Time: 1:30 p.m.
 Location: Telephonic (888)273-3658
 Access Code: 5423885

Telephone: (509) 452-1115
 Facsimile: (509) 965-5860
 Counsel for Dr. David Becerril

UNITED STATES BANKRUPTCY COURT
 EASTERN DISTRICT OF WASHINGTON

In re: ASTRIA HEALTH,

 Debtor.

Case No. 19-01189 (Administratively
 Consolidated)

**MOTION TO SHORTEN NOTICE ON
 MOTION FOR ANNULMENT AND
 RELIEF FROM THE AUTOMATIC
 STAY**

TO THE HONORABLE FRANK L. KURTZ, THE OFFICE OF THE UNITED STATES
 TRUSTEE, , THE DEBTORS, AND COUNSEL TO THE DEBTORS:

In accordance with Federal Rule of Bankruptcy Procedure 4001 and Local Bankruptcy
 Rules 4001-1 and 4001-3, David Becerril, moves the Court for an order annulling the automatic
 stay effective as of May 28, 2019, thereby giving effect to the exercise of his contractual right to
 terminate his employment contract with the Debtor without cause on providing 90 days notice to
 the Debtor, and to otherwise grant him relief from the stay so that he may commence providing
 medical services to the underserved population of central Washington.

This Motion is made pursuant to Bankruptcy Code (the "Code") § 362(d)(2) that the
 Debtor has no equity in the contractual rights that is the subject of stay and those contractual
 rights are not necessary to an effective reorganization of the Debtor and 2) for cause, as a matter
 of public policy that continued enforcement of the employment contract does nothing more than

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1 delay Dr. Becerril's departure from the Debtor's employment to the detriment of the public
2 interest or medically underserved residents in central Washington.

3 **CAUSE EXISTS FOR SHORTENING THE NOTICE AND HEARING ON THE**
4 **REQUESTED RELIEF**

5 Cause exists because Dr. Becerril had been expecting in good faith that the Debtor would
6 release him from the 90 day termination notice requirement contained in the Agreement. After
7 failing to do so, the Debtors last communications with the Dr. Becerril were effectively that it
8 would not release him at all, and that he would be compelled to obtain bankruptcy approval to
9 effectuate the contractual termination provisions of his agreement.

10 As described in the Resignation Notice, he is not being fully utilized by the Debtor, and
11 actions that delay his ability to go to work for Yakima Neighborhood health are to the detriment
12 of all underserved patients utilizing this alternate medical services provider. The need to clarify
13 Dr. Becerril's employment status as quickly as possible is sufficient cause to shorten the
14 requested notice from the normal 17 day notice period

15 WHEREFORE, based upon the foregoing, Dr Becerril respectfully requests that this
16 Court enter an order:

17 A. That the time for objections to be filed to the motion be shortened to August 12,
18 2019; and

19 B. Granting such other and further relief as the Court may deem just and appropriate
20 under the facts and circumstances of these cases.

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22 DATED this 2nd day of August, 2019.

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24 KIMEL LAW OFFICES
25 By /s/ Metiner G Kimel

26 WSBA No. 21280