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

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

In re:

ASTRIA HEALTH, *et al.*,

Debtors and Debtors  
 in Possession.<sup>1</sup>

Chapter 11  
 Lead Case No. 19-01189-11  
 Jointly Administered

**NOTICE OF APPEAL**

<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).

**NOTICE OF APPEAL**

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Under Fed. R. Bankr. P. 8003, Astria Health, a Washington nonprofit public benefit corporation (“Astria”), and the above-referenced affiliated debtors and debtors in possession (the “Debtors”) under chapter 11 of title 11 of the United States Code, §§ 101 *et seq.* (the “Bankruptcy Code”),<sup>2</sup> in these chapter 11 cases (the “Chapter 11 Cases”), by and through the undersigned counsel of record, appeals under 28 U.S.C. § 158(a) the *Order Granting Motion for Relief From the Automatic Stay* [Dkt. No. 519] (the “Order”), entered by the bankruptcy court on August 20, 2019. A copy of the Order is attached here as **Exhibit A**.

**Part 1: Identify the appellant(s)**

1. Name of appellant: Astria Health and the above-referenced affiliated debtors and debtors in possession

2. Position of appellant in the adversary proceeding or bankruptcy case that is the subject of this appeal:

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<sup>2</sup> All references to § herein are to sections of the Bankruptcy Code. All references to “Bankruptcy Rules” are to provisions of the Federal Rules of Bankruptcy Procedure. All references to “LBR” are to provisions of the Local Bankruptcy Rules of the United States Bankruptcy Court for the Eastern District of Washington (the “Bankruptcy Court”).

For appeals in an adversary proceeding.

For appeals in a bankruptcy case and not in an adversary proceeding.

☐ Plaintiff  
☐ Defendant

☒ Debtor  
☐ Creditor  
☐ Trustee

## Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: Order Granting Motion for Relief From the Automatic Stay [Docket No. 519]

2. State the date on which the judgment, order, or decree was entered:  
August 20, 2019

## Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: David Becerril

Attorney: Metiner G. Kimel  
Kimel Law Offices  
205 N. 40<sup>th</sup> Ave., Ste 205  
Yakima, WA 98908  
Phone: (509) 452-1115

## Part 4: Optional election to have appeal heard by District Court

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. §

1 158(c)(1), a party elects to have the appeal heard by the United States District  
2 Court. If an appellant filing this notice wishes to have the appeal heard by the  
3 United States District Court, check below. Do not check the box if the appellant  
4 wishes the Bankruptcy Appellate Panel to hear the appeal.

5 ☐ Appellant elects to have the appeal heard by the United States District  
6 Court rather than by the Bankruptcy Appellate Panel.

7 **Part 5: Sign below**

8  
9 

Date: 8/27/19

10 Signature of attorney for appellants

11 Name, address, and telephone number of attorney:

12 SAMUEL R. MAIZEL (Admitted *Pro Hac Vice*)  
13 DENTONS US LLP  
601 South Figueroa Street, Suite 2500  
Los Angeles, California 90017-5704  
14 Tel: (213) 623-9300

# EXHIBIT A

So Ordered.

Dated: August 20th,  
2019



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

METINER G. KIMEL - State Bar No. 21280  
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Attorney for the David Becerril

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF WASHINGTON

In re: ASTRIA HEALTH,  
Debtor.

Case No. 19-01189 (Administratively  
Consolidated)  
**ORDER GRANTING MOTION FOR  
RELIEF FROM THE AUTOMATIC  
STAY**

The matter of the Debtor's **MOTION FOR ANNULMENT AND RELIEF FROM THE AUTOMATIC STAY** came before the court for hearing on August 15, 2019 at 1:30 p.m. after shortened notice and opportunity for hearing. Astria objected to the motion [Docket No. 475] Appearances for Dr. Becerril and Astria were as noted in the record. Based upon the Motion, all pleadings and papers and documents on file in the Chapter 7 case, the argument provided by counsel and the hearing, and having found that proper notice was provided of the motion, the Court now **ORDERS**:

1. The motion is granted;

In re Astria Health; Case No. 19-01189  
Order Granting Motion to Annul Automatic Stay.

Kimel Law Offices  
205 N. 40th Ave., Ste. 205  
Yakima, WA 98908

1           2.       The automatic stay is lifted to allow Dr. David Becerril to exercise his contractual  
2 rights to terminate his employment contract with the Debtor without cause on providing  
3 90 days' notice to the Debtor.

4                               /// End of Order ///

5  
6 Presented by:  
7 /s/ Metiner G. Kimel  
8 Attorney for Debtor(s)  
9 Kimel Law Offices  
10 205 N. 40<sup>th</sup> Ave., Ste 205  
11 Yakima, Wa 98908  
12 (509) 452-1115  
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