

JAMES L. DAY (WSBA #20474)
THOMAS A. BUFORD (WSBA #52969)
BUSH KORNFELD LLP
601 Union Street, Suite 5000
Seattle, WA 98101
Tel: (206) 292-2110
Email: jday@bskd.com
tbuford@bskd.com

HONORABLE WHITMAN L. HOLT

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

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

*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.¹

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

**DEBTORS' NOTICE OF RENEWED MOTION
AND RENEWED MOTION FOR ENTRY OF AN
ORDER ENLARGING THE TIME WITHIN
WHICH THE DEBTORS MAY REMOVE
ACTIONS; DECLARATION OF CARY ROWAN**

¹ 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), SHC 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 AND RENEWED
MOTION TO EXTEND
REMOVAL DEADLINE

DENTONS US LLP BUSH KORNFELD LLP
601 South Figueroa Street, Suite 2500 LAW OFFICES
Los Angeles, CA 90017-5704 601 Union St., Suite 5000
1

19011891912030000000000005

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”), hereby move (the “Motion”) the United States Bankruptcy
7 Court for the Eastern District of Washington (the “Court”) for entry of an order
8 pursuant to 28 U.S.C. § 1452 and Rules 9006 and 9027 of the Federal Rules of
9 Bankruptcy Procedure (the “Bankruptcy Rules”) further enlarging the period within
10 which the Debtors may remove actions by an additional 120 days, up to and
11 including March 31, 2020, without prejudice to the Debtors’ right to seek additional
12 extensions. This is the Debtors’ second request to extend the removal deadline.

13 **PLEASE TAKE FURTHER NOTICE** that the Motion is based on this
14 Notice and Motion, the attached Memorandum of Points and Authorities and the
15 Declaration of Cary Rowan (the “Rowan Declaration”), the *Debtors’ Notice of*
16 *Motion and Motion for Entry of an Order Enlarging the Time Within Which the*
17 *Debtors May Remove Actions; Declaration Of Cary Rowan* [Docket No. 431], the
18 Declaration of John M. Gallagher [Docket No. 21] (the “Gallagher Declaration”) and the Declaration of Michael Lane [Docket No. 16] (the “Lane Declaration,” and together with the Gallagher Declaration, the “First Day Declarations”), both filed in conjunction with the “First Day Motions”, the arguments of counsel, and other admissible evidence properly brought before the Court at or before the hearing on this Motion, if any. In addition, the Debtors request that the Court take judicial notice of all documents filed with the Court in this case.

19 **PLEASE TAKE FURTHER NOTICE** that if you object to the entry of an
20 order granting the relief requested in this Motion, please do so by filing a written

21 NOTICE AND RENEWED
MOTION TO EXTEND
REMOVAL DEADLINE

2 DENTONS US LLP
601 South Figueroa Street, Suite 2500
Los Angeles, CA 90017-5704
Phone: (213) 623-9300
Fax: (213) 623-9924

BUSH KORNFIELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104

1 objection with the Court and serve a copy upon the undersigned within twenty-one
2 (21) days of the date of this Notice. Should you fail to timely and properly object
3 to this Motion, the Court may enter an Order granting the relief requested herein
4 without a hearing and without further notice to you.

5 **PLEASE TAKE FURTHER NOTICE** that failure to timely file and serve
6 any opposition may be considered consent to the granting of the Motion.

7 Dated: December 3, 2019

8 /s/ Sam J. Alberts

9 JAMES L. DAY (WSBA #20474)

10 THOMAS A. BUFORD (WSBA #52969)

11 BUSH KORNFELD LLP

12 SAMUEL R. MAIZEL (Admitted *Pro Hac Vice*)

13 SAM J. ALBERTS (WSBA #22255)

14 DENTONS US LLP

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

17
18
19
20
21 NOTICE AND RENEWED
MOTION TO EXTEND
REMOVAL DEADLINE

3 DENTONS US LLP
601 South Figueroa Street, Suite 2500
Los Angeles, CA 90017-5704
Phone: (213) 623-9300
Fax: (213) 623-9924

BUSH KORNFELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **RELIEF REQUESTED**

4 Astria Health (“Astria”) and the above-referenced affiliated debtors
5 (collectively, the “Debtors”), the debtors and debtors in possession in the above-
6 captioned chapter 11 bankruptcy cases (collectively, the “Chapter 11 Cases”),
7 respectfully request the entry of an order enlarging the period of time set forth in
8 Rule 9027(a)(2)(A) of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy
9 Rules”) during which the Debtors may seek removal of claims or causes of action
10 in civil actions (the “Actions”) pursuant to 28 U.S.C. § 1452 and Bankruptcy
11 Rules 9006 and 9027 (the “Removal Period”) by an additional 120 days, up to and
12 including March 31, 2020, without prejudice to the Debtors’ right to seek further
13 extensions.² This is the Debtors’ second request to extend the removal deadline.
14 The Debtors submit the attached Declaration of Cary Rowan (the “Rowan
15 Declaration”) in support of this motion (the “Motion”).

16 **II.**

17 **JURISDICTION AND VENUE**

18 The Court has subject matter jurisdiction to consider and determine this
19 Motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding pursuant
20 to 28 U.S.C. § 157(b)(2). The Debtors consent to entry of final orders and
21 judgments by the bankruptcy judge. Venue is proper before this Court pursuant to
28 U.S.C. §§ 1408 and 1409.

22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000
1001
1002
1003
1004
1005
1006
1007
1008
1009
1010
1011
1012
1013
1014
1015
1016
1017
1018
1019
1020
1021
1022
1023
1024
1025
1026
1027
1028
1029
1030
1031
1032
1033
1034
1035
1036
1037
1038
1039
1040
1041
1042
1043
1044
1045
1046
1047
1048
1049
1050
1051
1052
1053
1054
1055
1056
1057
1058
1059
1060
1061
1062
1063
1064
1065
1066
1067
1068
1069
1070
1071
1072
1073
1074
1075
1076
1077
1078
1079
1080
1081
1082
1083
1084
1085
1086
1087
1088
1089
1090
1091
1092
1093
1094
1095
1096
1097
1098
1099
1100
1101
1102
1103
1104
1105
1106
1107
1108
1109
1110
1111
1112
1113
1114
1115
1116
1117
1118
1119
1120
1121
1122
1123
1124
1125
1126
1127
1128
1129
1130
1131
1132
1133
1134
1135
1136
1137
1138
1139
1140
1141
1142
1143
1144
1145
1146
1147
1148
1149
1150
1151
1152
1153
1154
1155
1156
1157
1158
1159
1160
1161
1162
1163
1164
1165
1166
1167
1168
1169
1170
1171
1172
1173
1174
1175
1176
1177
1178
1179
1180
1181
1182
1183
1184
1185
1186
1187
1188
1189
1190
1191
1192
1193
1194
1195
1196
1197
1198
1199
1200
1201
1202
1203
1204
1205
1206
1207
1208
1209
1210
1211
1212
1213
1214
1215
1216
1217
1218
1219
1220
1221
1222
1223
1224
1225
1226
1227
1228
1229
1230
1231
1232
1233
1234
1235
1236
1237
1238
1239
1240
1241
1242
1243
1244
1245
1246
1247
1248
1249
1250
1251
1252
1253
1254
1255
1256
1257
1258
1259
1260
1261
1262
1263
1264
1265
1266
1267
1268
1269
1270
1271
1272
1273
1274
1275
1276
1277
1278
1279
1280
1281
1282
1283
1284
1285
1286
1287
1288
1289
1290
1291
1292
1293
1294
1295
1296
1297
1298
1299
1300
1301
1302
1303
1304
1305
1306
1307
1308
1309
1310
1311
1312
1313
1314
1315
1316
1317
1318
1319
1320
1321
1322
1323
1324
1325
1326
1327
1328
1329
1330
1331
1332
1333
1334
1335
1336
1337
1338
1339
1340
1341
1342
1343
1344
1345
1346
1347
1348
1349
1350
1351
1352
1353
1354
1355
1356
1357
1358
1359
1360
1361
1362
1363
1364
1365
1366
1367
1368
1369
1370
1371
1372
1373
1374
1375
1376
1377
1378
1379
1380
1381
1382
1383
1384
1385
1386
1387
1388
1389
1390
1391
1392
1393
1394
1395
1396
1397
1398
1399
1400
1401
1402
1403
1404
1405
1406
1407
1408
1409
1410
1411
1412
1413
1414
1415
1416
1417
1418
1419
1420
1421
1422
1423
1424
1425
1426
1427
1428
1429
1430
1431
1432
1433
1434
1435
1436
1437
1438
1439
1440
1441
1442
1443
1444
1445
1446
1447
1448
1449
1450
1451
1452
1453
1454
1455
1456
1457
1458
1459
1460
1461
1462
1463
1464
1465
1466
1467
1468
1469
1470
1471
1472
1473
1474
1475
1476
1477
1478
1479
1480
1481
1482
1483
1484
1485
1486
1487
1488
1489
1490
1491
1492
1493
1494
1495
1496
1497
1498
1499
1500
1501
1502
1503
1504
1505
1506
1507
1508
1509
1510
1511
1512
1513
1514
1515
1516
1517
1518
1519
1520
1521
1522
1523
1524
1525
1526
1527
1528
1529
1530
1531
1532
1533
1534
1535
1536
1537
1538
1539
1540
1541
1542
1543
1544
1545
1546
1547
1548
1549
1550
1551
1552
1553
1554
1555
1556
1557
1558
1559
1560
1561
1562
1563
1564
1565
1566
1567
1568
1569
1570
1571
1572
1573
1574
1575
1576
1577
1578
1579
1580
1581
1582
1583
1584
1585
1586
1587
1588
1589
1590
1591
1592
1593
1594
1595
1596
1597
1598
1599
1600
1601
1602
1603
1604
1605
1606
1607
1608
1609
1610
1611
1612
1613
1614
1615
1616
1617
1618
1619
1620
1621
1622
1623
1624
1625
1626
1627
1628
1629
1630
1631
1632
1633
1634
1635
1636
1637
1638
1639
1640
1641
1642
1643
1644
1645
1646
1647
1648
1649
1650
1651
1652
1653
1654
1655
1656
1657
1658
1659
1660
1661
1662
1663
1664
1665
1666
1667
1668
1669
1670
1671
1672
1673
1674
1675
1676
1677
1678
1679
1680
1681
1682
1683
1684
1685
1686
1687
1688
1689
1690
1691
1692
1693
1694
1695
1696
1697
1698
1699
1700
1701
1702
1703
1704
1705
1706
1707
1708
1709
1710
1711
1712
1713
1714
1715
1716
1717
1718
1719
1720
1721
1722
1723
1724
1725
1726
1727
1728
1729
1730
1731
1732
1733
1734
1735
1736
1737
1738
1739
1740
1741
1742
1743
1744
1745
1746
1747
1748
1749
1750
1751
1752
1753
1754
1755
1756
1757
1758
1759
1760
1761
1762
1763
1764
1765
1766
1767
1768
1769
1770
1771
1772
1773
1774
1775
1776
1777
1778
1779
1780
1781
1782
1783
1784
1785
1786
1787
1788
1789
1790
1791
1792
1793
1794
1795
1796
1797
1798
1799
1800
1801
1802
1803
1804
1805
1806
1807
1808
1809
1810
1811
1812
1813
1814
1815
1816
1817
1818
1819
1820
1821
1822
1823
1824
1825
1826
1827
1828
1829
1830
1831
1832
1833
1834
1835
1836
1837
1838
1839
1840
1841
1842
1843
1844
1845
1846
1847
1848
1849
1850
1851
1852
1853
1854
1855
1856
1857
1858
1859
1860
1861
1862
1863
1864
1865
1866
1867
1868
1869
1870
1871
1872
1873
1874
1875
1876
1877
1878
1879
1880
1881
1882
1883
1884
1885
1886
1887
1888
1889
1890
1891
1892
1893
1894
1895
1896
1897
1898
1899
1900
1901
1902
1903
1904
1905
1906
1907
1908
1909
1910
1911
1912
1913
1914
1915
1916
1917
1918
1919
1920
1921
1922
1923
1924
1925
1926
1927
1928
1929
1930
1931
1932
1933
1934
1935
1936
1937
1938
1939
1940
1941
1942
1943
1944
1945
1946
1947
1948
1949
1950
1951
1952
1953
1954
1955
1956
1957
1958
1959
1960
1961
1962
1963
1964
1965
1966
1967
1968
1969
1970
1971
1972
1973
1974
1975
1976
1977
1978
1979
1980
1981
1982
1983
1984
1985
1986
1987
1988
1989
1990
1991
1992
1993
1994
1995
1996
1997
1998
1999
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
2020
2021
2022
2023
2024
2025
2026
2027
2028
2029
2030
2031
2032
2033
2034
2035
2036
2037
2038
2039
2040
2041
2042
2043
2044
2045
2046
2047
2048
2049
2050
2051
2052
2053
2054
2055
2056
2057
2058
2059
2060
2061
2062
2063
2064
2065
2066
2067
2068
2069
2070
2071
2072
2073
2074
2075
2076
2077
2078
2079
2080
2081
2082
2083
2084
2085
2086
2087
2088
2089
2090
2091
2092
2093
2094
2095
2096
2097
2098
2099
2100
2101
2102
2103
2104
2105
2106
2107
2108
2109
2110
2111
2112
2113
2114
2115
2116
2117
2118
2119
2120
2121
2122
2123
2124
2125
2126
2127
2128
2129
2130
2131
2132
2133
2134
2135
2136
2137
2138
21

1 The statutory bases for the relief requested herein are 28 U.S.C. § 1452 and
2 Bankruptcy Rules 9006 and 9027.

3 III.

4 **BACKGROUND FACTS**

5 **A. General Background.**

6 1. On May 6, 2019 (the “Petition Date”), each of the Debtors filed a
7 voluntary petition for relief under the Bankruptcy Code. These Chapter 11 Cases
8 are being jointly administered before this Court. [Docket No. 10]. The Debtors are
operating their businesses as debtors in possession pursuant to §§ 1107 and 1108.

9 2. Debtor Astria, a Washington nonprofit corporation, is the direct or
10 indirect corporate member of several entities that make it the largest non-profit
11 healthcare system based in Eastern Washington. The Astria system is
12 headquartered in the heart of Yakima Valley, Washington, with operating hospitals
13 in Yakima, Sunnyside, and Toppenish, Washington.

14 3. The Astria system includes three hospitals: Astria Regional Medical
15 Center, a 214-bed hospital in Yakima, Washington (“Yakima”); Astria Sunnyside
16 Hospital, a 38-bed critical access hospital in Sunnyside, Washington (“Sunnyside”);
17 and Astria Toppenish Hospital, a 63-bed hospital in Toppenish, Washington
18 (“Toppenish,” and referred to collectively with Sunnyside and Yakima as the
19 “Hospitals”). In addition to collectively having 315 licensed beds, the Hospitals
20 have three active emergency rooms and a host of medical specialties. The Astria

21 NOTICE AND RENEWED
MOTION TO EXTEND
REMOVAL DEADLINE

5 DENTONS US LLP
601 South Figueroa Street, Suite 2500
Los Angeles, CA 90017-5704
Phone: (213) 623-9300
Fax: (213) 623-9924

BUSH KORNFIELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104

1 system also has outpatient Astria Health Centers (14 medical clinics and 24
2 specialty clinics), the Ambulatory Surgical Center, Astria Hearing and Speech, and
3 Astria Home Health and Hospice.

4 4. The Astria system provides medical treatments to approximately
5 346,400 patients annually, including approximately 7,344 who spend at least one
6 night in its Hospitals during the year. Astria's necessity to the health and welfare of
7 the people of the Yakima Valley is evidenced by several facts, including having the
8 only open-heart surgery, neurosurgery, and elective cardiac catheterization
9 programs in Yakima County; the only hospitals in Sunnyside and Toppenish,
10 Washington; and the only obstetric services in the Lower Valley (both at Sunnyside
11 and Toppenish).

12 5. The system employs approximately 1,547 employees (making it one of
13 the largest employers in the Yakima Valley), plus an additional 172 contract
14 personnel, and approximately 600 doctors have privileges at the Hospitals.

15 6. On May 24, 2019, the Office of the United States Trustee (the "U.S.
16 Trustee") appointed an Official Committee of Unsecured Creditors in these Chapter
17 11 Cases.

18 7. Additional background facts on the Debtors, including an overview of
19 the Debtors' business, information on the Debtors' capital structure, and events
20 leading up to these Chapter 11 Cases, are contained in the First Day Declarations.

21 NOTICE AND RENEWED
MOTION TO EXTEND
REMOVAL DEADLINE

6 DENTONS US LLP
601 South Figueroa Street, Suite 2500
Los Angeles, CA 90017-5704
Phone: (213) 623-9300
Fax: (213) 623-9924

BUSH KORNFIELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104

1 **B. Relevant Background to Motion.**

2 8. The Debtors have requested only one previous extension, and now ask
3 for a second extension of the Removal Period by an additional 120 days, up to and
4 including March 31, 2020, without prejudice to the Debtors' right to seek further
5 extensions. Rowan Declaration at ¶ 5.

6 9. The Debtors are involved in at least ten (10) Actions involving claims.
7 Rowan Declaration at ¶ 6. On June 19-20, 2019, the Debtors filed their Schedules
8 of Assets and Liabilities (the "Schedules") and their Statements of Financial Affairs
9 (the "SOFAs"). Rowan Declaration at ¶ 6. As part of the Schedules and SOFAs,
10 the Debtors identified two (2) Actions. *See* Case No. 19-01192, Docket No. 9,
11 SOFAs, Part 3, 7; *see also* Rowan Declaration at ¶ 6. The Debtors are also aware
12 of another eight (8) Actions, and will update their SOFAs accordingly. Rowan
13 Declaration at ¶ 6. These Actions include:

14 a. CHG Healthcare Services, Inc., d/b/a Comphealth and Comphealth
15 Medical Staffing, Inc. v. Astria Health d/b/a Astria Regional Medical Center,
16 Third Judicial District Court of Salt Lake County, Utah, Case No. 19-
17 0903546, filed May 2, 2019 (pending);

18 b. Delta Locum Tenens, LLC and Delta Flex Partners, LLC v. Astria
19 Health d/b/a Yakima Medical and Cardia Center, Texas District Court, Dallas
20 County, Case No. DC-19-05294, filed April 12, 2019 (pending);

21 NOTICE AND RENEWED
MOTION TO EXTEND
REMOVAL DEADLINE

7 DENTONS US LLP
601 South Figueroa Street, Suite 2500
Los Angeles, CA 90017-5704
Phone: (213) 623-9300
Fax: (213) 623-9924

BUSH KORNFIELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104

1 c. Thoracic and Cardiovascular Surgery, Inc. (Sharma) v. SHC Medical
2 Center - Yakima, Superior Court of Yakima County, Washington, Case No.
3 19-20066939, filed February 22, 2019 (pending);
4 d. Bertha Maribel Fernandez v. SHC Medical Center d/b/a Yakima
5 Regional Medical and Cardiac Center, Superior Court of Yakima County,
6 Washington, Case No. 18-20459239, filed December 21, 2018 (pending);
7 e. 8gency Limited d/b/a The Field Group v. Astria Health, Superior
8 Court of Yakima County, Washington, Case No 18-20403539, filed
9 November 15, 2018 (settled but still pending);
10 f. Orthopedics Northwest, PLLC v. SHC Medical Center – Yakima,
11 Superior Court of Yakima County, Washington, Case No. 18-20399339, filed
12 November 7, 2018 (pending);
13 g. PPC Solutions, Inc. v. Astria Health and Astria Health Management,
14 Inc., Superior Court of Yakima County, Washington, Case No. 18-20381039,
15 filed October 26, 2018 (pending);
16 h. Florenda LeClair vs. Valentin Antoci, M.D., and Sunnyside
17 Community Hospital Association, Superior Court of Yakima County,
18 Washington, Case No. 18-20284239, filed August 20, 2018 (pending -
19 automatic stay lifted);
20

21 NOTICE AND RENEWED
MOTION TO EXTEND
REMOVAL DEADLINE

8 DENTONS US LLP
601 South Figueroa Street, Suite 2500
Los Angeles, CA 90017-5704
Phone: (213) 623-9300
Fax: (213) 623-9924

BUSH KORNFIELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104

1 i. Maria Ricardo v. Miguel A. Brizuela, M.D., Yakima Valley Farm
2 Workers Clinic, and Sunnyside Community Hospital & Clinics, d/b/a
3 Sunnyside Community Hospital Association, Superior Court of Yakima
4 County, Washington, Case No. 17-20210339, filed June 20, 2017 (pending -
5 automatic stay lifted); and

6 j. Derek Weaver, D.O., and Brittany Weaver v. John Gallagher, Jane
7 Doe Gallagher, and Sunnyside Community Hospital, Superior Court of
8 Yakima County, Washington, Case No. 16-20219139, filed August 8, 2016
9 (pending).

10 Rowan Declaration at ¶ 6.

11 10. At present, it is premature for the Debtors in these Chapter 11 Cases to
12 make a determination as to the benefits and burdens relating to the removal and
13 litigation of any Actions against the Debtors. Rowan Declaration at ¶ 8. The
14 Debtors need more time to analyze the Actions to determine whether the Debtors
15 will seek to remove any of the Actions. Rowan Declaration at ¶ 8. In addition, it is
16 premature to determine if litigation is the prudent means to resolve these potential
17 claims, pending greater clarity on the details surrounding the Debtors' exit strategy.
18 Rowan Declaration at ¶ 8. The Debtors are not yet prepared to decide which, if
19 any, Actions they will seek to remove. Rowan Declaration at ¶ 8.

20
21 NOTICE AND RENEWED
MOTION TO EXTEND
REMOVAL DEADLINE

9 DENTONS US LLP
601 South Figueroa Street, Suite 2500
Los Angeles, CA 90017-5704
Phone: (213) 623-9300
Fax: (213) 623-9924

BUSH KORNFIELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104

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

IV.

LEGAL ARGUMENT

The Debtors seek an extension of the Removal Period under 28 U.S.C. § 1452 and Bankruptcy Rule 9027, which govern the removal of pending civil actions related to chapter 11 cases. Specifically, 28 U.S.C. § 1452(a) provides:

A party may remove any claim or cause of action in a civil action other than a proceeding before the United States Tax Court or a civil action by a governmental unit to enforce such governmental unit's police or regulatory power, to the district court for the district where such civil action is pending, if such district court has jurisdiction of such claim or cause of action under section 1334 of this title.

28 U.S.C. § 1452(a).

Bankruptcy Rule 9027 sets forth the time periods for filing notices to remove claims or causes of action. Specifically, Bankruptcy Rule 9027(a)(2) provides, in pertinent part:

If the claim or cause of action in a civil action is pending when a case under the [Bankruptcy] Code is commenced, a notice of removal may be filed only within the longest of (A) 90 days after the order for relief in the case under the [Bankruptcy] Code, (B) 30 days after entry of an order terminating a stay, if the claim or cause of action in a civil action has been stayed under § 362 of the [Bankruptcy] Code, or (C) 30 days after a trustee qualifies in a chapter 11 reorganization case but not later than 180 days after the order for relief.

Fed. R. Bankr. P. 9027(a)(2).

NOTICE AND RENEWED
MOTION TO EXTEND
REMOVAL DEADLINE

10 DENTONS US LLP
601 South Figueroa Street, Suite 2500
Los Angeles, CA 90017-5704
Phone: (213) 623-9300
Fax: (213) 623-9924

BUSH KORNFIELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104

1 Bankruptcy Rule 9006 permits the Court to extend the period to remove
2 actions provided by Bankruptcy Rule 9027. Specifically, Bankruptcy Rule
3 9006(b)(1) provides, in pertinent part:

4 [W]hen an act is required or allowed to be done at or
5 within a specified period by these rules or by a notice
6 given thereunder or by order of court, the court for cause
7 shown may at any time in its discretion . . . with or
8 without motion or notice order the period enlarged if the
request therefor is made before the expiration of the
period originally prescribed or as extended by a previous
order

9 Fed. R. Bankr. P. 9006(b)(1).

10 It is well-settled that the Court is authorized to enlarge the Removal Period.
11 *See Pacor, Inc. v. Higgins*, 743 F.2d 984, n.17 (3d Cir. 1984), *overruled on other*
12 *grounds by Things Remembered, Inc. v. Petrarca*, 516 U.S. 124, 134–35 (1995)
13 (holding the bankruptcy court’s power to grant an extension of the removal period
14 pursuant to Bankruptcy Rule 9006(b) is “clear”); *Caperton v. A.T. Massey Coal*
15 *Co.*, 251 B.R. 322, 325 (S.D. W. Va. 2000) (Bankruptcy Rule 9006 provides
16 authority to enlarge time periods for removing actions under Bankruptcy Rule
17 9027); *In re Jandous Elec. Constr. Corp.*, 106 B.R. 48, 50 (Bankr. S.D.N.Y. 1989)
18 (period in which to file motion to remove may be expanded pursuant to Bankruptcy
19 Rule 9006); *In re World Fin. Servs. Ctr., Inc.*, 81 B.R. 33, 39 (Bankr. S.D. Cal.
20 1987) (United States Supreme Court intended to give bankruptcy judges the power

21 NOTICE AND RENEWED
MOTION TO EXTEND
REMOVAL DEADLINE

11 DENTONS US LLP
601 South Figueroa Street, Suite 2500
Los Angeles, CA 90017-5704
Phone: (213) 623-9300
Fax: (213) 623-9924

BUSH KORNFIELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104

1 to enlarge the filing periods under Bankruptcy Rule 9027(a) pursuant to Bankruptcy
2 Rule 9006(b)); *Raff v. Gordon*, 58 B.R. 988, 990 (E.D. Pa. 1986) (an expansion of
3 time to file notices of removal is authorized under the Bankruptcy Rules).

4 The Debtors' decision regarding whether to seek removal of any particular
5 Action depends on a number of factors, including: (a) the importance of the Action
6 to the expeditious resolution of these Chapter 11 Cases; (b) the time required to
7 complete the Action in its current venue; (c) the presence of federal subject matter
8 jurisdiction in the proceeding that may allow for one or more aspects thereof to be
9 heard by a federal court; (d) the relationship between the Action and matters to be
10 considered in connection with the Debtors' Chapter 11 Cases, the claims allowance
11 process, and the assumption or rejection of executory contracts and unexpired
12 leases; and (e) the progress made to date in the Action. To make the appropriate
13 determination, the Debtors must analyze each Action in light of such factors.

14 To date, the Debtors have not yet had an opportunity to conclusively
15 determine which Actions they will seek to remove. Since the commencement of
16 these Chapter 11 Cases, the Debtors' Boards of Trustees, officers, staff, and
17 advisors have been focused on, among other things, preparing and revising the
18 Schedules and SOFAs; negotiating the terms of critical postpetition financing;
19 preparing monthly operating reports; interviewing potential investment bankers and
20 seeking the retention of Piper Jaffrey & Co. as investment banker; preparing and

21 NOTICE AND RENEWED
MOTION TO EXTEND
REMOVAL DEADLINE

12 DENTONS US LLP
601 South Figueroa Street, Suite 2500
Los Angeles, CA 90017-5704
Phone: (213) 623-9300
Fax: (213) 623-9924

BUSH KORNFIELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104

1 producing information Piper Jaffrey & Co. requires to perform its services to
2 market the Debtors' assets for a possible sale and moving for authorization from
3 this Court regarding the same; retaining Gaffey as the new accounts receivable
4 collector; searching for special counsel to assert claims against former accounts
5 receivable vendor; providing continuous reporting to major creditors and the
6 Official Committee of Unsecured Creditors; and addressing an unusual number of
7 creditors threatening to violate the automatic stay through attempts to change
8 contract terms or to terminate services contrary to contract terms. Rowan
9 Declaration at ¶ 7.

10 The Debtors thus have been focused on addressing these time critical matters
11 and have been unable to fully analyze each of the Actions and make the appropriate
12 determinations concerning their removal. In addition, the Debtors may become
13 aware of further Actions in connection with proofs of claim that are filed in these
14 Chapter 11 Cases.

15 The Debtors believe the extension requested herein will provide the Debtors
16 with sufficient time to make well informed decisions concerning the removal of the
17 Actions, and will ensure that the Debtors' rights provided by 28 U.S.C. § 1452 can
18 be exercised in an appropriate manner. Moreover, the rights of parties to the
19 Actions will not be unduly prejudiced by the Debtors' requested extension of the
20 Removal Period. If the Debtors ultimately seek to remove Actions pursuant to

21 NOTICE AND RENEWED
MOTION TO EXTEND
REMOVAL DEADLINE

13 DENTONS US LLP
601 South Figueroa Street, Suite 2500
Los Angeles, CA 90017-5704
Phone: (213) 623-9300
Fax: (213) 623-9924

BUSH KORNFIELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104

1 Bankruptcy Rule 9027, parties will retain their rights to seek to have such Actions
2 remanded pursuant to 28 U.S.C. § 1452(b). Accordingly, the Debtors submit that
3 cause exists for the relief requested herein.

4 V.

5 **CONCLUSION**

6 For the foregoing reasons, the Debtors respectfully request that this Court
7 grant the Motion and enter an order further enlarging the period of time set forth in
8 Bankruptcy Rule 9027(a)(2)(A) during which the Debtors may seek removal of
9 Actions pursuant to 28 U.S.C. § 1452 and Bankruptcy Rule 9027 by an additional
10 120 days, up to and including March 31, 2020, and grant such further relief as the
11 Court deems appropriate.

12 Dated: December 3, 2019

/s/ Sam J. Alberts

JAMES L. DAY (WSBA #20474)

THOMAS A. BUFORD (WSBA #52969)

BUSH KORNFELD LLP

SAMUEL R. MAIZEL (Admitted *Pro*
Hac Vice)

SAM J. ALBERTS (WSBA #22255)

DENTONS US LLP

Attorneys for the Chapter 11 Debtors and
Debtors In Possession

21 NOTICE AND RENEWED
MOTION TO EXTEND
REMOVAL DEADLINE

14 DENTONS US LLP
601 South Figueroa Street, Suite 2500
Los Angeles, CA 90017-5704
Phone: (213) 623-9300
Fax: (213) 623-9924

BUSH KORNFELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21

1. I am the Chief Financial Officer (“CFO”) of Astria Health (“Astria”). I am employed by AHM, Inc. (“AHM”), a nondebtor entity that provides management services to Astria and its affiliated debtors and debtors in possession (collectively, the “Debtors”) under chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101, *et seq.* (the “Bankruptcy Code”),³ in these chapter 11 cases (the “Chapter 11 Cases”).

3. The statements herein are based upon my personal knowledge of the facts and information gathered by me in my capacity as CFO for Astria Health.

4. On May 6, 2019 (the “Petition Date”), each of the Debtors filed a voluntary petition for relief under the Bankruptcy Code. These Chapter 11 Cases are being jointly administered before this Court. [Docket No. 10]. The Debtors are

18
19
20

1 operating their businesses as debtors in possession pursuant to §§ 1107 and 1108. On
2 May 24, 2019, the Office of the United States Trustee (the “U.S. Trustee”) appointed
3 an Official Committee of Unsecured Creditors in these Chapter 11 Cases.

4 5. The Debtors have requested only one previous extension, and now ask
5 for a second extension of the Removal Period by an additional 120 days, up to and
6 including March 31, 2020, without prejudice to the Debtors’ right to seek further
7 extensions.

8 6. The Debtors are involved in at least ten (10) Actions involving claims.
9 On June 19-20, 2019, the Debtors filed their Schedules of Assets and Liabilities (the
10 “Schedules”) and their Statements of Financial Affairs (the “SOFAs”). As part of
11 the Schedules and SOFAs, the Debtors identified two (2) Actions. *See* Case No. 19-
12 01192, Docket No. 9, SOFAs, Part 3, 7. The Debtors are also aware of another eight
13 (8) Actions, and will update their SOFAs accordingly. These Actions include:

14 a. CHG Healthcare Services, Inc., d/b/a Comphealth and Comphealth
15 Medical Staffing, Inc. v. Astria Health d/b/a Astria Regional Medical Center,
16 Third Judicial District Court of Salt Lake County, Utah, Case No. 19-0903546,
17 filed May 2, 2019 (pending);

18 b. Delta Locum Tenens, LLC and Delta Flex Partners, LLC v. Astria
19 Health d/b/a Yakima Medical and Cardia Center, Texas District Court, Dallas
20 County, Case No. DC-19-05294, filed April 12, 2019 (pending);

21 NOTICE AND RENEWED
MOTION TO EXTEND
REMOVAL DEADLINE

1 c. Thoracic and Cardiovascular Surgery, Inc. (Sharma) v. SHC Medical
2 Center - Yakima, Superior Court of Yakima County, Washington, Case No.
3 19-20066939, filed February 22, 2019 (pending);

4 d. Bertha Maribel Fernandez v. SHC Medical Center d/b/a Yakima
5 Regional Medical and Cardiac Center, Superior Court of Yakima County,
6 Washington, Case No. 18-20459239, filed December 21, 2018 (pending);

7 e. 8gency Limited d/b/a The Field Group v. Astria Health, Superior Court
8 of Yakima County, Washington, Case No 18-20403539, filed November 15,
9 2018 (settled but still pending);

10 f. Orthopedics Northwest, PLLC v. SHC Medical Center – Yakima,
11 Superior Court of Yakima County, Washington, Case No. 18-20399339, filed
12 November 7, 2018 (pending);

13 g. PPC Solutions, Inc. v. Astria Health and Astria Health Management,
14 Inc., Superior Court of Yakima County, Washington, Case No. 18-20381039,
15 filed October 26, 2018 (pending);

16 h. Florenda LeClair vs. Valentin Antoci, M.D., and Sunnyside Community
17 Hospital Association, Superior Court of Yakima County, Washington, Case
18 No. 18-20284239, filed August 20, 2018 (pending - automatic stay lifted);

19 i. Maria Ricardo v. Miguel A. Brizuela, M.D., Yakima Valley Farm
20 Workers Clinic, and Sunnyside Community Hospital & Clinics, d/b/a

21 NOTICE AND RENEWED
MOTION TO EXTEND
REMOVAL DEADLINE

1 Sunnyside Community Hospital Association, Superior Court of Yakima
2 County, Washington, Case No. 17-20210339, filed June 20, 2017 (pending -
3 automatic stay lifted); and

4 j. Derek Weaver, D.O., and Brittany Weaver v. John Gallagher, Jane Doe
5 Gallagher, and Sunnyside Community Hospital, Superior Court of Yakima
6 County, Washington, Case No. 16-20219139, filed August 8, 2016 (pending).

7 7. To date, the Debtors have not yet had an opportunity to conclusively
8 determine which Actions they will seek to remove. Since the commencement of
9 these Chapter 11 Cases, the Debtors' Boards of Trustees, officers, staff, and advisors
10 have been focused on, among other things, preparing and revising the Schedules and
11 SOFAs; negotiating the terms of critical postpetition financing; preparing monthly
12 operating reports; interviewing potential investment bankers and seeking the
13 retention of Piper Jaffrey & Co. as investment banker; preparing and producing
14 information Piper Jaffrey & Co. requires to perform its services to market the
15 Debtors' assets for a possible sale and moving for authorization from this Court
16 regarding the same; retaining Gaffey as the new accounts receivable collector;
17 searching for special counsel to assert claims against former accounts receivable
18 vendor; providing continuous reporting to major creditors and the Official
19 Committee of Unsecured Creditors; and addressing an unusual number of creditors

20
21 NOTICE AND RENEWED
MOTION TO EXTEND
REMOVAL DEADLINE

1 threatening to violate the automatic stay through attempts to change contract terms
2 or to terminate services contrary to contract terms.

3 8. At present, it is premature for the Debtors in these Chapter 11 Cases to
4 make a determination as to the benefits and burdens relating to the removal and
5 litigation of any Actions against the Debtors. The Debtors need more time to analyze
6 the Actions to determine whether the Debtors will seek to remove any of the Actions.
7 In addition, it is premature to determine if litigation is the prudent means to resolve
8 these potential claims, pending greater clarity on the details surrounding the Debtors'
9 exit strategy. The Debtors are not yet prepared to decide which, if any, Actions they
10 will seek to remove.

11 I declare under penalty of perjury under the laws of the United States of
12 America that the foregoing is true and correct.

13 Executed this 3rd day of December, 2019, in Yakima, Washington.

14 

15 Cary Rowan

16
17
18
19
20
21 NOTICE AND RENEWED
MOTION TO EXTEND
REMOVAL DEADLINE