

So Ordered.

Docket #0029 Date Filed: 4/30/2020



Whitman L. Holt
Bankruptcy Judge

Dated: April 30th, 2020

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

<p>IN RE: ASTRIA HEALTH, <i>et al.</i> Debtors.</p>	<p>Lead Case No. 19-01189-11</p>
<p>Washington State Nurses Association, Plaintiff, v. SHC Medical Center–Yakima, Astria Health, Defendants</p>	<p>Adv. Pro. Case No. 20-80005 – WLH [PROPOSED] ORDER ON DEFENDANTS’ MOTION TO DISMISS & MODIFYING SCHEDULING ORDER</p>

THIS MATTER having come before the Court on Defendants’ *Motion to Dismiss the Adversary Proceeding* filed on March 4, 2020 [Docket No. 6]¹ and

¹ All references to the Docket are to the docket contained in the Adversary Proceeding.

**ORDER ON MOTION TO DISMISS
& MODIFYING SCHEDULING ORDER**

20-80005-WLH Doc 29 Filed 04/30/20 Entered 04/30/20 10:41:48
US_Active\114662980\V-2

DENTONS US LLP BUSH KORNFIELD LLP
601 South
Los Angeles, CA 90014
Phone: (213) 623-9921
Facsimile (206) 292-2104

having considered *the Motion to Dismiss the Adversary Proceeding and supporting Memorandum of Points and Authorities* [Docket No. 6], *Adversary Proceeding Complaint* [Docket No. 1] (the “Complaint”), *WSNA’s Objection to Defendants’ Motion to Dismiss* [Docket No. 13], *Defendants’ Reply to WSNA’s Objection* [Docket No. 19], and the arguments of counsel during the April 15, 2020 hearing, for the reasons stated on the record during the April 21, 2020 hearing, the ~~C~~ourt **ORDERS that:**

1. **The motion to dismiss [ECF No. 6] is granted in part and denied in part.**

2. ~~DENIES~~ **The Motion to Dismiss is denied** as to the First Cause of Action of the Complaint for alleged violations of the Worker Adjustment and Retraining Notification Act, 29 U.S.C. § 2101 *et seq.*,

~~23. GRANTS~~ **The Motion to Dismiss is granted** with prejudice as to the Second and Third Causes of Action of the Complaint for alleged violations of the Washington Wage Payment and Collection Act, RCW § 49.48.010 *et seq.*, and Washington Rebate Act, RCW § 49.52.010, *et seq.*, and

~~34. MODIFIES~~ **The Jointly Proposed Scheduling Order** [Docket No. 18], ~~which is reflected on Exhibit 1 hereto,~~ **is modified** as follows:

a. In paragraph 4.c., the Discovery Cut Off date ~~will be~~ **is** 105 days from April 21, 2020, or August 4, 2020;

b. In paragraph 4.d., the deadline for WSNA's Motion for Summary Judgment ~~will be~~ **is** 119 days from April 21, 2020, or August 18, 2020.

///End of Order//

Agreed to and presented by:

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

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

Attorneys for Defendants

s/ Darin M. Dalmat
Darin M. Dalmat, WSBA No. 51384
Kelly Ann Skahan, WSBA No. 54210
Barnard Iglitzin & Lavitt LLP

Peter D. Dechiara (Admitted *Pro Hac Vice*)
Cohen Weiss and Simon, LLP

Attorneys for WSNA

* Changes made by court

**ORDER ON MOTION TO DISMISS
& MODIFYING SCHEDULING ORDER**

20-80005-WLH Doc 29 Filed 04/30/20 Entered 04/30/20 10:41:48
US_Active\114662980\V-2

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

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