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UNITED STATES BANKRUPTCY COURT  
 EASTERN DISTRICT OF WASHINGTON

In re: ASTRIA HEALTH,  
 Debtor.

Case No. 19-01189 (Administratively  
 Consolidated)

**MOTION FOR ALLOWANCE OF AN  
 ADMINISTRATIVE EXPENSE CLAIM  
 FOR BRUCE EPPS PURSUANT TO  
 CODE § 503(b)(1)(A) AND NOTICE**

TO THE HONORABLE WHITMAN HOLT, THE OFFICE OF THE UNITED STATES  
 TRUSTEE, THE DEBTORS, AND COUNSEL TO THE DEBTORS:

In accordance with Bankruptcy Code § 503(b)(1)(A), Bruce Epps, moves the Court for an order allowing him and administrative expense claim in the case for services he performed in his capacity as director of plant services for the period of from the Petition Date through August 2, 2020, which is when his 30 day notice of termination will run.

This Motion is made pursuant to Bankruptcy Code (the "Code") § 503(b)(1)(A) as Mr. Epps continued to work for the Debtor, Astria Regional Medical Center, in his capacity as director of plant services at the Regional facility since the Petition Date. Mr. Epps gave 30 day notice to the Debtor of his intent to terminate his employment on July 3, 2020, and will continue to be working for the Debtor for the next 30 days thereafter. In support, Mr. Epps provides the following in support:



1           1. Epps started working for Astria since November of 2017. He in fact returned to the  
2 Regional facility after two years away at the request of Rich Robinson, the CEO of Regional at  
3 that time. He has continued to be employed as direct of plant services at the Regional facility  
4 since that time, and has continued to be employed by the Debtor through its bankruptcy process.

5           2. Attached as Exhibit "1" to the Declaration of Bruce Epps filed in support of this  
6 motion (the "Epps Declaration") is an e-mail from Eric Davis, HR Director for Astria Health  
7 which sets out the Debtor's internal records related to "Priority Claim Hrs" and "Admin. Claim  
8 Hrs" for Mr. Epps. Debtor's records establish that Mr. Epps has accumulated 175.3756 in hours  
9 entitled to administrative claim treatment in the case.

10          3. Attached as Exhibit "2" to the Epps Declaration is a true and correct copy of his most  
11 recent paystub from Astria Health, which indicates that his current hourly rate is \$53.6746/hr.

12          4. Accordingly, based on time accrued and his current hourly rate, it would appear that  
13 Mr. Epps' administrative expense claim to date is \$9,413.22.

14          5. Mr. Epps assert that all time incurred which forms the basis of his administrative  
15 claim were actual and necessary cost for preserving significant assets of the bankruptcy estate –  
16 namely, the Regional facility and associate buildings and clinics in the Yakima area.

17          6. His job involved taking of all the boilers, air handlers, and all major equipment  
18 throughout the buildings, as was charged with responsibility for medical center, the medical  
19 office building, and other clinics in the Yakima area.

20          7. Mr. Epps right to his vacation pay accrued during the post-petition period of the  
21 Debtor's continued operations are just part of his overall compensation package, and having been  
22 earned by his continuing service during that time, should therefore be paid out as an  
23 administrative claim within the bankruptcy case.

24           WHEREFORE, based upon the foregoing, Mr. Epps respectfully requests that this Court  
25 enter an order:

26           A.       Allowing Mr. Epps an administrative claim in the case in the amount of \$9,412.22;  
27

- 1 B. Allowing an administrative claim for any additional accrued and earned vacation time  
2 during Mr. Epps final 30 days with the Debtor's, and;  
3 C. Granting such other and further relief as the Court may deem just and appropriate  
4 under the facts and circumstances of these cases.

5 **IF YOU OBJECT TO THE RELIEF REQUESTED, YOU MUST FILE WITH THE**  
6 **CLERK OF THE BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF**  
7 **WASHINGTON LOCATED AT PO BOX 2164, SPOKANE, WASHINGTON, 99210-**  
8 **2164 AND SERVE ON THE MOVING PARTY A WRITTEN OBJECTION NO LATER**  
9 **THAN THIRTY-THREE (33) AFTER THE MAILING DATE OF THIS NOTICE SET**  
10 **FORTH BELOW. A STATEMENT OF THE GROUNDS FOR THE OBJECTION**  
11 **MUST BE INCLUDED. FAILURE TO FILE AN OBJECTION TO THE MOTION**  
12 **WITHIN THE SPECIFIED TIME MAY RESULT IN THE COURT ENTERING AN**  
13 **ORDER GRANTING THE MOTION WITHOUT FURTHER NOTICE OR HEARING.**  
14 **FAILURE TO STATE A GROUNDS FOR AN OBJECTION MAY RESULT IN THE**  
15 **COURT STRIKING YOUR OBJECTION.**

16 DATED this 6th day of July, 2020.

17 KIMEL LAW OFFICES  
18 By /s/ Metiner G Kimel

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