

So Ordered.

Docket #2237 Date Filed: 01/06/2021



Whitman L. Holt
Bankruptcy Judge

Dated: January 6th, 2021

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

IN RE:

ASTRIA HEALTH, et al.

Debtors.¹

Lead Case No. 19-01189-11

Jointly Administered

**AGREED ORDER GRANTING
APOGEE MEDICAL MANAGEMENT,
INC.'S REQUEST FOR ALLOWANCE
AND PAYMENT OF
ADMINISTRATIVE EXPENSE CLAIM**

[Related Docket Nos. 1217, 1218, 1228, 1291,
1370, 1394, 1395, 1396, 1852, and 1907]

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 (19-19-01200-11).

Order Granting Admin Claim

DENTONS US LLP BUSH KORNFIELD LLP



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1 The court, having read and considered *Apogee Medical Management's Motion*
2 *For Allowance Of Administrative Expense Claim And Payment Thereof [11 U.S.C.*
3 *§503(A)]* [Docket No. 1217] (the "Motion"), the accompanying and subsequent
4 declarations [Docket Nos. 1218, 1395, and 1396], subsequent notices [Docket Nos.
5 1228 and 1370], and reply in support thereof [Docket No. 1394], filed Apogee
6 Medical Management, Inc. ("Apogee"), the *Debtors' Objection to Apogee Medical*
7 *Management's Motion for Allowance of Administrative Expense Claim and Payment*
8 *Thereof [11 U.S.C. § 503(a)]*; *Declaration of John M. Gallagher in Support Thereof*
9 [Docket No. 1291] (the "Response"), as well as the *Order Appointing Settlement*
10 *Judge* [Docket No. 1852] and the order scheduling the settlement conference [Docket
11 No. 1907], and this Agreed Order evidencing the parties' agreement ("Agreement"),
12 as well as the record in this case;

13 **WHEREAS**, it appearing the Debtors and Apogee entered into settlement
14 discussions before the Honorable Frederick P. Corbit in good faith and therein
15 entered into the Agreement to settle any and all claims of Apogee against the Debtors
16 for the sum total of \$270,000.00 to be paid no later than December 31, 2020 in
17 exchange for a release of any and all claims against each other. The terms and
18 conditions of the Agreement were memorialized and are maintained by Judge Corbit;

19
20 **WHEREAS**, it appearing the Debtors and Apogee believe that the Agreement
21 is reasonable, fair, and equitable, and is in the best interests of the Debtors' estates;

1 **WHEREAS**, the court, deeming itself fully advised, finding and concluding
2 that notice hereof was given in accordance with applicable Local Bankruptcy Rules;
3 and finding and concluding that good cause has been otherwise shown for the relief
4 requested;

5 **IT IS HEREBY ORDERED AS FOLLOWS:**

6
7 1. The Motion [ECF No. 1217] is **GRANTED** as specifically
8 stated herein and the Agreement is approved;

9 2. Apogee is hereby allowed, pursuant to 11 U.S.C. § 503(b)(1)(A), an
10 administrative expense claim in the total amount of \$270,000.00 (the “Administrative
11 Expense Claim”) for postpetition services;

12 3. The Administrative Expense Claim shall have the priority afforded by
13 11 U.S.C. § 507(a)(2);

14 4. The Debtors will pay the Administrative Expense Claim on or before
15 December 31, 2020 in accordance with the Agreement;

16 5. Any and all other claims of Apogee against the Debtors, including but
17 not limited to Apogee’s prepetition claims, are hereby waived; and

18 6. Apogee and the Debtors hereby release each other from any and all other
19 or further claims and or obligations.

20 /// END OF ORDER ///

1 PRESENTED BY:

2 DENTONS US LLP

3 By: /s/ Sam J. Alberts
SAMUEL R. MAIZEL (*Pro Hac Vice*)
4 SAM J. ALBERTS (WSBA #22255)
SARAH M. SCHRAG (*Pro Hac Vice*)
5

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

7 And

8 By: /s/ John D. Munding
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12 *Attorney for Creditor
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13 * Changes made by court
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Order Granting Admin Claim

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