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as GUC Distribution Trustee

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

IN RE:

ASTRIA HEALTH,

Remaining Debtor.

Chapter 11

Case No. 19-01189-11

**DECLARATION OF NO OBJECTION
TO THE GUC DISTRIBUTION
TRUSTEE'S SECOND OMNIBUS
CLAIMS OBJECTION (SATISFIED
CLAIMS)**

**THE GUC DISTRIBUTION
TRUSTEE'S SECOND OMNIBUS
CLAIMS OBJECTION (SATISFIED)**

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DECLARATION

I, Michael M. Sperry, pursuant to 28 U.S.C. § 1746 and under penalty of perjury, declare as follows:

1. I am an attorney for Steven D Sass LLC, GUC Distribution Trustee (“Trustee”) for the GUC Distribution Trust in the above captioned proceeding.

2. On January 14, 2022 I caused *The GUC Distribution Trustee’s Second Omnibus Claims Objection (Satisfied Claims)* (the “Objection”)¹ [Docket No. 2751] to be filed with this court.

3. As stated in the Certificate of Service [Docket No. 2753], my office served the Objection on January 14, 2022 to the claimants whose claims are subject to the Objection.

4. As of the date of this declaration, which is more than 30 days after service of the Objection, the Trustee has not received any formal responses to the Objection.

5. The Trustee was contacted by counsel for the Reorganized Debtors to request that the final order to the Objection include the Reorganized Debtors in

¹ Capitalized terms used but otherwise undefined in this declaration shall have the meanings ascribed to them in the Objection.

1 addition to the Trustee in paragraphs 6 and 7 of the draft proposed order filed with
2 the objection.

3 6. The Trustee believes this requested change does not require additional
4 notice, as including the Reorganized Debtor in paragraphs 6 and 7 is neutral as to
5 parties in interest.

6 7. A red line of the changes from the initial proposed order to the final
7 order to be submitted for entry is attached hereto as **Exhibit A**.

8 8. The Trustee requests this court enter an order granting the Objection in
9 the form of the attached proposed order

10 Dated: February 15, 2022

11 /s/ Michael M. Sperry

12 Michael M. Sperry

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21 **THE GUC DISTRIBUTION TRUSTEE'S
SECOND OMNIBUS CLAIMS OBJECTION
(SATISFIED CLAIMS) - 3 -**

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EXHIBIT A

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**THE GUC DISTRIBUTION TRUSTEE'S
SECOND OMNIBUS CLAIMS OBJECTION
(SATISFIED CLAIMS) - 4 -**

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

IN RE:

ASTRIA HEALTH,

Remaining Debtor

Chapter 11

Case No. 19-01189-11

**ORDER GRANTING THE GUC
DISTRIBUTION TRUSTEE'S SECOND
OMNIBUS CLAIMS OBJECTION
(SATISFIED CLAIMS)**

**ORDER GRANTING THE GUC
DISTRIBUTION TRUSTEE'S
SECOND OMNIBUS CLAIMS
OBJECTION (SATISFIED CLAIMS)**

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1 This matter came before the court on *The GUC Distribution Trustee's*
2 *Second Omnibus Claims Objection (Satisfied Claims)* (the "Objection").
3 Capitalized terms not defined in this Order shall have their meanings as set forth in
4 the Objection.

5 This court has found that it has jurisdiction over this matter pursuant to 28
6 U.S.C. §§ 157 and 1334 and has authority to enter a final order consistent with
7 Article III of the United States Constitution; that venue of this proceeding and the
8 Objection in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and
9 that the notice of the Objection was appropriate under the circumstances and no
10 other notice need be provided. Having reviewed the Objection and all documents
11 filed in support of or opposition thereto; having heard the statements of counsel at
12 any hearing before this court; and upon the record in this matter; and after due
13 deliberation thereon; and this court having determined that just cause has been
14 established for the relief granted herein, it is hereby **ORDERED** as follows:

- 15 1. The Objection is granted as set forth herein.
- 16 2. Any response to the Objection that has not otherwise been withdrawn
17 or resolved, or with respect to which the hearing on the Objection has not been
18 adjourned, is hereby overruled.
- 19 3. The Claims¹ identified on Exhibit A attached to the Objection are
20 hereby disallowed and expunged in their entirety.

21 ¹ For the avoidance of doubt, the term "Claims" as used in this Order refers only to the "General
Unsecured" portions of the claims identified on Exhibit A attached to the Objection.

1 4. The official claims register shall be modified in accordance with this
2 Order.

3 5. The objection to each Claim addressed in the Objection constitutes a
4 separate contested matter as contemplated by Bankruptcy Rule 9014. This Order
5 shall be deemed a separate order with respect to each Claim. Any stay of this Order
6 pending appeal by any of the claimants subject to this order shall only apply to the
7 contested matter that involves such claimant and shall not act to stay the
8 applicability and/or finality of this Order with respect to the other contested matters
9 addressed hereby.

10 6. All rights of the GUC Distribution Trustee and the Reorganized
11 Debtors to object to any claim (including the claims that are the subject of the
12 Objection) at a later date on any basis whatsoever are reserved and preserved.

13 7. All rights of the GUC Distribution Trustee and the Reorganized
14 Debtors to use any available defenses, under section 502 of the Bankruptcy Code or
15 otherwise, and to setoff or recoup against or otherwise reduce all or any part of any
16 claim (including the claims that are the subject of the Objection) are reserved and
17 preserved.

18 8. The terms and conditions of this Order shall be effective and
19 enforceable immediately upon its entry.
20

21 **ORDER GRANTING THE GUC
DISTRIBUTION TRUSTEE'S FIRST OMNIBUS
OBJECTION (DUPLICATE CLAIMS) - 3 -**

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9. The GUC Distribution Trustee and all other parties are authorized to take all actions necessary to effectuate the relief granted in this Order.

10. This court shall retain jurisdiction over all affected parties with respect to any matters, claims, or rights arising from or related to the implementation and interpretation of this Order.

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//End of Order//
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Presented by:
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**ORDER GRANTING THE GUC
DISTRIBUTION TRUSTEE'S FIRST OMNIBUS
OBJECTION (DUPLICATE CLAIMS) - 4 -**

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