

So Ordered.



Frank L. Kurtz
Bankruptcy Judge

Dated: July 19th, 2019

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

In re:

Astria Health, *et al.*,¹
Debtors.

Lead Case No. 19-01189-11

Jointly Administered

**ORDER GRANTING OFFICIAL
COMMITTEE OF UNSECURED
CREDITORS' MOTION FOR AN
ORDER ESTABLISHING
INFORMATION SHARING
PROCEDURES FOR
COMPLIANCE WITH 11 U.S.C. §§
1102(b)(3) AND 1103(c), NUNC PRO
TUNC TO MAY 24, 2019**

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).

ORDER GRANTING MOTION TO ESTABLISH INFORMATION SHA
PROCEDURES

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1 Upon the motion (the “Motion”)² of the Official Committee of Unsecured
2 Creditors (the “Committee”) of the above-captioned debtors and debtors-in-
3 possession (collectively, the “Debtors”) appointed under section 1102 of title 11 of
4 the United States Code (the “Bankruptcy Code”) in the above-captioned jointly
5 administered chapter 11 cases for entry of an order *nunc pro tunc* to the Formation
6 Date: (i) clarifying that section 1102(b)(3) of the Bankruptcy Code does not
7 require the Committee to provide access to Confidential Information or Privileged
8 Information to its non-member constituency; (ii) deeming that the Committee and
9 its advisors are in compliance with section 1102(b)(3) of the Bankruptcy Code as
10 a result of the implementation of the Procedures; and (iii) determining that no
11 additional procedures are required by the Committee beyond the proposed
12 Procedures; and due and proper notice of the Motion having been given; and no
13 other or further notice is required; and the Court has jurisdiction to consider the
14 Motion under 28 U.S.C. §§ 157 and 1334; and this is a core proceeding under 28
15 U.S.C. § 157(b)(2); and the relief requested under the Motion is in the best interest
16 of the Committee, the Debtors, their estates, and creditors, and after due
17 deliberation and sufficient cause appearing therefor,

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20 **IT IS THEREFORE ORDERED THAT:**

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22 1. The Motion is granted as set forth in this Order.

23 ² Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

1 2. The relief granted herein shall be effective *nunc pro tunc* to May 24,
2 2019.

3 3. The Committee, its professionals and advisors, and its individual
4 members and their respective representatives, advisors and counsel shall be
5 deemed in compliance with sections 1102(b)(3) and 1103(c) of the Bankruptcy
6 Code by adopting the Procedures set forth in the Motion and described below.
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8 4. The Committee, its professionals and its individual members and
9 their respective representatives, shall be deemed in compliance with sections
10 1102(b)(3) and 1103(c) of the Bankruptcy Code by: (a) establishing a linked
11 subpage on the existing website created by KCC for the Debtors, which is
12 available at <http://www.kccllc.net/astriahhealth>, to make information available to
13 creditors (the “Website”); (b) making available on the Website information
14 regarding the chapter 11 cases, including: (i) the Petition Date, the case number,
15 and general information about the Debtors’ chapter 11 cases; (ii) the contact
16 information for the Debtors’ professionals and the Committee’s professionals; (iii)
17 information regarding significant events in the chapter 11 cases and relevant
18 deadlines, including the claims bar date and any pleadings that are relevant
19 thereto; (iv) when filed with the Court, the disclosure statement and plan (together
20 with any exhibits thereto); and (v) any other information that the Committee, in its
21 sole discretion, deems appropriate, subject to the restrictions and limitations
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1 imposed by the Court; and (c) establishing and maintaining an email address to
2 allow the Debtors' general unsecured creditors to send questions and comments to
3 the Committee concerning these chapter 11 cases.

4 5. The Committee's counsel is authorized, in its reasonable discretion, to
5 communicate with the Debtors' general unsecured creditors and/or respond to their
6 information requests submitted to the email address or otherwise, on behalf of the
7 Committee.
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9 6. The Committee may use the services of KCC to create, maintain, and
10 administer the Website without further order of the Court. KCC will bill the
11 Debtors directly for any fees, costs or other amounts owed in connection
12 therewith.³ Notwithstanding anything to the contrary herein or in the Committee's
13 agreement for services with KCC (the "KCC Agreement"), in no event shall the
14 Committee, its professionals, its advisers or its members be responsible for
15 payment of any fees, costs or other monetary obligations owed to KCC pursuant to
16 this Order or under the KCC Agreement.
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18 7. Notwithstanding any construction of section 1102(b)(3) of the
19 Bankruptcy Code to the contrary, the Committee, its professionals, its individual
20 members and their respective representatives, advisors and counsel shall not be
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22 ³ For the avoidance of doubt, while KCC may bill the Debtors directly for the fees and
23 expenses it incurs in connection with the establishment and maintenance of the Website, the fees
and costs of the Committee's professionals shall remain subject to the fee application process.

1 required or obligated to disseminate any (i) Confidential Information, or (ii)
2 Privileged Information.

3 8. The Committee shall not have or incur any liability to any entity for
4 acts taken or omitted to be taken with respect to its obligations under section
5 1102(b)(3) of the Bankruptcy Code as long as the Committee and its professionals
6 have acted in compliance with the Procedures set forth herein and any
7 confidentiality agreement; provided, however, that the foregoing shall not
8 preclude or abridge the right of any creditor to move before the Court for an order
9 requiring production of other or additional information, to the extent available.
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11 9. Nothing contained in this Order shall (i) modify or abridge
12 immunities otherwise available to the Committee or professionals employed by
13 the Committee under applicable bankruptcy or non-bankruptcy law, nor (ii)
14 modify or abridge the rights of the Debtors with respect to any Confidential
15 Information, rights under confidentiality agreements with any member of the
16 Committee or their professionals or rights under the confidentiality provisions of
17 the Committee's bylaws.
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19 10. Nothing in this Order requires the Committee to provide access to
20 information to, or solicit comments from, any entity that has not demonstrated to
21 the satisfaction of the Committee, in its sole discretion, that it holds claims of the
22 kind described in section 1102(b)(3) of the Bankruptcy Code.
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1 11. Nothing in this Order requires the Committee to provide information
2 to any creditor if, in its judgment, it is unduly burdensome or calls for the
3 disclosure of Confidential Information, unless directed to do so by further order
4 of the Court.

5 12. The Committee shall consult with the Debtors to the extent
6 practicable in identifying Confidential Information; provided, however, that any
7 information provided to the Committee by the Debtors marked “Confidential” or
8 for “Professional Eyes” shall be deemed to be Confidential Information. The
9 Committee and the Debtors shall engage in good faith negotiations to resolve any
10 dispute as to whether information has been properly designated as Confidential
11 Information, but if negotiations are unsuccessful, the Committee and the Debtors
12 may seek the Court’s assistance in resolving any such dispute.
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15 13. Nothing in this Order shall enlarge, diminish or otherwise modify the
16 obligations of the Committee or its members and/or professionals under (i) any
17 confidentiality agreement entered into with the Debtors or (ii) the confidentiality
18 provisions in the Committee’s bylaws.
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20 14. Entry of this Order is without prejudice to the rights of the
21 Committee to seek a further order of the Court addressing any additional relief
22 concerning compliance with section 1102(b)(3) of the Bankruptcy Code.
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1 15. Nothing in this Order shall prejudice or otherwise affect the
2 procedural rights of creditors to seek relief under section 1102(b)(3)(C) of the
3 Bankruptcy Code.

4 16. The Court shall retain jurisdiction with respect to all matters arising
5 from and related to the implementation of this Order.
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7 ///End of Order///

8 Submitted by:

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