

In re:
Beverly Community Hospital Association
Debtor

Case No. 23-12359-SK
Docket #169 Date Filed: 04/30/2023

CERTIFICATE OF NOTICE

District/off: 0973-2
Date Rcvd: Apr 28, 2023

User: admin
Form ID: pdf042

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 30, 2023:

NONE

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
db	+ Email/PDF: acheng@beverly.org	Apr 29 2023 00:20:00	Beverly Community Hospital Association, 309 West Beverly Blvd, Montebello, CA 90640-4308

TOTAL: 1

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 30, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 27, 2023 at the address(es) listed below:

Name	Email Address
Adrian Butler	on behalf of Interested Party Courtesy NEF abutler@bushgottlieb.com
Alexandria Lattner	on behalf of Debtor Beverly Community Hospital Association alattnr@sheppardmullin.com ehwalters@sheppardmullin.com
Alexandria Lattner	on behalf of Debtor Beverly Hospital Foundation alattnr@sheppardmullin.com ehwalters@sheppardmullin.com
Alexandria Lattner	on behalf of Debtor Montebello Community Health Services Inc. alattnr@sheppardmullin.com, ehwalters@sheppardmullin.com
David E Ahdoot	on behalf of Interested Party Courtesy NEF dahdoot@bushgottlieb.com kprestegard@bushgottlieb.com



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Evan Gershbein	on behalf of Other Professional Kurtzman Carson Consultants LLC ECFpleadings@kccllc.com
Evelina Gentry	on behalf of Creditor Advantis Medical Staffing evelina.gentry@akerman.com rob.diwa@akerman.com
Howard Steinberg	on behalf of Creditor U.S. Bank Trust Company National Association as Master Trustee steinbergh@gtlaw.com, pearsallt@gtlaw.com;howard-steinberg-6096@ecf.pacerpro.com
Jennifer L Nassiri	on behalf of Debtor Beverly Community Hospital Association JNassiri@sheppardmullin.com
Jennifer L Nassiri	on behalf of Debtor Montebello Community Health Services Inc. JNassiri@sheppardmullin.com
Jennifer L Nassiri	on behalf of Debtor Beverly Hospital Foundation JNassiri@sheppardmullin.com
Joseph P Buchman	on behalf of Creditor Montebello Land and Water Company jbuchman@bwslaw.com gmitche@bwslaw.com
Kelly L Morrison	on behalf of U.S. Trustee United States Trustee (LA) kelly.l.morrison@usdoj.gov
Marc A Levinson	on behalf of Debtor Beverly Community Hospital Association MAlvinson@orrick.com borozco@orrick.com,casestream@ecf.courtdrive.com
Mark J Valencia	on behalf of Creditor Ihsan Shamaan mvalencia@vclitigation.com
Mary H Rose	on behalf of Interested Party Courtesy NEF mrose@buchalter.com
Megan M Adeyemo	on behalf of Creditor Aya Healthcare Inc. madeyemo@grsm.com, asoto@grsm.com
Michael Jones	on behalf of U.S. Trustee United States Trustee (LA) michael.jones4@usdoj.gov
Nathan A Schultz	on behalf of Creditor Hanmi Bank nschultzesq@gmail.com
Ron Maroko	on behalf of U.S. Trustee United States Trustee (LA) ron.maroko@usdoj.gov
Roye Zur	on behalf of Interested Party Courtesy NEF rzur@elkinskalt.com cavila@elkinskalt.com;lwageman@elkinskalt.com;1648609420@filings.docketbird.com
Sharon Z. Weiss	on behalf of Interested Party HRE Montebello LLC sharon.weiss@bclplaw.com, raul.morales@bclplaw.com,REC_KM_ECF_SMO@bclplaw.com
Sharon Z. Weiss	on behalf of Interested Party Hilco Real Estate LLC sharon.weiss@bclplaw.com, raul.morales@bclplaw.com,REC_KM_ECF_SMO@bclplaw.com
United States Trustee (LA)	ustpreion16.la.ecf@usdoj.gov

TOTAL: 24

MARC A. LEVINSON (SBN:57613)
ORRICK, HERRINGTON & SUTCLIFFE LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105
Telephone: (415) 773-5700
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Email: malevinson@orrick.com

Proposed Special Counsel to Debtors and
Debtors in Possession



CHANGES MADE BY COURT

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA, LOS ANGELES DIVISION

In re:

BEVERLY COMMUNITY HOSPITAL
ASSOCIATION, dba BEVERLY
HOSPITAL (A NONPROFIT PUBLIC
BENEFIT CORPORATION), *et al*,¹

Debtors,

- ☒ Affects all Debtors
- ☐ Affects Beverly Community
Hospital Association
- ☐ Montebello Community Health
Services, Inc.
- ☐ Beverly Hospital Foundation

Lead Case No.: 2:23-bk-12359-SK

Jointly administered with:

Case No.: 2:23-bk-12360-SK

Case No.: 2:23-bk-12361-SK

Hon. Sandra R. Klein

Chapter 11 Case

**SECOND INTERIM ORDER GRANTING
DEBTORS' EMERGENCY MOTION
FOR ORDER (I) APPROVING DEBTORS'
USE OF CASH COLLATERAL, AND (II)
SETTING A FINAL HEARING ON THE
USE OF CASH COLLATERAL**

Date: April 26, 2023
Time: 3:00 p.m.
Judge: Sandra R. Klein
Place: Zoom.Gov – or - Courtroom 1575
255 E. Temple St.
Los Angeles, CA 90012

In its order entered on April 25, 2023 [Docket No. 124] (the "April 25 Cash Collateral Order"), the Court granted on an interim basis the *Debtors' Emergency Motion for Entry of an Order Granting Debtors' Emergency Motion (I) Approving Debtors' Use of Cash*

¹ The Debtors in these chapter 11 cases, along with the last four digits of each debtor's federal tax identification number, are: Beverly Community Hospital Association d/b/a Beverly Hospital (6005), Montebello Community Health Services, Inc. (3550), and Beverly Hospital Foundation (9685). The mailing address for the Debtors is 309 W. Beverly Blvd., Montebello, California 90640.

1 *Collateral; and (II) Scheduling a Final Hearing on the Use of Cash Collateral* (the "Motion")²
2 of the above-captioned debtors and debtors in possession (collectively, the "Debtors") filed
3 on April 20, 2023 [Docket No. 27]. The April 25 Cash Collateral Order provided, among
4 other things, that the Debtors were authorized to use Cash Collateral under the terms and
5 conditions enumerated therein.

6 As described during the hearing conducted on April 26, 2023, the Debtors and the
7 Indenture Trustee have agreed that the Debtors may use Cash Collateral for an additional
8 period as discussed below and submit this Second Interim Order to memorialize such
9 agreement and to obtain the Court's approval of that agreement.

10 Based on the foregoing; and this Court having jurisdiction over this matter pursuant
11 to 28 U.S.C. § 1334; and this Court having found that this is a core proceeding pursuant to
12 28 U.S.C. § 157(b)(2); that it may enter a final order consistent with Article III of the United
13 States Constitution; that venue of this proceeding and the Motion in this district is
14 permissible pursuant to 28 U.S.C. §§ 1408 and 1409; that the relief requested in the Motion
15 is in the best interests of the Debtors' estates, their creditors, and other parties in interest;
16 that the Debtors' notice of the Motion and opportunity for a hearing on the Motion were
17 appropriate under the circumstances and no other notice need be provided; and this Court
18 having reviewed the Motion and having heard the statements in support of the relief
19 requested therein at hearings on April 21, 2023 and April 26, 2023; having entered the April
20 25 Cash Collateral Order; and the Court having determined that the legal and factual bases
21 set forth in the Motion, at the two hearings and in this Second Interim Order establish just
22 cause for the relief granted herein and is necessary to avoid immediate and irreparable
23 harm pursuant to Bankruptcy Rule 4001; and after due deliberation and sufficient cause
24 appearing therefor,

25 **IT IS HEREBY ORDERED THAT:**

- 26 1. The Motion is GRANTED as set forth in this Second Interim Order.
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² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

1 2. The Debtors may use Cash Collateral through 5:00 p.m. Pacific time on May
2 12, 2023, in accordance with the Approved Budget attached to Docket #153 as Exhibit A.

3 3. The Indenture Trustee is granted a replacement lien on Gross Receivables,
4 which for clarity, includes any insurance or utility refunds received by the Debtors.

5 4. The Indenture Trustee is granted a superpriority administrative claim under
6 Bankruptcy Code §364(c) for any diminution in value of its collateral.

7 5. This Second Interim Order shall be deemed to constitute a request as of the
8 Petition Date by the Indenture Trustee for relief from the automatic stay with respect to its
9 prepetition collateral for purposes of any request for adequate protection granted
10 hereunder, and as additional adequate protection for any diminution in the value of its
11 collateral, the Indenture Trustee shall have a superpriority administrative expense claim
12 pursuant to Section 507(b) of the Bankruptcy Code.

13 6. As additional adequate protection hereunder, the Indenture Trustee is
14 granted adequate protection payments in the form of its fees and expenses (and the fees
15 and expenses of its professionals) in amounts to be agreed upon and set forth in the final
16 budget approved by the Court; *provided, however*, that the payment of such fees and
17 expenses is subject to the paragraph of the debtor in possession stipulation—which the
18 parties addressed during the April 26, 2023 hearing but has not yet been filed—that
19 addresses fees and expenses of the professionals engaged by the Debtors.

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1 7. A final hearing on the Motion shall be held on May 17, 2023, at 9:00 a.m.
2 Pacific time. Any opposition to the Motion shall be filed and served on or before 12:00 p.m.
3 noon Pacific time on May 3, 2023, and any reply in support of the Motion shall be filed and
4 served on or before 12:00 p.m. noon Pacific time on May 10, 2023; and

5 8. This Court retains exclusive jurisdiction with respect to all matters arising
6 from or related to the implementation, interpretation, and enforcement of this Order.

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23 Date: April 27, 2023


Sandra R. Klein
United States Bankruptcy Judge

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EXHIBIT A