



Order Entered on  
September 15, 2022  
by Clerk U.S. Bankruptcy Court  
Southern District of California

CSD 1008 [08/21/00]

Name, Address, Telephone No. & I.D. No.

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Proposed Attorneys for the Chapter 11 Debtor and Debtor in Possession

UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF CALIFORNIA

325 West F Street, San Diego, California 92101-6991

In Re

BORREGO COMMUNITY HEALTH FOUNDATION

Debtor.

BANKRUPTCY NO. 22-02384

Date of Hearing: September 13, 2022

Time of Hearing: 3:00 p.m.

Name of Judge: Honorable Laura S. Taylor

## ORDER ON

**Emergency First Day Motion for Entry of an Order (I) Authorizing The Debtor To (A) Maintain Insurance Program, (B) Pay Insurance Premiums and Brokerage Commissions In The Ordinary Course, (C) Continue Insurance Premium Financing Program, And (D) Pay All Obligations Associated Therewith; And (II) Preventing Insurance Companies From Enforcing IPSO Facto Clauses Or Giving Any Notice Of Termination Or Otherwise Modifying Any Insurance Policy Without Obtaining Relief From The Automatic Stay**

The court orders as set forth on the continuation pages attached and numbered 2 through 3 with exhibits, if any, for a total of pages 5. Motion/Application Docket Entry No. 6.

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September 15, 2022

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DATED:

Judge, United States Bankruptcy Court

CSD 1001A



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**ORDER ON Emergency First Day Motion for Entry of an Order (I) Authorizing The Debtor To (A) Maintain Insurance Program, (B) Pay Insurance Premiums and Brokerage Commissions In The Ordinary Course, (C) Continue Insurance Premium Financing Program, And (D) Pay All Obligations Associated Therewith; And (II) Preventing Insurance Companies From Enforcing IPSO Facto Clauses Or Giving Any Notice Of Termination Or Otherwise Modifying Any Insurance Policy Without Obtaining Relief From The Automatic Stay**

**DEBTOR: BORREGO COMMUNITY HEALTH FOUNDATION**

**CASE NO: 22-02384**

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Having considered the Emergency Motion,<sup>1</sup> the accompanying Memorandum of Points and Authorities in support of the Emergency Motion, and the Declaration of Isaac Lee in support of the Emergency Motion, the arguments of counsel at the hearing, and good cause appearing therefor,

**IT IS HEREBY ORDERED THAT:**

1. The Motion is granted in its entirety.
2. The Debtor is authorized to:
  - (a) maintain its insurance coverage levels, including authority to revise, extend, supplement, renew or change insurance coverage as needed,
  - (b) pay insurance premiums, self-insured retentions, broker fees and deductibles in the ordinary course of business,
  - (c) continue its existing insurance premium financing program or any extensions or renewals of that program, and
  - (d) pay certain administrative obligations associated therewith.
3. The Debtor's insurers are barred from enforcing any *ipso facto* clauses or giving any notice of termination or otherwise modifying or cancelling any insurance policies without first obtaining relief from the automatic stay imposed by section 362 of the Bankruptcy Code.
4. Notice of the Emergency Motion as provided therein shall be deemed good and sufficient notice, and the requirements of Bankruptcy Rules 2002 and 6004(a) and LBR 9013(9)(d) and Appendix D-1(2) the Local Bankruptcy Rules are waived and/or satisfied by such notice.
5. The Debtor is authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

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<sup>1</sup> Defined terms in this Order shall have the same meaning as in the Emergency Motion unless otherwise defined herein.

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

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**EXHIBIT “B”**

**(Schedule and summary of the Insurance Policies)**

Name	Type	Policy #	Term Start	Term End	Annual Premium <sup>(1)</sup>	Premium Financing
Allied World National Assurance Company	Cyber	0312-2597	3/1/2022	3/1/2023	\$121,319	Yes
Allied World Surplus Lines Insurance Company	Excess Liability Insurance	0312-7698	3/1/2022	3/1/2023	270,017	Yes
Evanston Insurance Company	Not for Profit Management Liability (D&O)	MKLV3MMN000062	3/1/2022	3/1/2023	345,886	Yes
Starr Indemnity & Liability Company	Excess Liability Insurance (Directors & Officers Liability/Employment Practices Liability)	1000623222221	3/1/2022	3/1/2023	117,650	Yes
General Security Indemnity Company of Arizona	Flood, Including Earthquake Sprinkler Leakage	TR0001486-12619-22	3/1/2022	3/1/2023	23,640	Yes
Mercer Insurance Company	Flood, Including Earthquake Sprinkler Leakage	ARH00001402	3/1/2022	3/1/2023	78,068	Yes
Palomar Excess and Surplus Insurance Company	Flood, Including Earthquake Sprinkler Leakage	PE701503	3/1/2022	3/1/2023	132,520	Yes
Intact Insurance Management Liability (Atlantic Specialty Insurance Company)	Employed Lawyers Professional Liability ("ELPL")	MML-23089-22	3/1/2022	3/1/2023	6,000	Yes
Philadelphia Insurance Companies	Commercial Inland Marine Coverage Part UltimateCover Property Coverage Part	PHPK2385408	3/1/2022	3/1/2023	171,178	No
BETA Risk Management Authority / BETA Healthcare Group	Professional Liability Bodily Injury and Property Damage Personal Injury, Advertising Injury Employee Benefits Liability	HCL-22-1052	7/1/2022	7/1/2023	186,724	No
BETA Risk Management Authority / BETA Healthcare Group	Auto Liability Physical Damage	AL-22-1052	7/1/2022	7/1/2023	110,965	No
BETA Risk Management Authority / BETA Healthcare Group	Workers Compensation Employee Liability	WC-22-1052	7/1/2022	7/1/2023	1,179,361	No
Starr Indemnity & Liability Company	Aviation Insurance Policy	1000239641-01	9/1/2020	9/1/2023	6,750	No

## Notice Recipients

District/Off: 0974-3	User: Admin.	Date Created: 9/15/2022
Case: 22-02384-LT11	Form ID: pdf01	Total: 3

### Recipients of Notice of Electronic Filing:

aty	Tania M. Moyron	tania.moyron@dentons.com
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TOTAL: 1

### Recipients submitted to the BNC (Bankruptcy Noticing Center):

db	BORREGO COMMUNITY HEALTH FOUNDATION,	587 Palm Canyon Dr.	Suite 208	Borrego
	Springs, CA 92004			
	TANIA M. MOYRON (Bar No. 235736)	601 South Figueroa Street, Suite 2500	Los Angeles, California	
	90017-5704			

TOTAL: 2