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Debtor In Possession

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

In re

**BORREGO COMMUNITY  
HEALTH FOUNDATION,**

Debtor and Debtor In  
Possession.

Case No. 22-02384-11

Chapter 11 Case

Judge: Honorable Laura S. Taylor

**NOTICE OF DEADLINES FOR THE  
FILING OF PROOFS OF CLAIM**

TO: ALL PERSONS AND ENTITIES WHO MAY HAVE CLAIMS AGAINST ANY OF THE  
DEBTOR, **BORREGO COMMUNITY HEALTH FOUNDATION (CASE NO. 22-02384-  
11)**:

**PLEASE TAKE NOTICE THAT:**

On September 12, 2022 (the “Petition Date”), Borrego Community Health Foundation, as debtor and debtor in possession (the “Debtor”), filed a voluntary petition for relief under chapter 11 of the United States Code (the “Bankruptcy Code”) in the United States Bankruptcy Court for the Southern District of California (the “Court”).

On September 13, 2022 the Court entered an order [Docket No. 16] (the “Bar Date Order”) establishing certain dates by which parties holding prepetition claims against the Debtor must file proofs of claim (“Proofs of Claim”), including claims by governmental units.

For your convenience, enclosed with this notice (this “Notice”) is a Proof of Claim form, which identifies the amount, nature, and classification of your claim(s), if any, listed in the Debtor’s schedules of assets and liabilities filed in this case (the “Schedules”).

As used in this Notice, the term “entity” has the meaning given to it in section 101(15) of the Bankruptcy Code, and includes all persons, estates, trusts, governmental units, and the Office of the United States Trustee for the Southern District of California. In addition, the terms “persons” and “governmental units” are defined in sections 101(41) and 101(27) of the Bankruptcy Code, respectively.

As used in this Notice, the term “claim” means, as to or against the Debtor and in accordance with section 101(5) of the Bankruptcy Code: (a) any right to payment, whether or not such right is reduced to judgment, liquidated, unliquidated, fixed, contingent, matured, unmatured, disputed, undisputed, legal, equitable, secured, or unsecured; or (b) any right to an equitable remedy for breach of performance if such breach gives rise to a right to payment, whether or not such right to an equitable remedy is reduced to judgment, fixed, contingent, matured, unmatured, disputed, undisputed, secured, or unsecured.

## **THE BAR DATES.**

The Bar Date Order establishes the following bar dates for filing Proofs of Claim in this chapter 11 case (the “Bar Dates”).

***The General Bar Date.*** Except as described below, all entities holding claims against the Debtor that arose or are deemed to have arisen prior to the commencement of this case on the Petition Date are required to file Proofs of Claim **by November 21, 2022, at 5:00 p.m., prevailing Pacific Time** (the “General Bar Date”). The General Bar Date applies to all types of claims against the Debtor that arose or are deemed to have arisen prior to the Petition Date, including secured claims, unsecured priority claims, and unsecured non-priority claims.

***The Governmental Bar Date.*** All governmental units holding claims against the Debtor that arose or are deemed to have arisen prior to the commencement of this case on the Petition Date are required to file proofs of claim **by March 13, 2023, at 5:00 p.m., prevailing Pacific Time** (the “Governmental Bar Date”). The Governmental Bar Date applies to all governmental units holding claims against the Debtor (whether secured, unsecured priority, or unsecured non-priority) that arose or are deemed to have arisen prior to the Petition Date, including, without limitation, governmental units with claims against the Debtor for unpaid taxes, whether such claims arise from prepetition tax years or periods or prepetition transactions to which the Debtor were a party.

## **WHO MUST FILE A PROOF OF CLAIM.**

Except as otherwise set forth herein, the following entities holding claims against the Debtor that arose or are deemed to have arisen prior to the Petition Date ***must*** file Proofs of Claim on or before the applicable Bar Date:

any person or entity whose claim against the Debtor is not listed in the Debtor’s Schedules or is listed in such Schedules as “contingent,” “unliquidated,” or “disputed” if such person or entity desires to participate in this chapter 11 case or share in any distribution in this chapter 11 case; and

any person or entity who believes that its claim is improperly classified in the Schedules or is listed in an incorrect amount and who desires to have its claim allowed in a different classification or amount other than that identified in the Schedules.

## **PARTIES WHO DO NOT NEED TO FILE PROOFS OF CLAIM.**

Certain parties are not required to file Proofs of Claim. The Court may, however, enter one or more separate orders at a later time requiring creditors to file Proofs of Claim. If the Court does enter such an order, you will receive notice of it. The following entities holding claims that would otherwise be subject to the Bar Dates need ***not*** file Proofs of Claims:

any person or entity who already has filed a signed Proof of Claim against the Debtor with the Clerk of the Court or with KCC in a form substantially similar to Official Form 410;

any person or entity whose claim is listed on the Schedules if: (i) the claim is *not* scheduled as any of “disputed,” “contingent,” or “unliquidated;” and (ii) such person or entity agrees with the amount, nature, and priority of the claim as set forth in the Schedules;

any person or entity whose claim has previously been allowed by order of the Court;

any person or entity whose claim has been paid in full by the Debtor pursuant to the Bankruptcy Code or in accordance with an order of the Court;

any person or entity whose claim is based on an equity interest in the Debtor; *provided* that any holder of an equity interest who wishes to assert a claim against the Debtor, including a claim relating to such equity interest or the purchase or sale of such interest, must file a proof of claim asserting such claim on or prior to the General Bar Date pursuant to procedures set forth herein;

any person or entity holding a claim for which a separate deadline is fixed by this Court; and

claims for fees and expenses of professionals retained in this chapter 11 case.

## **INSTRUCTIONS FOR FILING PROOFS OF CLAIM.**

The following requirements shall apply with respect to filing and preparing each Proof of Claim:

***Contents.*** Each Proof of Claim must: (i) be written in English; (ii) include a claim amount denominated in United States dollars; (iii) conform substantially with the Proof of Claim Form provided by the Debtor or Official Form 410; and (iv) be signed by the claimant or by an authorized agent or legal representative of the claimant.

***Original Signatures Required.*** Only *original* Proofs of Claim may be deemed acceptable for purposes of claims administration. Copies of Proofs of Claim or Proofs of Claim sent by facsimile or electronic mail will not be accepted.

***Supporting Documentation.*** Each Proof of Claim must include supporting documentation in accordance with Bankruptcy Rules 3001(c) and (d). If, however, such documentation is voluminous, upon prior written consent of Debtor’s counsel, such Proof of Claim may include a summary of such documentation or an explanation as to why such documentation is not available; *provided* that any creditor that receives such written consent shall be required to transmit such writings to Debtor’s counsel upon request no later than ten days from the date of such request.

***Timely Service.*** Each Proof of Claim must be filed, including supporting documentation, so as to be *actually received* by KCC on or before the General Bar Date or the Governmental Bar Date (or, where applicable, on or before any other bar date as set forth herein or by order of the Court) either (1) electronically through the interface available at [www.kccllc.net/borregohealth](http://www.kccllc.net/borregohealth)

or (2) by first class, overnight U.S. mail, or by other hand delivery system at the following address:

**Borrego Health Claims Processing Center  
c/o KCC  
222 N. Pacific Coast Highway, Suite 300  
El Segundo, CA 90245**

**PROOFS OF CLAIM SUBMITTED BY FACSIMILE OR ELECTRONIC MAIL  
WILL NOT BE ACCEPTED.**

*Receipt of Service.* Claimants wishing to receive acknowledgment that their Proofs of Claim were received by KCC must submit (i) a copy of the Proof of Claim Form (in addition to the original Proof of Claim Form sent to KCC) and (ii) a self-addressed, stamped envelope.

#### **CONSEQUENCES OF FAILING TO TIMELY FILE YOUR PROOF OF CLAIM.**

If you or any party or entity who is required, but fails, to file a Proof of Claim in accordance with the Bar Date order on or before the applicable Bar Date, please be advised that:

**YOUR CLAIM MAY BE DISALLOWED OR SUBORDINATED UNDER THE TERMS OF A PLAN OF REORGANIZATION WITHOUT FURTHER NOTICE OR HEARING. 11 U.S.C. § 502(b)(9).**

#### **RESERVATION OF RIGHTS.**

Nothing contained in this Notice is intended to or should be construed as a waiver of the Debtor's right to: (a) dispute, or assert offsets or defenses against, any filed claim or any claim listed or reflected in the Schedules as to the nature, amount, liability, or classification thereof; (b) subsequently designate any scheduled claim as disputed, contingent, or unliquidated; and (c) otherwise amend or supplement the Schedules.

#### **THE DEBTOR'S SCHEDULES AND ACCESS THERETO.**

You may be listed as the holder of a claim against the Debtor in its Schedules. To determine if and how you are listed on the Schedules, please refer to the descriptions set forth on the enclosed proof of claim forms regarding the nature, amount, and status of your claim(s).

If you rely on the Debtor's Schedules, it is your responsibility to determine that the claim is accurately listed in the Schedules. However, you may rely on the enclosed form, which sets forth: (a) the amount of your claim (if any) as scheduled; (b) specifies whether your claim is listed in the Schedules as "contingent," "unliquidated," or "disputed; and (c) identifies whether your claim is scheduled as a secured, unsecured priority, or unsecured non-priority claim.

As described above, if you agree with the nature, amount, and status of your claim as listed in the Schedules, and if your claim is not described as "disputed," "contingent," or "unliquidated," you need *not* file a proof of claim. Otherwise, or if you decide to file a proof of claim, you must do so before the applicable Bar Date in accordance with the procedures set forth in this Notice.

#### **ADDITIONAL INFORMATION.**

Copies of the Debtor's Schedules, the Bar Date Order, and other information regarding this chapter 11 case are available for inspection free of charge on KCC's website at

<http://www.kccllc.net/borregohealth>. The Schedules and other filings in this chapter 11 case also are available for a fee at the Court's website at <http://www.casb.uscourts.gov>. A login identification and password to the Court's Public Access to Court Electronic Records ("PACER") are required to access this information and can be obtained through the PACER Service Center at <http://www.pacer.psc.uscourts.gov>. Copies of the Schedules and other documents filed in this case also may be examined between the hours of 9:00 a.m. and 4:30 p.m., prevailing Pacific Time, Monday through Friday, at the office of the Clerk of the Bankruptcy Court, United States Bankruptcy Court for the Southern District of California, 325 West F Street, San Diego, California 92101.

If you require additional information regarding the filing of a proof of claim, you may contact the Debtor's claims agent, KCC, directly by writing to Borrego Health Claims Processing Center, c/o KCC, 222 N. Pacific Coast Highway, Suite 300, El Segundo, CA 90245, or by contacting the Debtor's information line at (866) 967-0670 (US & Canada), (310) 751-2670 (International), or by email via [www.kccllc.net/borregohealth/inquiry](http://www.kccllc.net/borregohealth/inquiry).

**A HOLDER OF A POSSIBLE CLAIM AGAINST THE DEBTOR SHOULD CONSULT AN ATTORNEY REGARDING ANY MATTERS NOT COVERED BY THIS NOTICE, SUCH AS WHETHER THE HOLDER SHOULD FILE A PROOF OF CLAIM.**

Dated: October 24, 2022

**DENTONS US LLP**

*/s/ Samuel R. Maizel*

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**If you have any questions regarding this notice, please call (866) 967-0670 (US & Canada), (310) 751-2670 (International), or email via [www.kccllc.net/borregohealth/inquiry](http://www.kccllc.net/borregohealth/inquiry). For more information, please visit the case website at <http://www.kccllc.net/borregohealth>.**