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7 Attorneys for Chapter 11 Debtor and
Debtor In Possession

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

10 In re

11 BORREGO COMMUNITY HEALTH
FOUNDATION,

12 Debtor and Debtor In Possession.

Case No. 22-02384-11

Chapter 11 Case

**DISCLOSURE DECLARATION OF
GREGORY M. HATTON ON
BEHALF OF ORDINARY COURSE
PROFESSIONAL THEODORA
OHRINGER, PC**

Judge: Honorable Laura S. Taylor

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1 I, Gregory M. Hatton, hereby declare that the following is true to the best of
2 my knowledge, information and belief.

3 1. I am Of Counsel of Theodora Oringher (the “Firm”), which maintains
4 offices at 535 Anton Blvd., 9th Floor, Costa Mesa, California 92626.

5 2. This Declaration is submitted in connection with an Order of the United
6 States Bankruptcy Court for the Southern District of California [Docket No. 400],
7 authorizing the above-captioned debtor and debtor in possession (the “Debtor”) to
8 retain certain professionals in the ordinary course of business (each an “Ordinary
9 Course Professional”) during the pendency of the Debtor’s chapter 11 case, effective
10 as of the September 12, 2022.

11 3. The Firm, through me, and members of the firm, have represented and
12 advised the Debtor as litigation counsel with the following aspects of the Debtor’s
13 business or legal affairs, including representation in state and federal litigation to
14 recover substantial money for the Debtor from responsible third parties since July
15 2023.

16 4. The Debtor has requested, and the Firm has agreed, to continue to
17 provide services to the Debtor pursuant to § 327(b) of chapter 11 of title 11 of the
18 United States Code. 11 U.S.C. §§ 101, et seq. (the “Bankruptcy Code”) with respect
19 to such matters. Additionally, the Debtor has requested, and the Firm proposes to
20 render, the following services to the Debtor: All services requested by Debtor and co-
21 counsel Hooper, Lundy, and Bookman to recover money third parties misappropriated
22 from the Debtor.

23 5. The Firm’s current hourly rates on this matter are \$650, subject to change
24 from time to time. In the normal course of business, the Firm revises its regular rates
25 on or about January 1 of each year and requests that, effective January 1 of each year,
26 the aforementioned rates may be revised to the rates which will be in effect at that
27 time.

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1 6. The Firm understands the maximum monthly fee payable to the Firm as
2 an Ordinary Course Professional is \$25,000 per month on a “rolling basis,” and that
3 any amount above the “Cap Amount” could only be paid upon the filing and granting
4 of an application under §§ 330 and 331 of the Bankruptcy Code.

5 7. To the best of my knowledge, formed after due inquiry, neither I, the
6 Firm, nor any employee thereof has any connection with the Debtor or currently
7 represents any creditors, other parties-in-interest, the United States Trustee or any
8 person employed by the Office of the United States Trustee with respect to the matters
9 upon which it is to be engaged, and the Firm does not, by reason of any direct or
10 indirect relationship to, connection with, or interest in the Debtor, hold or represent
11 any interest adverse to the Debtor, the estate or any class of creditors or equity interest
12 holders, other than amounts due the Firm set forth below.

13 8. In addition, although unascertainable at this time after due inquiry, the
14 Firm may have in the past represented, currently represent, and may in the future
15 represent entities that are claimants of the Debtor in matters entirely unrelated to the
16 Debtor and its estate. The Firm does not and will not represent any such entity in
17 connection with this pending chapter 11 case and does not have any relationship with
18 any such entity, attorneys or accountants that would be adverse to the Debtor or its
19 estate.

20 9. The Firm’s process of ascertaining what, if any, connection it may have
21 with any interest adverse to the Debtor, its estate or any class of creditors or equity
22 interest holders, consists of the following: Comprehensive conflicts search prior to
23 commencement of representation in July 2023.

24 10. In the past year, the Firm has rendered services that have not yet been
25 billed or that have been billed but with respect to which payment has not yet been
26 received. The Firm is currently owed \$0.00 on account of such prepetition services.
27 I understand that payment of such amount is dependent upon the Firm filing a Proof
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1 of Claim, and the Claim being determined to be an allowed Claim, and the Debtor
2 paying an amount commensurate with what it is permitted to pay and can pay.

3 11. In light of the foregoing, I believe that the Firm does not hold or represent
4 any interest materially adverse to the Debtor, its estate, its creditors, or its equity
5 interest holders, as identified to the Firm, with respect to the matters in which the Firm
6 will be engaged.

7 12. Except as set forth herein, no promises have been received by the Firm
8 or any partner, associate, or other professional thereof as to compensation in
9 connection with this chapter 11 case other than in accordance with the provisions of
10 the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure (“Bankruptcy
11 Rule”), the Local Rules of the United States Bankruptcy Court for the Southern
12 District of California, and orders of this Court.

13 13. The Firm further states that it has not shared, nor agreed to share any
14 compensation received in connection with this chapter 11 case with another party or
15 person, other than as permitted by § 504(b) of the Bankruptcy Code and Bankruptcy
16 Rule 2016.

17 14. The foregoing constitutes the statement of the Firm pursuant to §§ 329
18 and 504 of the Bankruptcy Code and Bankruptcy Rules 2014 and 2016(b).

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28 *Attestation and signature on next page*

1 I declare under penalty of perjury under the laws of the United States of
2 America, that the foregoing is true and correct. Executed this 13th day of March, 2023.

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