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Attorneys for Jacob Nathan Rubin, MD, FACC, Patient Care Ombudsman

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re:) Lead Case No.: 2:18-bk-20151-ER

**VERITY HEALTH SYSTEM OF
CALIFORNIA, INC. *et al.*,**

Debtor(s).

- ☐ Affects All Debtors
☒ Affects Verity Health System of
California, Inc.
☒ Affects O'Connor Hospital
☒ Affects Saint Louise Regional Hospital
☒ Affects St. Francis Medical Center
☒ Affects St. Vincent Medical Center
☒ Affects Seton Medical Center
☐ Affects O'Connor Hospital Foundation
☐ Affects Saint Louise Regional Hospital
Foundation
☐ Affects St. Francis Medical Center of
Lynwood Foundation
☐ Affects St. Vincent Foundation
☒ Affects St. Vincent Dialysis Center, Inc.
☐ Affects Seton Medical Center
Foundation
☐ Affects Verity Business Services
☒ Affects Verity Medical Foundation
☐ Affects Verity Holdings, LLC
☐ Affects De Paul Ventures, LLC
☒ Affects De Paul Ventures – San Jose
Dialysis, LLC

Debtors and Debtors In Possession

) Jointly Administered With:
) Case No.: 2:18-bk-20162-ER;
) Case No.: 2:18-bk-20163-ER;
) Case No.: 2:18-bk-20164-ER;
) Case No.: 2:18-bk-20165-ER;
) Case No.: 2:18-bk-20167-ER;
) Case No.: 2:18-bk-20168-ER;
) Case No.: 2:18-bk-20169-ER;
) Case No.: 2:18-bk-20171-ER;
) Case No.: 2:18-bk-20172-ER;
) Case No.: 2:18-bk-20173-ER;
) Case No.: 2:18-bk-20175-ER;
) Case No.: 2:18-bk-20176-ER;
) Case No.: 2:18-bk-20178-ER;
) Case No.: 2:18-bk-20179-ER;
) Case No.: 2:18-bk-20180-ER;
) Case No.: 2:18-bk-20181-ER
)
) Chapter 11 Cases
)
) **PATIENT CARE OMBUDSMAN'S
MONTHLY FEE APPLICATION FOR
ALLOWANCE AND PAYMENT OF
INTERIM COMPENSATION AND
REIMBURSEMENT OF EXPENSES FOR
THE PERIOD MARCH 1, 2019
THROUGH MARCH 31, 2019 FOR
HIMSELF AND FOR DR. TIM STACY
DNP, ACNP-BC**

[NO HEARING REQUIRED]



1 1. Jacob Nathan Rubin, MD, FAAC, the Patient Care Ombudsman (“PCO”) appointed
2 in these chapter 11 bankruptcy cases, hereby submits his Monthly Fee Application (the
3 “Application”) for Allowance and Payment of Interim Compensation and Reimbursement of
4 Expenses for the Period March 1, 2019 through March 31, 2019 (the “Application Period”) for
5 himself and for Dr. Tim Stacy DNP, ACNP-BC (“Dr. Stacy”) who the PCO hired as a consultant in
6 accordance with an order of the Court entered as Docket Number 753. In support of this
7 Application, the PCO respectfully represents as follows:

8 2. The PCO incurred a total of \$22,350 in fees and \$27.00 in expenses during the
9 Application Period for a total of **\$22,377**. The PCO billed 29.8 hours of time during the
10 Application Period. These fees and expenses break down as follows:

Period	Fees	Expenses	Total
3/01/2019-3/31/2019	\$22,350	\$27.00	\$22,377

15 3. Dr. Stacy incurred a total of \$11,505 in fees and \$0 in expenses during the
16 Application Period for a total of **\$11,505**. Dr. Stacy billed 35.4 hours of time during the
17 Application Period. These fees and expenses break down as follows:

Period	Fees	Expenses	Total
3/01/2019-3/31/2019	\$11,505	\$0	\$11,505

22 4. In accordance with the Court order entered as Docket Number 826 (the “Fee
23 Procedure Order”), the PCO seeks payment of 80% of his fees and 100% of his expenses incurred
24 during the Application Period, which amounts to a total of **\$17,907**, and Dr. Stacy seeks payment of
25 80% of his fees and 100% of his expenses incurred during the Application Period, which amounts
26 to a total of **\$9,204**.

1 5. For the post-petition period, the PCO and Dr. Stacy have each been paid to date as
2 follows:

- 3 • October 2018: \$75,675 (PCO) and \$31,300 (Dr. Stacy), which are for 100% of fees
4 and expenses.
- 5 • November 2018: \$56,248.61 (PCO) and \$26,895 (Dr. Stacy), which are for 100% of
6 fees and expenses.
- 7 • December 2018: \$42,464.36 (PCO) and \$36,400 (Dr. Stacy), which are for 100% of
8 fees and expenses.
- 9 • January 2019: \$14,460 (PCO) and \$8,684 (Dr. Stacy), which are for 80% of fees and
10 100% of expenses.
- 11 • February 2019: \$23,340 (PCO) and \$10,192 (Dr. Stacy), which are for 80% of fees
12 and 100% of expenses.
- 13 • February 2019: \$23,340 (PCO) and \$10,192 (Dr. Stacy), which are for 80% of fees
14 and 100% of expenses.

15 6. Through March 31, 2019, the PCO and Dr. Stacy are owed as follows:

- 16 • January 2019: \$3,615 (PCO), \$2,171 (Dr. Stacy)
- 17 • February 2019: \$5,835 (PCO), \$2,548 (Dr. Stacy)²
- 18 • March 2019: \$22,377 (PCO), \$11,505 (Dr. Stacy)

19 7. Attached hereto as Exhibit "A" is the name of the PCO and his billing rate and the
20 name of Dr. Stacy and his billing rate. Attached hereto as Exhibit "B" are the detailed time and
21 expense statements for the Application Period for the PCO and for Dr. Stacy.
22

23 8. A copy of this Application has been served by the PCO's counsel by first class mail,
24 postage prepaid, on April 24, 2019, on the Office of the United States Trustee, the above-captioned
25 chapter 11 debtors (the "Debtors"), counsel to the Debtors, counsel to the Official Committee of
26

27
28 ² The unpaid amounts for January and February 2019 take into account the interim payments that
the PCO and Dr. Stacy have received for the fees and costs incurred during these months.

1 Unsecured Creditors and all parties who have requested special notice (collectively, the "Notice
2 Parties").

3 9. Pursuant to the Fee Procedures Order, the Debtors are authorized to make the
4 payments requested herein to the PCO and Dr. Stacy without a further hearing or order of this Court
5 unless an objection to this Application is filed with the Court and served upon the Notice Parties
6 within ten (10) calendar days after the date of mailing of this Application (i.e., by May 4, 2019). If
7 such an objection is timely filed, the Debtors are authorized to pay 80% of the uncontested fees and
8 100% of the uncontested expenses incurred by the PCO or Dr. Stacy during the Application Period
9 without further order of the Court. If no objection is timely filed, the Debtors are authorized to pay
10 80% of all fees requested and 100% of all expenses in this Application without further order of the
11 Court.
12

13 10. The interim compensation and reimbursement of expenses sought in this Application
14 is not final. Upon the conclusion of these chapter 11 bankruptcy cases, the PCO and Dr. Stacy will
15 seek Court approval of all fees and expenses incurred by them in these chapter 11 cases. Any
16 interim fees or reimbursement of expenses paid by the Debtors to the PCO and Dr. Stacy will be
17 credited against such final fees and expenses as may be allowed by this Court.
18

19 WHEREFORE, the PCO respectfully requests that the Debtors pay to the PCO the **\$17,907**
20 requested to be paid to the PCO as set forth in this Application, and the PCO respectfully requests
21 that the Debtor pay to Dr. Stacy the **\$9,204** requested to be paid to Dr. Stacy as set forth in this
22 Application.
23

24 Dated: April 24, 2019

JACOB NATHAN RUBIN, MD, FAAC

25 By: 

26 Dated: April 24, 2019

DR. TIM STACY DNP, ACNP-BC

27 By: 
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EXHIBIT “A”

EXHIBIT "A"

Professionals and Hourly Rates (3/01/2019 – 3/31/2019)

Professional	Title	Hourly Rate
Jacob Nathan Rubin, MD, FAAC	Patient Care Ombudsman ("PCO")	\$750.00
Dr. Tim Stacy DNP, ACNP-BC	PCO's Consultant	\$325.00

EXHIBIT B

FEE APPLICATION

Dr. Nathan Rubin

4/23/2019

**4955 Van Nuys Blvd., #415
Sherman Oaks, CA 91403**

**Nathan Rubin and Timothy Stacy Re Verity Health RB
OUR FILE #: 8713**

PROFESSIONAL SERVICE RENDERED	3/1/2019	THROUGH	3/31/2019
TOTAL PROFESSIONAL HOURS	65.2	FEES	\$33,855.00
<u>COSTS</u>			
MANDATORY E-FILING FEES		27.00	
TOTAL COSTS			\$27.00
CURRENT PERIOD TOTAL PROFESSIONAL FEES AND COSTS			\$33,882.00

Nathan Rubin and Timothy Stacy Re Verity

4/23/2019

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CASE # 8713

**From Date 3/1/2019
To Date 3/31/2019**

03 - BUSINESS OPERATIONS

3/1/2019 EMAIL RE CDPH SETON

2237943	NR	750.00	\$450.00	0.6
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3/1/2019 ONEDRIVE NEW EVENTS SEARCH

2237899	TS	325.00	\$162.50	0.5
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3/1/2019 **CDPH SETON**

2237902	TS	325.00	\$227.50	0.7
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3/4/2019 EMAIL RE CDPH SETON COASTSIDE

2237944	NR	750.00	\$450.00	0.6
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3/4/2019 **CDPH SETON COASTSIDE**

2237909	TS	325.00	\$260.00	0.8
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3/5/2019 REVIEWED SPECIFIC DOCKETS FOR PURPOSES OF ESTABLISHING STATUS OF REMAINING ENTITIES FOR APPROPRIATENESS OF PCO REPORTING RE DOCKET ITEMS 1709, 1710, 1711, 1713 AND 1714

2237937	TS	325.00	\$325.00	1.0
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3/6/2019 EMAIL RE SFMC TRAUMA PROGRAM

2237945	NR	750.00	\$450.00	0.6
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3/6/2019 **SFMC TRAUMA SURVEY REPORT**

2237910	TS	325.00	\$325.00	1.0
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3/7/2019 EMAIL RE CDPF: SFMC

2237946	NR	750.00	\$450.00	0.6
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3/7/2019 SFMC TRAUMA SURVEY REPORT

2237912	TS	325.00	\$227.50	0.7
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3/11/2019 REVIEWED SPECIFIC DOCKETS FOR PURPOSES OF ESTABLISHING STATUS OF REMAINING ENTITIES FOR APPROPRIATENESS OF PCO REPORTING RE DOCKET ITEMS 1770 AND 1771

2237938	TS	325.00	\$130.00	0.4
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Nathan Rubin and Timothy Stacy Re Verity

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From Date 3/1/2019

To Date 3/31/2019

3/18/2019 EMAIL RE SETON COASTSIDE ENVIRONMENTAL DEFICIENCIES

2237947	NR	750.00	\$450.00	0.6
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3/18/2019 SETON COASTSIDE ENVIRONMENTAL DEFICIENCIES

2237913	TS	325.00	\$487.50	1.5
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3/18/2019 SFMC CDPH

2237914	TS	325.00	\$195.00	0.6
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3/19/2019 EMAIL WITH DR PEREZ

2237948	NR	750.00	\$450.00	0.6
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3/20/2019 EMAIL WITH MONICA AND TIM

2237949	NR	750.00	\$450.00	0.6
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3/20/2019 TELEPHONE CONFERENCE WITH COMMUNICATIONS BETWEEN KIM AND PEREZ REGARDING OPERATIONS

2237992	NR	750.00	\$225.00	0.3
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3/20/2019 TELEPHONE CONFERENCE WITH KIM AND STACY REGARDING BILLS AND PRIOR PAYMENTS

2237994	NR	750.00	\$225.00	0.3
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3/20/2019 MONICA EMAIL

2237915	TS	325.00	\$65.00	0.2
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3/21/2019 TELEPHONE CONFERENCE WITH KIM REGARDING BILLING DESCRIPTIONS

2237995	NR	750.00	\$150.00	0.2
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3/21/2019 REVIEWED SPECIFIC DOCKETS FOR PURPOSES OF ESTABLISHING STATUS OF REMAINING ENTITIES FOR APPROPRIATENESS OF PCO REPORTING RE DOCKET ITEMS 1865

2237941	TS	325.00	\$65.00	0.2
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3/22/2019 EMAIL MONICA RE REPORT AND FEE STATEMENTS

2237950	NR	750.00	\$450.00	0.6
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3/22/2019 TELEPHONE CONFERENCE WITH KIM REGARDING STATUS OF FEE STATEMENTS

2238008	NR	750.00	\$75.00	0.1
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Nathan Rubin and Timothy Stacy Re Verity

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CASE # 8713

From Date 3/1/2019

To Date 3/31/2019

3/22/2019 MONICA EMAIL

2237916	TS	325.00	\$65.00	0.2
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3/23/2019 TELEPHONE CONFERENCE WITH KIM REGARDING THIRD REPORT OF PATIENT CARE

2237997	NR	750.00	\$75.00	0.1
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3/25/2019 EMAILS RE BILLING STATEMENTS

2237951	NR	750.00	\$450.00	0.6
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3/25/2019 EMAIL RE SETON HSAG Q10

2237952	NR	750.00	\$450.00	0.6
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3/25/2019 SETON HSAG

2237917	TS	325.00	\$325.00	1.0
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3/26/2019 CALL WITH DR DEL JUNCO

2237961	NR	750.00	\$375.00	0.5
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3/26/2019 E ROOM REVIEW

2237962	NR	750.00	\$2,400.00	3.2
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3/26/2019 TELEPHONE CONFERENCE WITH KIM REGARDING TIMING OF NEXT REPORT AND SUPPLEMENTS

2238010	NR	750.00	\$225.00	0.3
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3/26/2019 CMO DISCUSSION; STATUS OF CLINICS

2237919	TS	325.00	\$162.50	0.5
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3/26/2019 DATA E-ROOM REVIEW

2237920	TS	325.00	\$812.50	2.5
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3/27/2019 MEC MINUTES REVIEW

2237963	NR	750.00	\$600.00	0.8
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3/27/2019 REVIEW PCO REPORTS FOR FOLLOW UP DETAILS

2237964	NR	750.00	\$150.00	0.2
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Nathan Rubin and Timothy Stacy Re Verity

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**From Date 3/1/2019
To Date 3/31/2019**

3/27/2019 VIDEO CONFERENCE

2237965	NR	750.00	\$225.00	0.3
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3/27/2019 REVIEW WITH TIM

2237966	NR	750.00	\$150.00	0.2
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3/27/2019 TELEPHONE CONFERENCE WITH KIM REGARDING HOSPITAL CLOSING AND CLINIC CLOSINGS

2238011	NR	750.00	\$150.00	0.2
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3/27/2019 MEC MINUTES REVIEW

2237923	TS	325.00	\$325.00	1.0
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3/27/2019 SVMC VIDEO CONFERENCE

2237925	TS	325.00	\$97.50	0.3
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3/27/2019 PCO SECOND REPORT REVIEW OF RELEVANT FOLLOW UP QUESTIONS FOR VIDEO CONFERENCE.

2237926	TS	325.00	\$162.50	0.5
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3/27/2019 PCO DISCUSSION POST CONFERENCE REVIEW

2237927	TS	325.00	\$65.00	0.2
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3/27/2019 REVIEWED SPECIFIC DOCKETS FOR PURPOSES OF ESTABLISHING STATUS OF REMAINING ENTITIES FOR APPROPRIATENESS OF PCO REPORTING RE DOCKET ITEMS 1915 AND 1919

2237939	TS	325.00	\$162.50	0.5
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3/28/2019 EMAIL RE CLINIC STATUS

2237953	NR	750.00	\$450.00	0.6
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3/28/2019 REVIEW JOINT COMMISSION FINDINGS, MEC MINUTES, PCO REPORT

2237967	NR	750.00	\$1,500.00	2.0
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3/28/2019 VIDEO CONFERENCE

2237968	NR	750.00	\$450.00	0.6
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3/28/2019 REVIEW WITH TIM

2237969	NR	750.00	\$300.00	0.4
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Nathan Rubin and Timothy Stacy Re Verity

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From Date 3/1/2019

To Date 3/31/2019

3/28/2019 TELEPHONE CONFERENCE WITH KIM REGARDING INFORMATION ON CLINICS AND HOSPITAL CLOSINGS

2238013	NR	750.00	\$75.00	0.1
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3/28/2019 JOINT COMMISSION REPORT REVIEW, MEC MINUTE REVIEW, PCO SECOND REPORT REVIEW FOR RELEVANT TOPICS

2237928	TS	325.00	\$812.50	2.5
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3/28/2019 SFMC VIDEO CONFERENCE

2237929	TS	325.00	\$195.00	0.6
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3/28/2019 PCO POST CONFERENCE REVIEW

2237940	TS	325.00	\$130.00	0.4
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3/29/2019 EMAIL RE SFMC COMPASS REPORT

2237954	NR	750.00	\$450.00	0.6
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3/29/2019 EMAIL WITH MONICA RE CLINIC STATUS

2237955	NR	750.00	\$450.00	0.6
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3/29/2019 E ROOM, MEC MINUTES, CDPH, JOINT COMMISSION

2237970	NR	750.00	\$1,500.00	2.0
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3/29/2019 CONFERENCE CALL

2237971	NR	750.00	\$450.00	0.6
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3/29/2019 REVIEW WITH TIM

2237972	NR	750.00	\$300.00	0.4
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3/29/2019 PREPARING PCO THIRD REPORT

2237973	NR	750.00	\$1,125.00	1.5
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3/29/2019 TELEPHONE CONFERENCE WITH KIM REGARDING VERITY LIST OF CLINICS

2238014	NR	750.00	\$150.00	0.2
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3/29/2019 SETON E-ROOM, MEC, JOINT COMMISSION, CDPH REVIEW, COMPASS REPORT

2237931	TS	325.00	\$812.50	2.5
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Nathan Rubin and Timothy Stacy Re Verity

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From Date 3/1/2019

To Date 3/31/2019

3/29/2019 SETON VIDEO CONFERENCE

2237932	TS	325.00	\$195.00	0.6
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3/29/2019 SETON POST CONFERENCE REVIEW PCO

2237933	TS	325.00	\$130.00	0.4
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3/29/2019 REPORT PREPERATION

2237934	TS	325.00	\$1,170.00	3.6
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3/30/2019 PREPARING PCO THIRD REPORT

2237974	NR	750.00	\$1,875.00	2.5
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3/30/2019 REPORT PREPERATION

2237935	TS	325.00	\$975.00	3.0
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3/31/2019 PREPARING PCO THIRD REPORT

2237975	NR	750.00	\$3,750.00	5.0
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3/31/2019 REPORT WRITING

2237936	TS	325.00	\$2,437.50	7.5
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Total			\$33,855.00	65.2
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Nathan Rubin and Timothy Stacy Re Verity Health
CASE # 8713

SERVICE RENDERED FROM 3/1/2019 THROUGH 3/31/2019

03 - BUSINESS OPERATIONS

NR	29.8	750.00	\$22,350.00
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TS	35.4	325.00	\$11,505.00
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Total Hours	65.2	Total Fees	\$33,855.00
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PROFESSIONAL ACTIVITY SUMMARY

Nathan Rubin and Timothy Stacy Re Verity Health

4/23/2019

CASE # 8713

From Date 3/1/2019

To Date 3/31/2019

NR	29.8	Hours @	750.00	\$22,350.00
TS	35.4	Hours @	325.00	\$11,505.00
Total Hours	65.2		Total Fees	\$33,855.00

ACTIVITY SUMMARY

Nathan Rubin and Timothy Stacy Re Verity Health

4/23/2019

CASE # 8713

From Date 3/1/2019

To Date 3/31/2019

DESCRIPTION	FEEs
BUSINESS OPERATIONS	\$33,855.00
TOTAL FEES	\$33,855.00

Nathan Rubin and Timothy

From Date 3/1/2019

CASE # 8713

To Date 3/31/2019

3/8/2019

MANDATORY E-FILING FEES

27.00

COSTS SUMMARY 4/23/2019

Nathan Rubin and Timothy

From Date 3/1/2019

FILEE # 8713

To Date 3/31/2019

MANDATORY E-FILING FEES

27.00

TOTAL COSTS

\$27.00

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

10250 Constellation Blvd., Suite 1700, Los Angeles, CA 90067

A true and correct copy of the foregoing document entitled (*specify*): **LEVENE, NEALE, BENDER, YOO & BRILL'S MONTHLY FEE APPLICATION FOR ALLOWANCE AND PAYMENT OF INTERIM COMPENSATION AND REIMBURSEMENT OF EXPENSES FOR THE PERIOD MARCH 1, 2019 THROUGH MARCH 31, 2019** will be served or was served (**a**) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (**b**) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) April 8, 2019, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on
attached page

2. SERVED BY UNITED STATES MAIL:

On April 8, 2019, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on
attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on April 8, 2019, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Via Attorney Service
The Honorable Ernest M. Robles
United States Bankruptcy Court, #1560
255 E. Temple Street
Los Angeles, CA 90012

☐ Service information continued on
attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

April 8, 2019
Date

Jason Klassi
Printed Name

/s/ Jason Klassi
Signature

2:18-bk-20151-ER Notice will be electronically mailed to:

Robert N Amkraut on behalf of Creditor Swinerton Builders
ramkraut@foxrothschild.com

Kyra E Andrassy on behalf of Creditor MGH Painting, Inc.
kandrassy@swelawfirm.com, csheets@swelawfirm.com;gcruz@swelawfirm.com;jchung@swelawfirm.com

Kyra E Andrassy on behalf of Interested Party Courtesy NEF
kandrassy@swelawfirm.com, csheets@swelawfirm.com;gcruz@swelawfirm.com;jchung@swelawfirm.com

Simon Aron on behalf of Interested Party RCB Equities #1, LLC
saron@wrslawyers.com

Lauren T Attard on behalf of Creditor SpecialtyCare Cardiovascular Resources, LLC
lattard@bakerlaw.com, abalian@bakerlaw.com

Keith Patrick Banner on behalf of Creditor Abbott Laboratories Inc.
kbanner@greenbergglusker.com, sharper@greenbergglusker.com;calendar@greenbergglusker.com

Keith Patrick Banner on behalf of Interested Party CO Architects
kbanner@greenbergglusker.com, sharper@greenbergglusker.com;calendar@greenbergglusker.com

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