

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address SAMUEL R. MAIZEL (Bar No. 189301) samuel.maizel@dentons.com TANIA M. MOYRON (Bar No. 235736) tania.moyron@dentons.com DENTONS US LLP 601 South Figueroa Street, Suite 2500 Los Angeles, California 90017-5704 Tel: (213) 623-9300 / Fax: (213) 623-9924  <input checked="" type="checkbox"/> Attorney for: Chapter 11 Debtors	FOR COURT USE ONLY
<b>UNITED STATES BANKRUPTCY COURT</b> <b>CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION</b>	
In re:  VERITY HEALTH SYSTEM OF CALIFORNIA, INC., et al.,          Debtor(s).	CASE NO.: 2:18-bk-20151-ER CHAPTER: 11  <b>NOTICE OF OBJECTION TO CLAIM</b>  DATE: 11/20/2019 TIME: 10:00 am COURTROOM: 1568 PLACE: 255 E. Temple Street Los Angeles, CA 90012

1. TO (specify claimant and claimant's counsel, if any): HARRY MITTELMAN, with respect to KCC Claim No. 3496 and ECF Claim No. 1661
2. NOTICE IS HEREBY GIVEN that the undersigned has filed an objection to your Proof of Claim (Claim #~~1661~~/3496) filed in the above referenced case. The Objection to Claim seeks to alter your rights by disallowing, reducing or modifying the claim based upon the grounds set forth in the objection, a copy of which is attached hereto and served herewith.
3. **Deadline for Opposition Papers:** You must file and serve a response to the Objection to Claim not later than 14 days prior to the hearing date set forth above.

**IF YOU FAIL TO TIMELY RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED IN THE OBJECTION WITHOUT FURTHER NOTICE OR HEARING.**

Date: 10/21/2019

Dentons US LLP  
Printed name of law firm

/s/ Tania M. Moyron  
Signature

Date Notice Mailed: 10/21/2019

Tania M. Moryon  
Printed name of attorney for objector



SAMUEL R. MAIZEL (Bar No. 189301)  
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Attorneys for the Chapter 11 Debtors and  
Debtors In Possession

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

In re

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

Debtors and Debtors In Possession.

☒ 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 ASC, LLC

Debtors and Debtors In Possession.

Lead Case No. 2:18-bk-20151-ER

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

Hon. Judge Ernest M. Robles

**DEBTORS' MOTION TO DISALLOW CLAIM NO.  
3496 FILED BY HARRY MITTELMAN;  
MEMORANDUM OF POINTS AND  
AUTHORITIES; DECLARATION OF  
RICHARD G. ADCOCK IN SUPPORT  
THEREOF**

HEARING:

Date: November 20, 2019

Time: 10:00 a.m.

Place: Courtroom 1568

255 E. Temple Street, Los Angeles, CA 90012

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1 Verity Health System Of California, Inc. (“VHS”) and the above-referenced affiliated  
2 debtors and debtors in possession in the above captioned chapter 11 bankruptcy cases (collectively,  
3 the “Debtors”), hereby move (the “Motion”) for the entry of an order disallowing Proof of Claim  
4 No. 3496 (the “Claim”),<sup>1</sup> in its entirety, filed by Harry Mittelman (the “Claimant”). The Claimant  
5 asserts a general unsecured claim in the amount of either \$500,000 or \$2 million (the Claim has  
6 inconsistent information on the amount of the claim being asserted). The Claimant lists the  
7 following basis for the Claim: “Unpaid debts to vendors and mismanagement of the Los Altos  
8 Surgery Center, directly contradicting + not performing on orders of the General Member of the Los  
9 Altos Surgery Center - Harry Mittelman, President, Los Altos Surgery Center Inc.” The Claimant,  
10 however, has not established by a preponderance of the evidence that the Claim should be allowed.  
11 The Claim also fails to state a viable and legally recognized cause of action and there is no  
12 supporting documentation attached to the Claim. Accordingly, the Claimant fails to establish that  
13 he is entitled to an allowed claim in the amount of \$500,000 or \$2 million. Therefore, the Claim  
14 should be disallowed under Federal Rule of Civil Procedure 12(b)(6) or its state law equivalent.  
15 The Claim should also be disallowed for failure to (i) prosecute and laches and, (ii) provide a  
16 calculation or basis for the Claimant’s \$500,000 or \$2 million of alleged damages. A true and  
17 correct copy of the Claim is attached as **Exhibit “A”** to the annexed Declaration of Richard G.  
18 Adcock.

19 The objection made by way of this Motion seeks to alter the Claimant’s rights by disallowing  
20 the Claim based on the grounds set forth in the annexed memorandum of points and authorities (the  
21 “Memorandum”). The Memorandum and the specific comments about the Claim should be  
22 reviewed in order to fully understand the basis for the objection to the Claim.

23

24

25 <sup>1</sup> The Claim is denominated on the Kurtzman Carson Consultants LLC (“KCC”) claim registry as  
26 Claim No. 3496 and denominated on the Court’s Case Management/Electronic Case Files claim  
27 registry as Claim No. 1661. On September 10, 2018, the Court entered the *Order Approving (A)*  
28 *Appointing Kurtzman Carson Consultants LLC as Claims and Noticing Agent, and (B) Approving*  
*the Form and Manner of Notice of Case Commencement and 341(a) Meeting of Creditors* [Docket  
No. 153], which, among other things, authorized KCC to maintain the official claim register for  
these Cases. Accordingly, the Debtors reference the Claim as denominated on the KCC claim  
registry.

**DEADLINE FOR OPPOSITION PAPERS:** Pursuant to Local Bankruptcy Rules 3007-1(b)(3)(A) and 9013-1(o), a response to this Motion must be filed with the Court, and served upon Debtor's counsel, at the address set forth on the first page of this Notice, not later than fourteen (14) days prior to the hearing date set forth above.

**PURSUANT TO LOCAL BANKRUPTCY RULE 3007-1(b)(3)(B), IF YOU FAIL TO RESPOND IN ACCORDANCE WITH THIS NOTICE, THE COURT MAY GRANT THE RELIEF REQUESTED ON THIS MOTION WITHOUT FURTHER NOTICE OR HEARING.**

**WHEREFORE**, the Debtors respectfully request that the Court enter an order: (a) granting this Motion in its entirety, (b) disallowing the Claim as set forth herein, and (c) granting such other and further relief that may be appropriate.

Dated: October 21, 2019

DENTONS US LLP  
SAMUEL R. MAIZEL  
TANIA M. MOYRON

By /s/ Tania M. Moyron  
Tania M. Moyron

Attorneys for the Chapter 11 Debtors and  
Debtors In Possession

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I.**

**INTRODUCTION**

Verity Health System Of California, Inc. (“VHS”) and the above-referenced affiliated debtors and debtors in possession in the above captioned chapter 11 bankruptcy cases (collectively, the “Debtors”), hereby move (the “Motion”) for the entry of an order disallowing Proof of Claim Nos. 3496 (the “Claim”)<sup>2</sup> filed by Harry Mittelman (the “Claimant”), in its entirety. The Claimant lists the following basis for the Claim: “Unpaid debts to vendors and mismanagement of the Los Altos Surgery Center, directly contradicting + not performing on orders of the General Member of the Los Altos Surgery Center - Harry Mittelman, President, Los Altos Surgery Center Inc.” The Claimant, however, has not established by a preponderance of the evidence that the Claim should be allowed. The Claim also fails to state a viable and legally recognized cause of action and there is no supporting documentation attached to the Claim. Accordingly, the Claimant fails to establish that he is entitled to an allowed claim in the amount of \$500,000 or \$2 million. Therefore, the Claim should be disallowed under Federal Rule of Civil Procedure 12(b)(6) or its state law equivalent. The Claim should also be disallowed for failure to (i) prosecute and laches and, (ii) provide a calculation or basis for the Claimant’s \$500,000 or \$2 million of alleged damages. Pursuant to this Motion, the Debtors request that the Court enter an order disallowing the Claim in its entirety.

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<sup>2</sup> The Claim is denominated on the Kurtzman Carson Consultants LLC (“KCC”) claim registry as Claim No. 3496 and denominated on the Court’s Case Management/Electronic Case Files claim registry as Claim No. 1661. On September 10, 2018, the Court entered the *Order Approving (A) Appointing Kurtzman Carson Consultants LLC as Claims and Noticing Agent, and (B) Approving the Form and Manner of Notice of Case Commencement and 341(a) Meeting of Creditors* [Docket No. 153], which, among other things, authorized KCC to maintain the official claim register for these Cases. Accordingly, the Debtors reference the Claim as denominated on the KCC claim registry.

II.

**JURISDICTION AND VENUE**

This Court has jurisdiction over this Motion under 28 U.S.C. § 157(b)(2)(A), (B) and (O). Venue of these proceedings and this Motion is proper pursuant to 28 U.S.C. § 1409. The statutory predicate for this Motion is § 502(b) of the Bankruptcy Code<sup>3</sup> and Bankruptcy Rules 3001 and 3007.

III.

**BACKGROUND**

**A. General Background**

1. On August 31, 2018, (“Petition Date”), the Debtors each filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code (the “Cases”). By entry of an order, the Cases are currently being jointly administered before the Bankruptcy Court. [Docket No. 17]. Since the commencement of their Cases, the Debtors have been operating their businesses as debtors in possession pursuant to §§ 1107 and 1108.

2. Debtor VHS, a California nonprofit public benefit corporation, is the sole corporate member of five Debtor California nonprofit public benefit corporations that operated O’Connor Hospital and Saint Louise Regional Hospital, and currently operates St. Francis Medical Center, St. Vincent Medical Center and Seton Medical Center, including Seton Medical Center Coastsides Campus (collectively, the “Hospitals”).

3. On the Petition Date, VHS, the Hospitals, and their affiliated entities operated as a nonprofit health care system, with approximately 1,680 inpatient beds, six active emergency rooms, a trauma center, eleven medical office buildings, and a host of medical specialties, including tertiary and quaternary care. *See Declaration Of Richard G. Adcock In Support of Emergency First Day Motions*, at 4, 12 (the “First Day Declaration”) [Docket No. 8]. The scope of the services provided by the Verity Health System is exemplified by the fact that in 2017, the Hospitals provided medical services to over 50,000 inpatients and approximately 480,000 outpatients. *Id.*, at 4, 12.

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<sup>3</sup> Unless specified otherwise, all chapter and section references are to the Bankruptcy Code, 11 U.S.C. §§ 101-1532, and all “Bankruptcy Rule” references are to the Federal Rules of Bankruptcy Procedure, Rules 1001-9037. All “LBR” references are to the Local Bankruptcy Rules for the United States Bankruptcy Court for the Central District of California.

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1 4. A detailed description of the Debtors' businesses, capital structure, and the events  
2 leading to the commencement of these Cases is contained in the First Day Declaration.

3 5. On September 17, 2018, the U.S. Trustee appointed a statutory creditors' committee  
4 pursuant to § 1102. *See* Docket No. 197.

5 6. No trustee or examiner has been appointed in these Cases.

6 7. On December 27, 2018, the Court entered an order [Docket No. 1153] approving the  
7 sale of two of the Debtors hospitals to Santa Clara County—Saint Louise Regional Hospital and  
8 O'Connor Hospital (the "Santa Clara Sale"). The sale closed on February 28, 2019. The Court also  
9 has approved other sales related to Verity Medical Foundation. *See* Docket Nos. 1622, 1915, 1919,  
10 2693.

11 8. On May 2, 2019, the Bankruptcy Court entered the *Order (A) Authorizing The Sale*  
12 *Of Certain Of The Debtors' Assets To Strategic Global Management, Inc. Free And Clear Of Liens,*  
13 *Claims, Encumbrances, And Other Interests; (B) Approving The Assumption And Assignment Of An*  
14 *Unexpired Lease Related Thereto; And (C) Granting Related Relief* [Docket No. 2306], which  
15 authorized the sale of the Debtors' four remaining Hospitals to Strategic Global Management, Inc.  
16 (the "SGM Sale").

17 9. The closing of the SGM Sale is contingent on the review of the sale by the California  
18 Attorney General and satisfaction of certain other closing conditions. The Debtors anticipate the  
19 SGM Sale to close in the fourth quarter of 2019.

20 10. On February 11, 2019, the Court entered its order setting the deadline for filing  
21 proofs of claims in the Cases (the "Bar Date Order") [Docket No. 1528]. The Court established  
22 April 1, 2019 as the bar date, with certain limited exclusions as specified in the Bar Date Order.

23 11. On September 3, 2019, the Debtors filed the *Debtors' Chapter 11 Plan of Liquidation*  
24 (the "Plan") [Docket No. 2993] and the *Disclosure Statement Describing Debtors' Chapter 11 Plan*  
25 *of Liquidation* [Docket No. 2994]. The Plan sets forth a proposal for the resolution of Claims and  
26 the distribution of proceeds to Holders of Allowed Claims.<sup>4</sup>

27 \_\_\_\_\_  
28 <sup>4</sup> All capitalized terms not otherwise defined in this paragraph shall have the meaning set forth in the Plan.

**B. Claim No. 3496 Filed By Harry Mittelman**

12. On March 18, 2019, the Claimant filed his Claim in the amount of either \$500,000 or \$2 million (the Claim has inconsistent information on the amount of the claim being asserted). To be conservative, the Debtors' claims agent has listed the Claim's asserted amount as \$2 million. The Claimant did not check a box for which Debtor the Claim is asserted against. The basis stated for Claim is: "Unpaid debts to vendors and mismanagement of the Los Altos Surgery Center, directly contradicting + not performing on orders of the General Member of the Los Altos Surgery Center - Harry Mittelman, President, Los Altos Surgery Center Inc."

13. In box 9 of Claim form, Claimant lists "not sure" regarding whether part of the Claim is secured and does not specify any specific asserted collateral. Claimant lists the value of the (unspecified) collateral as \$2,000,000, the amount that is secured as "?" and the amount that is unsecured as "up to \$2,000,000" and the amount needed to cure any default as of the petition date as \$500,000. Claimant also lists a fixed annual interest rate of 5%.

14. In box 12 of the Claim form, Claimant asserts priority status under the priorities for (i) wages, salaries and commissions, (ii) taxes and penalties owed to governmental units and (iii) contributions to an employee benefit plan but does not list the amount he asserts is entitled to priority for any of these alleged priorities.

15. A copy of the Claim is attached to the Declaration of Richard G. Adcock in support of this Motion as **Exhibit "A."**

**IV.**

**LEGAL STANDARD**

Bankruptcy Rule 3001(a) provides that a proof of claim is a written statement setting forth a creditor's claim. Fed. R. Bankr. P. 3001(a). Bankruptcy Rule 3001(f) provides that a proof of claim executed and filed in accordance with "these rules" shall constitute prima facie evidence of the validity and amount of the claim. Fed. R. Bankr. P. 3001(f); *see also In re Southern Cal. Plastics, Inc.*, 165 F.3d 1243, 1247-48 (9th Cir. 1999); *In re Garner*, 246 B.R. 617, 620-21 (9th Cir. B.A.P. 2000).



1 However, Bankruptcy Rule 3001(f) “operates merely as an evidentiary presumption that is  
2 rebuttable.” *In re Garvida*, 347 B.R. 697, 706 (9th Cir. B.A.P. 2006). Once the debtor satisfies its  
3 burden of going forward by rebutting the presumption with counter-evidence, the burden of going  
4 forward shifts to the claimant. *In re Lundell*, 223 F.3d 1035, 1039 (9th Cir. 2000); *Garvida*, 347  
5 B.R. at 706-708. While the “burden of going forward is primarily a procedural matter pertaining to  
6 the order of presenting evidence,” the substantive burden of proof remains at all times upon the  
7 claimant. *Garvida*, 347 B.R. at 706; *Lundell*, 223 F.3d at 1039 (ultimate burden of persuasion  
8 remains at all times upon the claimant); *So. Cal. Plastics*, 165 F.3d at 1248.

9 A claimant must establish by a preponderance of the evidence that its claim should be  
10 allowed. *Lundell*, 223 F.3d at 1039. The objecting party is not required to disprove the claim. *In*  
11 *re Kahn*, 114 B.R. 40 (Bankr. S.D. N.Y. 1990). The Bankruptcy Court has the power to “sift” the  
12 circumstances surrounding any claim to see that injustice or unfairness is not done in the  
13 administration of the bankruptcy estate. *Pepper vs. Litton*, 308 U.S. 295, 304, 60 S.Ct. 238, 244  
14 (1939).

15 In *In re Circle J. Dairy, Inc.*, 112 B.R. 297 (W.D. Ark. 1989), the court held that:

16 A claim, to be legally sufficient and, therefore, to be prima facie valid, under the  
17 Bankruptcy Rules, must:

- 18 1) be in writing;
- 19 2) make a demand on the debtor’s estate;
- 20 3) express the intent to hold the debtor liable for the debt;
- 21 4) be properly filed; and
- 22 5) be based upon facts which would allow, as a matter of equity, to have the  
document accepted as a proof of claim.

23 *Id.* at 299-300 (citation omitted).

24 The court in *In re Circle J. Dairy, Inc.*, further explained that:

25 Under the fifth requirement, the allegations of the proof of claim must set forth all  
26 the necessary facts to establish a claim and must not be self-contradictory. The  
27 prima facie validity of the claim does not attach unless the claim is in compliance  
with the [Bankruptcy Rules], including [Bankruptcy Rule] 3001, and sets forth the  
facts necessary to support the claim. These requirements for legal sufficiency are  
consistent with the idea that the proof of claim itself is to be scrutinized with an eye  
to credibility.

28 *Id.* at 300 (citations omitted).

V.

**ARGUMENT**

The Court should disallow the Claim in its entirety for the following reasons:

a. Because the Claimant does not attach any supporting documents or addendum to the Claim, the Claimant falls woefully short of satisfying his procedural and evidentiary burden necessary to allow the Claim in the amount of \$500,000 or \$2 million.

b. Further, the Claim lacks factual merit and the Claimant cannot establish and has not established by a preponderance of the evidence that the Claim should be allowed. Also, the Claimant has provided no basis or calculation for his alleged damages of at least \$500,000.

c. The Claim is not entitled to priority status and Claimant has provided no information or documentation supporting priority status.

d. The Claim is not secured and Claimant has provided no information or documentation supporting secured status.

VI.

**RESERVATION OF RIGHTS**

The Debtors expressly reserve the right to amend, modify or supplement this Motion or file a new Motion to assert additional objections to the Claims or any other proofs of claim (filed or not) that may be asserted by the Claimant. Should the grounds for disallowance of the Claims as stated in this Motion be deemed insufficient, the Debtors reserve their right to object to the Claims on any other grounds.

VII.

**CONCLUSION**

For the reasons set forth above, the Debtors respectfully request that the Court enter an order (i) granting the Motion in its entirety; (ii) sustaining the Debtors' objection to the Claim and disallowing the Claim in its entirety; and (iii) granting such other and further relief the Court deems just and proper.

1 Dated: October 21, 2019

DENTONS US LLP  
SAMUEL R. MAIZEL  
TANIA M. MOYRON

4 By /s/ Tania M. Moyron  
Tania M. Moyron

6 Attorneys for the Chapter 11 Debtors and  
Debtors In Possession

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**DECLARATION OF RICHARD G. ADCOCK**

I, Richard G. Adcock, declare, that if called as a witness, I would and could competently testify thereto, of my own personal knowledge, as follows:

1. I am the Chief Executive Officer of Verity Health System of California, Inc. (“VHS”). I became the Debtors’ Chief Executive Officer effective January 2018. Prior thereto, I served as VHS’s Chief Operating Officer since August 2017.

2. Except as otherwise indicated herein, this Declaration is based upon my personal knowledge, my review of relevant documents, information provided to me by employees of the Debtors or the Debtors’ legal and financial advisors, or my opinion based upon my experience, knowledge, and information concerning the Debtors’ operations and the healthcare industry. If called upon to testify, I would testify competently to the facts set forth in this Declaration.

3. On March 18, 2019, Harry Mittleman (the “Claimant”) filed a pro se proof of claim, which claim is denominated on the Kurtzman Carson Consultants LLC claim registry as Claim No. 3496 (the “Claim”) in the amount of either \$500,000 or \$2 million (the Claim has inconsistent information on the amount of the claim being asserted). A true and correct copy of the Claim is attached hereto as **Exhibit “A”** and is incorporated herein by reference.

4. The Debtors deny the allegations in the Claim which lack factual merit.

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

Executed this 21st day of October, 2019, at Los Angeles, California.



RICHARD G. ADCOCK

**Exhibit “A”**

Copy of the Proof of Claim the Subject of the Motion

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LOS ANGELES, CALIFORNIA 90017-5704  
(213) 623-9300

## United States Bankruptcy Court for the Central District of California

Indicate Debtor against which you assert a claim by checking the appropriate box below. **(Check only one Debtor per claim form.)**

- |  |   |
|--|---|
| <input type="checkbox"/> Verity Health System of California, Inc. (Case No. 18-20151)  | <input type="checkbox"/> St. Francis Medical Center of Lynwood Foundation (Case No. 18-20178) |
| <input type="checkbox"/> De Paul Ventures – San Jose Dialysis, LLC (Case No. 18-20181) | <input type="checkbox"/> St. Louise Regional Hospital (Case No. 18-20162)                     |
| <input type="checkbox"/> De Paul Ventures, LLC (Case No. 18-20176)                     | <input type="checkbox"/> St. Vincent Dialysis Center, Inc. (Case No. 18-20171)                |
| <input type="checkbox"/> O'Connor Hospital (Case No. 18-20168)                         | <input type="checkbox"/> St. Vincent Foundation (Case No. 18-20180)                           |
| <input type="checkbox"/> O'Connor Hospital Foundation (Case No. 18-20179)              | <input type="checkbox"/> St. Vincent Medical Center (Case No. 18-20164)                       |
| <input type="checkbox"/> Saint Louise Regional Hospital Foundation (Case No. 18-20172) | <input type="checkbox"/> Verity Business Services (Case No. 18-20173)                         |
| <input type="checkbox"/> Seton Medical Center (Case No. 18-20167)                      | <input type="checkbox"/> Verity Holdings, LLC (Case No. 18-20163)                             |
| <input type="checkbox"/> Seton Medical Center Foundation (Case No. 18-20175)           | <input type="checkbox"/> Verity Medical Foundation (Case No. 18-20169)                        |
| <input type="checkbox"/> St. Francis Medical Center (Case No. 18-20165)                |   |

## Official Form 410

## Proof of Claim

04/16

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.


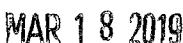
Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed.

### Part 1: Identify the Claim

NameID: 13471744

1. Who is the current creditor?		<u>MITTELMAN, HARRY</u> Name of the current creditor (the person or entity to be paid for this claim)	
		Other names the creditor used with the debtor _____	
2. Has this claim been acquired from someone else?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. From whom? _____	
3. Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent? <u>MITTELMAN, HARRY</u> <u>12100 KATE DRIVE</u> <u>LOS ALTOS, CA 94022</u>	Where should payments to the creditor be sent? (if different) Name _____ Number _____ Street _____ City _____ State _____ ZIP Code _____ Country _____ Contact phone _____ Contact email _____	
Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)  			
KURTZMAN CARSON CONSULTANTS Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____			
4. Does this claim amend one already filed?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Who made the earlier filing? _____	



**Part 2: Give Information About the Claim as of the Date the Case Was Filed**

6. Do you have any number you use to identify the debtor?

☒ No

☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: \_\_\_\_\_

7. How much is the claim? \$ 500,000

Does this amount include interest or other charges?

☒ No

☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim?

Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.

Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).

Limit disclosing information that is entitled to privacy, such as health care information.

Unpaid debts to vendors and mismanagement of the Los Altos Surgery Center, directly contradicting not performing on orders of the General Member of the Los Altos Surgery Center - Harry Mitchell, President of Los Altos Surgery Medical Center Inc.

9. Is all or part of the claim secured?

☒ Not sure

☐ Yes. The claim is secured by a lien on property.

Nature of property:

☐ Real estate: If the claim is secured by the debtor's principal residence, file a Mortgage Proof of Claim Attachment (Official Form 410-A) with this Proof of Claim.

☐ Motor vehicle

☐ Other. Describe: \_\_\_\_\_

Basis for perfection: \_\_\_\_\_

Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: \$ 2,000,000

Amount of the claim that is secured: \$ ?

Amount of the claim that is unsecured: \$ up to \$2,000,000 (The sum of the secured and unsecured amount should match the amount in line 7.)

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Amount necessary to cure any default as of the date of the petition: \$ 500,000

Annual Interest Rate (when case was filed) 5 %

☒ Fixed

☐ Variable

10. Is this claim based on a lease?

☒ No

☐ Yes. Amount necessary to cure any default as of the date of the petition. \$ \_\_\_\_\_

11. Is this claim subject to a right of setoff?

☒ No

☐ Yes. Identify the property: \_\_\_\_\_



12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

☐ No

☒ Yes. Check all that apply:

Amount entitled to priority

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

☐ Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).

\$ \_\_\_\_\_

☐ Up to \$2,850\* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7).

\$ \_\_\_\_\_

☒ Wages, salaries, or commissions (up to \$12,850\*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4).

\$ \_\_\_\_\_

☒ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).

\$ \_\_\_\_\_

☒ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).

\$ \_\_\_\_\_

☐ Other. Specify subsection of 11 U.S.C. § 507(a)( ) that applies.

\$ \_\_\_\_\_

\* Amounts are subject to adjustment on 4/01/19 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

☒ I am the creditor.

☐ I am the creditor's attorney or authorized agent.

☐ I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.

☐ I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have reasonable belief that the information is true and correct.

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

Executed on date

3/7/2019  
MM/DD/YYYY

*Harry Mittelman M.D.*  
Signature  
President - Los Altos Surgery Medical Center Inc LLC

Print the name of the person who is completing and signing this claim:

Name

HARRY

MITTELMAN

First name

Middle name

Last name

Title

PRESIDENT

Company

LOS ALTOS SURGERY MEDICAL CENTER, INC. LLC

Identify the corporate servicer as the company if the authorized agent is a servicer.

General Member - Los Altos Surgery Center

Address

810 Alta Oaks Drive

Number

Street

Los Altos

Ca

94024

City

State

ZIP Code

Country

Contact phone

650-941-8888

Email

h.mittelman@yohoo.com

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