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SUSAN M. SPRAUL, CLERK  
U.S. BKCY. APP. PANEL  
OF THE NINTH CIRCUIT

**UNITED STATES BANKRUPTCY APPELLATE PANEL  
OF THE NINTH CIRCUIT**

In re:

VERITY HEALTH SYSTEM OF  
CALIFORNIA, INC.,

Debtor.

VERITY HEALTH SYSTEM OF  
CALIFORNIA, INC.,

Appellant,

v.

PRIME HEALTHCARE SERVICES,  
INC.,

Appellee.

BAP No. CC-21-1245

Bk. No. 2:18-bk-20151-ER

**CLERK'S ORDER RE  
FINALITY  
(Action Required)**

On November 3, 2021, Verity Health System of California, Inc., filed a notice of appeal from an October 21, 2021, order entitled, "Interlocutory Order Granting In Part Prime Healthcare Services, Inc.'s Motion to Enforce Asset Purchase Agreement." Bankruptcy Court Docket at 6691 (Order on Appeal) and 6700 (Notice of Appeal). The order provides that Prime Healthcare Services, Inc. ("Prime") is permitted to retain \$23,157,581; the parties are required to complete one day of mediation no later than November 19, 2021; the parties must file statements by December 3, 2021, if mediation is unsuccessful; and sets a continued hearing for December 8, 2021.



“Orders in bankruptcy cases qualify as ‘final’ when they definitively dispose of discrete disputes within the overarching bankruptcy case.” *Ritzen Group, Inc. v. Jackson Masonry, LLC*, 140 S.Ct. 582, 586 (2020)(citing *Bullard v. Blue Hills Bank*, 525 U.S.C. 496, 501 (2015)). Since the order on appeal indicates that the parties must mediate a dispute regarding Prime’s alleged failure to collect \$5,105,731 in accounts receivable and sets a further hearing on the matter, the order on appeal does not appear to be a final order.

No later than **Wednesday, December 1, 2021**:

- a. Appellant must file with the BAP a written, legally-sufficient response explaining how the order on appeal is final and immediately reviewable under 28 U.S.C. § 158(a)(1); or
- b. Appellant must file with the BAP a motion for leave to appeal explaining why the BAP should hear the above-referenced appeal before the full and final disposition of the entire contested matter. *See Lompa v. Price (In re Price)*, 79 B.R. 888, 889 (9th Cir. BAP 1987), *aff’d*, 871 F.2d 97 (9th Cir. 1989).

Appellant’s obligation to file an opening brief and excerpts of the record is ORDERED EXTENDED until fourteen (14) days after entry of a Panel order resolving the jurisdictional issue.

Failure to comply with the requirements of this order may result in dismissal of this appeal without further notice to the parties.

**FOR THE PANEL,**

*Susan M. Spraul*

Susan M. Spraul, Clerk of Court