

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
JUSTIN R. BERNBROCK (*pro hac vice* admission pending)
2 CATHERINE JUN (*pro hac vice* admission pending)
ROBERT B. McLELLARN (*pro hac vice* admission pending)
3 321 North Clark Street, 32nd Floor
Chicago, Illinois 60654
4 Telephone: 312.499.6300
Facsimile: 312.499.6301
5 Email: jbernbrock@sheppardmullin.com
cjun@sheppardmullin.com
6 rmclellarn@sheppardmullin.com

7 JENNIFER L. NASSIRI, SBN 209796
ALEXANDRIA G. LATTNER, SBN 314855
8 1901 Avenue of the Stars, Suite 1600
Los Angeles, CA 90067-6055
9 Telephone: 310.228.3700
Facsimile: 310.228.3701
10 Email: jnassiri@sheppardmullin.com
alattner@sheppardmullin.com

11 Proposed Counsel to Debtors and Debtors in Possession

12
13 **UNITED STATES BANKRUPTCY COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION**

15 In re:
16 BEVERLY COMMUNITY HOSPITAL
ASSOCIATION, dba BEVERLY HOSPITAL
17 (A NONPROFIT PUBLIC BENEFIT
CORPORATION), *et al.*¹

18 Debtors,

Case No.: 2:23-bk-12359-SK

Joint administration requested with:

Case No: 2:23-bk-12360-SK

Case No: 2:23-bk-12361-SK

Hon. Sandra R. Klein

Chapter 11 Case

- 19
- 20 Affects all Debtors
- 21 Affects Beverly Community
Hospital Association
- 22 Montebello Community Health
23 Services, Inc.
- 24 Beverly Hospital Foundation

**SUPPLEMENTAL DECLARATION OF
EVAN GERSHBEIN IN SUPPORT OF
DEBTORS' EMERGENCY APPLICATION
FOR AN ORDER (A) APPOINTING
KURTZMAN CARSON CONSULTANTS
LLC AS CLAIMS AND NOTICING AGENT,
AND (B) APPROVING THE FORM AND
MANNER OF NOTICE OF CASE
COMMENCEMENTS**

25
26
27 ¹ The Debtors in these chapter 11 cases, along with the last four digits of each debtor's federal tax identification
28 number, are: Beverly Community Hospital Association d/b/a Beverly Hospital (6005), Montebello Community
Health Services, Inc. (3550), and Beverly Hospital Foundation (9685). The mailing address for the Debtors is 309
W. Beverly Blvd., Montebello, California 90640.



231235923042300000000010

1
2
3 I, Evan Gershbein, being duly sworn, state the following under penalty of perjury and that
4 the following is true to the best of my knowledge, information and belief:

5 1. I am an Executive Vice President of Corporate Restructuring Services of
6 Kurtzman Carson Consultants LLC ("KCC"), a chapter 11 administrative services firm with
7 offices at 222 N Pacific Coast Highway, 3rd Floor, El Segundo, CA 90245. Except as otherwise
8 noted, I have personal knowledge of the matters set forth herein, and if called and sworn as a
9 witness, I could and would testify competently thereto.

10 2. I submit this declaration (this "Supplemental Declaration") by way of supplement
11 to the *Declaration of Evan Gershbein in Support Of Debtors' Emergency Application for an*
12 *Order (A) Appointing Kurtzman Carson Consultants LLC as Claims And Noticing Agent, and (B)*
13 *Approving The Form and Manner of Notice f Case Commencement* [D.I. 12, at 24-30] (the
14 "Initial Declaration") filed in support of *Debtors' Emergency Application for an Order (A)*
15 *Appointing Kurtzman Carson Consultants LLC as Claims and Noticing Agent, and (B) Approving*
16 *the Form and Manner of Notice of Case Commencement* [D.I. 12] (the "Application").²

17 3. As noted in the Initial Declaration, to perform the services of the Claims and
18 Noticing Agent, KCC will charge the Debtors certain rates in accordance with the Services
19 Agreement. The rates charged by KCC for its services are attached hereto as Exhibit A. Such
20 rates may be discounted upon agreement between the Debtors and KCC.

21 Pursuant to 28 U.S.C. § 1746, I declare under penalty that the foregoing is true and
22 correct to the best of my knowledge, information and belief.

23 Executed this 21st day of April, 2023.



24 Name: Evan Gershbein
25 Title: Executive Vice President, Corporate
26 Restructuring Services
27 Kurtzman Carson Consultants LLC

28 ² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in
the Application.

Exhibit A

Fee Structure



Consulting Services & Rates ¹	
Position	Hourly Rate
Analyst	\$25.50 - \$42.50
<p>The Analyst processes incoming mail, including proofs of claim, ballots, creditor correspondence and returned mail. Also assists with the generation of mailing services.</p>	
Technology/Programming Consultant ²	\$29.75 - \$80.75
<p>The Technology/Programming Consultant assists with complex system requests, including unique claim/ballot reporting and custom website updates.</p>	
Consultant/Senior Consultant/Director	\$55.25 - \$165.75
<p>The Consultant is the day-to-day contact for mailings, including the preparation and filing of affidavits of service (a critical due process component). He/she also responds to creditor and counsel inquiries, maintains the public access website, identifies actionable pleadings (i.e., claims objections, notices of transfer, withdrawals, etc.) and updates the official claims register. KCC's Consultants average over six years of experience.</p> <p>The Senior Consultant manages the various data collection processes required by the chapter 11 process. This includes, among other things, compiling the creditor matrix and Schedules/SOFAs (and generating drafts of same for counsel and advisors), reviewing and processing claims, overseeing contract review, overseeing all mailings and generating custom claim and ballot reports. KCC's Senior Consultants average over seven years of experience.</p> <p>The Director is the primary contact for the company, counsel and other professionals and oversees and supports the entirety of an engagement. KCC's Directors average over twelve years of experience and are generally former practitioners.</p>	
Securities/Solicitation Consultant	\$174.25
<p>The Securities Director/Solicitation Consultant is the day-to-day contact and acts as advisor on transactions including balloting with treatment election, rights offers, exchange offers and complex plan distributions. This position handles service of related materials to banks, brokers and agents and manages tabulation and audit processes, preparing detailed reporting of results. In addition, the Solicitation Consultant provides support on all voting, tabulation, Schedule and SOFA services and other additional complex consulting tasks.</p>	
Securities Director/Solicitation Lead	\$182.75
<p>The Solicitation Lead/Securities Director oversees all activities of the group and provides counsel with respect to solicitation and noticing events ensuring that processes employed are effective and practical for securities depositories, bank, brokers, nominees and their agents. In addition, the Solicitation Lead provides counsel on all voting, tabulation, Schedule and SOFA services and other additional complex consulting tasks.</p>	
Weekend, holidays and overtime	Waived

¹ Please note that additional professional services not covered by this proposal will be charged at hourly rates, including any outsourced services performed under our supervision and control. Certain fees and charges may need to be adjusted due to availability related to the COVID-19 (novel coronavirus) global health issue.

² Certain technology development fees may be applicable.



Fee Structure

Printing Services & Noticing Services	
Printing	\$0.09 per image (volume discounts apply)
Document folding and inserting	Waived
Envelopes	Varies by size
E-mail noticing	Waived ³
Fax noticing	\$0.05 per page
Public Securities Events	Varies by Event
Claim Acknowledgement Card	Waived
Insert creditor information into customized documents	Waived
Newspaper and legal notice publishing	Quote prior to publishing
Claims Administration & Management Expenses	
License fee and data storage	\$0.10 per record per month
Database and system access (unlimited users)	Waived
Custom client reports	Waived
Access to KCC CaseView (secure, password protected)	Waived
<ul style="list-style-type: none"> • Proprietary, secured, password protected portal for unlimited users • Comprehensive case data, including extensive real time analytics on claim, solicitation and processing information • Functionality to run or request customized reports summarizing case analytics 	
KCC eServices	
Case website set up & hosting	Waived
Automated updates of case docket and claims register	Waived
Online claims filing (ePOC)	Waived
Document Management/Imaging	
Electronic imaging (scanning & bar coding)	\$0.10 per imaged page
Virtual Data Room	Quote prior to VDR set-up
CD-ROMS (mass document storage)	Varies upon requirements

³ A set-up fee for email services larger than 50 parties may apply. This set-up fee varies depending on the total number of parties.



Fee Structure

Call Center Support Services	
Case-specific voice-mail box for creditors	Waived
Interactive Voice Response ("IVR")	Set-up and per minute fee waived
Monthly maintenance charge	Waived
Management of Call Center	Standard hourly rates
Fund and Distribution Services ⁴	
Escrow Fee Per Bidder	\$1,000
Fiduciary Administration Services ⁵	
Monthly Bank Fees	Waived
Wire/Transfer Fees	Waived
Unlimited Transactions	No Fees
No Minimum Balance	
No Withdrawal Penalty	
Check Disbursement	
Check Fee (Printing & Postage Only)	\$1.75/check
1099 Disbursement	
1099 Fee (Printing & Postage Only)	\$2.75/1099
1099 Tax Reporting	Pricing upon request
W-9 Mailing	
W-9 Fee (Printing & Postage Only)	\$2.75/W-9

⁴ Fees and charges are subject to increase based on market conditions, including the addition of bank fees. KCC will provide prior written notice of the effective date of any such increase or addition.

⁵ Fees and charges are subject to increase based on market conditions, including the addition of bank fees. KCC will provide prior written notice of the effective date of any such increase or addition.