

4. **Deadline for Opposition Papers:** This Motion is being heard on regular notice pursuant to LBR 9013-1. If you wish to oppose this Motion, you must file a written response with the court and serve a copy of it upon the Movant or Movant's attorney at the address set forth above no less than fourteen (14) days prior to the above hearing date. If you fail to file a written response to this Motion within such time period, the court may treat such failure as a waiver of your right to oppose the Motion and may grant the requested relief.
5. **Hearing Date Obtained Pursuant to Judge's Self-Calendaring Procedure:** The undersigned hereby verifies that the above hearing date and time were available for this type of Motion according to the judge's self-calendaring procedures.

Date: 04/10/2024

Leslie Cohen Law, PC
Printed name of law firm

/s/ Leslie A. Cohen
Signature

Leslie A. Cohen
Printed name of attorney

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10 Attorneys for Kurtzman Carson Consultants LLC

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

14 In re:

15 Beverly Community Hospital
16 Association, dba Beverly Hospital (a
17 Nonprofit Public Benefit Corporation), et
18 al.,¹

18 Debtors,

- 19 Affects all Debtors
20 Affects Beverly Community
21 Hospital Association
22 Montebello Community Health
23 Services, Inc.
24 Beverly Hospital Foundation
25

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

Jointly administered with:
Case No. 2:23-bk-12360-SK
Case No. 2:23-bk-12361-SK

Chapter 11

**KURTZMAN CARSON CONSULTANTS
LLC'S MOTION FOR AN ORDER
(A) GRANTING RELIEF FROM THE KCC
RETENTION ORDER AND
(B) COMPELLING PAYMENT OF
POSTPETITION FEES & EXPENSES**

Date: May 8, 2024
Time: 9:00 a.m.
Judge: Hon. Sandra R. Klein
Place: Zoom.Gov – or – Courtroom 1575
255 E. Temple Street,
Los Angeles, CA 90012

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.

1 Kurtzman Carson Consultants LLC, as Claims and Noticing Agent for the Court and the Clerk
2 of the Bankruptcy Court (“KCC”) pursuant to that certain *Order (I) Appointing Kurtzman Carson*
3 *Consultants LLC as Claims and Noticing Agent, and (I) Approving the Form and Manner of Notice of*
4 *Case Commencement Intercompany Transactions; and (II) Granting Related Relief* [Docket No. 126]
5 (the “KCC Retention Order”),² hereby submits this motion seeking an order (i) granting KCC relief
6 from the KCC Retention Order, authorizing KCC to cease providing services to the above-captioned
7 debtors and debtors in possession (together, the “Debtors”) in the above-captioned chapter 11 cases
8 (the “Chapter 11 Cases”) and (ii) compelling payment of KCC’s accrued and unpaid postpetition fees
9 and expenses (the “Motion”). In support of this Motion, KCC relies upon and incorporates by
10 reference the *Declaration of Evan Gershbein in Support of Kurtzman Carson Consultants LLC’s*
11 *Motion for Entry of an Order (A) Granting Relief from the KCC Retention Order and (B) Compelling*
12 *Payment of Postpetition Fees & Expenses* (the “Gershbein Declaration”), attached hereto as
13 **Exhibit B**. In further support of this Motion, KCC respectfully states as follows:

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16 **I. BACKGROUND**

17 1. On April 19, 2023 (the “Petition Date”), each of the Debtors filed a voluntary petition
18 for relief under chapter 11 of the Bankruptcy Code. On April 20, 2023, the Debtors filed the *Debtors’*
19 *Emergency Application for an Order (A) Appointing Kurtzman Carson Consultants LLC as Claims*
20 *and Noticing Agent, and (B) Approving the Form and Manner of Notice of Case Commencement*
21 [Docket No. 12] (the “KCC Retention Application”), among other things, “request[ing] an order
22 authorizing and approving . . . the appointment of [KCC] as Claims and Noticing Agent for the Court
23 and the Clerk of the Bankruptcy Court . . . pursuant to section 156(c) of title 28 of the [Judicial
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28 ² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the KCC Retention Application (as defined below) or the KCC Retention Order, as applicable.

1 Code], section 341 of title 11 of the United States Code, Rule 2002 of the [Bankruptcy Rules] and
2 Rule 5075-1 of the [Local Bankruptcy Rules].” *See* Retention Application at 1.

3 2. On April 25, 2023, the Court entered the KCC Retention Order authorizing the Debtors,
4 among other things, to “retain KCC as the claims and noticing agent in these chapter 11 cases effective
5 as of the Petition Date pursuant to section 156(c) of the Judicial Code and Local Bankruptcy Rule
6 5075-1.” *See* Retention Order at 2.

8 3. The Retention Order sets forth, among other things, the various services that KCC shall
9 provide “at the request of the Debtors and/or the Clerk’s Office . . . subject to the terms of the KCC
10 Agreement.” *See* Retention Order at 3–5. The Retention Order also provides that:

11 “the Debtors are authorized to compensate KCC in accordance with the
12 terms of the KCC Agreement upon the receipt of reasonably detailed
13 invoices setting forth the services provided by KCC and the rates
14 charged for each, and to reimburse KCC for all reasonable and
15 necessary expenses it may incur, upon the presentation of appropriate
16 documentation, without the need for KCC to file fee applications or
17 otherwise seek Court approval for the compensation of its services and
18 reimbursement of its expenses.”

19 *See* Retention Order at 6. The Retention Order provides that “KCC’s fees and expenses under this
20 Order shall be an administrative expense of the Debtors’ estates.” *See id.*

21 4. The Retention Order provides that in the event of a dispute relating to KCC’s monthly
22 invoices, “the parties shall meet and confer in an attempt to resolve such dispute, and the parties may
23 seek resolution of the matter from this Court if resolution is not achieved.” *See id.* Further, the
24 Retention Order provides that “KCC shall not cease providing claims processing services during any
25 of these chapter 11 cases for any reason, including nonpayment, without an order of this Court.” *See*
26 Retention Order at 9.

1 5. On September 15, 2023, the Court entered the *Order Approving the Appointment of a*
2 *Chapter 11 Trustee* [Docket No. 815] appointing Howard M. Ehrenberg as Chapter 11 Trustee
3 (the “Chapter 11 Trustee”).

4 6. To date, KCC has diligently provided the services set forth in the KCC Agreement and
5 the KCC Retention Order as requested by the Debtors and the Clerk’s Office. Throughout these
6 Chapter 11 Cases, KCC has timely provided detailed invoices to the Debtors and has not received
7 notice of any dispute related to those invoices.³ KCC provided such invoices to counsel to the Chapter
8 11 Trustee prior to filing this Motion and is providing invoices to the Official Committee of Unsecured
9 Creditors and the U.S. Trustee contemporaneous with the filing of this Motion. To date, KCC has not
10 been compensated for its services or reimbursed for its expenses. Prior to the Petition Date, KCC
11 received a \$25,000 retainer from the Debtors that it applied in its entirety to its prepetition invoices
12 and a portion of its April 2023 invoice. The retainer was never replenished by the Debtors thereafter.

13 7. KCC has met and conferred with the Chapter 11 Trustee and his counsel in good faith
14 in an effort to obtain payment for its postpetition fees and expenses. In addition, KCC has met and
15 conferred with the Chapter 11 Trustee and his counsel in good faith in an effort ascertain the scope of
16 services, if any, that the Chapter 11 Trustee requests that KCC provide on a go-forward basis and a
17 method for ensuring payment for same. To date, KCC and the Chapter 11 Trustee have been unable
18 to reach a resolution on these issues, although discussion remain ongoing.

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22 **II. RELIEF REQUESTED**

23 8. KCC seeks the Court’s relief from the KCC Retention Order so that KCC may cease
24 providing services in these Chapter 11 Cases and for an Order compelling payment of KCC’s

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27 ³ Copies of such invoices are available and can be provided to the Court under seal and to any other party in interest
28 ordered by the Court or as otherwise agreed to by KCC.

1 postpetition fees and expenses incurred to date as Claims and Noticing Agent for the Court and the
2 Clerk of the Bankruptcy Court.

3 9. KCC was retained in these Chapter 11 cases pursuant to section 156(c) of the Judicial
4 Code and Local Bankruptcy Rule 5075-1 as Claims and Noticing Agent for the Court and the Clerk
5 of the Bankruptcy Court. *See* Retention Order at 2–3. Section 156(c) of the Judicial Code allows the
6 Court to “utilize . . . services . . . which pertain to the provision of notices, dockets, calendars, and
7 other administrative information to parties . . . where the costs of such . . . services are paid for out of
8 the assets of the estate.” Local Bankruptcy Rule 5075-1 sets forth the procedure for filing motions for
9 administrative orders pursuant to section 156(c) and states that:
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11 “motions by which a party in interest seeks an order from the bankruptcy
12 court approving employment of persons or entities to perform certain
13 duties of the clerk’s office, the debtor, or the debtor in possession such
14 as (1) processing proofs of claim and maintaining the claims register;
15 (2) serving notices; (3) scanning documents; or (4) providing
16 photocopies of documents filed in the case.”

17 10. KCC has been retained in these Chapter 11 Cases for over ten months and has diligently
18 carried out the numerous responsibilities outlined in the KCC Retention Motion and KCC Retention
19 Order. KCC has, among many other things, maintained the website of the Chapter 11 Cases, prepared
20 and served numerous notices, including notices relating to the sale of the Debtors’ assets,⁴ maintained
21 an official copy of the Debtors’ Schedules and a list of the Debtors’ known creditors, maintained the
22 noticing mailing list, processed numerous proofs of claim, and maintained a claims register. However,
23 KCC has yet to receive payment for its services during these Chapter 11 Cases. Moreover, to date,

24 ⁴ *See, e.g., Certificate of Service re: Notice of Chapter 11 Bankruptcy Case* [Docket No. 133]; *Certificate of Service*
25 *re: Order Directing United States Trustee to Appoint Patient Care Ombudsman* [Docket No. 161]; *Certificate of*
26 *Service re: Order re Bidding Procedures* [Docket No. 373]; *Certificate of Service re: Amended Scheduling Order*
27 *re Continued Sale Motion Briefing Deadlines* [Docket No. 661]; *Certificate of Service re: Order Requiring*
28 *Debtors’ to File a Statement Regarding Overbids Received on August 8, 2023* [Docket No. 684]; *Certificate of*
Service re: Order (A) Authorizing the Sale of Debtors’ Assets to Purchaser Free and Clear of Liens, Claims,
Interests; (B) Approving the Assumption and Assignment of Executory Contracts and Unexpired Leases Related
Thereeto; and (C) Granting Related Relief [Docket No. 726]; *Certificate of Service re: Order Approving the*
Appointment of a Chapter 11 Trustee [Docket No. 821].

1 KCC has been unable to reach agreement with the Chapter 11 Trustee on the scope of its engagement
2 going forward and assurances that it will be paid for any services it is performing and expenses that it
3 is incurring. KCC should not be forced to work without assurance of timely payment. Accordingly,
4 it is appropriate for this Court to grant KCC relief from the KCC Retention Order in order to permit
5 KCC to cease providing services to the Debtors pending agreement with the Chapter 11 Trustee.
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7 11. Furthermore, the Debtors should pay KCC for the postpetition fees and expenses it has
8 incurred to date in the aggregate amount of \$971,673.40. KCC's role in these Chapter 11 Cases is
9 akin to an extension of the Clerk's Office wherein KCC provides administrative claims and noticing
10 services that are essential to the progress of these Chapter 11 Cases. Unlike other professionals
11 retained in these Chapter 11 Cases, KCC is retained pursuant section 156(c) of the Judicial Code and
12 Local Bankruptcy Rule 5075-1 and does not advocate for any particular party. Throughout these
13 Chapter 11 Cases, KCC has carried out its responsibilities in reliance on the KCC Retention Order and
14 pursuant to section 156(c) of the Judicial Code. In doing so, KCC has incurred material fees and out
15 of pocket expenses as set forth in its invoices. A detailed breakdown of those fees and expenses, kept
16 by KCC under supervision and in the ordinary course, is attached hereto as **Exhibit A** and an overview
17 is as follows:
18

| Date | INVOICE # | HOURS | EXPENSES | TAXES | TOTAL |
|----------------|---------------|--------------|-------------|----------|---------------------|
| April 2023 | US_KCC2492695 | \$90,887.34 | \$24,061.53 | \$104.58 | \$115,053.45 |
| May 2023 | US_KCC2513027 | \$207,394.02 | \$60,666.61 | \$743.28 | \$268,803.91 |
| June 2023 | US_KCC2531986 | \$141,115.79 | \$48,111.86 | \$864.16 | \$190,091.81 |
| July 2023 | US_KCC2552725 | \$83,473.25 | \$25,067.41 | \$220.59 | \$108,761.25 |
| August 2023 | US_KCC2571720 | \$101,028.88 | \$48,560.14 | \$671.95 | \$150,260.97 |
| September 2023 | US_KCC2591372 | \$90,396.19 | \$47,381.29 | \$924.53 | \$138,702.01 |
| Total | | | | | \$971,673.40 |

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25 12. As noted above, KCC remains willing to continue to engage with the Chapter 11
26 Trustee to develop a workable go-forward plan that could involve KCC's reengagement in these
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1 Chapter 11 Cases in a role that is appropriate and supported by KCC, the Chapter 11 Trustee and the
2 Clerk of the Court.

3 13. Should this Court grant the relief requested herein and KCC is unable to reach
4 agreement with the Chapter 11 Trustee to provide future services, KCC is committed to working with
5 the Chapter 11 Trustee to support a smooth transition of all original proofs of claim and computer
6 information to any successor claims and noticing agent with the advice and consent of the Clerk,
7 *provided* that any fees and expenses incurred by KCC related to such transition shall be paid out of
8 the Debtors' estates immediately after such transition is complete.
9

10 **III. CONCLUSION**

11 14. For the foregoing reasons, KCC respectfully requests that the Court enter an order
12 substantially in the form attached hereto as **Exhibit C**:

- 13
- 14 i. Granting KCC relief from the Retention Order and authorizing KCC to cease
15 providing services; and
 - 16 ii. Compelling payment of KCC's accrued and unpaid fees and expenses in the amount
17 of \$971,673.40.
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19 *[Remainder of page intentionally left blank]*
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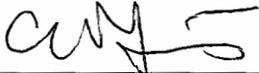
Dated: April 10, 2024

LESLIE COHEN LAW, PC

By: /s/ Leslie A. Cohen
Leslie A. Cohen

Dated: April 10, 2024

WINSTON & STRAWN LLP

By: 
Carey D. Schreiber

Counsel for Kurtzman Carson Consultants LLC

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Exhibit A
KCC's Fees and Expenses

| 1 | Date | Invoice# | Hours | Expense Type | Expense Amount | Tax Type | Tax Amount | Totals |
|----|-----------|---------------|--------------|------------------|----------------|---------------|------------|--------------|
| 2 | | | | Mailing Expenses | \$25,458.26 | | | |
| 3 | | | \$141,115.79 | | \$48,111.86 | | \$864.16 | \$190,091.81 |
| 4 | | | | | | | | |
| 5 | July 2023 | US_KCC2552725 | 471.40 | Imaging | \$262.32 | Sales and Use | \$220.59 | |
| 6 | | | | License Fee | \$413.52 | | | |
| 7 | | | | Photocopies | \$15.50 | | | |
| 8 | | | | Courier Fees | \$40.00 | | | |
| 9 | | | | Storage | \$16.00 | | | |
| 10 | | | | Phone Fees | \$322.60 | | | |
| 11 | | | | FCM | \$4,683.01 | | | |
| 12 | | | | DTC | \$2,640.00 | | | |
| 13 | | | | Tech Fee | \$1,000.00 | | | |
| 14 | | | | Mailing Expenses | \$9,916.60 | | | |
| 15 | | | \$83,473.25 | | \$25,067.41 | | \$220.59 | \$108,761.25 |
| 16 | | | | | | | | |
| 17 | Aug. 2023 | US_KCC2571720 | 563.90 | Imaging | \$353.05 | Sales and Use | \$671.95 | |
| 18 | | | | License Fee | \$403.42 | | | |
| 19 | | | | Photocopies | \$11.54 | | | |
| 20 | | | | Storage Rental | \$408.66 | | | |
| 21 | | | | Mediant | \$57.75 | | | |
| 22 | | | | Phone Fees | \$302.53 | | | |
| 23 | | | | FCM | \$8,685.67 | | | |
| 24 | | | | FedEx | \$4,229.47 | | | |
| 25 | | | | DTC | \$240.00 | | | |
| 26 | | | | Tech Fee | \$1,000.00 | | | |
| 27 | | | | Mailing Expenses | \$22,612.51 | | | |
| 28 | | | | Pacer | \$1,696.67 | | | |
| 29 | | | | Client Discount | -\$50.37 | | | |
| 30 | | | \$101,028.88 | | \$48,560.14 | | \$671.95 | \$150,260.97 |
| 31 | | | | | | | | |
| 32 | Sep. 2023 | US_KCC2591372 | 520.10 | Imaging | \$294.52 | Sales and Use | \$924.53 | |
| 33 | | | | License Fee | \$536.82 | | | |
| 34 | | | | Photocopies | \$19.55 | | | |
| 35 | | | | Courier Fees | \$116.00 | | | |
| 36 | | | | Storage Rental | \$52.00 | | | |
| 37 | | | | Invoice Fees | \$10,240.66 | | | |
| 38 | | | | FCM | \$8,785.31 | | | |

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Exhibit B
Gershbein Declaration

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10 Attorneys for Kurtzman Carson Consultants LLC

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

14 In re:

15 Beverly Community Hospital
16 Association, dba Beverly Hospital (a
Nonprofit Public Benefit Corporation), et
al.,¹

17 Debtors,

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

Jointly administered with:
Case No. 2:23-bk-12360-SK
Case No. 2:23-bk-12361-SK

Chapter 11

**DECLARATION OF EVAN GERSHBEIN IN
SUPPORT OF KURTZMAN CARSON
CONSULTANTS LLC’S MOTION FOR AN
ORDER (A) GRANTING RELIEF FROM
THE KCC RETENTION ORDER AND
(B) COMPELLING PAYMENT OF
POSTPETITION FEES & EXPENSES**

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

Date: May 8, 2024
Time: 9:00 a.m.
Judge: Hon. Sandra R. Klein
Place: Zoom.Gov – or – Courtroom 1575
255 E. Temple Street,
Los Angeles, CA 90012

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.

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

3 1. I am an Executive Vice President of Corporate Restructuring Services of Kurtzman
4 Carson Consultants LLC (“KCC”). I submit this declaration in support of the motion by KCC
5 seeking an order (i) granting KCC relief from the KCC Retention Order, authorizing KCC to cease
6 providing services to the Debtors in these Chapter 11 Cases and (ii) compelling payment of KCC’s
7 accrued and unpaid postpetition fees and expenses (the “Motion”).²

9 2. On April 25, 2023, the Court entered the KCC Retention Order authorizing the Debtors,
10 among other things, to retain KCC as the claims and noticing agent in these Chapter 11 Cases effective
11 as of the Petition Date. On September 15, 2023, the Court appointed Howard M. Ehrenberg as Chapter
12 11 Trustee.

13 3. To date, KCC has diligently provided the services set forth in the KCC Agreement and
14 the KCC Retention Order as requested by the Debtors and the Clerk’s Office. Throughout these
15 Chapter 11 Cases, KCC has timely provided detailed invoices to the Debtors and has not received
16 notice of any dispute related to those invoices.³ KCC provided such invoices to counsel to the Chapter
17 11 Trustee prior to filing this Motion and is providing invoices to the Official Committee of Unsecured
18 Creditors and the U.S. Trustee contemporaneous with the filing of this Motion. To date, KCC has not
19 been compensated for its services or reimbursed for its expenses. Prior to the Petition Date, KCC
20 received a \$25,000 retainer from the Debtors that it applied in its entirety to its prepetition invoices
21 and a portion of its April 2023 invoice. The retainer was never replenished by the Debtors thereafter.
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24
25

26 ² Capitalized terms used but not otherwise defined herein have the meanings ascribed to them in the Motion.

27 ³ Copies of such invoices are available and can be provided to the Court under seal and to any other party in interest
28 ordered by the Court or as otherwise agreed to by KCC.

1 4. KCC has met and conferred with the Chapter 11 Trustee and his counsel in good faith
2 in an effort to obtain payment for its postpetition fees and expenses. In addition, KCC has met and
3 conferred with the Chapter 11 Trustee and his counsel in good faith in an effort ascertain the scope of
4 services, if any, that the Chapter 11 Trustee requests that KCC provide on a go-forward basis and a
5 method for ensuring payment for same. To date, KCC and the Chapter 11 Trustee have been unable
6 to reach a resolution on these issues, although discussions remain ongoing.
7

8 5. KCC has been retained in these Chapter 11 Cases for over ten months and has diligently
9 carried out the numerous responsibilities outlined in the KCC Retention Motion and KCC Retention
10 Order. KCC has, among many other things, maintained the website of the Chapter 11 Cases, prepared
11 and served numerous notices, including notices relating to the sale of the Debtors' assets,⁴ maintained
12 an official copy of the Debtors' Schedules and a list of the Debtors' known creditors, maintained the
13 noticing mailing list, processed numerous proofs of claim, and maintained a claims register. However,
14 KCC has yet to receive payment for its services during these Chapter 11 Cases. To date, KCC has
15 been unable to reach agreement with the Chapter 11 Trustee on the scope of its engagement going
16 forward and assurances that it will be paid for any services it is performing and expenses that it is
17 incurring.
18

19 6. KCC's role in these Chapter 11 Cases is akin to an extension of the Clerk's Office
20 wherein KCC provides administrative claims and noticing services that are essential to the progress of
21 these Chapter 11 Cases. Throughout these Chapter 11 Cases, KCC has carried out its responsibilities
22
23

24 ⁴ See, e.g., *Certificate of Service re: Notice of Chapter 11 Bankruptcy Case* [Docket No. 133]; *Certificate of Service*
25 *re: Order Directing United States Trustee to Appoint Patient Care Ombudsman* [Docket No. 161]; *Certificate of*
26 *Service re: Order re Bidding Procedures* [Docket No. 373]; *Certificate of Service re: Amended Scheduling Order*
27 *re Continued Sale Motion Briefing Deadlines* [Docket No. 661]; *Certificate of Service re: Order Requiring*
28 *Debtors' to File a Statement Regarding Overbids Received on August 8, 2023* [Docket No. 684]; *Certificate of*
Service re: Order (A) Authorizing the Sale of Debtors' Assets to Purchaser Free and Clear of Liens, Claims,
Interests; (B) Approving the Assumption and Assignment of Executory Contracts and Unexpired Leases Related
Thereeto; and (C) Granting Related Relief [Docket No. 726]; *Certificate of Service re: Order Approving the*
Appointment of a Chapter 11 Trustee [Docket No. 821].

1 in reliance on the KCC Retention Order and pursuant to section 156(c) of the Judicial Code. In doing
2 so, KCC has incurred material fees and out of pocket expenses as set forth in its invoices. A detailed
3 breakdown of those fees and expenses, kept by KCC in the ordinary course of business and under my
4 supervision, is attached hereto as **Exhibit A** and an overview is as follows:

| Date | INVOICE # | HOURS | EXPENSES | TAXES | TOTAL |
|-----------------------|------------------|--------------|-----------------|--------------|---------------------|
| April 2023 | US_KCC2492695 | \$90,887.34 | \$24,061.53 | \$104.58 | \$115,053.45 |
| May 2023 | US_KCC2513027 | \$207,394.02 | \$60,666.61 | \$743.28 | \$268,803.91 |
| June 2023 | US_KCC2531986 | \$141,115.79 | \$48,111.86 | \$864.16 | \$190,091.81 |
| July 2023 | US_KCC2552725 | \$83,473.25 | \$25,067.41 | \$220.59 | \$108,761.25 |
| August 2023 | US_KCC2571720 | \$101,028.88 | \$48,560.14 | \$671.95 | \$150,260.97 |
| September 2023 | US_KCC2591372 | \$90,396.19 | \$47,381.29 | \$924.53 | \$138,702.01 |
| Total | | | | | \$971,673.40 |

11 7. As noted above, KCC remains willing to continue to engage with the Chapter 11
12 Trustee to develop a workable go-forward plan that could involve KCC's reengagement in these
13 Chapter 11 Cases in a role that is appropriate and supported by KCC, the Chapter 11 Trustee and the
14 Clerk of the Court.

16 8. Should this Court grant the relief requested herein and KCC is unable to reach
17 agreement with the Chapter 11 Trustee to provide future services, KCC is committed to working with
18 the Chapter 11 Trustee to support a smooth transition of all original proofs of claim and computer
19 information to any successor claims and noticing agent with the advice and consent of the Clerk,
20 *provided* that any fees and expenses incurred by KCC related to such transition shall be paid out of
21 the Debtors' estates immediately after such transition is complete.

23 *[Remainder of page intentionally left blank]*

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

3
4 Executed this 10th day of April, 2024.

5 By: 
6 _____
7 Evan Gershbein
8 Executive Vice President, Corporate
9 Restructuring Services
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Exhibit C
Proposed Order

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10 Attorneys for Kurtzman Carson Consultants LLC

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

14 In re:

15 Beverly Community Hospital
16 Association, dba Beverly Hospital (a
17 Nonprofit Public Benefit Corporation), et
18 al.,

18 Debtors,

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

Jointly administered with:
Case No. 2:23-bk-12360-SK
Case No. 2:23-bk-12361-SK

Chapter 11

**ORDER (A) GRANTING RELIEF FROM
THE KCC RETENTION ORDER AND
(B) COMPELLING PAYMENT OF
POSTPETITION FEES & EXPENSES**

21 Date: TBD
22 Time: TBD
23 Judge: Hon. Sandra R. Klein
24 Place: Zoom Gov – or – Courtroom 1575
25 255 E. Temple Street,
26 Los Angeles, CA 90012
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1 Upon consideration of the motion (the “Motion”) of Kurtzman Carson Consultants LLC
2 (“KCC”), as Claims and Noticing Agent for the Court and the Clerk of the Bankruptcy Court for an
3 order (i) granting KCC relief from the Retention Order and authorizing KCC to cease providing claims
4 processing services and (ii) compelling payment of KCC’s accrued and unpaid fees and expenses (this
5 “Order”), and upon consideration of the record of the hearing held before the Court; and it appearing
6 that the relief requested is in the best interests of the Debtors and their respective estates and creditors;
7 and it appearing that due and proper notice of the Motion having been given; and any objections to the
8 Motion having been overruled; and after due deliberation and sufficient cause appearing therefor,
9

10 **IT IS HEREBY ORDERED:**

- 11 1. The Motion is Granted in its entirety.
- 12 2. KCC is hereby relieved from its obligation under the Retention Order and authorized
13 to immediately cease providing services in these Chapter 11 Cases.
- 14 3. To the extent requested by the Trustee and approved by the Clerk of the Court and the
15 Court pursuant to further Court Order, KCC shall work with the Trustee to transition all original proofs
16 of claim and computer information to a successor claims and noticing agent and any fees and expenses
17 incurred by KCC related to such transition shall be paid out of the Debtors’ estates immediately after
18 such transition is complete.
- 19 4. The Trustee shall promptly pay KCC’s accrued and unpaid fees and expenses in the
20 amount of \$971,673.40.
- 21 5. The Trustee and KCC are authorized to take all actions necessary to effectuate the relief
22 granted pursuant to this Order in accordance with the Motion.
- 23 6. Notwithstanding anything in the Motion, the Court retains jurisdiction with respect to
24 all matters arising from or related to the implementation of this Order.
- 25 7. This Order shall be immediately effective and enforceable upon its entry.
- 26
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1 8. In the event of any inconsistency between the Motion and this Order, this Order shall
2 govern.

3 Date: _____
4 Sandra R. Klein
5 United States Bankruptcy Judge
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