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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re
ASTRIA HEALTH, et al.¹,
Debtors.

USDC Case No. 1:20-cv-03098-RMP

On Appeal from the United States Bankruptcy
Court for the Eastern District of Washington

¹ The Debtors, along with their case numbers, are as follows: Astria Health (19-01189-11), Glacier Canyon, LLC (19-01193-11), Kitchen and Bath Furnishings, LLC (19-01194-11), Oxbow Summit, LLC (19-01195-11), SHC Holdco, LLC (19-01196-11), SHC Medical Center-Toppenish (19-01190-11), SHC Medical Center-Yakima (19-01192-11), Sunnyside Community Hospital Association (19-01191-11), Sunnyside Community Hospital Home Medical Supply, LLC (19-01197-11), Sunnyside Home Health (19-01198-11), Sunnyside Professional Services, LLC (19-01199-11), Yakima Home Care Holdings, LLC (19-01201-11), and Yakima HMA Home Health, LLC (19-01200-11).

ASTRIA HEALTH, et al.,
Cross-Appellants.

v.

UNITED STATES SMALL
BUSINESS ADMINISTRATION,
Cross-Appellees,

Bankruptcy Court Lead Case No. 19-01189-
11, Jointly Administered

MOTION TO CONSOLIDATE CASES

8/20/20
Without Oral Argument

Pursuant to Local Civil Rule 83.5(c)(2) and Federal Rule of Bankruptcy Procedure 8003(b)(2), the Cross-Appellants move the Court for an order consolidating this case 1:20-cv-03098 (the “Second Case”) into Case No. 1:20-cv-03089-RMP (the “First Case”). In support of this Motion, the Cross-Appellants state as follows:

1. On June 23, 2020, the Cross-Appellees filed a notice of appeal in Adversary Proceeding No. 20-80016-WLH (the “Adversary Proceeding”), pending before the United States Bankruptcy Court for the Eastern District of Washington. See Adversary Proceeding Docket No. 28 (the “First Notice”).

2. The First Notice appealed from the Bankruptcy Court’s Order Granting Preliminary Injunction, found at Adversary Proceeding Docket No. 22 (the “Preliminary Injunction”).

3. The Bankruptcy Court promptly transmitted the First Notice to this Court, where it was docketed as Docket No. 1 in the First Case.

MOTION TO CONSOLIDATE
CASES – Page 2

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4. On July 7, 2020, the Cross-Appellants filed a notice of cross-appeal in the Adversary Proceeding. See Adversary Proceeding Docket No. 34 (the “Second Notice”).

5. The Second Notice also appealed from the Preliminary Injunction.

6. The Bankruptcy Court promptly transmitted the Second Notice to this Court, where it was docketed as Docket No. 1 in the Second Case.

7. The Cross-Appellants assert that, for the efficiency of this matter, the Court should consolidate the First Case and Second Case into the First Case. Both the First and Second Notices appeal from the Preliminary Injunction and the matters will substantially overlap. Maintaining two separate cases will cause the parties to expend significant resources to duplicate work while providing no benefit to the Court or the parties.

8. The Cross-Appellees have reviewed this motion and does not object to the relief sought herein.

Wherefore, the Cross-Appellants request that the Court grant this motion, enter an order in the form similar to the proposed order attached this motion, and consolidate the Second Case into the First Case.

DATED this 21st day of July, 2020.

DENTONS US LLP

BUSH KORNFIELD LLP

By /s/ Sam J. Alberts
Sam J. Alberts, WSBA #22255
Counsel for the Debtors, Debtors-in-
Possession and Cross-Appellants

By /s/ Thomas A. Buford
James L. Day, WSBA #20474
Thomas A. Buford, WSBA #52969
Co-Counsel for the Debtors, Debtors-in-
Possession and Cross-Appellants

CERTIFICATE OF SERVICE

I certify that on July 21, 2020:

1. I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF System which in turn automatically generated a Notice of Electronic Filing to all parties in the case who are registered users of the CM/ECF system in this case. The Notice of Electronic Filing for the foregoing identifies all recipients.

2. I caused the foregoing Motion to Consolidate Cases to be emailed to the parties to this case who do not receive notice via CM/ECF at their email addresses as follows:

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3. I caused a copy of the foregoing Motion to Consolidate Cases to be mailed, first-class mail, postage prepaid to:

Joseph H. Hunt
Assistant Attorney General
Civil Division
950 Pennsylvania Ave NW
Washington, DC 20530-0009

DATED July 21, 2020.

By /s/ Thomas A. Buford
Thomas A. Buford, WSBA #52969

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In re
ASTRIA HEALTH, et al.¹,

Debtors.
ASTRIA HEALTH, et al.,

Cross-Appellants.

v.

UNITED STATES SMALL
BUSINESS ADMINISTRATION,

Cross-Appellees,

USDC Case No. 1:20-cv-03098-RMP

On Appeal from the United States Bankruptcy
Court for the Eastern District of Washington

Bankruptcy Court Lead Case No. 19-01189-
11, Jointly Administered

[PROPOSED] ORDER GRANTING
MOTION FOR CONSOLIDATION OF
CASES

CLERK'S ACTION REQUIRED

¹ The Debtors, along with their case numbers, are as follows: Astria Health (19-01189-11), Glacier Canyon, LLC (19-01193-11), Kitchen and Bath Furnishings, LLC (19-01194-11), Oxbow Summit, LLC (19-01195-11), SHC Holdco, LLC (19-01196-11), SHC Medical Center-Toppenish (19-01190-11), SHC Medical Center-Yakima (19-01192-11), Sunnyside Community Hospital Association (19-01191-11), Sunnyside Community Hospital Home Medical Supply, LLC (19-01197-11), Sunnyside Home Health (19-01198-11), Sunnyside Professional Services, LLC (19-01199-11), Yakima Home Care Holdings, LLC (19-01201-11), and Yakima HMA Home Health, LLC (19-01200-11).

1 THIS MATTER came before the Court upon the Motion for Consolidation of
2 Cases (the “Motion for Consolidation”) of Astria Health, et al., Cross-Appellants in this
3 case.

4 The Court has reviewed the Motion for Consolidation and the record and files
5 herein and finds that cause exists to grant the requested relief. Now, therefore, it is
6 hereby

7 **ORDERED as follows:**

- 8 1. The Motion for Consolidation is GRANTED.
9 2. The Clerk is directed to consolidate case 1:20-cv-03098 with case
10 1:20-cv-03089.

11 DATED this ____ day of _____, 2020.

12
13 ROSANNA MALOUF PETERSON
14 U.S. DISTRICT COURT JUDGE

14 Presented by:

15 BUSH KORNFELD LLP

16 By /s/ Thomas A. Buford
17 James L. Day, WSBA #20474
18 Thomas A. Buford, WSBA #52969
19 *Co-Counsel for the Debtors, Debtors-in-*
20 *Possession and Cross-Appellants*

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20 By /s/ Sam J. Alberts
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22 *Counsel for the Debtors, Debtors-in-*
23 *Possession and Cross-Appellants*