

DENTONS US LLP
601 SOUTH FIGUEROA STREET, SUITE 2500
LOS ANGELES, CALIFORNIA 90017-5704
(213) 623-9300

JAMES L. DAY (WSBA #20474)
THOMAS A. BUFORD (WSBA #52969)
BUSH KORNFELD LLP
601 Union Street, Suite 5000
Seattle, WA 98101
Tel: (206) 292-2110
Email: jday@bskd.com
tbuford@bskd.com

HON. ROSANNA M. PETERSON

SAMUEL R. MAIZEL (Admitted *Pro Hac*
Vice)
DENTONS US LLP
601 South Figueroa Street, Suite 2500
Los Angeles, California 90017-5704
Tel: (213) 623-9300
Fax: (213) 623-9924
Email: samuel.maizel@dentons.com

SAM J. ALBERTS (WSBA #22255)
DENTONS US LLP
1900 K. Street, NW
Washington, DC 20006
Tel: (202) 496-7500
Fax: (202) 496-7756
Email: sam.alberts@dentons.com

*Attorneys for Appellees / Cross-Appellants,
Chapter 11 Debtors and Debtors In Possession*

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

In re:

ASTRIA HEALTH, *et al.*,

Debtors and Debtors in
Possession.¹

UNITED STATES SMALL
BUSINESS ADMINISTRATION and
JOVITA CARRANZA, in her capacity

District Court Case No. 2:20-cv-3098-RMP,
Consolidated with District Court Case No. 1:20-cv-
3089-RMP

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

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

Adversary Proceeding No. 20-80016-WLH

**UNOPPOSED MOTION FOR EXTENSION OF
TIME TO FILE APPELLEES / CROSS-
APPELLANTS' REPLY BRIEF**

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).



19011892101050000000000008

1 as Administrator for the United States
2 Small Business Administration,

3 Appellants /
4 Cross-Appellees,

5 v.

6 ASTRIA HEALTH, *et al.*,

7 Appellees /
8 Cross-Appellants.

DENTONS US LLP
601 SOUTH FIGUEROA STREET, SUITE 2500
LOS ANGELES, CALIFORNIA 90017-5704
(213) 623-9300

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DENTONS US LLP
601 SOUTH FIGUEROA STREET, SUITE 2500
LOS ANGELES, CALIFORNIA 90017-5704
(213) 623-9300

Debtor Astria Health, Debtor SHC Medical Center - Toppenish, doing business as Astria Toppenish Hospital, both Washington nonprofit corporations under § 501(c)(3) of title 26 of the United States Code, and Debtor Yakima HMA Home Health LLC, doing business as Astria Home Health & Hospice-Yakima, also a Washington corporation, along with the above-referenced affiliated debtors (collectively, the “Debtors”), the debtors and debtors in possession in the chapter 11 bankruptcy cases (collectively, the “Chapter 11 Cases”), pending in the United States Bankruptcy Court for the Eastern District of Washington (the “Bankruptcy Court”) and the appellees / cross-appellants herein, hereby submit this motion (“Motion”) for a brief extension of the deadline to file their brief in reply to the Debtors’ cross-appeal (the “Reply”). The Reply would otherwise be due on January 4, 2021 by Court order [Docket No. 20] (the “Extension Order”).

This is the Debtors’ second request for an extension. The United States, on behalf of the Small Business Administration and Jovita Carranza in her capacity as Administrator for the SBA (the “SBA”), consents to the extension in exchange for the Debtors’ consent to the SBA’s motion for surreply and surreply brief (the “Surreply”) to be filed shortly after the Debtors’ Reply and to be limited to the below-mentioned recent developments. The short extension is supported by good cause.

Since entry of the Extension Order, there have been three important developments that may impact this appeal. First, as stated in the SBA’s *Notice of Supplemental Authority* [Docket No. 21] (the “Notice”) filed on January 1, 2021, the United States Court of Appeals for the Eleventh Circuit issued an opinion in *In re Gateway Radiology Consultants, P.A.*, No. 20-13462, 2020 WL 7579338 (11th Cir. Dec. 22, 2020). Additionally, on December 27, 2020, the President signed into law the Consolidated Appropriations Act, 2021, which amended certain sections of title 11 of the United States Code, §§ 101 *et seq.* (the “Bankruptcy Code”) that include provisions related to debtors in bankruptcy and the Payment Protection

1 Program. Furthermore, the length of the requested extension to file their Reply
 2 takes into consideration the fact that the Debtors are currently working diligently to
 3 effectuate their *Modified Second Amended Joint Chapter 11 Plan of Reorganization*
 4 *of Astria Health and Its Debtor Affiliates* [Bankr. Docket No. 2196] (including all
 5 exhibits thereto, any plan supplement, and as amended, modified, or supplemented
 6 from time to time, the “Plan”) of reorganization, which was confirmed on
 7 December 23, 2020, and will become effective no later than January 16, 2021. The
 8 Debtors need time to analyze the above-mentioned recent developments and their
 9 impact on this case.

10 WHEREFORE, the Debtors respectfully request that the Court extend the
 11 deadline to file the Debtors’ Reply by five (5) business days, so that the Reply is
 12 due on January 11, 2021 and the SBA’s Surreply (limited to these recent
 13 developments) is due on January 19, 2021.

14 Dated: January 4, 2021

/s/ Samuel R. Maizel

15 JAMES L. DAY (WSBA #20474)
 16 THOMAS A. BUFORD (WSBA
 17 #52969)
 18 BUSH KORNFELD LLP

19 SAMUEL R. MAIZEL (Admitted *Pro*
 20 *Hac Vice*)
 21 SAM J. ALBERTS (WSBA #22255)
 22 GEOFFREY M. MILLER (Admitted
 23 *Pro Hac Vice*)
 24 SARAH M. SCHRAG (Admitted *Pro*
 25 *Hac Vice*)
 26 DENTONS US LLP

27 *Attorneys for the Chapter 11 Debtors and*
 28 *Debtors In Possession*

DENTONS US LLP
 601 SOUTH FIGUEROA STREET, SUITE 2500
 LOS ANGELES, CALIFORNIA 90017-5704
 (213) 623-9300

CERTIFICATE OF SERVICE

I hereby certify that on January 4, 2021, I electronically filed the *Unopposed Motion For Extension Of Time To File Appellees / Cross-Appellants' Reply Brief* with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all CM/ECF participants.

Dated: January 4, 2021

/s/ Samuel R. Maizel

JAMES L. DAY (WSBA #20474)
THOMAS A. BUFORD (WSBA
#52969)
BUSH KORNFELD LLP

SAMUEL R. MAIZEL (Admitted *Pro Hac Vice*)
SAM J. ALBERTS (WSBA #22255)
GEOFFREY M. MILLER (Admitted
Pro Hac Vice)
SARAH M. SCHRAG (Admitted *Pro Hac Vice*)
DENTONS US LLP

*Attorneys for the Chapter 11 Debtors and
Debtors In Possession*

DENTONS US LLP
601 SOUTH FIGUEROA STREET, SUITE 2500
LOS ANGELES, CALIFORNIA 90017-5704
(213) 623-9300