

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

In re
BORREGO COMMUNITY HEALTH
FOUNDATION, a California nonprofit
public benefit foundation,
Debtor and Debtor in Possession.
BORREGO COMMUNITY HEALTH
FOUNDATION, a California nonprofit
public benefit corporation,
Plaintiff and Appellee,
v.
CALIFORNIA DEPARTMENT OF
HEALTH CARE SERVICES, by and
through its Director, Michelle Baass,
Defendant and Appellant.

Case No. 22-CV-01751-GPC-MSB

**ORDER ON JOINT MOTION
AND STIPULATION FOR
ORDER GRANTING LIMITED
REMAND AND CONTINUING
STAY OF APPEAL AND
BRIEFING SCHEDULE**

[ECF No. 7]

BY THE COURT,

The Court having reviewed and considered the joint motion and stipulation by
appellant, and Defendant below, California Department of Health Care Services
("Appellant") and Appellee, and Plaintiff below, Borrego Community Health
Foundation, and good cause appearing, the Court hereby orders as follows:



1 1. Pursuant to Federal Rules of Bankruptcy Procedure, Rule 8008(c), this
2 Court hereby grants a limited remand of jurisdiction back to the Bankruptcy Court
3 to allow the Bankruptcy Court to rule on the parties' contemplated joint motion to
4 vacate the orders that are the subject of the present appeal, Docket Nos. 65 and 66
5 entered in the adversarial proceedings below.

6 a) Within 21 days of the Bankruptcy Court entering an order granting a
7 joint motion to vacate and vacating its orders (Adv. Dkt. Nos. 65 and 66), the
8 parties must file a joint motion to dismiss this appeal.

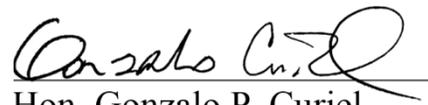
9 b) However, in the event the Bankruptcy Court denies a joint motion to
10 vacate its aforementioned orders (Adv. Dkt. Nos. 65 and 66), then Appellant must
11 file a request with this Court to restore its appellate jurisdiction within 21 days of
12 entry of the Bankruptcy Court's order denying the joint motion.

13 2. The Appeal and the briefing schedule shall remain stayed until further
14 order of the Court, except that the parties may file a joint motion to dismiss the
15 Appeal.

16 3. Nothing in this Order shall prejudice the Parties from seeking further
17 extensions of time from this Court.

18
19 **IT IS SO ORDERED.**

20
21 Dated: March 21, 2023


22 Hon. Gonzalo P. Curiel
23 United States District Judge
24
25
26
27
28