

3

1 WALTER WILHELM LAW GROUP
 2 A Professional Corporation
 3 Riley C. Walter #91839
 4 Kathleen D. DeVaney #156444
 5 Danielle J. Bethel #315945
 6 205 East River Park Circle, Ste. 410
 7 Fresno, CA 93720
 8 Telephone: (559) 435-9800
 9 Facsimile: (559) 435-9868
 10 E-mail: rileywalter@w2lg.com

Chapter 9 Counsel for Tulare Local Healthcare District

8 MCCORMICK BARSTOW, LLP
 9 Todd A. Wynkoop #308845
 10 Benjamin T. Nicholson #239893
 11 Benjamin E. Ladd #320466
 12 7647 N. Fresno Street
 13 Fresno, CA 93720
 14 Telephone: (559) 433-1300
 15 Facsimile: (559) 433-2300
 16 E-mail: todd.wynkoop@mccormickbarstow.com

District Counsel for Tulare Local Healthcare District

14 IN THE UNITED STATES BANKRUPTCY COURT
 15 EASTERN DISTRICT OF CALIFORNIA
 16 FRESNO DIVISION

In re

18 TULARE LOCAL HEALTHCARE
 19 DISTRICT, dba TULARE REGIONAL
 20 MEDICAL CENTER,

Debtor.

21 Tax ID #: 94-6002897
 22 Address: 869 N. Cherry Street
 23 Tulare, CA 93274

CASE NO. 17-13797

Chapter 9

DC NO.: WW-41

Date: N/A
 Time: N/A
 Place: 2500 Tulare Street
 Fresno, CA 93721
 Courtroom 13
 Judge: Honorable René Lastreto II

25 **DECLARATION OF RILEY C. WALTER IN SUPPORT OF APPLICATION FOR**
 26 **ORDER SHORTENING TIME ON MOTION FOR AUTHORITY TO ENTER INTO**
 27 **TRANSACTION INCLUDING BORROWING FUNDS, SALES OF PERSONAL**
 28 **PROPERTY AND PROVIDING SECURITY, ASSUMPTION AND ASSIGNMENT OF**
CONTRACTS AND LEASES AND FOR AUTHORITY TO LEASE REAL PROPERTY
PURSUANT TO 11 U.S.C. §§ 105, 362, 364, 365, 901 AND 922

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

I, Riley C. Walter, hereby declare and represent as follows:

1. I am counsel for the Debtor and maintain an office at 205 East River Park Circle, Suite 410, Fresno, California 93720.

2. The Debtor seeks to have the Court approve the Motion attached hereto as Exhibit A on shortened notice at a specially set an emergency hearing on an interim borrowing and a final hearing as to the entire Transaction described in the Motion.

3. The Debtor shall give notice only to Adventist Health West dba Adventist Health, California Department of Public Health, all secured creditors and counsel, trustees on bonds issued by the Debtor, all persons having requested special notice, the twenty largest unsecured creditors, all persons whose leases are being assigned, all taxing authorities, the Debtor, and the U.S. Trustee's Office by July 20, 2018.¹

4. The interests of the Debtor and creditors will be served by shortening time because the Debtor has reached an agreement with Adventist Health to borrow money to reopen the hospital, to sell certain personal property and to lease the facility. The timing of Court approval is critical due to need to obtain voter approval of a ballot measure on November 6, 2018 and to reopen before the suspended acute hospital license is lost. The license suspension deadline is October 28, 2018. A condition of the transaction is Court approval prior to August 8, 2018. **Thus, if the transaction is not approved by August 8, 2018 the District will not be able to reopen the hospital before its license is lost, which will have devastating consequences to the District.**

5. FRBP 4001(c) provides that a motion to obtain credit be accompanied by a copy of the agreement. The subject motion herein calls for approval of several agreements related to the overall transaction including the credit agreement, security agreement, management services agreement, asset purchase agreement, lease, and other documents related to the Transaction. The agreements comprise approximately


¹ A courtesy notice to all creditors will also be given on July 24, 2018 summarizing the Transaction and pointing creditors to the Motion and definitive documents on the District's website.

1 250+ pages of documents and the documents are summarized by their material terms
 2 within the motion. The Debtor requests that it be allowed to reference each document
 3 including the credit agreement publically accessible by reference to a website
 4 containing the final or nearly final version of each definitive document, and this be
 5 permitted in lieu of the actual attachment of the credit agreement and other exhibits.

6 6. The Debtor's board will have a special meeting on the evening of August
 7 1, 2018 (or sooner) to consider and approve the definitive documents. The Debtor
 8 requires the entry of this Order now so that it will be in a position to assemble all
 9 documents required to be served by July 20, 2018.

10 I declare under penalty of perjury that the foregoing facts are true and correct
 11 under the laws of the United States of America.

12 Executed this 19th day of July, 2018, at Fresno, California.

13 
 14 _____
 Riley C. Walter

15
16
17
18
19
20
21
22
23
24
25
26
27
28