

THE TUROCI FIRM

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Attorney for Debtor and Debtor-in-Possession

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
RIVERSIDE DIVISION**

In re:

COMPCARE MEDICAL, INC.,

Debtor and Debtor in
Possession.

) Chapter: 11

) Case No. 6:16-bk-15707SC

**NOTICE OF MOTION AND MOTION TO
EXTEND USE OF CASH COLLATERAL**

Hearing:

DATE: January 10, 2017

TIME: 1:30 p.m.

CTRM: Video Hearing Room 126^L

US Bankruptcy Court
3420 Twelfth Street
Riverside, CA 92501

OR

Courtroom 5C
411 W Fourth St
Santa Ana CA 92701

¹ Please take notice that counsel and parties may appear at either Judge Clarkson's video courtroom located at the United States Bankruptcy Court, 3420 Twelfth Street, Riverside, California 92501 or the United States Bankruptcy Court, 411 West Fourth Street, Courtroom 5C, Santa Ana, CA 92701.

1 On September 29, 2016, this Court entered an order authorizing the interim use of cash
2 collateral (the Original Order”) (Docket No. 48). See Interim Order Approving Use of Cash
3 Collateral attached hereto as Exhibit 1. The order authorized the use of the cash collateral only
4 until November 1, 2016.

5
6 Debtor filed a chapter 11 plan of reorganization and a disclosure statement in support of
7 that plan on October 17, 2016. On December 8, 2016, this court entered its order denying
8 approval of the disclosure statement without prejudice. Debtor will be filing a second plan and a
9 new disclosure statement within the next 45 days. Debtor anticipates that the new plan and
10 disclosure will adequately address the concerns of both this Court and the United States Trustee.

11
12 Debtor is now asking that its use of cash collateral be approved from the expiration of the
13 prior order through and including March 31, 2017 under the same terms as the Original Order.
14 This will allow sufficient time for Debtor to file its new plan and disclosure statement and allow
15 sufficient time for the confirmation process.

16
17 Debtor has not had any contact with any of the secured creditors objecting to its use of
18 the cash collateral. If Debtor is not allowed to use the cash collateral, Debtor will either need to
19 borrow money, making reorganization far less likely or will have to cease operating, thus
20 disrupting the health care of Debtor’s patients.

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1 For the reasons described above, the Debtor respectfully requests that this Court enter an
2 order authorizing the continued use of cash collateral from the expiration of the Original Order
3 through March 31, 2017.

4 Respectfully submitted,

5 Dated: December 9, 2016

THE TUROCI FIRM

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8 By: _____


Todd Turoci
Attorney for Debtor in Possession
CompCare Medical, Inc.

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DECLARATION OF TODD TUROCI

1 I, Todd L. Turoci, declare and state as follows:

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3 I am an attorney at law, duly licensed by the State Bar of California and admitted to appear
4 in all courts in the State of California. I know the following facts to be true from my own personal
5 knowledge, except those facts which are stated on information and belief and as to those facts I
6 believe them to be true. I could and would competently testify under oath to the truthfulness of the
7 following:
8

9 1. I am the attorney of record for CompCare Medical, Inc., the debtor and debtor in possession
10 in this bankruptcy case.

11 2. On June 27, 2016, Debtor commenced the above-captioned bankruptcy case by filing a
12 voluntary petition under chapter 11 of the United States Bankruptcy Code in the Central District
13 of California. Debtor is continuing to operate and manage its business as a debtor-in-possession
14 pursuant to 11 U.S.C. sections 1107 and 1108. Debtor operates a general medical practice.
15

16 3. On September 29, 2016, this Court entered an order authorizing the interim use of cash
17 collateral.
18

19 4. Debtor filed a chapter 11 plan of reorganization and a disclosure statement in support of
20 that plan on October 17, 2016. On December 8, 2016, this court entered its order denying
21 approval of the disclosure statement without prejudice. Debtor will be filing a second plan and a
22 new disclosure statement within the next 45 days. The new plan and disclosure will adequately
23 address the concerns of both this Court and the United States Trustee.

24 5. Attached hereto as Exhibit 1 is a true and correct copy of the Interim Order Authorizing the
25 Use of Cash Collateral entered on September 29, 2016 in this case.
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27 6. I have had no contact from any of Debtor's secured creditors objecting to Debtor's use of
28 the cash collateral.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: 12-9-16

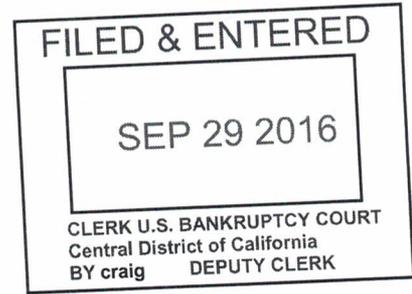


Todd Turoci, Attorney for Debtor

Exhibit 1

1 THE TUROCI FIRM
2 Todd Turoci (State Bar No. 160059)
3 Julie Philippi (State Bar No. 166108)
4 3845 Tenth Street
5 Riverside, CA 92501
6 888-332-8362 Telephone
7 866-762-0618 Facsimile
8 mail@theturocifirm.com

9 Attorney for Debtor



10 UNITED STATES BANKRUPTCY COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 RIVERSIDE DIVISION

13 In re:

14 COMPCARE MEDICAL, INC.,

15 Debtor.

16 Chapter 11
17 Case No. 6:16-bk-15707SC

18 INTERIM ORDER APPROVING USE OF
19 CASH COLLATERAL

20 DATE: 09/27/16
21 TIME: 1:30 p.m.
22 CTRM: Video Hearing Room 126
23 US Bankruptcy Court
24 3420 Twelfth Street
25 Riverside, CA 92501
26 And Courtroom 5C
27 US Bankruptcy Court
28 411 W. Fourth St.
Santa Ana, CA 92701

24 The above-referenced matter having come on regularly for hearing on the date, at the
25 time and in the courtroom above-referenced, with the parties being present as stated on the
26 record, and the Court having considered the matter, and good cause appearing therefore, IT IS

27 HEREBY ORDERED AS FOLLOWS:

- 28 1. Debtor CompCare Medical, Inc. is authorized to have used and to use cash

1 collateral pursuant to its budget on an interim basis plus or minus 10% through November 1,
2 2016. A replacement lien is awarded to Bank of America equal to its September 2012 facility
3 on all deposit accounts, accounts receivable, and cash.

4 2. Debtor is required to prepare and file monthly reports on the use of cash
5 collateral for each month since the filing of the case. The reports must be filed and served on all
6 secured creditors no later than the 15th of each month for the preceding month. The reports for
7 July through August will be due with the September report on October 15, 2016. The reports
8 shall include comparison data for the value of the cash collateral on the petition date versus the
9 end of the month in question.
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24 Date: September 29, 2016
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26 Scott C. Clarkson
27 United States Bankruptcy Judge
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
3845 Tenth Street.
Riverside, CA 92501

A true and correct copy of the foregoing document entitled (*specify*): **NOTICE OF MOTION AND MOTION TO EXTEND USE OF CASH COLLATERAL** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF)**: Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 12/9/16, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- **Everett L Green** everett.l.green@usdoj.gov
- **Jason K Schrader** jason.K.Schrader@usdoj.gov
- **Mohammad Tehrani** Mohammad.V.Tehrani@usdoj.gov
- **Todd L Turoci** mail@theturocifirm.com
- **United States Trustee (RS)** ustpreion16.rs.ecf@usdoj.gov

Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL:**

On (*date*) 12/9/16, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

12/9/16
Date

Jessica Stuhlmiller
Printed Name


Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

SERVICE LIST

SECURED & PRIORITY CREDITORS

Bank of America, N.A.
100 N Tryon St
Charlotte NC 28202-4031

Corporation Service Company
801 Adlai Stevenson Dr
Springfield IL 62703-4261

IOU Central, Inc.
600 Town Park Ln #140
Kennesaw GA 30144-3736

Bank of America, NA
150 N College St
NC1-028-17-06
Charlotte NC 28202-2271

Corporation Service Company
PO Box 2576
Springfield IL 62706-0001

Jeff Joyce
Joyce Childers LLP
PO Box 550291
Atlanta GA 30355

Bank of America, NA
600 N Cleveland Ave #300
Westerville OH 43082-6926

Forward Financing LLC
36 Broomfield St, 2d Floor
Boston MA 02108-5221

Windset Capital Corp
4168 W 12600 South, 2d Floor
Herriman UT 84096-7471

Bankers Healthcare Group LLC
201 Solar St
Syracuse NY 13204-1425

Franchise Tax Board
Bankruptcy Section, MS: A-340
PO Box 3952
Sacramento CA 95812-2952

CT Corporation System
330 N Brand Blvd #700
Glendale CA 91203-2336

Internal Revenue Service
PO Box 7346
Philadelphia PA 19101-7346

20 LARGEST UNSECURED CREDITORS

Alphonso Benton
13447 Francesca Ct
Chino CA 91710-7341

Exxon Mobil
PO Box 6404
Sioux Falls SD 57117-6404

American Express Bank FSB
c/o Becket & Lee LLP
PO Box 3001
Malvern PA 19355-0701

Law Office of Brown & Gitt
155 N Lake Ave #800
Pasadena CA 91101-1857

Bank of America Credit Express Card
PO Box 982238
El Paso TX 79998-2238

NOTICE: Constance R. Doyle
21509 Anza Ave
Torrance CA 90503-6423

BHG Credit Card
Cardmember Services
PO Box 332509
Murfreesboro TN 37133-2509

Langwasser & Company, CPAS
99 East C St #100
Upland CA 91786

Chevron/Texaco
PO Box 921729
Norcross GA 30010-1729

Judge's Copy:
Hon. Scott C. Clarkson
USBC, Central District of CA
411 West Fourth Street, Suite 5130
Santa Ana, CA 92701-4593