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Rescue One Ambulance

FILED & ENTERED

FEB 22 2017

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY ghaltchi DEPUTY CLERK

CHANGES MADE BY COURT

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re	)	CASE NO.: 2:17-bk-10002-NB
)	
Rescue One Ambulance,	)	Chapter 11
)	
Debtor.	)	ORDER GRANTING DEBTOR'S
	)	EMERGENCY MOTION FOR AN
	)	ORDER AUTHORIZING USE OF CASH
	)	COLLATERAL FOR PAYROLL AND
	)	OPERATING EXPENSES
)	
	)	<u>Hearing:</u>
)	
	)	Date: January 31, 2017
	)	Time: 1:00 PM
	)	Courtroom 1545
	)	Place: 255 E. Temple Street,
	)	Los Angeles, CA 90012
)	
	)	Judge: Honorable Neil Bason

TO ALL PARTIES IN INTEREST:

On January 31, 2017, at 1:00 p.m., in Courtroom 1545 of the above entitled Court, with the Honorable Neil W. Bason, judge presiding, a hearing was conducted on the continued Emergency Motion For Authority To Use Cash Collateral for Payroll and Operating Expenses

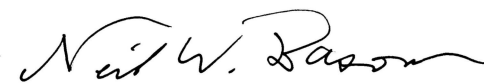
1 (the "Motion") [Docket no.:13] filed by Rescue One Ambulance, debtor and debtor in possession
2 (the "Debtor").

3 The Court orally adopted its tentative ruling approving Debtor's cash collateral motion on
4 a final basis, on the same terms on which relief was granted on an interim basis [Docket no.: 32].

5 **ORDERED** that the Motion is, pursuant to the terms and conditions of that tentative
6 decision attached to *dk. 32*, ~~hereto as Exhibit "A" and this Order,~~ granted on a final basis.
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24 Date: February 22, 2017



25 Neil W. Bason
26 United States Bankruptcy Judge
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EXHIBIT A

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Neil Bason, Presiding
Courtroom 1545 Calendar**

Tuesday, January 31, 2017

Hearing Room 1545

1:00 PM

2:17-10002 Rescue One Ambulance

Chapter 11

#13.00 Cont'd status conference re: Chapter 11 Case
fr. 1/17/17

Docket 1

Tentative Ruling:

Tentative Ruling for 1/31/17:

Appearances required by counsel for the debtor but telephonic appearances are encouraged if advance arrangements are made (see www.cacb.uscourts.gov, "Judges," "Bason, N.", "Instructions/Procedures").

(1) Current issues.

(a) Cash collateral. This court's tentative ruling is to approve the debtor's cash collateral motion on a final basis, on the same terms on which relief was granted on an interim basis (dkt. 32).

(b) Utility motion. The debtor stated in its status report (dkt. 24) that it intended to file a utility motion no later than 1/20/17. No such motion has been filed. Has the debtor failed to furnish its utility provider(s) with adequate assurance, or done so without court authorization?

(c) United States Trustee issues. Is the debtor in full compliance with the United States Trustee's reporting requirements? Has the debtor entered into a stipulation with the United States Trustee regarding its debtor in possession account(s), and appointment of a patient care ombudsman?

(d) Internal Revenue Service. The debtor asserted in its case status report that the Internal Revenue Service is currently reviewing the debtor's amended 2012 tax returns, which may affect the amount of its claim. What is the status of that review, and is there an anticipated date for completion of that review?

(2) Deadlines/dates. This case was filed on 1/1/17.

(a) Bar date: 3/31/17 (DO NOT SERVE notice yet - court will prepare an order after the status conference).

(b) Plan/Disclosure Statement*: file by 6/30/17 using the forms required by Judge Bason (DO NOT SERVE yet, except on the U.S. Trustee - the court will set a deadline and procedures at a

**United States Bankruptcy Court
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1:00 PM

CONT...

Rescue One Ambulance

Chapter 11

later time).

(c) Continued status conference: 2/21/17 at 1:00 p.m. No written status report is required.

*Warning: special procedures apply (see order setting initial status conference).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Tentative Ruling for 1/17/17:

Appearances required by counsel for the debtor and by the debtor(s) themselves.

(1) Current issues. This latest bankruptcy case was filed on 1/1/17. Why did the debtor fail to file and serve "first day" motions immediately - cash collateral; payroll; etc.? This is all the more egregious because this is the debtor's third bankruptcy case known to this court.

In the belatedly filed cash collateral motion (dkt. 13, p. 2:8) the debtor states that payroll was due on 1/13/17, and the debtor appears to take the position that authorization to use cash collateral is equivalent to an order also authorizing the payment of prepetition debts to employees. That is incorrect. Those are two separate issues, requiring two separate motions.

In any event, did the debtor pay its 1/13/17 payroll, including prepetition claims of its employees? If the debtor did pay those prepetition claims, it acted without authorization, so how can it be trusted to abide by its duties as debtor-in-possession? Conversely if the debtor did not pay its employees, it has mismanaged this case and prejudiced employees and possibly creditors.

In addition, as set forth in the tentative ruling for the cash collateral motion (1/17/17 at 1:00 p.m., calendar no. 6) the prosecution of the cash collateral motion has been inadequate.

Why should this court not dismiss this case with a one year bar against being a debtor in bankruptcy, or impose sanctions, or other remedies?

(2) Deadlines/dates. This case was filed on 1/1/17. If this case is not dismissed or converted then the tentative ruling is to hold a continued status

**United States Bankruptcy Court
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Los Angeles
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Tuesday, January 31, 2017

Hearing Room 1545

1:00 PM

CONT... Rescue One Ambulance

Chapter 11

conference on 1/31/17 at 1:00 p.m., status report due 1/17/17 (per court's order setting case status conference, dkt. 8).

If you do not appear, and the matter is not adequately resolved by consent, then you may waive your right to be heard on matters that are appropriate for disposition at this hearing.

Party Information

Debtor(s):

Rescue One Ambulance

Represented By
Michael Jay Berger