

Exhibit C

to

IF's Motion for Court to Approve
Treatment of Remaining Outstanding Amounts
and Unpaid Claims Related to VNA

1 Larry J. Caldwell (SBN 88867)
2 larry.caldwell@caldwellfirm.net
3 CALDWELL LAW FIRM
4 401 Wilshire Boulevard, 12th Floor
5 Santa Monica, CA 90401
6 Telephone: (310) 689-9769

7 J. Graham Matherne (*Admitted Pro Hac Vice*)
8 gmatherne@wyattfirm.com
9 WYATT, TARRANT & COMBS, LLP
10 333 Commerce Street, Suite 1050
11 Nashville, TN 37201-1837
12 Telephone: (615) 251-6708

13 Bynum E. Tudor III (*Admitted Pro Hac Vice*)
14 btudor@berrytudor.com
15 BERRY & TUDOR, P.C.
16 5123 Virginia Way, Suite B-23
17 Brentwood, Tennessee 37027
18 Telephone: (615) 726-1000

19 Attorneys for Court-Appointed
20 Independent Fiduciary Receivership Management, Inc.

21 **UNITED STATES DISTRICT COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA**

23 **MARTIN J. WALSH, Secretary of**
24 **Labor, United States Department of**
25 **Labor**

26 **Plaintiff,**

27 **v.**

28 **RIVERSTONE CAPITAL, LLC, a**
California limited liability
corporation; et al.,

Defendants.

CASE NO. 19-CV-778-MWF (MAAx)
Honorable Michael W. Fitzgerald

**[PROPOSED] ORDER GRANTING
INDEPENDENT FIDUCIARY'S
MOTION FOR COURT TO
APPROVE RECOMMENDED
TREATMENT OF REMAINING
OUTSTANDING AMOUNTS AND
UNPAID CLAIMS RELATED TO
VISITING NURSE ASSOCIATION
OF INLAND COUNTIES ("VNA")
AS UNCOLLECTIBLE.**

1 Before the Court is the Independent Fiduciary’s Motion for the Court to
2 Approve Recommended Treatment of Remaining Outstanding Amounts and Unpaid
3 Claims Related to Visiting Nurse Association of Inland Counties (“VNA”) as
4 Uncollectible (D.E. # _____) (“Motion”).

6 In its Motion, the Independent Fiduciary (“IF”) has established that VNA was
7 the Employer Sponsor, Plan Administrator and a Named Fiduciary of the VNA
8 Employee Benefit Plan and, under the VNA Employee Benefit Plan documents, was
9 responsible for the payment of unpaid plan responsibility medical claim amounts
10 and outstanding pharmacy amounts of record relating to the VNA Employee Benefit
11 Plan. But the IF has also established that VNA had filed a Chapter 11 bankruptcy
12 action prior to the institution of this action and the appointment of the IF. (See In re:
13 Visiting Nurse Association of Inland Counties #6-18-16908 (U.S. Bankr C.D. Cal.)).

17 Further established by the IF is that the outstanding amounts of record and unpaid
18 plan responsibility claims relating to the VNA Employee Benefit Plan was
19 \$282,479.88. Unpaid plan responsibility amounts for medical claims incurred by the
20 VNA Employee Benefit Plan after the filing of VNA bankruptcy petition – a total of
21 \$136,175.15 – were agreed to be post-petition administrative expenses and have
22

1 been paid by the VNA Debtor-in-Possession to the IF, which has, in turn, paid the
2 holders of those post-petition unpaid medical claims.
3

4 However, the VNA bankruptcy has been closed without payment being made
5 regarding 1) pre-petition unpaid plan responsibility amounts of medical claims
6 (\$128,189.03) and 2) outstanding pharmacy amounts (\$18,115.70), which together
7 total \$146,304.73. The IF requests approval of the Court of the IF's recommendation
8 to treat the \$146,304.73 amount as uncollectible as to the VNA Employee Benefit
9 Plan/Riverstone MEWA Liquidation Estate.
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12 The Court finds that the IF has given notice, and opportunity to object, to all
13 holders of the \$146,304.73 in unpaid medical claims and outstanding pharmacy
14 amounts through posting its Motion (and attachments) on the website maintained by
15 the IF dedicated to this matter ([www.receivermgmt.com/riverstone-](http://www.receivermgmt.com/riverstone-nexgenhealthplan)
16 [nexgenhealthplan](http://www.receivermgmt.com/riverstone-nexgenhealthplan)) and through post card notice mailed to each relevant claim holder
17 regarding the Motion. See Declaration of Robert E. Moore, Jr. (Exhibit B to the
18 Motion) at ¶ 17.
19
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21 The Court further finds that since the VNA bankruptcy estate has been closed,
22 there are no funds from VNA with which to pay or address the outstanding pharmacy
23 amounts and unpaid plan responsibility medical claims related to the VNA
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25

1 Employee Benefit Plan and finds appropriate, and thus approves, the IF's
2 recommended treatment of those outstanding pharmacy amounts and unpaid plan
3 responsibility medical claims as uncollectible from the VNA Employee Benefit
4 Plan/Riverstone MEWA Liquidation Estate. Upon entry of this Order, the IF will
5 notify the holder of the outstanding pharmacy claim of the Order and will issue
6 Explanation of Benefit ("EOB") documentation to the holders of the unpaid medical
7 claims indicating a \$0.00 amount of plan responsibility payment because of the
8 uncollectible nature of the claimed amounts against VNA. Thereafter, the IF may
9 reduce the outstanding/unpaid claim amount in the Riverstone MEWA Liquidation
10 Estate by the \$146,304.73 amount.
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14 It is so ORDERED, this the _____ day of _____, 2023.
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18 _____
19 Hon. Michael W. Fitzgerald
20 U.S. District Court Judge
21 Central District of California

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