

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF PUERTO RICO**

<b>IN RE:</b>  <b>GRUPO HIMA SAN PABLO, INC.</b>  <b>DEBTOR</b> (EIN #8245)	<b>CASE NO. 23-02510 (EAG)</b>  <b>CHAPTER 11</b>
<b>IN RE:</b>  <b>CENTRO MEDICO EL TURABO, INC.</b>  <b>DEBTOR</b> (EIN #5905)	<b>CASE NO. 23-02513 (EAG)</b>  <b>CHAPTER 11</b>
<b>IN RE:</b>  <b>HIMA SAN PABLO PROPERTIES, INC.</b>  <b>DEBTOR</b> (EIN #2718)	<b>CASE NO. 23-02515 (EAG)</b>  <b>CHAPTER 11</b>
<b>IN RE:</b>  <b>PORTAL DE CAGUAS, INC.</b>  <b>DEBTOR</b> (EIN #4874)	<b>CASE NO. 23-02516 (EAG)</b>  <b>CHAPTER 11</b>
<b>IN RE:</b>  <b>GENERAL CONTRACTING SERVICES, INC.</b>  <b>DEBTOR</b> (EIN #4903)	<b>CASE NO. 23-02517 (EAG)</b>  <b>CHAPTER 11</b>
<b>IN RE:</b>  <b>IA DEVELOPERS, CORP.</b>  <b>DEBTOR</b> (EIN #4128)	<b>CASE NO. 23-02519 (EAG)</b>  <b>CHAPTER 11</b>
<b>IN RE:</b>  <b>CMT DEVELOPMENT, LLC.</b>  <b>DEBTOR</b> (EIN #4351)	<b>CASE NO. 23-02520 (EAG)</b>  <b>CHAPTER 11</b>

<b>IN RE:</b> <b>JOCAR ENTERPRISES, INC.</b> <b>DEBTOR</b> (EIN #5849)	<b>CASE NO. 23-02521 (EAG)</b> <b>CHAPTER 11</b>
<b>IN RE:</b> <b>JERUSALEM HOME AMBULANCE, INC.</b> <b>DEBTOR</b> (EIN #0175)	<b>CASE NO. 23-02522 (EAG)</b> <b>CHAPTER 11</b>
<b>IN RE:</b> <b>HOST SECURITY SERVICES, INC.</b> <b>DEBTOR</b> (EIN #8802)	<b>CASE NO. 23-02523 (EAG)</b> <b>CHAPTER 11</b>

**URGENT MOTION REQUESTING SCHEDULING ORDER FOR AUGUST 23, 2023**  
**WITH EXPEDITED DEADLINES RELATED TO**  
**DIP FINANCING AND USE OF CASH COLLATERAL**

COMES NOW the above captioned debtors GRUPO HIMA SAN PABLO, INC.; CENTRO MEDICO EL TURABO, INC.; HIMA SAN PABLO PROPERTIES, INC.; PORTAL DE CAGUAS, INC.; GENERAL CONTRACTING SERVICES, INC.; IA DVELOPERS, CORP.; CMT DEVELOPMENT, LLC.; JOCAR, INC.; JERUSALEM HOME AMBULANCE, INC.; HOST SECURITY SERVICES, INC.; (hereafter may be referred together as the “Debtors or Joint Movants”) (the “Bankruptcy Case”), through its undersigned attorney, and very respectfully STATE and PRAY:

**I. RELEVANT PROCEDURAL BACKGROUND**

1. The above captioned Debtor GRUPO HIMA SAN PABLO, INC. as parent company filed its petition for relief under Chapter 11 of the Bankruptcy Code on August 15, 2023. (Docket entry no. 1 Cases No. 23-02510(EAG).

2. On this same date, the above captioned subsidiaries and/or related entities also filed voluntary petitions under Chapter 11 of the Bankruptcy Code. (Refer to above captioned cases).

3. Upon the filing of these cases, the Debtors continue managing their properties and/or business affairs as a Debtors in Possession pursuant the provisions of 11 U.S.C. Section 1101, 1107 and 1108.

4. On the first day of the case, the Debtors filed an *Urgent Motion for Entry of Interim and Final Orders (i) Authorizing **Post-petition Secured Financing** Pursuant to Sections 105, 361, 362, 364(c)(1), 364(c)(2), 364(c)(3), 364(d)(1), 364(e), and 503(b) of the Bankruptcy Code, (ii) **Authorizing the Debtors to Use Cash Collateral** Pursuant to Section 363 of the Bankruptcy Code, (iii) Providing Adequate Protection to The Prepetition Lenders Pursuant to Sections 361, 362, and 363 of The Bankruptcy Code, (iv) Modifying the Automatic Stay Pursuant to Section 362(d) of the Bankruptcy Code, (v) Scheduling a Final Hearing, and (vi) Providing Related Relief.* (Hereafter the “**DIP and Cash Collateral Motion**”) (Refer to Docket No. 9 & 21).<sup>1</sup>

5. On August 17, 2023, the Court scheduled an objection deadline and a hearing to be held on September 1, 2023, to consider, among others, the *DIP and Cash Collateral Motion*. (Docket No. 34)

6. To this date, two objections were filed to the *DIP and Cash Collateral Motion* by (i) Municipal Revenue Collection Center (“CRIM”) at docket no. 40 and (ii) Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”) at docket no. 35.

## **II. RECENT CASE DEVELOPMENT**

7. Upon the filing of several first day motions, the Court scheduled a hearing to entertain mainly procedural and administrative reliefs held on August 18, 2023. (Docket No. 29)

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<sup>1</sup> For purpose of brevity, Debtors refer to docket reference in Grupo Hima San Pablo case no 23-02510.

8. After addressing the matters above, the parties argued before the Court the remedies at docket no. 9 & 21 for the DIP financing and cash collateral and Debtors' Emergency Motion for the Interim Use of Cash Collateral at docket no. 39 & 42.

9. Specifically, on August 17, 2023, the Debtors filed MOTION FOR EMERGENCY AUTHORIZATION OF (1) THE INTERIM USE OF CASH COLLATERAL AND, IN THE ALTERNATIVE, AN (2) ENTRY OF AN EMERGENCY SCHEDULING ORDER FOR THE RELATED RELIEF ("Cash Collateral Motion") (Docket No. 39)

10. Said motion was supplemented with a two-week budget and a declaration submitted by the Chief Restructuring Officer, Stephen Marotta. (Docket No. 42)

11. Notwithstanding, on August 18, 2023, the Debtor filed a *Supplement to Motion for Interim Use of Cash Collateral Until August 23, 2023, with Reduced Budget for Immediate Necessary Expenses with Attached Proposed Consent Order Agreed with First Lien Secured Lender with Proposal of Adequate Protection* (Docket No. 45)

12. Ultimately, the Court granted such request and Debtor has been authorized to use cash collateral on an interim basis until and up to **AUGUST 23, 2023**. (Docket No. 47)

**III. URGENT NEED FOR A HEARING NO LATER THAN AUGUST 23, 2023**

13. The developments at the hearing held on August 18, 2023, revealed that given the circumstances of the case, the Court was inclined to advance the hearing on the DIP Financing for August 23, 2023.

14. It is Debtors' position that the interim budget at docket no. 45 and the Order at docket no. 47, attest without a doubt that the Debtors do not have authorization to use cash collateral after August 23, 2023, and that a remedy on that date would be required for the Debtors to continue with operations uninterrupted to be able to move forward with their intended sale process.

15. At this point, the *DIP and Cash Collateral Motion* at docket no. 9 & 21, remains as the only available source of funds for Debtors to go forward as intended.

16. The Debtors will file a Supplement to the *DIP and Cash Collateral Motion* at docket no. 9 & 21 to address and enhance the adequate protection to be provided to CRIM through replacement liens and to put forth information that will allow CRIM and the Court to confirm that in fact it is adequately protected.

17. The urgent need for an expedited hearing is also supported by the First Declaration of Debtors' CEO (docket no. 9 Exhibit D) and the Declaration of the Debtors' CRO (docket do. 9 Exhibit E & docket no. 42 Exhibit A).

18. The Debtors seek to effectuate a sale of the Company's operations as a going concern for each of its hospitals and all assets and related businesses, pursuant to an open and competitive bidding process aimed to maximize value for their stakeholders and inure to the benefit of all parties in interest.

19. Meanwhile, the Debtors require immediate and emergency remedies to perform critical payments related to payroll, compensation of health professionals (among them doctors and nurses) and procurement of medical supplies.

20. All of the above sit at the core of Debtors' ordinary course of business operations and are critical to provide uninterrupted patient care services. Absent the remedy requested herein, patient lives would be at risk, the Debtors' operations would come to a halt, remaining going concern operations would be heavily impaired and any intended sale or transfer process of the operations to an interested party would not be possible. In short, the Debtors are in dire need of a remedy on the date outlined herein.

21. Consequently, Debtors seek an urgent scheduling to ensure uninterrupted operations of its

hospitals during the Chapter 11 case and to minimize the expense and burden on the Debtor's estate.

22. Without the remedies detailed herein, the Debtors will suffer immediate and irreparable harm.

23. The Debtors have an imminent need to get before the Court on expedited basis.

24. Therefore, the Debtors request for the Court to enter the following remedies and

Orders:

- a. The Scheduling Order issued at docket no. 34 is modified as provided herein.
- b. Objections, if any, to the entry of an Interim Order approving the *DIP and Cash Collateral Motion* at docket no. 9 & 21, as may be Supplemented, shall be filed with the Court **no later than August 22, 2023, at 2:00PM** (the "Objection Deadline"). (The "Order shortening Objection Deadline")
- c. A hearing on the approval of the Interim Order approving the *DIP and Cash Collateral Motion* at docket no. 9 & 21, as may be Supplemented, and any timely objections filed thereto is scheduled for **August 23, 2023 at 2:30PM**. (the "DIP and Cash Collateral Motion Hearing"), provided, however, that if no objections are timely filed by parties-in-interest on or before the Objection Deadline, the Court may enter, without a hearing, at its discretion the Order approving the *DIP and Cash Collateral Motion* in an interim basis.
- d. Any party that has already objected to the *DIP and Cash Collateral Motion* should inform and affirm to the Court that their Objection still stands to the *DIP and Cash Collateral Motion* at docket no. 9 & 21, as may be Supplemented.

**WHEREFORE**, the Debtors respectfully request that this Court enter an Order in form and substance as the one attached as **Exhibit A**.

## CERTIFICATE OF SERVICE

**I HEREBY CERTIFY:** That on same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the participants appearing in said record.

**I HEREBY CERTIFY:** That on this same date a copy of the foregoing motion has been send by regular mail to the “Core 2002 List”. Such list shall be comprised of no less than [(i) the Office of the **United States Trustee** for the District of Puerto Rico; counsel for **United States Trustee** for the District of Puerto Rico, Monsita Lecaroz Arribas, Esq., by e-mail at [USTP.Region21@usdoj.gov](mailto:USTP.Region21@usdoj.gov); (ii) the holders of the **20 largest** unsecured claims **on each case**; (iii) counsel for **ALTER DOMUS (US) LLC**, in its capacity as the administrative and collateral agent under the Debtors’ prepetition secured credit facility; and by e-mail at [legal@alterdomus.com](mailto:legal@alterdomus.com); **Milbank LLP** as Counsel for secured credit lender Alter Domus (US) LLC, Evan Fleck, Esq, by e-mail at [efleck@milbank.com](mailto:efleck@milbank.com) and Matthew Brod, Esq., by e-mail at [mbrod@milbank.com](mailto:mbrod@milbank.com); (iv) **Wilmington Trust, National Association**, in its capacity as the administrative and collateral agent under the Debtors’ prepetition of Second Lien Holder; counsel for **Wilmington Trust, National Association**, Jeffrey Katz, Esq., by e-mail at [jeffrey.katz@dechert.com](mailto:jeffrey.katz@dechert.com) (v) **United States of America** through the U.S. Department of Justice; (vi) the **United States Attorney Office for the District of Puerto Rico** and by e-mail at [USAPR.Webmaster@usdoj.gov](mailto:USAPR.Webmaster@usdoj.gov); (vii) the **PR Department of Treasury**; counsel for **PR Department of Treasury** Migda Liz Rodriguez, Esq., by e-mail at [migrodriguez@justicia.gobierno.pr](mailto:migrodriguez@justicia.gobierno.pr); (viii) the **PR Department of Justice**; counsel for the **PR Department of Justice**, Migda Liz Rodriguez, Esq., by e-mail at [migrodriguez@justicia.gobierno.pr](mailto:migrodriguez@justicia.gobierno.pr); (ix) Centro de Recaudacion de Ingresos Municipales (“**CRIM**”); counsel for **CRIM**, Carmen P. Figueroa, Esq., by e-mail at [cfigueroa@crimpr.net](mailto:cfigueroa@crimpr.net); (x)

counsels for the Puerto Rico Fiscal Agency and Financial Advisory Authority (“AAFAF”), Luis C. Marini Biaggi, Esq., by e-mail at [Imarini@mpmlawpr.com](mailto:Imarini@mpmlawpr.com) & Carolina Velaz Rivero, Esq. by e-mail at [cvelaz@mpmlawpr.com](mailto:cvelaz@mpmlawpr.com); (xi) **PR Department of Health**; (xii) the **PR State Patient Care Ombudswoman**; (xiii) **Medicare**; (xiv) representatives of **Labor Unions**; (xv) **Municipality of Caguas**, and by e-mail at [william.miranda@caguas.gov.pr](mailto:william.miranda@caguas.gov.pr); (xvi) **Municipality of Humacao**, and by e-mail [oficinadelcalde@humacao.gov.pr](mailto:oficinadelcalde@humacao.gov.pr); (xvii) **Municipality of Bayamon**, and by e-mail [oabayamon@yahoo.com](mailto:oabayamon@yahoo.com); (xviii) **Municipality of Fajardo** and by e-mail [amelendez@fajardopr.org](mailto:amelendez@fajardopr.org)

**I HEREBY CERTIFY:** That on this same date a copy of the foregoing motion has been made available to the creditors, parties in interest and public in general, at website URL <https://dm.epiq11.com/GrupoHIMA>.

**RESPECTFULLY SUBMITTED**

In Guaynabo, Puerto Rico, this 20<sup>th</sup> day of August 2023.

	<p><b>Lugo Mender Group, LLC</b>  <b>Attorney for Debtors</b>  100 Carr. 165 Suite 501  Guaynabo, P.R. 00968-8052  Tel: (787) 707-0404  Fax: (787) 707-0412  <a href="mailto:wlugo@lugomender.com">wlugo@lugomender.com</a></p> <p><i>/S/ Wigberto Lugo Mender</i>  Wigberto Lugo Mender  USDC-PR 212304  <a href="mailto:wlugo@lugomender.com">wlugo@lugomender.com</a></p> <p><i>/S/ Alexis A. Betancourt Vincenty</i>  Alexis A. Betancourt Vincenty  USDC-PR 301304  <a href="mailto:a_betancourt@lugomender.com">a_betancourt@lugomender.com</a></p>
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<b>IN RE:</b>  <b>GRUPO HIMA SAN PABLO, INC.</b>  <b>DEBTOR</b> (EIN #8245)	<b>CASE NO. 23-02510 (EAG)</b>  <b>CHAPTER 11</b>
<b>IN RE:</b>  <b>CENTRO MEDICO EL TURABO, INC.</b>  <b>DEBTOR</b> (EIN #5905)	<b>CASE NO. 23-02513 (EAG)</b>  <b>CHAPTER 11</b>
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**LOCAL BANKRUPTCY RULE 9013-1(a) CERTIFICATION**

We, Wigberto Lugo Mender, Esq. and Alexis Betancourt Vincenty, Esq., counsel to the debtor, do hereby certify that, pursuant to Local Bankruptcy Rule 9013-1(a), I have carefully examined the matter and concluded that there is a true need for an emergency remedy, that neither I or any party have created the emergency through any lack of due diligence, and that I have made bona fide efforts to resolve the matter without a hearing.

**RESPECTFULLY SUBMITTED**

In San Juan, Puerto Rico, this 20<sup>th</sup> day of August 2023.

<i>/S/ Wigberto Lugo Mender</i>  Wigberto Lugo Mender USDC-PR 212304 <a href="mailto:wlugo@lugomender.com">wlugo@lugomender.com</a>	<b>Lugo Mender Group, LLC</b> <b>Attorney for Debtors</b> 100 Carr. 165 Suite 501 Guaynabo, P.R. 00968-8052 Tel: (787) 707-0404 Fax: (787) 707-0412 <a href="mailto:wlugo@lugomender.com">wlugo@lugomender.com</a>  <i>/S/ Alexis A. Betancourt Vincenty</i> Alexis A. Betancourt Vincenty USDC-PR 301304 a betancourt@lugomender.com
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<b>IN RE:</b> <b>JERUSALEM HOME AMBULANCE, INC.</b> <b>DEBTOR</b> (EIN #0175)	<b>CASE NO. 23-02522 (EAG)</b> <b>CHAPTER 11</b>
<b>IN RE:</b> <b>HOST SECURITY SERVICES, INC.</b> <b>DEBTOR</b> (EIN #8802)	<b>CASE NO. 23-02523 (EAG)</b> <b>CHAPTER 11</b>

**ORDER ESTABLISHING RESPONSE DEADLINES AND SCHEDULING HEARINGS  
TO CONSIDER FIRST DAY MOTIONS**

WHEREAS, on August 20, 2023, Debtor filed an *URGENT MOTION REQUESTING SCHEDULING ORDER FOR AUGUST 23, 2023 WITH EXPEDITED DEADLINES RELATED TO DIP FINANCING AND USE OF CASH COLLATERAL*. (Hereafter the “Urgent Scheduling Order”) (Docket No. \_\_);

WHEREAS, the United States Bankruptcy Court for the District of Puerto Rico (the “Court”) having jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334, having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2), having found that venue of this proceeding in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409, and having found that this Court may enter a final order with respect to this matter,

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

1. The recitals, determinations, conclusions, and findings set forth above are hereby incorporated into this Order.

2. The Urgent Motion for Scheduling Order filed by the Parties is hereby GRANTED.

**NOW THEREFORE, ALL PARTIES-IN-INTEREST ARE HEREBY ADVISED AND NOTIFIED THAT**

3. The Scheduling Order issued at docket no. 34 is modified as provided herein.

4. Objections, if any, to the entry of an Interim Order approving the DIP and Cash Collateral Motion at docket no. 9 & 21, as may be Supplemented, shall be filed with the Court no later than August 22, 2023, at 2:00PM (the “Objection Deadline”). (The “Order shortening Objection Deadline”)

5. A hearing on the approval of the Interim Order approving the DIP and Cash Collateral Motion at docket no. 9 & 21, as may Supplemented, and any timely objections filed thereto is scheduled for August 23, 2023 at 2:30PM. (the “DIP and Cash Collateral Motion Hearing”), at the U.S. Bankruptcy Court, José V. Toledo Post Office & Courthouse Bldg., Courtroom 2, Floor 2, 300 Recinto Sur, Old San Juan, Puerto Rico. If no objections are timely filed on or before the Objection Deadline, the Court may enter, at its discretion, an interim order granting the pertinent First Day Motions in an interim basis, vacating the First Day Motions Hearing. The Court will allow for parties that are in different jurisdictions to participate via Microsoft Teams Video & Audio Conferencing. All parties that wish to appear via Microsoft Teams must familiarize themselves and follow the Procedures for Remote Appearances, found on the homepage of our website at <https://www.prb.uscourts.gov>. See Notice 22-29.

6. Any party that has already objected to the DIP and Cash Collateral Motion should inform and affirm to the Court that their Objection still stands to the DIP and Cash Collateral Motion at docket no. 9 & 21, as may be Supplemented.

7. The terms and conditions of this Order shall be immediately effective and enforceable upon entry hereof.

8. This Court shall retain exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation and enforcement of this Order.

**IT IS SO ORDERED,**

San Juan, Puerto Rico, this \_\_\_ day of August 2023.

\_\_\_\_\_  
HON. \_\_\_\_\_  
UNITED STATES BANKRUPTCY JUDGE