

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW MEXICO**

In re:

OTERO COUNTY HOSPITAL
ASSOCIATION, INC. (d/b/a Gerald
Champion Regional Medical Center, d/b/a
Mount View Catering),

Debtor.

Chapter 11

Case No. 11-13686-J11

**MOTION TO WITHDRAW THE MOTION PURSUANT TO RULE 9019 OF THE
FEDERAL RULES OF BANKRUPTCY PROCEDURE FOR ENTRY OF AN ORDER
APPROVING THE COMPROMISE AND SETTLEMENT BY AND BETWEEN THE
DEBTOR, DR. FRANK BRYANT, JOHN G. FRANCHINI, SUPERINTENDENT OF
INSURANCE, NEW MEXICO PUBLIC REGULATION COMMISSION, AS
CUSTODIAN AND TRUSTEE OF THE STATUTORY NEW MEXICO PATIENT'S
COMPENSATION FUND, SOUTHWEST ORTHOPAEDICS, P.C. AND THE TORT
CLAIMANTS**

TO THE HONORABLE ROBERT H. JACOBVITZ, UNITED STATES
BANKRUPTCY JUDGE:

COMES NOW, the group of medical malpractice claimants previously identified
as the "Tort Claimants"¹ and files their Motion to Withdraw the Motion Pursuant to Rule 9019 of
the Federal Rules of Bankruptcy Procedure for Entry of an Order Approving the Compromise
and Settlement by and Between the Debtor, Dr. Frank Bryant, John G. Franchini, Superintendent
of Insurance, New Mexico Public Relation Commission, As Custodian and Trustee of the
Statutory New Mexico Patient's Compensation Fund, Southwest Orthopaedics, P.C. and the Tort

¹ The Group now includes those persons set forth on Exhibit "A" hereto as a result of
successful cooperation on their part.



Claimants by and between the foregoing parties identified in the caption (“Bryant/Franchini Settlement Motion”) and in support thereof would respectfully show the Court as follows:

1. On February 13, 2012, the Tort Claimants filed their Bryant/Franchini Settlement Motion.

2. Subsequent to the filing of the Motion, counsel for the Tort Claimants was advised by counsel for the Debtor and counsel for Quorum Health Resources LLC that they did not believe the Bryant/Franchini settlement benefited the Estate in any fashion and that they believed there were jurisdictional questions regarding the authority of the Court to approve a settlement agreement which did not involve the Estate.

3. As this Court is well aware from previous hearings, the Bryant/Franchini settlement is of significant benefit to the primary creditors of the Estate and all parties to this settlement deserve that the settlement be consummated. Accordingly, in order to avoid unnecessary further delay and expense, the parties have agreed to consummate the settlement privately, rather than through the judicial process. Therefore, it is no longer necessary to prosecute the Bryant/Franchini Settlement Motion.

4. WHEREFORE, PREMISES CONTROLLING, the Tort Claimants respectfully pray that the Court grant the Motion to Withdraw the Bryant/Franchini settlement motion without prejudice and grant such other and further relief as is just and proper.

Respectfully submitted,

Dated: March 1, 2012

LOEB & LOEB LLP
BERNARD R. GIVEN II

By: /s/ Bernard R. Given
Bernard R. Given II
Attorneys for the Tort Claimants

CERTIFICATE OF SERVICE

I, Bernard R. Given II, hereby certify that on March 1, 2012, a true and correct copy of this **MOTION TO WITHDRAW MOTION PURSUANT TO RULE 9019 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE FOR ENTRY OF AN ORDER APPROVING THE COMPROMISE AND SETTLEMENT BY AND BETWEEN THE DEBTOR, DR. FRANK BRYANT, JOHN G. FRANCHINI, SUPERINTENDENT OF INSURANCE, NEW MEXICO PUBLIC REGULATION COMMISSION, AS CUSTODIAN AND TRUSTEE OF THE STATUTORY NEW MEXICO PATIENT'S COMPENSATION FUND, SOUTHWEST ORTHOPAEDICS, P.C. AND THE TORT CLAIMANTS** filed with the Court on March 1, 2012, has been mailed to the attached list of parties, creditors and parties in interest.

Dated: March 1, 2012
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By: /s/ Bernard R. Given II
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