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Case No. 2:19-cv-10352-DSF¹

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

In re:
VERITY HEALTH SYSTEM OF
CALIFORNIA, INC., *et al.*,²

On Appeal from the United States
Bankruptcy Court for the Central District
of California (Bankr. Lead Case No.:
2:18-bk-20151-ER)

Debtors and Debtors in

¹ This appeal (2:19-cv-10352-DSF) has been consolidated with the following related appeals: 2:19-cv-10354-DSF and 2:19-cv-10356-DSF.

² The other Debtors in the chapter 11 cases, being jointly administered under Lead Case No. 2:18-bk-20151-ER, are O'Connor Hospital 2:18-bk-20168-ER, Saint Louise Regional Hospital 2:18-bk-20162-ER, St. Francis Medical Center 2:18-cv-20165-ER, St. Vincent Medical Center 2:18-bk-20164-ER, Seton Medical Center 2:18-cv-20167-ER, O'Connor Hospital Foundation 2:18-bk-20179-ER, Saint Louise Regional Hospital Foundation 2:18-cv-20172-ER, St. Francis Medical Center of Lynwood Foundation 2:18-cv-20178-ER, St. Vincent Foundation 2:18-cv-20180-ER, St. Vincent Dialysis Center, Inc. 2:18-cv-20171-ER, Seton Medical Center Foundation 2:18-cv-20175-ER, Verity Business Services 2:18-cv-20173-ER, Verity Medical Foundation 2:18-cv-20169-ER, Verity Holdings, LLC 2:18-cv-20163-ER, DePaul Ventures, LLC 2:18-cv-20176-ER, and DePaul Ventures – San Jose Dialysis, LLC 2:18-cv-20181-ER.



Possession.

**APPELLANT’S CONDITIONAL
REQUEST TO FILE A REPLY
BRIEF**

STRATEGIC GLOBAL
MANAGEMENT, INC.,

Appellant,

v.

STATE OF CALIFORNIA; VERITY
HEALTH SYSTEM OF
CALIFORNIA, INC., *et al.*

Appellees.

Judge: Hon. Dale S. Fischer

Place: Courtroom 7D, 350 W. First
Street, Los Angeles, CA 90012

Appellant Strategic Global Management, Inc. (“SGM” or “Appellant”) hereby files its “*Conditional Request To File A Reply Brief*,” in relation to the Court’s “*Order[s] Dismissing Appeals As Moot*” (the “Dismissal Orders”).

In this Court’s Dismissal Orders entered on May 14, 2020, in connection with the above captioned appeals,³ the Court stated its intention to vacate the Bankruptcy Court’s orders entered on November 14, 18, and 27 (the “Orders”). On May 28, 2020, Appellees filed their joint response to the Dismissal Orders [Doc. No. 60] (the “Joint Response”) in which they advocated that the Orders not be vacated.

Vacatur of the Orders is acceptable to Appellant; however, if, in light of the Joint Response, the Court is reconsidering its tentative decision to vacate the Orders, Appellant requests an opportunity to file a 5 page reply brief.

Appellant requests that this Court consider the following:

- As this Court recognized in the Dismissal Orders entered on May 14, 2020, the United States Supreme Court, in *Camreta v. Greene*, 563 U.S. 682 (2011), held that vacatur is proper for an appeal dismissed as constitutionally moot. Thus, vacating the Orders is consistent with the protection of Appellant’s due process rights.

- The perpetuation of any of the Orders will profoundly and adversely affect Appellant’s rights and interests; particularly, in its ability to defend itself in the pending adversary proceeding. Appellant believes that the factual assertions, legal arguments and case citations in the Joint Response are riddled with inaccurate and misleading statements, which Appellants can address in a reply brief.

For the above reasons, Appellant respectfully requests that, in the event that the Court is inclined to reconsider its tentative decision to vacate the Orders, that Appellant be given an opportunity to file a reply.

³ (2:19-cv-10352-DSF, Doc. No. 59); (2:19-cv-10356, Doc. No. 26).

1 Respectfully submitted,

2 Dated: May 29, 2020

LEVENE, NEALE, BENDER, YOO & BRILL
L.L.P.

3
4 By: /s/ Gary E. Klausner

5 Gary E. Klausner
6 Jeffrey S. Kwong
7
8

9 Dated: May 29, 2020

BARNES & THORNBURG LLP

10 By: /s/ Kevin D. Rising

11 Kevin D. Rising
12 L. Rachel Lerman
13 Joel R. Meyer

14 Counsel for Strategic Global Management, Inc.,
15 Appellant
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CERTIFICATE OF COMPLIANCE

1. This Conditional Request complies with the page and/or word limit of Fed. R. Bankr. P. 8013(f) because, excluding the parts of the Conditional Request that are exempted, this Conditional Request is 1 page and contains 296 words.

2. This Conditional Request complies with the typeface requirements of Fed. R. Bankr. P. 8015(a)(5) and the type-style requirements of Fed. R. Bankr. P. 8015(a)(6) because the document was prepared in the proportionally spaced 14-point Times New Roman font.

Dated: May 29, 2020

/s/ Gary E. Klausner

GARY E. KLAUSNER

CERTIFICATE OF SERVICE

1. I hereby certify that on May 29, 2020, I electronically filed the foregoing document with the Clerk of the Court for the United States District Court for the Central District of California using the CM/ECF system.

2. I further certify that parties of record to this appeal who either are registered CM/ECF users, or who have registered for electronic notice, or who have consented in writing to electronic service, will be served through the CM/ECF system.

3. I further certify that some of the parties of record to this appeal may not have not consented to electronic service. I have served the foregoing documents by the means set forth below:

Courtesy Copies via Personal Delivery

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Dated: May 29, 2020

/s/ Gary E. Klausner

GARY E. KLAUSNER