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 Toppenish*

HONORABLE WHITMAN L. HOLT

UNITED STATES BANKRUPTCY COURT
 EASTERN DISTRICT OF WASHINGTON

In re

ASTRIA HEALTH, et al.,¹

Debtor.

Case No. 19-01189-WHL11

YAKIMA HMA, LLC and YAKIMA HMA
 PHYSICIAN MANAGEMENT, LLC,

Plaintiffs,

v.

SHC MEDICAL CENTER – YAKIMA and
 SHC MEDICAL CENTER – TOPPENISH,

Defendants.

Adv. No.: 20-80018-WLH

ORDER GRANTING DEFENDANTS'
 MOTION TO DISMISS FOR
 FAILURE TO STATE A CLAIM
 UPON WHICH RELIEF CAN BE
 GRANTED PURSUANT TO
 FEDERAL RULE OF CIVIL
 PROCEDURE 12(b)(6)

¹ The Debtors, along with their case numbers, are as follows: Astria Health (19-01189-11), Glacier Canyon, LLC (19-01193-11), Kitchen and Bath Furnishings, LLC (19-01194-11), Oxbow Summit, LLC (19-01195-11), SHC Holdco, LLC (19-01196-11), SHC Medical Center-Toppenish (19-01190-11), SHC Medical Center-Yakima (19-01192-11), Sunnyside Community Hospital Association (19-01191-11), Sunnyside Community Hospital Home Medical Supply, LLC (19-01197-11), Sunnyside Home Health (19-01198-11), Sunnyside Professional Services, LLC (19-01199-11), Yakima Home Care Holdings, LLC (19-01201-11), and Yakima HMA Home Health, LLC (19-01200-11).

ORDER GRANTING DEFENDANTS' MOTION TO
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1 This matter came before the court upon the Motion to Dismiss for Failure to
2 State a Claim on Which Relief Can be Granted Pursuant to Federal Rule of Civil
3 Procedure 12(b)(6) (the “Motion”) filed by SHC Medical Center – Yakima and SHC
4 Medical Center – Toppenish (the “Defendants”). The court has reviewed the files and
5 records herein and, after conducting a hearing on October 8, 2020, finds that cause
6 exists for the requested relief. Now, therefore, it is hereby

7 **ORDERED:**

8 1. The claim for money or recovery of property asserted by Yakima HMA,
9 LLC and Yakima HMA Physician Management, LLC (together, “Plaintiffs”) in their
10 complaint in the above-captioned adversary proceeding (the “Complaint”) is dismissed,
11 without prejudice, pursuant to Federal Rule of Civil Procedure 12(b)(6).

12 2. Plaintiffs shall have thirty days from the date of this Order to amend the
13 Complaint, if appropriate, to include an allegation that the Defendants are in possession
14 of the property at issue in the Complaint.

15 //End of Order//

16 Presented by:

17 BUSH KORNFELD LLP

18
19 By /s/ Christine M. Tobin-Presser
20 Christine M. Tobin-Presser, WSBA #27628
21 Attorneys for Defendants
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