

So Ordered.

Docket #0033 Date Filed: 10/8/2020



Whitman L. Holt
Bankruptcy Judge

Dated: October 8th, 2020

* TEXT REDACTED IN AREA RESERVED FOR COURT USE PER LBR 9013-1(c)(2)(A).

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
DISMISS – Page 1

BUSH KORNFIELD LLP
LAW OFFICES

601 Union St., Suite 5000



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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 The motion [ECF No. 18] is granted to the extent set forth herein:

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

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

16 //End of Order//

17 Presented by:

18 BUSH KORNFELD LLP

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

22 * Changes made by court
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