

1 James L. Day, WSBA #20474
Christine M. Tobin-Presser, WSBA #27628
2 BUSH KORNFELD LLP
601 Union Street, Suite 5000
3 Seattle, WA 98101
Tel.: (206) 292-2110
4 Fax: (206) 292-2104
Email: jday@bskd.com
5 Email: ctobin@bskd.com
*Attorneys for Defendants SHC Medical
6 Center – Yakima and SHC Medical Center –
7 Toppenish*

HONORABLE WHITMAN L. HOLT

8 UNITED STATES BANKRUPTCY COURT
9 EASTERN DISTRICT OF WASHINGTON

10 In re

11 ASTRIA HEALTH, et al.,¹

12 Debtor.

Case No. 19-01189-WHL11

13 YAKIMA HMA, LLC and YAKIMA HMA
14 PHYSICIAN MANAGEMENT, LLC,

15 Plaintiffs,

16 v.

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

19 Defendants.

Adv. No.: 20-80018-WLH

MOTION TO DISMISS
ADVERSARY PROCEEDING

20
21 ¹ The Debtors, along with their case numbers, are as follows: Astria Health (19-01189-11), Glacier
22 Canyon, LLC (19-01193-11), Kitchen and Bath Furnishings, LLC (19-01194-11), Oxbow Summit, LLC (19-
23 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).

MOTION TO DISMISS ADVERSARY
PROCEEDING – Page 1

BUSH KORNFELD LLP
LAW OFFICES
601 Union St. Suite 5000



190118920111700000000001

1 SHC Medical Center - Yakima and SHC Medical Center – Toppenish (together,
2 “Defendants”), defendants in the above-captioned adversary proceeding (the
3 “Adversary Proceeding”), move the court for an order dismissing the Adversary
4 Proceeding.

5 1. On October 8, 2020, the court entered an Order Granting Defendants’
6 Motion to Dismiss for Failure to State a Claim Upon Which Relief Can be Granted
7 Pursuant to Federal Rule of Civil Procedure 12(b)(6) (the “Dismissal Order”). Docket
8 No. 30.

9 2. Paragraph 1 of the Dismissal Order provides as follows:

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

13 *Id.*

14 3. The dismissed claim for money or recovery of property was the sole claim
15 set forth in the Complaint.

16 4. The Dismissal Order provided that Plaintiffs had thirty to amend their
17 Complaint.

18 5. Plaintiffs did not amend their Complaint and the deadline to do so has
19 expired.

20 ///

21 ///

22 ///

23
MOTION TO DISMISS ADVERSARY
PROCEEDING – Page 2

BUSH KORNFIELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104

1 James L. Day, WSBA #20474
Christine M. Tobin-Presser, WSBA #27628
2 BUSH KORNFELD LLP
601 Union Street, Suite 5000
3 Seattle, WA 98101
Tel.: (206) 292-2110
4 Fax: (206) 292-2104
Email: jday@bskd.com
5 Email: ctobin@bskd.com
Attorneys for Defendants SHC Medical
6 *Center – Yakima and SHC Medical Center –*
Toppenish

HONORABLE WHITMAN L. HOLT

8 UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

9 In re

10 ASTRIA HEALTH, et al.,¹

11 Debtor.

Case No. 19-01189-WHL11

12
13 YAKIMA HMA, LLC and YAKIMA HMA
PHYSICIAN MANAGEMENT, LLC,

14 Plaintiffs,

15 v.

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

17 Defendants.

Adv. No.: 20-80018-WLH

[PROPOSED] ORDER DISMISSING
ADVERSARY PROCEEDING

[Clerk's Action Required]

18
19
20
21 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-
22 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
23 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).

[PROPOSED] ORDER DISMISSING ADVERSARY
PROCEEDING – Page 1

BUSH KORNFELD LLP
LAW OFFICES
601 Union St., Suite 5000
Seattle, Washington 98101-2373
Telephone (206) 292-2110
Facsimile (206) 292-2104

1 This matter came before the court upon the Motion to Dismiss Adversary
2 Proceeding (the “Motion”) filed by SMH Medical Center – Yakima and SMH Medical
3 Center – Toppenish (together, “Defendants”), defendants in the above-captioned
4 adversary proceeding (the “Adversary Proceeding”). The court has reviewed the files
5 and records herein and finds that cause exists for the requested relief. Now, therefore,
6 it is hereby

7 **ORDERED:**

- 8 1. The Motion is granted; and
9 2. The Adversary Proceeding is hereby dismissed, with prejudice.

10 //End of Order//

11 Presented by:

12 BUSH KORNFELD LLP

13
14 By Christine M. Tobin-Presser, WSBA #27628
15 Attorneys for Defendants