

BENESCH
FRIEDLANDER
COPLAN &
ARONOFF LLP
ATTORNEYS AT LAW

2300 BP Tower
200 Public Square
Cleveland, Ohio 44114-2378
(216) 363-4500
Fax (216) 363-4588
www.bfca.com

Jeremy Gilman
Writer's Direct Dial (216) 363-4565

October 4, 2002

VIA FEDERAL EXPRESS

Office of the Clerk – Attn: Carol Ann Papalas
United States Bankruptcy Court
United States Courthouse
10 East Commerce Street
Youngstown, OH 44503

**Re: In re: Youngstown Osteopathic Hospital Association
Youngstown Osteopathic Hospital Association v. Pathways Center for Geriatric
Psychiatry, Inc., et al. Case No. 99-40663**

Dear Carol:

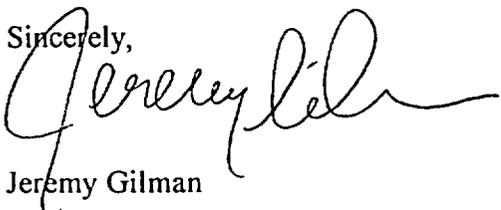
We represent Youngstown Osteopathic Hospital Association (“YOH”) in this case.

Enclosed for filing with the court in the above-referenced case is an original and three copies of the following documents:

1. Debtor's Motion for Authority to Compromise Judgment.
2. Notice of Filing of Motion of Youngstown Osteopathic Hospital Association for Order Authorizing Authority to Compromise Judgment.
3. *Proposed* Order granting Debtor's Motion for Authority to Compromise Judgment

Please return a time-stamped copy of each in the enclosed self-addressed, stamped envelope. If you have any questions, please call me, and thank you for your assistance.

Sincerely,



Jeremy Gilman

JG/bfp
Enclosures

Cleveland Columbus

template 06C002

ERDS 06C007

VIA FEDERAL EXPRESS

Office of the Clerk – Attn: Carol Ann Papalas

October 4, 2002

Page 2

- cc: Maryann Barnett (w/encls.)
Patricia Macejko (w/encls.)
Pathways Center for Geriatric Psychiatry, Inc. (w/encls.)
dwt Realty, Inc. (w/encls.)
RiverLake Healthcare, Inc. (w/encls.)
John N. Childs and Michele Morris (w/encls.)
J. Scott Broome (w/encls.)
Martha L. Bushey (w/encls.)
Westchester Estates Extended Care Facility Limited (w/encls.)
Timothy M. Reardon (w/encls.)
Office of the United States Trustee (w/encls.)

All parties on attached service list

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

-----X
In re: : CHAPTER 11
: :
YOUNGSTOWN OSTEOPATHIC : JUDGE WILLIAM T. BODOH
HOSPITAL ASSOCIATION, : :
: : CASE NO. 99-40663
Debtor. : :
-----X

DEBTOR'S MOTION FOR AUTHORITY TO COMPROMISE JUDGMENT

Debtor, Youngstown Osteopathic Hospital Association ("YOH"), by counsel and pursuant to Rules 2002 and 9019(a), moves this court for entry of an order authorizing it to compromise the final judgment (the "Judgment") rendered in its favor and against Defendants-Judgment Debtors Maryann Barnett, Patricia Macejko, Pathways Center for Geriatric Psychiatry, Inc., Riverlake Healthcare, Inc., and dwt Realty, Inc., (collectively the "Judgment Debtors") on June 26, 2002, in Adversary Proceeding No. 01-4098 ("the Adversary Proceeding") in this Chapter 11 case.

Specifically, YOH seeks authority to assign the Judgment, as well as postjudgment interest on that Judgment and YOH's claim for prejudgment interest against the Judgment Debtors in the Adversary Proceeding, to JADCO LIMITED PARTNERSHIP, an Ohio General Partnership ("Jadco"), upon YOH's receipt of a cash payment (the "Assignment Funds") in the sum of Five Hundred Thousand Dollars (\$500,000), minus a credit equal to the amount already paid by Briarfield of Austintown, LLC ("Briarfield") to YOH pursuant to the Final Order of Garnishment of Property Other Than Personal Earnings (the "Garnishment Order") rendered on September 10, 2002 in the Adversary Proceeding and the Final Order Granting Plaintiff-Judgment Creditor's Request for a Creditor's Bill (the "Creditor's Bill") rendered on September 10, 2002 in Adversary

No. 02-4142 in this Chapter 11 case. As of the date of this Motion, that credit is in the sum of \$13,000.

This proposed assignment is strictly conditioned upon YOH's receipt of the Assignment Funds, in full, and in immediately negotiable funds, no later than twenty (20) calendar days from the date of the filing of this Motion. Payment of the Assignment Funds shall be made and directed to Jeremy Gilman, Esq. ("YOH's counsel"), of Benesch, Friedlander, Coplan & Aronoff LLP, at the address designated below, in his capacity as YOH's counsel of record in the Adversary Proceeding. If the Assignment Funds are not received in full by YOH's counsel within that 20-day period, YOH shall be under no obligation to assign the Judgment to Jadco, the proposed assignment referred to in this Motion shall be deemed a nullity, and YOH shall retain all of its rights in and to the Judgment, including without limitation its rights to receive continuing payments under the Garnishment Order and the Creditor's Bill, and its rights to pursue any and all other available collection remedies with respect to the Judgment.

As grounds for this Motion, YOH states as follows:

1. On June 26, 2002, this Court entered Judgment against in YOH's favor and against the Judgment Debtors in the Adversary Proceeding.
2. The Judgment is in the total principal sum of \$735,000, and carries a postjudgment interest rate of 1.88%.
3. This Court's Memorandum of Opinion accompanying the Judgment reserved determination on YOH's claim for prejudgment interest against the Judgment Debtors.
4. YOH believes that the assignment of the Judgment to Jadco subject to the express terms, conditions, restrictions, deadlines and limitations set forth in this Motion would serve the best interests of the Estate by providing immediate funding to the Estate.
5. No assets of YOH's Estate other than those explicitly identified in this Motion shall be subject to the assignment to Jadco.

6. YOH has conferred with counsel to the Official Committee of Unsecured Creditors (the "Committee") in this Chapter 11 case and has been informed that the Committee supports this Motion.

7. For these reasons, YOH requests this Court authorize it to assign the Judgment to Jadco subject to the express terms, conditions, restrictions, deadlines and limitations set forth in this Motion. A proposed order accompanies this Motion.

Respectfully submitted,



Jeremy Gilman (OBR #0014144)

BENESCH, FRIEDLANDER,

COPLAN & ARONOFF LLP

2300 BP Tower

200 Public Square

Cleveland, OH 44114-2378

(216) 363-4565

Attorneys for Debtor, Youngstown Osteopathic
Hospital Association

CERTIFICATE OF SERVICE

A copy of the foregoing DEBTOR'S MOTION FOR AUTHORITY TO COMPROMISE JUDGMENT has been served by regular U.S. Mail, postage prepaid, on this 4th day of October, upon the persons and entities identified on the attached service list and also upon the following:

Ms. Maryann Barnett
5903 Tippecanoe Rd.
Canfield, OH 44406

Ms. Patricia Macejko
6952 Killdeer Drive
Canfield, OH 44406

Westchester Estates Extended
Care Facility Limited
5291 Ashley Circle
Youngstown, OH 44515

Timothy M. Reardon
Creditor's Committee Counsel
Nadler, Nadler & Burdman Co., LPA
20 Federal Plaza West, Suite 600
Youngstown, OH 44503

Office of the United States Trustee
BP Tower
200 Public Square, 20th Floor, Suite 3300
Cleveland, OH 44114

Martha L. Bushey, Esq.
Manchester, Bennett,
Powers & Ullman, LPA
Atrium Level Two
The Commerce Building
201 East Commerce Street
Youngstown, OH 44503-1641

John N. Childs and Michele Morris
Brennan, Manna & Diamond LLC
The Carnegie Building
75 East Market Street
Akron, OH 44308

J. Scott Broome
Rotatori, Bender, Gragel, Stoper &
Alexander Co., L.P.A.
800 Leader Building
526 Superior Avenue East
Cleveland, OH 44114-1498

Pathways Center for Geriatric Psychiatry, Inc.
c/o Maryann Barnett
1323 Florencedale Avenue
Youngstown, OH 44505

dwt Realty, Inc.
c/o Donald W. Macejko
6952 Killdeer
Canfield, OH 44406

RiverLake Healthcare, Inc.
c/o B. & Mcd., Inc.
106 S. Main Street
Akron, OH 44308


Jeremy Gilman

SERVICE LIST

Askounis & Borst, P.C.
Attn: Thomas V. Askounis, Esq.
303 East Wacker Drive
Ninth Floor
Chicago, IL 60601

Central States, Southeast and Southwest
Areas Pension Fund--Legal Dept.
Attn: Brad R. Berliner, Esq.
9377 West Higgins Road
Rosemont, IL 60018-4938

Dubin, Joseph & Shagrin
Attn: Michael B. Shagrin, Esq.
75 Public Square, Suite 650
Cleveland, OH 44113

Friedman & Rummell Co., L.P.A.
Attn: Carl D. Raforth, Esq.
300 City Centre One
Youngstown, OH 44503-1810

Henderson, Covington, Messenger,
Newman & Thomas Co., L.P.A.
Attn: Richard J. Thomas, Esq.
Jerry M. Bryan, Esq.
34 Federal Plaza West, #600
Youngstown, OH 44503
Internal Revenue Service
Dept. of Treasury
Attn: Antoinette Ruminski,
Insolvency Specialist
P. O. Box 99183
Cleveland, OH 44199
Luckhart, Mumaw, Zellers & Robinson
Attn: Richard G. Zellers, Esq.
3810 Starrs Centre Drive
Canfield, OH 44406

Mahoning, County of
Treasurer's Office
120 Market Street
Youngstown, OH 44503

Miller, Canfield, Paddock and Stone,
P.L.C.
Attn: Lori L. Purkey, Esq.
444 West Michigan Avenue
Kalamazoo, MI 49007

National City Bank
One Cascade Plaza
Akron, OH 44308

Burland & Associates, LLC
Attn: Bradley D. Burland, Esq.
23875 Commerce Park Road, Suite 105
Beachwood, OH 44122

Central States, Southeast and Southwest
Areas Pension Fund
Attn: Brad R. Berliner, Esq.
P. O. Box 5123
Des Plaines, IL 60017-5123

Fisher Scientific Company LLC
Attn: Kate Getka, Credit Department
2000 Park Lane Drive
Pittsburgh, PA 15275-1126

Great-West Life & Annuity Ins. Co.
Attn: Kelly S. Noble, Esq.
8515 East Orchard Road, 7T2
Englewood, CO 80111

Herzfeld & Rubin, P.C.
Attn: Ira L. Herman, Esq.
40 Wall Street
New York, NY 10005

Kahn, Kleinman, Yanowitz & Arnson
Co., L.P.A.
Attn: M. Colette Gibbons, Esq.
2600 Tower at Erieview
Cleveland, OH 44114-1824

Mahoning..County of
50 Westchester Drive, #202
Youngstown, OH 44515

Manchester, Bennett, Powers & Ullman
Attn: James W. Ehrman, Esq.
201 East Commerce Street
Youngstown, OH 44503-1641

William Anthony Myers, Esq.
33 Melrose Avenue
Boardman, OH 44512

National City Bank
20 Federal Plaza
Youngstown, OH 44503

Centers for Medicare & Medicaid Services
Attn: Victoria A. Robey
Room SLL-12-16
7500 Security Boulevard
Baltimore, MD 21244-1850

Cloppert, Portman, Sauter, et al.
Attn: Frederick G. Cloppert, Esq.
Ronald H. Snyder, Esq.
225 East Broad Street
Columbus, OH 43215

Charles W. Fonda, Esq.
75 Public Square, Suite 730
Cleveland, OH 44113

Harrington, Hoppe & Mitchell, Ltd.
Attn: Frederick S. Coombs III, Esq.
1200 Mahoning Bank Building
Youngstown, OH 44503

Hewlett-Packard Company
Attn: FCG-Recovery
20 Perimeter Summit Blvd.
Mailstop 507
Atlanta, GA 30319

Kutlick Platz Realty, LLC
Attn: William Kutlick
100 DeBartolo Place
Youngstown, OH 44513

Mahoning, County of
Prosecutor's Office
120 Market Street
Youngstown, OH 44503

Meyer, Unkovic & Scott, LLP
Attn: Joel M. Helmrich, Esq.
1300 Oliver Building
Pittsburgh, PA 15222-2304

Nadler, Nadler & Burdman Co., L.P.A.
Attn: Michael A. Gallo, Esq.
20 Federal Plaza West, Suite 600
Youngstown, OH 44503-1559

National City Bank
Attn: Donald A. Cmar
Special Assets Department
P. O. Box 658
Youngstown, OH 44501

National City Bank-Bond Trustee
Attn: Catherine Frug, Administrator
101 West Washington Street
Suite 655 South
Indianapolis, IN 46255

Ohio University
Attn: Charles F. Glander, Esq., Assistant
Director
Office of Legal Affairs
10 E. Union Street
Akron, OH 45701
Thompson Hine & Flory LLP
Attn: Robert C. Folland, Esq.
3900 Key Center
127 Public Square
Cleveland, OH 44114-1216

United States of America
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Attn: Stuart A. Treby, Esq., Asst. General
Counsel for Rulemaking & Fuel Cycle
Washington, D.C. 20555-0001
Weltman, Weinberg & Reis Co., L.P.A.
Attn: Alan C. Hochheiser, Esq.
Lakeside Place, Suite 200
323 Lakeside Avenue, West
Cleveland, OH 44113-1099

Ohio Bureau of Employment Services
Attn: Jill A. Whitworth, Esq.,
Assistant Attorney General
Revenue Recovery Section
101 E. Town Street, Second Floor
Columbus, OH 43215
PNC Bank, National Association
PNC Capital Recovery Corp.
Attn: Martin E. Mueller, Vice President
249 Fifth Avenue-18th Floor
Pittsburgh, PA 15222-2707

U.S. Dept. of Health and Human Services
Attn: A. Prentice Barnes, Sr.
Room 531-H, Hubert H Humphrey Building
200 Independence Avenue, S.W.
Washington, D.C. 20201

United States Trustee
Attn: Amy L. Good, Esq.
BP Tower-20th Floor
200 Public Square, Suite 3300
Cleveland, OH 44114

Youngstown, City of
City Planning Commission and Board of
Zoning Appeals
26 South Phelps Street
City Hall
Youngstown, OH 44503

Ohio Department of Health
Attn: Dr. Nick Baird, Director
246 N. High Street, 7th Floor
Columbus, OH 43266-0118

Thompson Hine & Flory LLP
Attn: Richard K. Stovall, Esq.
One Columbus
10 West Broad Street
Columbus, OH 43215-3435

U.S. Dept. of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Vorys, Sater, Seymour & Pease LLP
Attn: Robert J. Sidman, Esq.
52 East Gay Street
P. O. Box 1008
Columbus, OH 43216-1008

Youngstown Osteopathic Hospital Assoc.
Attn: Joseph R. Mortellaro Jr.
P. O. Box 1258
Youngstown, OH 44501

February 8, 2002
12:38pm—klk
CLE 247303 -804900 Ver 1

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

-----X		
In re:	:	CHAPTER 11
	:	
YOUNGSTOWN OSTEOPATHIC	:	JUDGE WILLIAM T. BODOH
HOSPITAL ASSOCIATION,	:	
	:	CASE NO. 99-40663
Debtor.	:	
-----X		

**NOTICE OF FILING OF YOUNGSTOWN OSTEOPATHIC HOSPITAL
ASSOCIATION'S MOTION FOR AUTHORITY TO COMPROMISE JUDGMENT**

PLEASE TAKE NOTICE that Debtor, Youngstown Osteopathic Hospital Association ("YOH"), has filed its Motion for Authority to Compromise Judgment (the "Motion"), a copy of which accompanies this Motion.

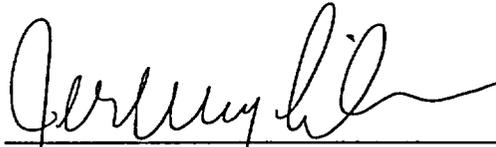
PLEASE TAKE NOTICE that, pursuant to Local Bankruptcy Rule 9019(a), any objection or other response to the Motion must be filed with the Clerk of the Court at the United States Bankruptcy Court, United States Courthouse, 10 East Commerce Street, Youngstown, Ohio 44503 and simultaneously served on counsel for the Debtor, Jeremy Gilman, Esq., Benesch, Friedlander, Coplan & Aronoff LLP, 2300 BP Tower, 200 Public Square, Cleveland, Ohio 44114-2378 so as to be filed and received no later than twenty (20) days after the date hereof.

PLEASE TAKE FURTHER NOTICE that, if no response to the Motion is timely filed and served, the Court may grant the relief requested in the Motion without further notice or a hearing thereon; and

PLEASE TAKE FURTHER NOTICE that, if an objection is timely filed and served, the Court may set a hearing to consider the Motion and the objection(s) thereto, upon notice thereof as shall be determined by the Court.

Dated: Cleveland, Ohio
October __, 2002

Respectfully submitted,



Jeremy Gilman (OBR #0014144)
BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP
2300 BP Tower
200 Public Square
Cleveland, OH 44114-2378
(216) 363-4565
Attorneys for Debtor, Youngstown Osteopathic
Hospital Association

CERTIFICATE OF SERVICE

A copy of the foregoing NOTICE OF FILING OF YOUNGSTOWN OSTEOPATHIC HOSPITAL ASSOCIATION'S MOTION FOR AUTHORITY TO COMPROMISE JUDGMENT has been served by regular U.S. Mail, postage prepaid, on this 4th day of October, upon the persons and entities identified on the attached service list and also upon the following:

Ms Maryann Barnett
5903 Tiptecanoe Rd.
Canfield, OH 44406

Ms. Patricia Macejko
6952 Killdeer Drive
Canfield, OH 44406

Westchester Estates Extended
Care Facility Limited
5291 Ashley Circle
Youngstown, OH 44515

Timothy M. Reardon
Creditor's Committee Counsel
Nadler, Nadler & Burdman Co., LPA
20 Federal Plaza West, Suite 600
Youngstown, OH 44503

Office of the United States Trustee
BP Tower
200 Public Square, 20th Floor, Suite 3300
Cleveland, OH 44114

Martha L. Bushey, Esq.
Manchester, Bennett,
Powers & Ullman, LPA
Atrium Level Two
The Commerce Building
201 East Commerce Street
Youngstown, OH 44503-1641

John N. Childs and Michele Morris
Brennan, Manna & Diamond LLC
The Carnegie Building
75 East Market Street
Akron, OH 44308

J. Scott Broome
Rotatori, Bender, Gragel, Stoper &
Alexander Co., L.P.A.
800 Leader Building
526 Superior Avenue East
Cleveland, OH 44114-1498

Pathways Center for Geriatric Psychiatry, Inc.
c/o Maryann Barnett
1323 Florencedale Avenue
Youngstown, OH 44505

dwt Realty, Inc.
c/o Donald W. Macejko
6952 Killdeer
Canfield, OH 44406

RiverLake Healthcare, Inc.
c/o B. & Mcd., Inc.
106 S. Main Street
Akron, OH 44308



Jeremy Gilman

SERVICE LIST

Askounis & Borst, P.C.
Attn: Thomas V. Askounis, Esq.
303 East Wacker Drive
Ninth Floor
Chicago, IL 60601

Central States, Southeast and Southwest
Areas Pension Fund--Legal Dept.
Attn: Brad R. Berliner, Esq.
9377 West Higgins Road
Rosemont, IL 60018-4938

Dubin, Joseph & Shagrin
Attn: Michael B. Shagrin, Esq.
75 Public Square, Suite 650
Cleveland, OH 44113

Friedman & Rummell Co., L.P.A.
Attn: Carl D. Raforth, Esq.
300 City Centre One
Youngstown, OH 44503-1810

Henderson, Covington, Messenger,
Newman & Thomas Co., L.P.A.
Attn: Richard J. Thomas, Esq.
Jerry M. Bryan, Esq.
34 Federal Plaza West, #600
Youngstown, OH 44503
Internal Revenue Service
Dept. of Treasury
Attn: Antoinette Ruminski,
Insolvency Specialist
P. O. Box 99183
Cleveland, OH 44199
Luckhart, Mumaw, Zellers & Robinson
Attn: Richard G. Zellers, Esq.
3810 Starrs Centre Drive
Canfield, OH 44406

Mahoning, County of
Treasurer's Office
120 Market Street
Youngstown, OH 44503

Miller, Canfield, Paddock and Stone,
P.L.C.
Attn: Lori L. Purkey, Esq.
444 West Michigan Avenue
Kalamazoo, MI 49007

National City Bank
One Cascade Plaza
Akron, OH 44308

Burland & Associates, LLC
Attn: Bradley D. Burland, Esq.
23875 Commerce Park Road, Suite 105
Beachwood, OH 44122

Central States, Southeast and Southwest
Areas Pension Fund
Attn: Brad R. Berliner, Esq.
P. O. Box 5123
Des Plaines, IL 60017-5123

Fisher Scientific Company LLC
Attn: Kate Getka, Credit Department
2000 Park Lane Drive
Pittsburgh, PA 15275-1126

Great-West Life & Annuity Ins. Co.
Attn: Kelly S. Noble, Esq.
8515 East Orchard Road, 7T2
Englewood, CO 80111

Herzfeld & Rubin, P.C.
Attn: Ira L. Herman, Esq.
40 Wall Street
New York, NY 10005

Kahn, Kleinman, Yanowitz & Arnsen
Co., L.P.A.
Attn: M. Colette Gibbons, Esq.
2600 Tower at Erieview
Cleveland, OH 44114-1824

Mahoning..County of
50 Westchester Drive, #202
Youngstown, OH 44515

Manchester, Bennett, Powers & Ullman
Attn: James W. Ehrman, Esq.
201 East Commerce Street
Youngstown, OH 44503-1641

William Anthony Myers, Esq.
33 Melrose Avenue
Boardman, OH 44512

National City Bank
20 Federal Plaza
Youngstown, OH 44503

Centers for Medicare & Medicaid Services
Attn: Victoria A. Robey
Room SLL-12-16
7500 Security Boulevard
Baltimore, MD 21244-1850

Cloppert, Portman, Sauter, et al.
Attn: Frederick G. Cloppert, Esq.
Ronald H. Snyder, Esq.
225 East Broad Street
Columbus, OH 43215

Charles W. Fonda, Esq.
75 Public Square, Suite 730
Cleveland, OH 44113

Harrington, Hoppe & Mitchell, Ltd.
Attn: Frederick S. Coombs III, Esq.
1200 Mahoning Bank Building
Youngstown, OH 44503

Hewlett-Packard Company
Attn: FCG-Recovery
20 Perimeter Summit Blvd.
Mailstop 507
Atlanta, GA 30319

Kutlick Platz Realty, LLC
Attn: William Kutlick
100 DeBartolo Place
Youngstown, OH 44513

Mahoning, County of
Prosecutor's Office
120 Market Street
Youngstown, OH 44503

Meyer, Unkovic & Scott, LLP
Attn: Joel M. Helmrich, Esq.
1300 Oliver Building
Pittsburgh, PA 15222-2304

Nadler, Nadler & Burdman Co., L.P.A.
Attn: Michael A. Gallo, Esq.
20 Federal Plaza West, Suite 600
Youngstown, OH 44503-1559

National City Bank
Attn: Donald A. Cmar
Special Assets Department
P. O. Box 658
Youngstown, OH 44501

National City Bank-Bond Trustee
Attn: Catherine Frug, Administrator
101 West Washington Street
Suite 655 South
Indianapolis, IN 46255

Ohio University
Attn: Charles F. Glander, Esq., Assistant
Director
Office of Legal Affairs
10 E. Union Street
Akron, OH 45701
Thompson Hine & Flory LLP
Attn: Robert C. Folland, Esq.
3900 Key Center
127 Public Square
Cleveland, OH 44114-1216

United States of America
U.S. Nuclear Regulatory Commission
Office of the General Counsel
Attn: Stuart A. Treby, Esq., Asst. General
Counsel for Rulemaking & Fuel Cycle
Washington, D.C. 20555-0001
Weltman, Weinberg & Reis Co., L.P.A.
Attn: Alan C. Hochheiser, Esq.
Lakeside Place, Suite 200
323 Lakeside Avenue, West
Cleveland, OH 44113-1099

Ohio Bureau of Employment Services
Attn: Jill A. Whitworth, Esq.,
Assistant Attorney General
Revenue Recovery Section
101 E. Town Street, Second Floor
Columbus, OH 43215
PNC Bank, National Association
PNC Capital Recovery Corp.
Attn: Martin E. Mueller, Vice President
249 Fifth Avenue-18th Floor
Pittsburgh, PA 15222-2707

U.S. Dept. of Health and Human Services
Attn: A. Prentice Barnes, Sr.
Room 531-H, Hubert H Humphrey Building
200 Independence Avenue, S.W.
Washington, D.C. 20201

United States Trustee
Attn: Amy L. Good, Esq.
BP Tower-20th Floor
200 Public Square, Suite 3300
Cleveland, OH 44114

Youngstown, City of
City Planning Commission and Board of
Zoning Appeals
26 South Phelps Street
City Hall
Youngstown, OH 44503

Ohio Department of Health
Attn: Dr. Nick Baird, Director
246 N. High Street, 7th Floor
Columbus, OH 43266-0118

Thompson Hine & Flory LLP
Attn: Richard K. Stovall, Esq.
One Columbus
10 West Broad Street
Columbus, OH 43215-3435

U.S. Dept. of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Vorys, Sater, Seymour & Pease LLP
Attn: Robert J. Sidman, Esq.
52 East Gay Street
P. O. Box 1008
Columbus, OH 43216-1008

Youngstown Osteopathic Hospital Assoc.
Attn: Joseph R. Mortellaro Jr.
P. O. Box 1258
Youngstown, OH 44501

February 8, 2002
12:38pm—klk
CLE 247303 -804900 Ver1

UNITED STATES BANKRUPTCY COURT
 NORTHERN DISTRICT OF OHIO
 EASTERN DIVISION

-----x		
In re	:	CHAPTER 11
	:	
YOUNGSTOWN OSTEOPATHIC	:	JUDGE WILLIAM T. BODOH
HOSPITAL ASSOCIATION,	:	
	:	CASE NO. 99-40663
Debtor.	:	
-----x		

**ORDER GRANTING DEBTOR’S MOTION FOR AUTHORITY TO COMPROMISE
 JUDGMENT**

This matter came before the Court on the Debtor’s Motion for Authority to Compromise Judgment (“YOH’s Motion” or the “Motion”) The Court has reviewed the Motion and the file and is otherwise fully advised in the premises Upon consideration, the Court hereby finds that the assignment of Debtor’s Judgment as described in its foregoing motion is in the best interest of Debtor’s Estate For that reason, it is hereby

ORDERED that YOH’s Motion is GRANTED. Debtor, Youngstown Osteopathic Hospital Association (“YOH”), is hereby authorized to compromise the final judgment (the “Judgment”) rendered in its favor and against Defendants-Judgment Debtors Maryann Barnett, Patricia Macejko, Pathways Center for Geriatric Psychiatry, Inc , Riverlake Healthcare, Inc , and dwt Realty, Inc (collectively the “Judgment Debtors”) on June 26, 2002, in Adversary Proceeding No 01-4098 (the “Adversary Proceeding”), in this Chapter 11 case, in accordance with the express terms, conditions, restrictions, deadlines and limitations set forth in its Motion

Specifically, YOH is hereby authorized to assign the Judgment, as well as postjudgment interest on that Judgment and YOH’s claim for prejudgment interest against the Judgment Debtors in the Adversary Proceeding, to JADCO LIMITED PARTNERSHIP, an Ohio General Partnership (“Jadco”), upon YOH’s receipt of a cash payment (the “Assignment Funds”) in the sum of Five Hundred Thousand Dollars (\$500,000 00), minus a credit equal to the amount

already paid by Briarfield of Austintown LLC ("Briarfield") to YOH pursuant to the Final Order of Garnishment of Property Other Than Personal Earnings (the "Garnishment Order") rendered on September 10, 2002 in the Adversary Proceeding and the Final Order Granting Plaintiff-Judgment Creditor's Request for a Creditor's Bill (the "Creditor's Bill") rendered on September 10, 2002 in Adversary Proceeding No. 02-4142 in this Chapter 11 case. As of the date of YOH's Motion, that credit is in the sum of \$13,000.00

This proposed assignment shall be strictly conditioned upon YOH's receipt of the Assignment Funds, in full, and in immediately negotiable funds, no later than October 27, 2002. Payment of the Assignment Funds shall be made and directed to Jeremy Gilman, Esq., ("YOH's counsel"), of Benesch, Friedlander, Coplan & Aronoff LLP, at 2300 BP Tower, 200 Public Square, Cleveland, Ohio 44114-2378, in his capacity as YOH's counsel of record in the Adversary Proceeding. If the Assignment Funds are not received in full by YOH's counsel on or before October 27, 2002, YOH shall be under no obligation to assign Judgment to Jadco, the proposed assignment referred to in YOH's Motion shall be deemed a nullity, and YOH shall retain all of its rights in and to the Judgment, including without limitation its right to receive continuing payments under the Garnishment Order and the Creditor's Bill, and its right to pursue any and all other available collection remedies with respect to the Judgment.

No assets of YOH's Estate other than those explicitly identified in this Order shall be subject to the assignment to Jadco.

IT IS SO ORDERED this ____ day of October, 2002.

William T. Bodoh
United States Bankruptcy Judge