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Jeremy Gilman
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October 7, 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 Corrected Motion for Authority to Compromise Judgment.
2. Corrected Notice of Filing of Motion of Youngstown Osteopathic Hospital Association for Order Authorizing Authority to Compromise Judgment.
3. *Proposed* Order granting Debtor's Corrected 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

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VIA FEDERAL EXPRESS

Office of the Clerk – Attn: Carol Ann Papalas

October 7, 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 CORRECTED 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 Proceeding 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.

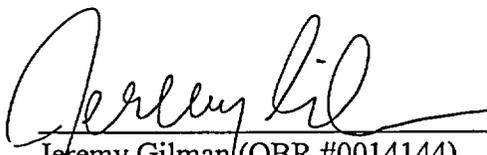
As grounds for this Motion, YOH states as follows:

1. On June 26, 2002, this Court entered Judgment 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,

A handwritten signature in black ink, appearing to read "Jeremy Gilman", is written over a horizontal line.

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 CORRECTED MOTION FOR AUTHORITY TO COMPROMISE JUDGMENT has been served by regular U.S. Mail, postage prepaid, on this 14 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
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Akron, OH 44308

J. Scott Broome
Rotatori, Bender, Gragel, Stoper &
Alexander Co., L.P.A.
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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

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Dept. of Treasury
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Des Plaines, IL 60017-5123

Fisher Scientific Company LLC
Attn: Kate Getka, Credit Department
2000 Park Lane Drive
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Centers for Medicare & Medicaid Services
Attn: Victoria A. Robey
Room SLL-12-16
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Baltimore, MD 21244-1850

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Attn: Frederick G. Cloppert, Esq.
Ronald H. Snyder, Esq.
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Columbus, OH 43215

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Hewlett-Packard Company
Attn: FCG-Recovery
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Mailstop 507
Atlanta, GA 30319

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

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120 Market Street
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Attn: Donald A. Cmar
Special Assets Department
P. O. Box 658
Youngstown, OH 44501

National City Bank-Bond Trustee
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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
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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
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Youngstown, City of
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26 South Phelps Street
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Ohio Department of Health
Attn: Dr. Nick Baird, Director
246 N. High Street, 7th Floor
Columbus, OH 43266-0118

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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

CORRECTED 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 Corrected 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 7th, 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 CORRECTED 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
^{7th} 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.
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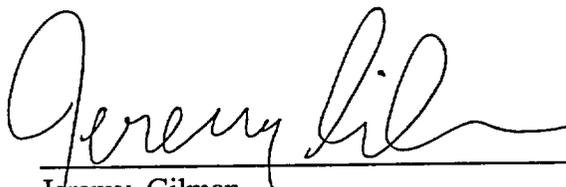
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U.S. Nuclear Regulatory Commission
Office of the General Counsel
Attn: Stuart A. Treby, Esq., Asst. General
Counsel for Rulemaking & Fuel Cycle
Washington, D.C. 20555-0001
Weltman, Weinberg & Reis Co., L.P.A.
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Ohio Bureau of Employment Services
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Assistant Attorney General
Revenue Recovery Section
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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

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

**ORDER GRANTING DEBTOR'S CORRECTED MOTION FOR AUTHORITY TO
COMPROMISE JUDGMENT**

This matter came before the Court on the Debtor's Corrected 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