

U.S. NUCLEAR REGULATORY COMMISSION		Conversation Date: February 8, 2005	
<b>TELEPHONE CONVERSATION RECORD</b>		Time: 5:00pm	
Mail Control No.:	License No.:	Docket No.:	
Not applicable	29-28049-01	03030057	
Licensee/Applicant Participant(s):	Organization:	Telephone No.:	
James Shepard, attorney for John Pantazopoulos, MD, PA	Bergen Diagnostic Management Nuclear, LLC	973-538-4700	
Person(s) Calling: Jim Dwyer			
Subject: Order for Dissolution of Bergen Diagnostic Management Nuclear, LLC			
<p>Summary:</p> <p>NRC received a letter from Mr. Shepard dated February 1, 2006. The letter informed that Bergen Diagnostic Management Nuclear, LLC was ordered to dissolve effective February 15, 2006. Mr. Shepard's client was the administrator for the license. Mr. Shepard wanted to know if that was changed. I reminded Mr. Shepard that he had sent a letter to us in early 2005 requesting this specific information and that after receiving a verbal and written request from Dr. Pantazopoulos, we contacted Bergen Diagnostic and asked that they identify a new administrator. I informed Mr. Shepard that Dr. Michael Kesselbrenner was identified as the new administrator in late May 2005. I faxed Mr. Shepard documentation to this effect. Mr. Shepard said that he would advise Robert Zeller, the court appointed receiver of Bergen Diagnostic Management Nuclear LLC of this fact. I briefly described the information NRC required if the license is to be terminated.</p>			
Action Required/Taken: note to file			
Prepared By: Jim Dwyer		Date: February 8, 2006	

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ROBERT WINTERS ••◊

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◊ ALSO MEMBER PA BAR  
▼ ALSO MEMBER MD BAR  
◊ ALSO MEMBER DC BAR  
▲ ALSO MEMBER MA BAR  
◄ ALSO MEMBER FL BAR  
◌ U.S. IN PATENT  
▲ ALSO MEMBER US TAX COURT  
• CERTIFIED ELDER LAW ATTORNEY  
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February 1, 2006

***Via Overnight Delivery***

Licensing Section Nuclear Medicine Safety Branch  
Division of Radiation Safety and Safeguards  
United States Nuclear Regulatory Commission  
Region I  
475 Allendale Road  
King of Prussia, Pennsylvania 19406-1415

**Re: Bergen Diagnostic Management Nuclear, LLC**  
**License No. 29-28049-01** 03030057  
**License Expiration Date: 04-30-13**  
**Our Client: John S. Pantazopoulos, M.D., P.A.**  
**Our File No. P160-8**

Dear Sir/Madam:

Our office represents John S. Pantazopoulos, M.D., P.A. which is a member of Bergen Diagnostic Management Nuclear, LLC, the license holder of the above referenced license. John S. Pantazopoulos, M.D. is the sole shareholder of John S. Pantazopoulos, M.D., P.A. Garden State Cardiology is the other member of Bergen Diagnostic Management Nuclear, LLC.

The copy of the US Nuclear Regulatory Commission Material License in my possession and with an expiration of April 30, 2013 lists John Pantazopoulos, M.D. as administrator on the subject license. In the event there has been an amendment or change of that administrator status since the issuance that US Nuclear Regulatory Commission Material License I would appreciate a copy of any relevant documentation related to such amendment/modification being transmitted to me as soon as possible.

Kindly note that on January 3, 2006 the Hon. Peter C. Doyne, J.S.C. entered an Order for the Dissolution of Bergen Diagnostic Management Nuclear, LLC effective February 15, 2006. A copy of that Order for Dissolution is enclosed for your review and appropriate attention in order to satisfy any requirements which the State of New Jersey may have relevant to the existing US Nuclear Regulatory Commission Material License and the February 15, 2006 cessation of

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business operations by Bergen Diagnostic Management Nuclear, LLC.

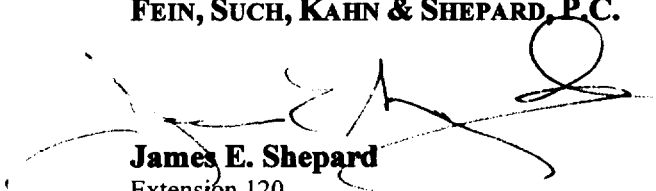
Please further take note that by way of Court Order dated January 20, 2005 the Hon. Peter C. Doyne, J.S.C. appointed Robert Zeller, Esq. court appointed receiver of Bergen Diagnostic Management Nuclear, LLC. Mr. Zeller can be contacted at the Rem Zeller Law Group, P.C., 25 East Salem Street, Suite 400, Hackensack, New Jersey 07601-7412, telephone number (201) 488-1234 and facsimile number (201) 487-8030. Additionally, please note Garden State Cardiology is represented by James M. Docherty, Esq., who can be contacted at Vinick & Docherty, 85 Livingston Avenue, Roseland, New Jersey 07068-1778, telephone number (973) 994-1955 and facsimile number (973) 994-2552.

In the event there are any requirements or processes necessary to properly and effectively close out the above referenced US Nuclear Regulatory Commission Material License, I would appreciate your advising our office as soon as possible so that any such requirements can be promptly and properly communicated to the court appointed receiver and the members of Bergen Diagnostic Management Nuclear, LLC.

I appreciate your prompt attention to this request.

Very truly yours,

**FEIN, SUCH, KAHN & SHEPARD, P.C.**



**James E. Shepard**

Extension 120

JES/br

Enclosure

cc: Dr. John Panatzopoulos, M.D. *(Via Facsimile Transmission Only w/out enclosure)*  
James M. Docherty, Esq. *(Via Facsimile Transmission Only w/out enclosure)*  
Robert Zeller, Esq. *(Via Facsimile Transmission Only w/out enclosure)*

**FILED**

JAN 03 2006

File No.P160-8

**FEIN, SUCH, KAHN & SHEPARD, P.C.**

7 Century Drive, Suite 201

Parsippany, New Jersey 07054

(973) 538-4700

Attorney for Plaintiff, **JOHN S. PANTAZOPOULOS, M.D., P.A.**

**PETER E. DOYNE**  
J.S.C.

**JOHN S. PANTAZOPOULOS, M.D., P.A.**

**PLAINTIFF,**

vs.

**GARDEN STATE CARDIOLOGY, A NEW  
JERSEY PARTNERSHIP,  
ROBERT SAPORITO, M.D.,  
MICHAEL KESSELBRENNER, M.D.  
AND BERGEN DIAGNOSTIC MANAGEMENT  
NUCLEAR, L.L.C.**

**DEFENDANTS.**

SUPERIOR COURT OF NEW JERSEY  
CHANCERY DIVISION – EQUITY PART  
BERGEN COUNTY

DOCKET No.: BER-C-362-03

CIVIL ACTION

**ORDER FOR DISSOLUTION**

THIS MATTER being scheduled before the Court as a trial on the limited remaining scope of the pending litigation on January 3, 2006, in the presence of James E. Shepard, Esq. of Fein, Such, Kahn & Shepard, P.C., attorneys for the Plaintiff, JOHN S. PANTAZOPOULOS, M.D., P.A., and in the presence of James Docherty, Esq. of Vinick & Docherty, Esqs., attorneys for the Defendants, GARDEN STATE CARDIOLOGY, ROBERT SAPORITO, M.D., MICHAEL KESSELBRENNER, M.D. and BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC; and the Court having entered an Order on January 20, 2005 which, among other things, ordered that any and all substantive rights and claims Plaintiff and Defendants may have against each other shall not be waived, released or prejudiced by the appointment of the Receiver in the within action and/or the dissolution of BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC. and/or final disposition of this pending litigation; and the court appointed receiver in the pending litigation, Robert Zeller, Esq., having not yet made final written recommendations to the court as to a disposition of BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC and Michael Daley, CPA of Carr, Daley, Sullivan & Weir, P.C., the accountant retained by the court appointed receiver not having yet completed his analysis on

behalf of the court appointed receiver; and the consent of the parties by and through their respective counsel being affixed hereto;

IT IS on this <sup>3<sup>rd</sup></sup> day of January, 2006 hereby;

ORDERED BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC be and the same is hereby dissolved as of ~~January 8,~~ <sup>February 15,</sup> 2006; and it is further

*16*  
ORDERED that BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC shall, effective ~~January 8,~~ <sup>February 15,</sup> 2006, immediately cease any and all business operations and shall not engage in or carry on any business operations subsequent to the ~~January 8,~~ <sup>February 15,</sup> 2006 date of dissolution; and it is further

ORDERED that Robert Zeller, Esq., the court appointed receiver, shall in accordance with the Operating Agreement of BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC, and without prejudice to the rights of the parties as set forth in the January 20, 2005 court order, wind up and liquidate BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC inclusive of the disposition of the property of BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC; and it is further

*17*  
ORDERED that in connection with performing the obligations to wind up and liquidate BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC, Robert Zeller, Esq. shall cause Michael Daley, CPA, the accountant retained by the court appointed receiver, to conclude his financial/accounting analysis of BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC and to provide his initial written report to JOHN S. PANTAZOPOULOS, M.D., P.A. (a 30% member in BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC and GARDEN STATE CARDIOLOGY a 70% member in BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC) on or before February ~~15,~~ <sup>28</sup> 2006 for review by such member and their respective legal counsel and accounting professionals; and it is further

ORDERED that the JOHN S. PANTAZOPOULOS, M.D., P.A. and GARDEN STATE CARDIOLOGY shall, within thirty (30) days of their receipt of the initial written report of Michael Daley, CPA provide to Robert Zeller, Esq. and Michael Daley, CPA, any written comments or

responses to the content of the initial written report rendered by Michael Daley, CPA; and it is further

**ORDERED** that within thirty (30) days of his receipt of all of the written comments of **JOHN S. PANTAZOPOULOS, M.D., P.A.** and **GARDEN STATE CARDIOLOGY** to his initial written report, Michael Daley, CPA shall render his final financial/accounting report to Robert Zeller, Esq., the court appointed receiver in writing and with copies to both **JOHN S. PANTAZOPOULOS, M.D., P.A.** and **GARDEN STATE CARDIOLOGY**, at which time the court appointed receiver, Robert Zeller, Esq., shall promptly take appropriate action consistent with the final financial/accounting report of Michael Daley, CPA and the Operating Agreement of **BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC** to wind up and liquidate **BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC**; and it is further

**ORDERED** that the final financial/accounting report of Michael Daley, CPA and the wind up and liquidation of **BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC** by Robert Zeller, Esq. shall be without prejudice to the rights and claims of **JOHN S. PANTAZOPOULOS, M.D., P.A.**, **JOHN S. PANTAZOPOULOS, M.D.**, **GARDEN STATE CARDIOLOGY**, **ROBERT SAPORITO, M.D.** or **MICHAEL KESSELBRENNER, M.D.** as any and all substantive rights and claims Plaintiff and Defendants may have against each other shall not be waived, released or prejudiced by the entry of this Judgment of Dissolution; and it being specifically ordered that any such substantive rights and claims, whether asserted or unasserted, known or unknown, inclusive of but not limited to any claims for an accounting, mismanagement, breach of contract, breach of fiduciary duty, negligence, intentional tort, compensatory damages, punitive damages are hereby specifically and expressly preserved without prejudice, without bar by the Entire Controversy Doctrine or any applicable Statute of Limitations, and may be pursued by commencement, within ninety (90) days of the date of this Order, of a new and separate action in the Law Division, Superior Court of the State of New Jersey as if the same were asserted and pursued in this pending litigation; and it is further

**ORDERED** that Robert Zeller, Esq., the court appointed receiver, shall submit a monthly invoice for payment by **BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC**, itemizing time expended, cost incurred and any balance due and owing by submitting same to counsel for the parties. **BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC** shall pay within thirty (30) days of the rendering of such monthly invoice by the court appointed receiver to the parties' attorneys payment in full of the final invoice of the court appointed receiver without prejudice to a final and revised allocation as may be determined in any subsequent Law Division action between the parties to the within litigation. In the event that **BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC**, is without sufficient funds to pay the final invoice of the court appointed receiver, than the Members of **BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC** shall pay same (30% by Plaintiff and 70% by **GARDEN STATE CARDIOLOGY**) without prejudice to a final allocation as may be determined in any subsequent Law Division action between the parties in the within litigation; and it is further

**ORDERED** that Michael Daley, CPA of Carr, Daley, Sullivan & Weir, P.C. shall submit a monthly invoice for payment by **BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC**, itemizing time expended, cost incurred and any balance due and owing by submitting same to counsel for the parties. **BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC** shall pay within thirty (30) days of the rendering of such final invoice by Michael Daley, CPA to the parties' attorneys payment in full of the final invoice of the Michael Daley, CPA without prejudice to a final and revised allocation as may be determined in any subsequent Law Division action between the parties to the within litigation. In the event that **BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC**, is without sufficient funds to pay the final invoice of Michael Daley, CPA, than the Members of **BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC** shall pay same (30% by Plaintiff and 70% by **GARDEN STATE CARDIOLOGY**) without prejudice to a final allocation as may be determined in any subsequent Law Division action between the parties in the within litigation; and it is further

ORDERED that JOHN S. PANTAZOPOULOS, M.D., P.A., as well as JOHN S. PANTAZOPOULOS, M.D., and the Defendants shall be and are hereby released from the terms and conditions of the restrictive covenant set forth in Article 10 of the Operating Agreement of BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC, and any and all other restrictions or restrictive covenant set forth in said Operating Agreement of BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, LLC; and it is further \*

ORDERED that the entry of the within Order concludes the pending litigation and the Complaint and Answer and Counterclaim be and the same are hereby dismissed <sup>with</sup> ~~without~~ prejudice *ON and subject to the terms and conditions set forth in this Order.*

  
HONORABLE PETER C. DOYNE, J.S.C.

The parties hereto stipulate and agree to the form and substance of all of the provisions of this Order.

FEIN, SUCH, KAHN & SHEPARD, P.C.  
Attorneys for Plaintiff,  
JOHN S. PANTAZOPOULOS, M.D., P.A.

*\*relating to the operation of BDMN, LLC during the period of time from January 3, 2006 through February 15, 2006; and it is further*  
VINICK & DOCHERTY  
Attorneys for Defendants,  
GARDEN STATE CARDIOLOGY, A NEW JERSEY PARTNERSHIP, ROBERT SAPORITO, M.D, MICHAEL KESSELBRENNER, M.D. AND BERGEN DIAGNOSTIC MANAGEMENT NUCLEAR, L.L.C.

BY: 

JAMES E. SHEPARD

BY: 

JAMES M. DOCHERTY

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\* Ordered that all parties are to comply with the existing written outstanding document requests of Michael Daley, CPA by January 6, 2006 and to any further requests within two (2) business days of written demand; and it is further Ordered that Garden State Cardiology, Robert Saporito, M.D., and Michael Kesselbrenner, M.D. shall hold harmless and indemnify John S. PANTAZOPOULOS M.D. From any and all claims \*\*