

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:	:	Chapter 11
	:	
SAINT VINCENTS CATHOLIC MEDICAL	:	Case No. 10-11963 (CGM)
CENTERS OF NEW YORK, <u>et al.</u> ,	:	
	:	Jointly Administered
Debtors.	:	Related Doc. No. 990
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**STIPULATION AND ORDER**  
**(CHARLES SALZBERG)**

**WHEREAS**, on April 14, 2010, Saint Vincents Catholic Medical Centers of New York ("SVCMC") and certain of its affiliates, as Chapter 11 debtors and debtors in possession (the "Debtors"), filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code;

**WHEREAS**, Charles Salzberg ("Claimant") has requested relief from the automatic stay to permit adjudication of his asserted claims against SVCMC in the case of *Charles Salzberg v. St. Vincent's Hospital and Dr. David Fleiss, Lee Zank, M.D., and Greenwich Medical Anesthesia, P.C.*, pending in the New York State Supreme Court, New York County under Index No. 116834/08 (the "Action");

**NOW, THEREFORE, IT IS HEREBY STIPULATED, AND AGREED**, by and between the parties through their undersigned counsel, that:

1. The automatic stay imposed by 11 U.S.C. § 362(a) in respect of SVCMC is hereby modified to permit adjudication of the Action through final judgment and enforcement thereof, subject to the satisfaction of the conditions contained in paragraphs 2, through 4 hereof.

2. Claimant has agreed to waive and hereby waive any claim he may have against the estate of any Debtor in these Chapter 11 proceedings and agree to proceed solely against any third-party insurance coverage applicable to SVCMC.

3. SVCMC's insurers shall have assumed the duty to defend the Action and shall bear all costs of defending the Action, including attorneys' fees (collectively, "Defense Costs"). In the event that SVCMC's insurers shall not honor or cease to honor a duty to defend or SVCMC's estate shall be called upon to bear any Defense Costs in connection with the Action, the modification of the automatic stay provided for in this order shall terminate automatically without further order of this Court.

4. Other than as set forth herein, the automatic stay shall remain in full force and shall not be modified. Without limitation of the foregoing, the automatic stay shall remain in full force with respect to any third party actions that may be or that might otherwise have been asserted against any Debtor in connection with the Action.

5. The Court shall retain jurisdiction to resolve all matters relating to the implementation of this Stipulation and Order.

LAWRENCE M. KARAM, P.C.

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*Attorney for Claimant*

*Attorneys for SVCMC*

SO ORDERED:

Dated: New York, New York  
November 3, 2010

/s/ Cecelia G. Morris  
UNITED STATES BANKRUPTCY JUDGE