

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> ,	:	
	:	
Debtors.	:	Jointly Administered
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STIPULATION AND ORDER
(Gallaro)

[Related Docket No. 3254]

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, Anna Gallaro, as Administratrix of the Estate of Joesph Gallaro, a/k/a Giuseppe Gallaro, deceased, and Anna Gallaro, Individually (“Claimant”), has requested a modification of the automatic stay imposed by 11 U.S.C. § 362(a) with respect to the action entitled *Anna Gallaro, as Administratrix of the Estate of Joesph Gallaro, a/k/a Giuseppe Gallaro, deceased, and Anna Gallaro, Individually v. St. Vincent’s Catholic Medical Centers of New York--Manhattan*, currently pending in the Supreme Court of the State of New York, Kings County (Index No. 1514/06) (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 and the injunction imposed by the Order Confirming Debtors' Second Amended Joint Chapter 11 Plan in respect of SVCMC, as also set forth in sections 11.3 and 11.5 of the Debtors' Second Amended Joint Chapter 11 Plan, dated June 21, 2012 (collectively, the "Stay"), 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 6 hereof.

2. Claimant has agreed to waive and hereby waives and releases any claim she may have against the estate of any Debtor in these Chapter 11 proceedings and agrees to proceed solely against any third-party insurance coverage applicable to SVCMC as well as any applicable medical malpractice trust against which Claimant may have claims pursuant to the First Amended Plan of Reorganization for Saint Vincents Catholic Medical Centers of New York D/B/A Saint Vincent Catholic Medical Centers, and Chapter 11 Plans of Liquidation for Medical Service of St. Vincent's Hospital and Medical Center, P.C., Surgical Service of St. Vincent's, P.C., CMC Cardiology Services P.C., CMC Physician Services, P.C. and CMC Radiological Services), confirmed by the Bankruptcy Court by order dated July 27, 2007 (the "Plan"), provided, however, that the Claimant further agrees to waive and hereby waives any claim to MedMal Interest (as such term is defined in the Plan).

3. Any and all proofs of claim filed by the Claimant during the course of these Chapter 11 cases are hereby deemed disallowed and expunged.

4. In the event that any of the Debtors' estates shall be called upon to bear any costs of defending the Action, including attorneys' fees, the modification of the

Stay provided for in this order shall terminate automatically without further order of this Court. Such termination shall be without prejudice to Claimant's right to renew their application for relief from or modification of the Stay.

5. Other than as set forth herein, the Stay shall remain in full force and shall not be modified. Without limitation of the foregoing, the 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.

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

ROBERT B. MARCUS, P.C.

KRAMER LEVIN NAFTALIS & FRANKEL
LLP

By: /s/ Robert B. Marcus
Robert B. Marcus, Esq.
203 Stawtown Road
New City, New York 10976

Attorneys for Claimant

By: /s/ P. Bradley O'Neill
P. Bradley O'Neill, Esq.
1177 Avenue of the Americas
New York, New York 10036

Attorneys for SVC MC

COOLEY LLP

By: /s/ Richard S. Kanowitz
Richard S. Kanowitz, Esq.
1114 Avenue of the Americas
New York, New York 10036

*Attorneys for the MedMal Trust
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SO ORDERED:

Dated: New York, New York
October 22, 2012

SO ORDERED:

/s/ Cecelia G. Morris
THE HONORABLE CECELIA G. MORRIS
CHIEF UNITED STATES BANKRUPTCY JUDGE