

ENTERED

October 28, 2024

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	§ Case No. 22-90291 (MI)
	§
	§ Chapter 11
PIPELINE HEALTH SYSTEM, LLC, <i>et al.</i> , ¹	§
	§ (Jointly Administered)
Reorganized Debtors.	§
	§

**STIPULATION AND AGREED ORDER BETWEEN RESILIENCE
AND PLAINTIFF O'LEARY TO VACATE ENFORCEMENT ORDER**

AUM Global Healthcare Management, LLC (“AUM”) and Resilience Healthcare – Weiss Memorial Hospital, LLC (the “Hospital,” and, together with AUM, “Resilience”) and Mariann O’Leary (“Plaintiff”) and her attorney of record, Jason R. Pearlman (“Plaintiff’s Counsel”), hereby enter into this stipulation and agreed order vacating the Court’s *Order Granting Motion to Enforce Sale Order* [ECF No. 1543] (the “Enforcement Order”), dated August 13, 2024, which granted Resilience’s *Motion to Enforce Sale Order* [ECF No. 1541] (the “Enforcement Motion”), and state as follows:

WHEREAS, on July 22, 2024, Resilience filed its Enforcement Motion, ECF No. 1541, requesting that this Court order the dismissal of Resilience and any related parties thereto from the lawsuit captioned *O’Leary v. Westin, et al.*, No. 2024-L- 006096 (the “Lawsuit”), currently pending before the Circuit Court of Cook County, Illinois (the “State Court”); and

WHEREAS, on August 8, 2024, Plaintiff and Resilience filed the *Joint Stipulated Order* in the Lawsuit, thorough which the parties agreed to dismiss Resilience; and

¹ A complete list of each of the Reorganized Debtors and the last four digits of their federal tax identification numbers may be obtained on the website of the Debtors’ claims and noticing agent at <http://dm.epiq11.com/PipelineHealth>. The Reorganized Debtors’ service address is 898 N. Pacific Coast Highway, Suite 700, El Segundo, California 90245.

WHEREAS, on August 13, 2024, before the parties had notified this Court of the Dismissal Order, this Court entered the Enforcement Order, finding that Plaintiff and Plaintiff's Counsel were in contempt of this Court's orders and ordering Plaintiff to seek dismissal with prejudice of any and all claims against Resilience asserted in the Lawsuit; and

WHEREAS, this Court has authority grant relief based upon section 105(a) of the Bankruptcy Code, Rule 9024 of the Federal Rules of Bankruptcy Procedure, Rule 60 of the Federal Rules of Civil Procedure; and


WHEREAS, the Enforcement Motion is now moot, and the parties are now subject to an order of this Court that is inconsistent with their agreed upon resolution. Cause exists to grant the relief requested herein to preserve the parties' rights and avoid any risk of contempt.

NOW, THEREFORE, it is hereby

ORDERED, that the *Order Granting Motion to Enforce Sale Order* [ECF No. 1543], dated August 13, 2024, is vacated; and it is further

ORDERED, that Mariann O'Leary and her attorney of record, Jason R. Pearlman, are not in contempt of this Court's *Order (i) Approving the Sale of Certain of the Debtors' Assets Free and Clear of Liens, Claims, Encumbrances, and Interests; (ii) Approving the Assumption and Assignment of Certain Executory Contracts and Unexpired Leases Related Thereto; (iii) Dismissing Certain of the Debtors' Chapter 11 Cases; and (iv) Granting Related Relief* [ECF No. 601].

Signed: October 28, 2024


Marvin Isgur
United States Bankruptcy Judge

Dated: October 25, 2024

KARLIN, Fleisher & Falkenberg, LLC

By: /s/ Jason R. Pearlman

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Counsel to Resilience

Dated: _____, 2024

Marvin Isgur
United States Bankruptcy Judge

CERTIFICATE OF SERVICE

I hereby certify that on October 25, 2024, a true and correct copy of the foregoing has been served on all parties entitled to service via this Court's Case Management/Electronic Case Filing System ("CM/ECF").

/s/ Loren Scolaro

Loren M. Scolaro