

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

CENTER CITY HEALTHCARE, LLC d/b/a
HAHNEMANN UNIVERSITY HOSPITAL
et al.,¹

Debtors.

Chapter 11

Case No. 19-11466 (KG)

(Jointly Administered)

Re: Docket No. 681

**STATUS REPORT REGARDING STAY PENDING APPEAL
OF HAHNEMANN SALE ORDER ENTERED BY DISTRICT COURT**

The United States of America (the “United States”), on behalf of the Department of Health and Human Services (“HHS”), acting through its designated component, the Centers for Medicare & Medicaid Services (“CMS”), submits this status report to notify the Court that, on September 16, 2019, the United States District Court for the District of Delaware (“district court”) issued a stay pending appeal of the *Order Under 11 U.S.C. § 105, 106, 363, 365, 503, 507, and 525 (A) Approving Asset Purchase Agreement with Thomas Jefferson University Hospitals, Inc., (B) Authorizing Sale of Certain of Debtor’s Assets Free and Clear of Interests, (C) Authorizing Assumption and Assignment of Certain of the Debtor’s Executory Contracts, and (D) Granting Related Relief* (the “Sale Order”). Dkt. 681.

¹ The Debtors in these jointly administered cases, along with the last four digits of each Debtor’s federal tax identification number, are: Center City Healthcare, LLC (3341), Philadelphia Academic Health System, LLC (8681), St. Christopher’s Healthcare, LLC (8395), Philadelphia Academic Medical Associates, LLC (8165), HPS of PA, L.L.C. (1617), SCHC Pediatric Associates, L.L.C. (0527), St. Christopher’s Pediatric Urgent Care Center, L.L.C. (6447), SCHC Pediatric Anesthesia Associates, L.L.C. (2326), StChris Care at Northeast Pediatrics, L.L.C. (4056), TPS of PA, L.L.C. (4862), TPS II of PA, L.L.C. (5534), TPS III of PA, L.L.C. (5536), TPS IV of PA, L.L.C. (5537), and TPS V of PA, L.L.C. (5540). The Debtors’ mailing address is 230 North Broad Street, Philadelphia, Pennsylvania 19102.

BACKGROUND

1. On September 5, 2019, the Court ruled orally that it would approve the sale to Jefferson, and shorten execution of the order from the fourteen days ordinarily required under Fed. R. Bankr. P. 6004(h) to seven days.

2. During the September 5, 2019 hearing, the United States moved orally for a stay pending its appeal of the to-be-entered Sale Order, and Debtors opposed. The Court denied the United States' oral motion.

3. This Court entered the Sale Order on September 10, 2019.

4. On September 12, 2019, the United States filed a Notice of Appeal of the Sale Order.

5. On September 12, 2019, the United States moved the district court, pursuant to Rules 8007(b) and 8013(d) of the Federal Rules of Bankruptcy Procedure, for an emergency stay pending appeal of the Sale Order. Debtors, Jefferson and the Official Committee of Unsecured Creditors filed written oppositions to the United States' motion.

6. On September 16, 2019, the district court held a hearing on the United States' motion and, after argument by the parties, orally granted a stay pending appeal.

7. Later on September 16, 2019, the district court entered a written order granting a stay pending appeal "for the reasons set forth on the record."

STATUS REPORT

The United States hereby notifies the Court of the district court's issuance of a stay pending appeal of the Sale Order. The United States attaches the district court's oral ruling (Tr. 58:13 – 70:3) as Exhibit 1. The district court's written order is attached as Exhibit 2.

Dated: September 23, 2019

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

DAVID C. WEISS
United States Attorney

ELLEN SLIGHTS
Assistant United States Attorney

/s/ Marc S Sacks
RUTH A. HARVEY
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ATTORNEYS FOR THE UNITED STATES

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of September 2019, I caused a true and correct copy of the foregoing objection to be served via electronic mail upon all parties receiving electronic notice under the Court's CM/ECF system.

s/ Marc S Sacks
MARC S. SACKS

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EXHIBIT 1

01:12:40

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re:)
)
CENTER CITY HEALTHCARE, LLC d/b/a)
HAHNEMANN UNIVERSITY HOSPITAL,)
et al.,)
)
Debtors,)
_____) C.A. No. 19-1711 (UNA)
UNITED STATES OF AMERICA,)
)
Appellant,)
)
v.)
)
CENTER CITY HEALTHCARE, LLC, d/b/a)
HAHNEMANN UNIVERSITY HOSPITAL,)
And THOMAS JEFFERSON UNIVERSITY)
HOSPITALS, INC.,)
)
Appellees.)

Monday, May 16, 2019
3:00 p.m.
Teleconference

844 King Street
Wilmington, Delaware

BEFORE: THE HONORABLE MARYELLEN NOREIKA
United States District Court Judge

APPEARANCES:

U.S. DEPARTMENT OF JUSTICE
BY: MARCUS S. SACKS, ESQ.

Counsel for the Appellant

1 APPEARANCES CONTINUED:

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3
4 SAUL EWING ARNSTEIN & LEHR, LLP
5 BY: MARK MINUTI, ESQ.

6 Counsel for the Debtor

7 DRINKER BIDDLE & REATH, LLP
8 BY: PATRICK A. JACKSON, ESQ.
9 BY: ANDREW KASSNER, ESQ.

10 Counsel for the Appellee

11 FOX ROTHSCHILD
12 BY: THOMAS HORAN, ESQ.

13 -and-

14 SILLS CUMMIS & GROSS
15 BY: ANDREW SHERMAN, ESQ.

16 Counsel for the Official
17 Committee of Unsecured Creditors

18 - oOo -

19 P R O C E E D I N G S

20 (REPORTER'S NOTE: The following telephone
21 conference was held in chambers, beginning at 3:05 p.m.)
22

03:05:19 23
03:05:30 24 THE COURT: Good afternoon, counsel. Who is
03:05:33 25 there, please?

04:20:41 1 need for tail coverage that would permit an illegal sale.
04:20:45 2 In the sale were legal, it wouldn't matter if there was no
04:20:48 3 justification for it. At the same time, if the sale is not
04:20:51 4 legal, it doesn't matter what the justification is.

04:20:53 5 On St. Christopher, the bidding procedures of
04:20:57 6 St. Christopher says, that was just altered today by the
04:21:00 7 debtors, that they come in two days, the auction is in three
04:21:04 8 days and the St. Christopher sale hearing on September 23rd,
04:21:09 9 one week. If there is really a need to continue to operate
04:21:11 10 St. Christopher until it's sold, we're talking about seven
04:21:15 11 days. That does not require \$55 million.

04:21:17 12 Thank you, Your Honor.

04:21:18 13 THE COURT: Okay. Thank you, counsel, for the
04:21:23 14 arguments today. They were very helpful to me. I have
04:21:31 15 carefully reviewed the proceedings in the Bankruptcy Court
04:21:32 16 as well as all of the briefs and declarations submitted.
04:21:35 17 And I have considered the arguments presented today. The
04:21:38 18 parties agree that there is a chance that if the case is not
04:21:41 19 stayed, the close of the sale of the resident program assets
04:21:44 20 pursuant to the Bankruptcy Court's Sale Order could take
04:21:47 21 place as of 12:01 a.m. tomorrow. That's less than eight
04:21:51 22 hours from now. Thus, in the interest of time, I am going
04:21:55 23 to rule orally on the government's motion to stay.

04:21:58 24 I am granting the motion.

04:22:01 25 Initially, there is no dispute that the Court

has jurisdiction to consider this motion under 28 United States Code Sections 158(a) and 1334.

Pursuant to Rule 8007 of the Federal Rules of Bankruptcy Procedure, a party may move to stay the effect of a bankruptcy court order pending a resolution on appeal. The factors for the court to balance regarding whether to issue a stay are:

(1) whether the stay applicant has made a strong showing that it is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.

And that's from the *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987).

Here, the government presented its motion to stay orally to the Bankruptcy Court at the end of a long hearing. The Bankruptcy Court did not expressly apply the four factor test for evaluating whether to grant a stay. The entirety of the Bankruptcy Court's ruling on the motion was "I am going to deny the motion.... I do believe, frankly, balancing the harm to the government versus the harm to the debtors, it falls clearly within the debtors' square here that the harm would occur if I do stay pending appeal." The Bankruptcy Court then noted that the

04:23:21 1 government had been given seven days to appeal to this
04:23:23 2 court, which the government has done.

04:23:25 3 The District Court applies a clearly erroneous
04:23:29 4 standard to the Bankruptcy Court's findings of fact and a
04:23:32 5 plenary standard to its legal conclusions.

04:23:34 6 In order to determine whether a stay should
04:23:36 7 issue, I consider the four-factor test that has just been
04:23:40 8 referenced, and that was presented in the briefing submitted
04:23:43 9 and argued here today.

04:23:45 10 As to the first factor, in the Third Circuit, a
04:23:47 11 sufficient degree of success for a strong showing exists if
04:23:50 12 there is "a reasonable chance, or probability, of winning."
04:23:54 13 That's *In re Revel AC, Inc.*, 802 F.3d 558, 568-69 (3d Cir.
04:24:03 14 2015) (quoting the Third Circuit's *en banc* decision in
04:24:12 15 *Singer Mgmt. Consultants, Inc. v. Milgram*, 650 F.3d 223, 229
04:24:17 16 (3d Cir. 2011). It "is not enough that the chance of
04:24:18 17 success on the merits be 'better than negligible,'" but that
04:24:20 18 being said, the likelihood of winning on appeal need not be
04:24:23 19 "more likely than not." That's also from *In re Revel AC,*
04:24:28 20 *Inc.*, 802 F.3d at 569. The question the Third Circuit asked
04:24:31 21 in *Revel* was "did the applicant make a sufficient showing
04:24:35 22 that...it can win on the merits" by a showing "significantly
04:24:39 23 better than negligible but not necessarily greater than 50
04:24:42 24 percent." That's *In re Revel AC, Inc.*, 802 F.3d at 571.

04:24:46 25 Here I find that the government has made a

04:24:48 1 sufficient showing that it has a "reasonable chance" of
04:24:50 2 succeeding on appeal under the Third Circuit standard. In
04:24:56 3 making this finding, I note that the issues on appeal are
04:24:59 4 complex and difficult. The Bankruptcy Court agreed,
04:25:02 5 observing the complexity of the issues on a number of
04:25:05 6 occasions, and offering that they were the type to keep a
04:25:09 7 judge awake at night and that the court was at times
04:25:13 8 treading on thin ice.

04:25:15 9 Here, the government has asserted at least six
04:25:17 10 bases upon which it asserts that the Bankruptcy Court erred.
04:25:21 11 In the interests of time, I will address two:

04:25:22 12 The first issue relates to whether the hospital
04:25:24 13 has ceased to provide services to the community under the
04:25:28 14 statute. According to 42 CFR Section 489.52(b)(3), a
04:25:36 15 cessation of business is a termination effective on the date
04:25:39 16 it stopped providing services to the community.

04:25:43 17 The Debtor argues that the Bankruptcy Court's
04:25:46 18 determination that the hospital was still providing services
04:25:49 19 to the community is a factual finding that will be entitled
04:25:51 20 to deference on appeal under the clearly erroneous standard,
04:25:56 21 and therefore the government is less likely to prevail on
04:25:58 22 the merits of this issue.

04:26:00 23 It is undisputed, however, that no doctors and
04:26:03 24 no patients remain at Hahnemann. All of the former
04:26:06 25 Hahnemann residents have gone to new hospitals eligible for

temporary funding through the end of their residencies.

Additionally, the portions of the transcript cited by the Debtor in a footnote in their papers and here on the phone to support its argument that the hospital is still providing services to the community state only that the hospital was providing referral services, forwarding copies of medical records, and subletting to other testing services. There is no case law or regulation cited supporting the assertion that such activities meet the "services" of the statutory requirement. And there is a significant question as to whether that is what is covered in "providing services to the community" in the statute. Thus, I find that CMS has demonstrated substantial likelihood that the Bankruptcy Court's finding that the hospital is still providing services to the community was clearly erroneous.

The second issue that I will address involves the question of whether the provider agreement is a statutory right that the Debtors are entitled to sell under section 363 or whether it is an executory contract subject to section 365.

The government asserts that the Bankruptcy Court erred in that the Sale Order improperly authorizes the sale of the resident program under the provider agreement free and clear pursuant to section 363 of the Bankruptcy Code,

when the provider agreement is an executory contract that cannot be assigned without satisfying the requirements of section 365 to cure defaults, provide adequate assurance of future performance and obtain the consent of CMS.

In response, Debtors cite to cases from the 11th Circuit and the 9th Circuit referring to certain Medicare agreements as statutory rights. And also the case from the district court in Florida.

In the Third Circuit, however, in *In re University Medical Center*, 973 F.2d 1065, 1075 (3d Cir. 1992), a Medicare provider agreement was treated as an executory contract that may be assumed and assigned pursuant to section 365 of the Bankruptcy Code. While in that case, the Third Circuit did not squarely address whether the provider agreement was an executory contract, it repeatedly referred to the provider agreement as an executory contract, and the entirety of the Court's reasoning as to whether section 365 requirements were met was based on its understanding that the provider agreement was an executory contract.

Moreover, while the Debtor focuses on whether statutory rights are assignable as a general matter, the applicable statutes make the reassignment of residency spots CMS's responsibility to determine based on community need. And the parties have cited to me no case where the

1 assignment of these particular rights or similar ones to
2 them have been approved by a Bankruptcy Court.

3 I thus find that CMS has raised a substantial
4 question of whether the Bankruptcy Court erred in applying
5 section 363.

6 As to the second factor of the stay analysis,
7 the applicant for a stay must "demonstrate that irreparable
8 injury is likely in the absence of the stay." That's
9 *Winters v. Natural Resources Defense Council, Inc.*, 555 U.S.
10 7, 22 (2008).

11 Irreparable harm is an injury that "cannot be
12 redressed by a legal or equitable remedy following a trial."
13 That is from *Novartis Consumer Health, Inc. v. Johnson &*
14 *Johnson-Merck Consumer Pharms. Co.*, 290 F.3d 578 at 595 (3d
15 Cir. 2002).

16 Here, the Court concludes that the government
17 has demonstrated that it will likely suffer irreparable harm
18 in the absence of a stay.

19 Section 5506 of the ACA requires the Secretary
20 to redistribute the residency slots upon a hospital's
21 closing. The sale here, if closed, however, is likely to
22 prevent the Secretary from exercising that statutory
23 authority and thus violate the Medicare Program laws and
24 regulations.

25 Moreover, despite the arguments that the

government's asserted injuries can be compensated with money, that ignores that the CMS-funded residency slots are limited by statute, making the slots a limited resource that CMS may permanently lose the ability to distribute.

And CMS has established that the precedent set by the Sale Order - even if not binding in other circuits - likely irreparable harms CMS by undermining its authority to carry out its responsibilities in redistributing residency slots upon the closing of a hospital. Even the Debtors here assert that it should create persuasive authority for other courts to follow.

Finally, "where the denial of the stay pending appeal risks mootng any appeal of significant claims of error, the irreparable harm requirement is satisfied." That's *Williams v. Republic (In re Cujas)*, 376 B.R. 480, 487 from the Eastern District of Pennsylvania Bankruptcy Court 2007. I understand that the risk of mootness is not, by itself, sufficient to demonstrate irreparable harm to justify a stay, this risk is a factor that courts may consider. As the Third Circuit has stated in *Republic of Philippines v. Westinghouse Electric Corp.*, 949 F.2d, 653, 658 (3d Cir. 1991), however, "certainly, the fact that the decision on the stay may be dispositive of the appeal ... is a factor that an appellate court must consider" in determining whether irreparable harm will result from the

denial of a stay.

Here, there appears to be a substantial risk of mootness.

If the sale goes through, CMS will likely lose its right to pursue an appeal on an important issue affecting the Medicare trust fund and its funding of the training of doctors under the residency program. Under the test for mootness in the Third Circuit, absent a stay, the vacation of the Sale Order would almost certainly affect the validity of the sale. Indeed, even the Debtors have not argued that CMS's rights would be unaffected if the sale is permitted to close.

CMS thus has demonstrated that, in the absence of a stay, its appeal on complex and important issues may be rendered moot by events and the passage of time. That favors the grant of a stay.

Having found that the government has made a sufficient showing as to the first two factors, I will turn to the third factor - balancing the equities. This factors calls for "assessing the harm to the opposing party." That is from *Nken v. Holder*, 556 U.S. 418, 435 (2009).

To do this, the Court must weigh the likely harm to the movant absent a stay against the likely harm to the stay opponent if the stay is granted.

Here, I conclude that entry of a stay will not

04:32:59 1 cause Debtors to suffer significant harm.

04:33:02 2 The Debtors and the Official Committee of
04:33:04 3 Unsecured Creditors argue that a stay would harm them
04:33:06 4 because the Outside Closing Date for the Sale is September
04:33:09 5 19, 2019 and after that date the deal may fall apart. That
04:33:14 6 date, however, appears to be an artificial deadline set by
04:33:18 7 the parties to the deal. If the sale is not closed by that
04:33:20 8 date, the parties are not required to abandon it. Neither
04:33:23 9 party, here, has asserted that it will walk away from the
04:33:26 10 sale if the September 19 date slips. Jefferson has
04:33:30 11 indicated that it would consider extending the date if it is
04:33:34 12 necessary to do so. As the government pointed out in its
04:33:38 13 reply papers, the Asset Purchase Agreement previously filed
04:33:41 14 in the Bankruptcy Court defines "Outside Closing Date" as
04:33:45 15 "September 6, 2019 or such other date as Seller and
04:33:46 16 Purchaser may agree." And the parties have already moved
04:33:50 17 the outside date once.

04:33:52 18 Moreover, it appears that Jefferson cannot fill
04:33:55 19 any of the residency slots until sometime in 2020. And
04:33:58 20 there is no evidence that the residency slots - which are
04:34:01 21 the asset at issue - will lose value if the stay is granted.

04:34:05 22 The Debtors also claim that the Pennsylvania
04:34:08 23 Department of Health may revoke Hahnemann's license, which
04:34:12 24 would irreparably harm the Debtors. If the Department of
04:34:15 25 Health, however, is entitled to terminate Hahnemann's

license because Hahnemann no longer operates, the termination of Hahnemann's license by the Pennsylvania Department of Health in bankruptcy would not be a preventable harm, but merely a state enforcing the law because the hospital does not meet the state's requirements.

The Debtors also claim that they are harmed because they must continue to provide services at Hahnemann. The Bankruptcy Court, however, concluded in the Sale Order that Hahnemann is deemed to be doing business as long as the sale is closed within a week of the order becoming effective - which presumably could occur after the stay is lifted.

Lastly, in balancing the equities, the Debtors and the Committee claim that the sale would provide "much-needed liquidity" to market and sell other assets and pay creditors. This however is the nature of a bankruptcy proceeding and essentially true in all cases in which a stay of a sale is sought. I am sympathetic to the Debtors' desire to monetize its assets, but there do remain here significant issues as to whether it can sell the particular assets at issue.

Finally, the fourth factor that the court considers in a stay analysis is where the public interest lies. Here, the government has demonstrated that the public interest favors granting a stay.

This case presents substantial issues involving

04:35:38 1 complex regulations and novel arguments. The end result
04:35:43 2 could go either way. The Bankruptcy judge recognized this -
04:35:49 3 noting as I said before that it was a difficult case and at
04:35:50 4 times he was treading on thin ice. Essentially, preserving
04:35:54 5 the status quo and giving the parties time to ensure that
04:35:59 6 the result is correct is in the public interest.

04:36:00 7 Additionally, as I stated earlier, section 5506
04:36:04 8 of the Affordable Care Act provides the Secretary with the
04:36:08 9 authority to redistribute a closed hospital's permanent
04:36:14 10 Residency Slots by "establishing a process" to "increase the
04:36:17 11 otherwise applicable resident limit...for other hospitals."

04:36:20 12 Thus, by statute, Hahnemann's closure should
04:36:25 13 allow other hospitals to participate in the redistribution
04:36:29 14 process. Other hospitals would have an opportunity to
04:36:29 15 increase their own number of resident by applying for
04:36:33 16 Residency Slots and articulate why they should be able to
04:36:36 17 expand their respective training programs. It is in the
04:36:38 18 public's interest that other hospitals serving critical
04:36:42 19 needs have that opportunity.

04:36:44 20 In sum, I find that each of the four factors
04:36:47 21 weighs in favor of granting a stay, and I will grant the
04:36:50 22 government's motion. Effective immediately, the
04:36:52 23 effectiveness of the Bankruptcy Court's Sale Order is stayed
04:36:56 24 pending final resolution of the government's appeal of that
04:37:01 25 Sale Order.

04:37:01 1 So that's my ruling. We will issue a separate
04:37:05 2 order should the parties wish to take further action, but is
04:37:12 3 there anything else that we need to address at this moment?

04:37:19 4 MR. SACKS: Not for the United States, Your
04:37:21 5 Honor. Thank you.

04:37:23 6 MR. MINUTI: Nothing from the Debtor. Thank you
04:37:25 7 for your time.

04:37:25 8 THE COURT: Okay.

04:37:31 9 MR. SHERMAN: Your Honor, Andrew Sherman for the
04:37:32 10 Committee. If Your Honor because of the timing of this
04:37:34 11 would consider expedited nature of the appeal and expedited
04:37:40 12 schedules, is that appropriate now, Your Honor or in a
04:37:41 13 separate motion?

04:37:41 14 THE COURT: So the way this works is I have this
04:37:43 15 motion because I was the duty judge last week. The case
04:37:46 16 will be assigned either to me or to another district court
04:37:49 17 judge on Wednesday. So I think that's an issue that should
04:37:54 18 be addressed with the judge that receives the case on
04:37:58 19 Wednesday.

04:38:00 20 MR. SHERMAN: Thank you, Your Honor.

04:38:03 21 THE COURT: Okay. With that, then we'll get the
04:38:07 22 order issued.

04:38:07 23 Thank you very much.

24 (Teleconference ended at 4:38 p.m.)
25

1 I hereby certify the foregoing is a true
2 and accurate transcript from my stenographic notes in the
3 proceeding.

4 /s/ Dale C. Hawkins
5 Official Court Reporter
6 U.S. District Court
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**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

CENTER CITY HEALTHCARE, LLC d/b/a
HAHNEMANN UNIVERSITY HOSPITAL
et al.,

Debtors.

Chapter 11

Case No. 19-11466 (KG)

(Jointly Administered)

Re: Docket No. 681

**STATUS REPORT REGARDING STAY PENDING APPEAL
OF HAHNEMANN SALE ORDER ENTERED BY DISTRICT COURT**

EXHIBIT 2

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

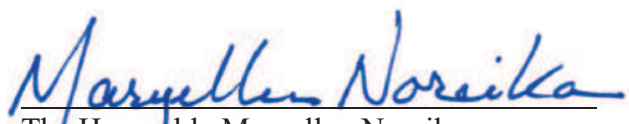
IN RE: CENTER CITY HEALTHCARE, LLC, d/b/a HAHNEMANN UNIVERSITY HOSPITAL, <i>et al.</i> ,)	
)	
Debtors.)	Chapter 11
)	Bankruptcy No. 19-11466 (KG)
)	(Jointly Administered)
<hr/>		
UNITED STATES OF AMERICA,)	
)	
Appellant,)	
)	
v.)	C.A. No. 19-1711 (UNA)
)	
CENTER CITY HEALTHCARE, LLC, d/b/a HAHNEMANN UNIVERSITY HOSPITAL and THOMAS JEFFERSON UNIVERSITY HOSPITALS, INC.,)	
)	
Appellees.)	

ORDER

At Wilmington this 16th day of September 2019, for the reasons set forth on the record, it is HEREBY ORDERED that:

1. The *United States’ Emergency Motion for Stay Pending Appeal* (D.I. 4) is GRANTED.

2. The Bankruptcy Court’s *Order Under 11 U.S.C. §§ 105, 106, 363, 365, 503, 507, and 525 (A) Approving Asset Purchase Agreement with Thomas Jefferson University Hospitals, Inc., (B) Authorizing Sale of Certain of Debtor’s Assets Free and Clear of Interests, (C) Authorizing Assumption and Assignment of Certain of the Debtor’s Executory Contracts, and (D) Granting Related Relief*, dated September 10, 2019 (B.D.I. 681) (“Sale Order”), is STAYED pending final resolution of the United States’ appeal (D.I. 1) of that Sale Order.


The Honorable Maryellen Noreika
United States District Judge