UNITED STATES BANKRUPTCY COURT
SOUTHERN DISCTRICT OF NEW YORK

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| In re: | : | |
| | : | Chapter 11 |
| SOUND SHORE MEDICAL CENTER OF WESTCHESTER, *el al.*, | : | Case No. 13-22840 (RDD) |
| | : | (Jointly Administered) |
| Debtors | : | |

**STIPULATION AND ORDER RESOLVING THE CLAIM OF DANBURY HOSPITAL**

**WHEREAS**, on or about January 7, 2014, Danbury Hospital filed a proof of claim against Debtor Sound Shore Medical Center of Westchester ("**Sound Shore**"), which was assigned proof of claim number 1124 ("**POC 1124**")

**WHEREAS**, pursuant to POC 1124, Danbury Hospital asserted a general unsecured claim against Sound Shore for indemnification pursuant to the July 1, 1997 Clinical Affiliation Agreement, as a result of actions by Dr. Venkata Bodavula alleged in an action entitled Vivian Gagliano, et al v. Advanced Specialty Care, P.C., Danbury Hospital, et al, Docket No. CV 10 6003939 S (Conn. Superior Court) (the "Gagliano Action");

**WHEREAS**, in 2014, following a jury trial, the trial court awarded judgment against Danbury Hospital in the amount of approximately $9.6 million (excluding interest), which after payment to the plaintiff in the Gagliano action of $1 million (excluding interest) by Dr. Bodavula's insurer, left Claimant liable for approximately $8.6 million (excluding interest);

**WHEREAS**, the State of Connecticut Appellate Court, by decision released on August 30, 2016, reversed the judgment against Danbury Hospital and remanded it with direction to render judgment in favor of Danbury Hospital;

**WHEREAS**, the plaintiff in the Gagliano Action appealed the decision of the Appellate Court to the Connecticut Supreme Court;

**WHEREAS**, briefing of the appeal in the Connecticut Supreme Court are not expected to be completed until later this year, oral argument is not anticipated to take place until early 2018, and the Connecticut Supreme Court is not expected to rule on the appeal until a date in mid to late 2018;

**WHEREAS**, Monica Terrano, in her capacity as the plan administrator under the plan confirmed in these Chapter 11 cases (the "**Plan Administrator**," collectively with Danbury Hospital, the "**Parties**"), and Danbury Hospital desire to resolve their dispute regarding the Proof of Claim and the claim asserted therein; and

**WHEREAS**, the Parties, in settling their dispute pursuant to this Stipulation and Order, understand that the final judgment entered in the Gagliano Action may provide Danbury Hospital with a claim against Sound Shore that is higher or lower than the allowed claim amount of this settlement, and knowingly enter into this settlement with such understanding .

**NOW, THEREFORE**, it is agreed by and between Danbury Hospital and the Plan Administrator, on behalf of the Debtors' estates, as follows:

1. POC 1124 is allowed as a general unsecured claim in the amount of $1,400,000.
2. The Debtors' claims and noticing agent is authorized to take any actions necessary to effectuate the terms of this Stipulation and Order, including without limitation updating the claims registry for these cases.
3. Upon entry of this Stipulation and Order, Danbury Hospital shall be deemed to have waived and released any and all claims it may have

against Debtors other than the claims allowed pursuant to this Stipulation and Order.

4. The Bankruptcy Court shall retain jurisdiction to hear and determine all matters arising from or related to this Stipulation and Order.

Dated: Great Neck, New York
October 16, 2017

GARFUNKEL WILD, P.C.

By: _____

Burton S. Weston
111 Great Neck Road
Sixth Floor
Great Neck, NY 11021
Tel: (516) 393-2588
*Counsel to the Plan Administrator*

Dated: New Haven, Connecticut
October 16, 2017

NEUBERT, PEPE & MONTEITH, P.C.

By: _____

Douglas S. Skalka
195 Church Street, 13th Floor
New Haven, CT 06510
Tel: (203) 821-2000
*Counsel to Claimant*

**It is SO ORDERED**

_____
**United States Bankruptcy Judge**

**Dated: White Plains, New York**
**October ____, 2017**