

**United States Bankruptcy Court  
District of New Mexico**

**Document Verification**

**Case Title:** Alliance Health Of Santa Teresa, Inc. v. New Mexico Human Services Department  
**Case Number:** 99-01140  
**Nature of Suit:**  
**Judge Code:** S  
**Reference Number:** 99-01140 - S

Document Information			
<b>Number:</b>	61		
<b>Description:</b>	Order regarding proposed findings of fact and conclusions of law on defendant's motion to dismiss; it is ordered that this is accepted as modified; it is ordered that this complaint is dismissed without prejudice on all counts .		
<b>Size:</b>	2 pages (50k)		
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Court Digital Signature			<a href="#">View History</a>
49 1b 10 9c 79 7b 73 51 9a c4 0d eb 00 48 46 31 dd ba 1d 09 35 b9 4a 17 2e 2c 6a 3b a0 3d d9 1c c9 8c ba ea 22 6f 6d 1b 1e 10 f8 77 20 33 65 58 67 31 ec f3 08 9a 20 c8 51 4f 74 0a 66 1a 92 04 48 9b d6 52 5c 76 06 27 c1 89 d7 83 61 b0 82 da 52 c3 14 db ae 3f f3 30 f7 08 72 b7 fc e9 84 9a 62 15 67 ad 98 5f 95 f4 a2 ef 2a 1b 69 ab a0 fd ad 49 60 9e 5f 93 48 77 66 bd 4b 5c eb c1 5c 78			
Filer Information			
<b>Submitted By:</b>	Jill L. Peterson		
<b>Comments:</b>	Order Accepting Findings as Modified, Dismissing Complaint without Prejudice.		

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**FILED**  
UNITED STATES DISTRICT COURT  
IN THE UNITED STATES DISTRICT COURT QUERQUE, NEW MEXICO  
FOR THE DISTRICT OF NEW MEXICO      AUG 25 2005

IN RE:

MATTHEW J. DYKMAN  
Bankruptcy Case No. 11-98-j2-hsl  
District Court Case No. 02-MC-00009

ALLIANCE HOSPITAL OF SANTA  
TERESA, INC.,

Debtor.

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ALLIANCE HOSPITAL OF SANTA  
TERESA, INC.,

Plaintiff,

v.

Adversary No. 99-1140-S

NEW MEXICO HUMAN SERVICES  
DEPARTMENT,

Defendant.

**ORDER**

THIS MATTER comes before me on *Plaintiff's Limited Objections to Proposed Findings of Fact and Conclusions of Law on Defendant's Motion to Dismiss or Abstain*, filed February 22, 2002 ("Objections"). Pursuant to Rule 9033(b) of the Federal Rules of Bankruptcy Procedure, and having considered the Objections, memoranda submitted by the parties, and the relevant authority, I hereby MODIFY the *Proposed Findings of Fact and Conclusions of Law on Defendant's Motion to Dismiss or Abstain*, filed April 5, 2002 (*Doc. 49*) ("Findings") and ACCEPT the Findings as modified, DISMISSING the complaint without prejudice.

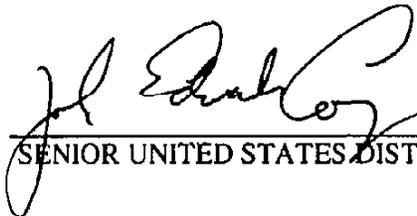
WHEREFORE,

**IT IS ORDERED** that the *Proposed Findings of Fact and Conclusions of Law on Defendant's Motion to Dismiss or Abstain* is modified as follows: Finding of Fact Number 10 is redacted in its entirety and shall instead read: "Evidence presented at the hearing established that the administrative process had not been completed and that Alliance had never requested a hearing.";

**IT IS FURTHER ORDERED** that the Court ACCEPTS the *Proposed Findings of Fact and Conclusions of Law on Defendant's Motion to Dismiss or Abstain*, filed April 5, 2002 (Doc. 49) AS MODIFIED above; and

**IT IS FINALLY ORDERED** that the complaint in this matter is DISMISSED without prejudice as to all counts.

Dated this 23rd day of August, 2005.

  
SENIOR UNITED STATES DISTRICT JUDGE