

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

LABOR BENEFIT TRUST PLAN)	
)	
v.)	NO. 3:04-0602
)	JUDGE CAMPBELL
ARAMARK UNIFORM & CAREER)	
APPAREL, INC., et al.)	

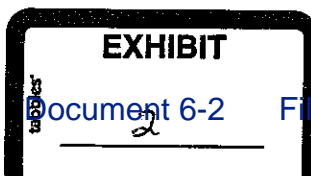
ORDER

Pending before the Court are the following Motions: (1) Unite Here Local 323's Motion to Disallow Miami Valley Hospital's Claim (Docket No. 62); (2) Miami Valley Hospital's Motion to Have Its "Answer" Deemed a Timely Filed Claim (Docket No. 64); and (3) Receiver's Objections to Claims and Motion for Allowance and Disallowance of Certain Claims (Docket No. 73). The Court held a hearing on March 11, 2005.

Unite Here Local 323's Motion to Disallow Miami Valley Hospital's Claim (Docket No. 62) is GRANTED and Miami Valley Hospital's Motion to Have Its "Answer" Deemed a Timely Filed Claim (Docket No.64) is DENIED. The claim of Miami Valley Hospital is untimely and the conduct of Miami Valley Hospital does not constitute excusable neglect based on the totality of the circumstances. The Receiver, moreover, has been prejudiced by the delay via additional administrative costs.

The Receiver's Objections to Claims and Motion for Allowance and Disallowance of Certain Claims (Docket No. 73) is GRANTED. At the hearing, the Receiver agreed to consider the merits of the claims of Unite Here Local 323 (Docket No. 79), less certain applicable co-pays and deductibles.

This document was entered on the docket in compliance with Rule 58 and/or Rule 79(a)



68

For the reasons stated from the bench, the Court finds that claims shall be allowed and/or disallowed "without recourse" to the beneficiaries of the Labor Benefit Trust.

By April 15, 2005, the Receiver shall file a status report on the case.

IT IS SO ORDERED.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE