

**IN THE UNITED STATES BANKRUPTCY COURT
DISTRICT OF COLUMBIA**

In re:)	
)	Chapter 11
)	
GREATER SOUTHEAST COMMUNITY)	Case No. 02-2250 (SMT)
HOSPITAL CORPORATION I, <i>et al.</i> ,)	Jointly Administered
)	
Debtors.)	
)	

**OBJECTION OF UNIVERSAL CARE, INC. TO DESIGNATIONS FOR ADMISSION IN
SUPPORT OF THE TRUST’S SUPPLEMENTAL OPPOSITION TO PROPOSED
STIPULATION AND ORDER RESOLVING ALLEGED “CURE CLAIM” OF
UNIVERSAL CARE, INC. AND REQUEST FOR RELATED RELIEF**

Universal Care, Inc. (“Universal Care”), by and through its counsel, objects as follows to the Designations for Admission filed by the Trustee for the DCHC Liquidating Trust:

1. This Court’s Scheduling Order Re Motion for Court Approval of Stipulation and Order Resolving Cure Claim of Universal Care, entered on August 3, 2005, directs the parties to file objections to any hearsay portions of the record designated by another party.

2. Universal Care objects to the portion of the deposition of Mr. Erich Mounce conducted on June 1, 2005, appearing at page 117, lines 3 through 6, on the ground that it is plainly hearsay and should not be admitted into evidence under Rule 802 of the Federal Rules of Evidence (the “Rules”), made applicable in this case by Federal Rule of Bankruptcy Procedure 9017.

3. Mr. Mounce’s testimony is clearly hearsay and does not fall under any of the hearsay exceptions enumerated in Rules 803 or 804. It is a statement or oral assertion, other than one made by the declarant while testifying, which is offered into evidence to prove the truth of the matter asserted. *See* Rule 801; *see also Mitchell v. DCX, Inc.*, 274 F. Supp. 2d 33, 42 (D.

D.C. 2003) (defining hearsay). If the Trustee is offering *Mr. Mounce's testimony* as proof of *Universal Care's understanding* of the status of one of its contracts with the Debtors, it is hearsay. The letter referred to, and upon which Mr. Mounce speculates, in this portion of the deposition transcript is Trust Exhibit R in the Trustee's designations. The letter speaks for itself.¹

WHEREFORE, Universal Care requests that this Court: (i) find that the Trustee's proposed designation of the record found at page 117 of the transcript from the deposition of Mr. Erich Mounce is not admissible as hearsay; and (ii) grant such other and further relief as is just.

Dated: August 10, 2005

Respectfully submitted by:

UNIVERSAL CARE, INC.

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¹ Furthermore, any information related to what may have been intended by the drafter of the letter, who was obviously Universal Care's attorney, is protected by the attorney work product doctrine and the attorney client privilege. The Trustee simply is not entitled to this protected information and the Trustee's attempt to obtain that information from the corporate representative of the Reorganized Debtors resulted in testimony that is speculative and riddled with hearsay.

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of August, 2005, I served the attached Objection of Universal Care, Inc. to Designations for Admission in Support of The Trust's Supplemental Opposition to Proposed Stipulation and Order Resolving Alleged "Cure Claim" of Universal Care, Inc. and Request for Related Relief electronically and via first-class mail, upon the recipients listed below:

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