UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re: GREATER SOUTHEAST COMMUNITY HOSPITAL CORP., I, *et al.*, *Debtors.*	Chapter 11 Jointly Administered Case No. 02-2250 Judge S. Martin Teel, Jr.

MOTION OF THE DCHC LIQUIDATING TRUST AND THE REORGANIZED DEBTORS FOR ENTRY OF AN *EX PARTE* ORDER GRANTING SIXTEENTH EXTENSION OF THE TIME TO OBJECT TO CLAIMS TO DECEMBER 31, 2008

**TO THE HONORABLE S. MARTIN TEEL, JR.,
UNITED STATES BANKRUPTCY JUDGE:**

The DCHC Liquidating Trust (the "Trust") and reorganized Doctors Community Healthcare Corporation (now known as Envision Hospital Corporation), Greater Southeast Community Hospital Corporation I, PACIN Healthcare-Hadley Memorial Hospital Corporation, Michael Reese Medical Center Corporation, Pacifica Hospital of the Valley Corporation (together, the "Reorganized Debtors," and collectively referred to along with the Trust and Pine Grove Hospital Corporation of Canoga Park, California, its estate and/or *res* as the "Movants") by and through their respective undersigned counsel, request entry of an *ex parte* order extending through December 31, 2008, the period during which the Trust and the Reorganized Debtors may object to claims. The Movants believe that all objections will be filed by the current October 31, 2008 deadline for filing claims objections, but Movants request an additional 60 days out of an abundance of caution and to ensure that all objectionable claims are fully and adequately addressed. The Movants, by and through their respective counsel, respectfully represent as follows:

Jurisdiction

1. This Court has jurisdiction to consider this motion (the "Motion") pursuant to 28 U.S.C. §1334. Consideration of the motion is a core proceeding pursuant to 28 U.S.C. §157(b). Venue of this proceeding is proper before this Court pursuant to 28 U.S.C. §§1408 and 1409.

Background

2. On November 20, 2002 (the "Petition Date"), each of the Debtors commenced with this Court a case under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code"). Pursuant to an order of this Court, the Debtors' chapter 11 cases are being jointly administered for procedural purposes only.

3. On April 2, 2004, the Court entered an order approving the Debtors' Second Joint Amended Plan of Reorganization (the "Plan").

4. On April 5, 2004 (the "Effective Date"), the Plan went into effect. Pursuant to the terms of the Plan, on the Effective Date, the Debtors reorganized into the Reorganized Debtors, the Trust was formed, and various assets, claims and responsibilities were either transferred to the Trust or retained by the Reorganized Debtors. Under the Plan and related Disclosure Statement materials, allowable general unsecured claims transferred to the Trust were estimated by the Debtors to be approximately $77 million. The Reorganized Debtors retained various claims, including but not limited to: (i) Medical Malpractice Claims;[1] (ii) Tort Claims (except for any Tort Claims arising out of the Debtor's relationship and transactions with Boston Regional Medical Center); (iii) certain obligations to third party payors pursuant to insurance policies for health care goods and services; (iv) obligations to any state or federal authority pursuant to Medicare, Medicaid or other similar governmental programs; (v) certain obligations

[1] All capitalized terms not defined herein shall have the meaning assigned to them in the Plan.

to the Department of Health and Human Services; (vi) accrued and unpaid prepetition employee benefit obligations; and (vii) certain tax claims.

5. Pursuant to Article 7.1(b) of the Plan, objections to claims were to be made by "120 days after the Effective Date, unless such date is extended by order of the Bankruptcy Court." The 120th day following the Effective Date was August 3, 2004.

6. Pursuant to Article 7.1(b) of the Plan, this Court may extend the deadline through which the Trust and the Reorganized Debtors may object to claims on the *ex parte* request of the Trustee or the Reorganized Debtors.

7. The Trust and Reorganized Debtors jointly filed fifteen motions to extend the time to object to claims, which have been granted by the Court. The latest order was entered on August 20, 2008 and extended the deadline for the Trust and the Reorganized Debtors to object to claims to October 31, 2008, without prejudice to the Movants' ability to request and be granted additional extensions of time to object to claims.

8. The Trust has filed twenty omnibus objections to claims during this case. On July 30, 2004, the Trust filed The DCHC Liquidating Trust's First Omnibus Objection to Certain Duplicative, Superseded and Redundant Claims Pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007 (the "First Omnibus"). The First Omnibus addressed more than 175 of the 2000 estimated claims. The Court entered an Order approving the First Omnibus on September 14, 2004. On October 20, 2005, the Trust filed the DCHC Liquidating Trust's Second Omnibus Objection to Certain Claims Pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007 (the "Second Omnibus"). The Second Omnibus objected to seventeen claims totaling $634,771.18. The Court entered an Order approving the Second Omnibus on January 5, 2006.

9. On October 21, 2005, the Trust filed the DCHC Liquidating Trust's Third Omnibus Objection to Certain Claims Pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007 (the "Third Omnibus"). The Third Omnibus objected to three claims totaling $163,309.88. The Court entered an Order approving the Third Omnibus on December 15, 2005. On November 14, 2005, the Trust filed the DCHC Liquidating Trust's Fourth Omnibus Objection to Certain Claims Pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007 (the "Fourth Omnibus"). The Fourth Omnibus objected to eighty-one claims totaling $904,377.24. The Court entered an Order approving the Fourth Omnibus on January 4, 2006.

10. On December 6, 2005, the Trust filed the DCHC Liquidating Trust's Fifth Omnibus Objection to Certain Claims Pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007 (the "Fifth Omnibus"). The Fifth Omnibus objected to forty-seven claims totaling $803,426.80. The Court entered an Order approving the Fifth Omnibus on January 30, 2006. On January 20, 2006, the Trust filed the DCHC Liquidating Trust's Sixth Omnibus Objection to Certain Claims Pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007 (the "Sixth Omnibus"). The Sixth Omnibus objected to twelve claims totaling $123,651.32. The Court entered an Order approving the Sixth Omnibus on March 1, 2006.

11. On March 6, 2006, the Trust filed the DCHC Liquidating Trust's Seventh Omnibus Objection to Certain Claims Pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007 (the "Seventh Omnibus"). The Seventh Omnibus objected to 105 claims totaling approximately $78 million. The Court entered an Order approving the Seventh Omnibus on May 1, 2006. On May 3, 2006, the Trust filed the DCHC Liquidating Trust's Eighth Omnibus Objection to Certain Claims Pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007 (the "Eighth Omnibus"). The Eighth Omnibus objected to sixteen claims totaling $870,416.54. On June 27, 2006, the Court,

through Judge Paul Mannes sitting by designation, entered an order approving the Eighth Omnibus. On June 15, 2006, the Trust filed the DCHC Liquidating Trust's Ninth Omnibus Objection to Certain Claims Pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007, (the "Ninth Omnibus"). The Ninth Omnibus objected to 38 subject claims totaling $48 million. The Court entered a modified Order approving the Ninth Omnibus on July 24, 2006. On October 30, 2006, the Trust filed the DCHC Liquidating Trust's Tenth Omnibus Objection to Certain Claims Pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007, (the "Tenth Omnibus"). The Tenth Omnibus objected to 1,012 subject claims totaling $68.29 million. The Court entered an Order approving the Tenth Omnibus on August 10, 2007.

12. On May 18, 2007, the Trust filed the DCHC Liquidating Trust's Eleventh Omnibus Objection to Certain Claims Pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007 (the "Eleventh Omnibus"). The Eleventh Omnibus objected to 48 claims totaling approximately $6 million. The Court entered an Order approving the Eleventh Omnibus on July 9, 2007. On May 18, 2007, the Trust also filed the DCHC Liquidating Trust's Twelfth Omnibus Objection to Certain Claims Pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007 (the "Twelfth Omnibus"). The Twelfth Omnibus objected to 43 claims. The Court entered an Order approving the Twelfth Omnibus on July 10, 2007.

13. On June 6, 2007, the Trust filed the DCHC Liquidating Trust's Thirteenth Omnibus Objection to Certain Claims Pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007 (the "Thirteenth Omnibus"). The Thirteenth Omnibus objected to 11 $0 claims. The Court entered an Order approving the Thirteenth Omnibus on July 25, 2007. On June 29, 2007, the Trust filed the DCHC Liquidating Trust's Fourteenth Omnibus Objection to Certain Claims Pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007 (the "Fourteenth Omnibus"). The

Fourteenth Omnibus objected to 12 claims totaling approximately $900,000. The Court entered an Order approving the Fourteenth Omnibus on August 14, 2007.

14. On September 13, 2007, the Trust filed the DCHC Liquidating Trust's Fifteenth Omnibus Objection to Certain Claims Pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007 (the "Fifteenth Omnibus"). The Fifteenth Omnibus objected to 44 claims on the basis that they were either amended or superseded by subsequently filed claims or that they contained duplicate invoices. The Court entered an Order approving the Fifteenth Omnibus on October 31, 2007.

15. On November 27, 2007, the Trust filed its Motion (the "Patient Refund Procedures Motion") of the DCHC Liquidating Trust for an Order Authorizing Procedures for Objecting to and Resolving Patient Refund Claims. By the Patient Refund Procedures Motion, the Trust sought approval for proposed procedures for objecting to and resolving over 10,000 claims, in the aggregate face amount of over $10 million categorized as Patient Refund Claims under the Plan. The Court entered an order granting the Patient Refund Procedures Motion on December 20, 2007.

16. On April 11, 2008, the Trust filed its Submission Of Order Disallowing Patient Refund Claims For Which The Claimants Did Not Respond To The Trust's Objection As Required By The Court-Approved Patient Refund Claim Objection Procedures, which was granted by the Court's Order dated April 24, 2008, resulting in the disallowance of all but 43 of the Patient Refund Claims.

17. On April 11, 2008, the Trust also filed its Objection And Request To Disallow Patient Refund Claims For Which The Claimants Did Not Provide Sufficient Evidence Of Such Claims As Required By The Court-Approved Patient Refund Claim Objection Procedures seeking the disallowance of 39 of the remaining 43 Patient Refund Claims (the "Patient Refund

Disallowance Motion"). The Patient Refund Disallowance Motion was resolved, in part, by the Court's Memorandum Decision dated May 15, 2008. (D.E. 3358).

18. On June 2, 2008, the Trust filed the DCHC Liquidating Trust's Sixteenth Omnibus Objection to Certain Claims Pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007 (the "Sixteenth Omnibus"). The Sixteenth Omnibus objected to 22 claims totaling approximately $1,330,304. The Court entered an Order approving the Sixteenth Omnibus on July 7, 2008.

19. On July 7, 2008, the Trust filed the DCHC Liquidating Trust's Seventeenth Omnibus Objection to Certain Claims Pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007 (the "Seventeenth Omnibus"). The Seventeenth Omnibus objected to 5 claims totaling approximately $87,105. The Court entered an Order approving the Seventeenth Omnibus, as amended, on August 20, 2008.

20. On July 14, 2008, the Trust filed the DCHC Liquidating Trust's Eighteenth Omnibus Objection to Certain Claims Pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007 (the "Eighteenth Omnibus"). The Eighteenth Omnibus objected to 12 claims totaling approximately $1,556,713. The Court entered an Order approving the Eighteenth Omnibus, as amended, on September 15, 2008.

21. On August 4, 2008, the Trust filed the DCHC Liquidating Trust's Nineteenth Omnibus Objection to Certain Claims Pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007 (the "Nineteenth Omnibus"). The Nineteenth Omnibus objected to 9 claims totaling approximately $1,177,810. The Court entered an Order approving the Nineteenth Omnibus, as amended, on September 30, 2008.

22. On August 19, 2008, the Trust filed the DCHC Liquidating Trust's Twentieth Omnibus Objection to Certain Claims Pursuant to 11 U.S.C. § 502 and Fed. R. Bankr. P. 3007 (the Twentieth Omnibus"). The Twentieth Omnibus objected to 7 claims totaling approximately $217,363.32. The Court has not yet ruled on the Twentieth Omnibus.

23. To complete the process of filing claims objections and ensure that all objectionable claims are addressed, however, the Movants believe that additional time may be necessary. Specifically, in November 2007, the Trust and the Reorganized Debtors concluded extensive negotiations resulting in the execution of a comprehensive Settlement Agreement resolving, among other things,[2] responsibility for outstanding claims in the aggregate face amount of approximately $650 million. These claims were the subject of the Trust's First and Second Motions For Determination That Satisfaction Of Certain Claims Are The Responsibility Of The Reorganized Debtors (And Not Of The Trust) Pursuant To The Plan Of Reorganization, filed on May 23, 2007 and July 27, 2007, respectively (the "Claims Determination Motions"). The Settlement Agreement resolved the parties' disputes regarding the Claims Determination Motions and, on December 5, 2007, the Court entered agreed orders resolving the Claims Determination Motions.

24. The Movants believe that all claim objections will be filed by the current October 31, 2008 deadline for filing claims objections. However, out of an abundance of caution and to ensure that all objectionable claims are fully and adequately addressed, the Movants request an additional 60 days to file claim objections.

[2] The Settlement Agreement also resolved the parties' disputes concerning the Trust's allegations that the Reorganized Debtors defaulted on their obligations under the Second Amended and Restated Take-Out and Restructuring Implementation Agreement and the New Note executed in connection therewith, resulting in the dismissal of the adversary proceeding (Adv. Proc. No. 07-10021) commenced by the Trust against the Reorganized Debtors.

Relief Requested

25. Due to the Movants' need for additional time to ensure that all objectionable claims are addressed through the claims objection process, the Movants have filed and served this Motion seeking an order further extending until December 31, 2008 the deadline for Movants to file claim objections. Although the Movants believe that all claim objections will be filed by the current October 31, 2008 deadline, Movants request an additional 60 days out of an abundance of caution and to ensure that all objectionable claims are fully and adequately addressed.

Basis for Relief

26. Since the Effective Date, the Movants have worked diligently to assess the approximately 2000 filed proofs of claim totaling approximately $900 million and hundreds of other scheduled claims totaling $362,655,086.99 (the "Claims"). Since the last request for an extension of time to object to claims, the Trust has filed additional claim objections and has negotiated and consensually resolved myriad claims totaling several million dollars, without the need to file claim objections with the Court. At bottom, the Trust believes that it will file all necessary claims objections by the October 31, 2008 deadline, but seeks an additional two months to ensure that any lingering claim issues may be addressed, including one large claim for which the Trust may not be able to resolve before the October 31, 2008 deadline.

27. Similarly, the Reorganized Debtors have worked diligently to assess and resolve the proofs of claim relating to claims retained by the Reorganized Debtors. Toward that end, the Reorganized Debtors have consensually resolved and/or satisfied (i) most, if not all, of the retained priority tax claims, including all claims of the Internal Revenue Service, (ii) the claims of the District of Columbia and its agencies, (iii) the claims of other governmental agencies, (iv)

claims of Humana Health Plan, Inc., Humana Insurance Company and other third party payors and (v) most, if not all, claims arising from identified assumed executory contracts without the necessity for the filing and prosecution of claim objections, except, perhaps, for objections to reconcile the claims register with the outcome of these discussions. Further, the vast majority of claims for accrued and unpaid employee benefit obligations have been satisfied. The Reorganized Debtors are now in the final stages of determining whether it is necessary to object in the Bankruptcy Court to any claims.

28. While the Reorganized Debtors have made significant progress in identifying and evaluating the claims included in the other categories of retained claims, the Reorganized Debtors' key financial personnel are, and have been, devoting substantially all of their efforts to addressing operational issues, such as the sale of Greater Southeast Community Hospital consummated in November 2007 and the impending closure of, and recent chapter 11 bankruptcy case commenced by, Michael Reese Medical Center, affecting the ability of the Reorganized Debtors to comply with their obligations under the Plan. For these reasons, the Reorganized Debtors believe that additional time will be necessary to finalize the process.

29. Since the Effective Date, the Trust and Reorganized Debtors have focused on myriad issues, separately and together. For example, since the Effective Date, the Trust and Reorganized Debtors have worked and continue to work to resolve certain loan repayment and operational issues that affect both parties' respective interests. The Trust has assessed the various final fee applications filed in these cases. The Trust also filed more than 350 causes of action with this Court during the week ending November 19, 2004.

30. Given the number of remaining claims, and the delays occasioned by the complexity of post-Effective Date issues, the Movants submit that additional time will be

necessary to finalize the process of filing claims objections. Therefore, the Movants request that the October 31, 2008 deadline for objections to proofs of claim be extended until December 31, 2008, to allow time for the proper analysis of any and all remaining claims filed against the Debtors.

31. The Movants aver that the extension requested by this Motion will help provide each party with the ability to more efficiently and effectively finalize the claims evaluation process, prepare and file additional objections to claims and, where possible, consensually resolve disputed claims. Moreover, the Movants submit that prudence and caution dictate that potential additional extensions of time to object to claims may be warranted.

32. An extension of time will not result in any undue prejudice. Under the terms of the Plan, the Trust's principal source of recovery is derived from cash, claims and payment under two promissory notes: an A Note and B Note. The A Note was in the principal amount of $35.4 million, payable at 7% interest over two years. The B Note was in the principal amount of $11 million, payable interest free, in equal monthly installments over four years.

33. Under the A Note, an interim installment payment of approximately $15.4 million was due on October 1, 2004. With respect to this payment, the Trust and Reorganized Debtors entered into multi-party negotiations, which sought *inter alia*, to restructure the Reorganized Debtors' obligations under the A Note and B Note.

34. On January 15, 2005, after several months of negotiations, the restructuring transaction closed. Under that transaction, the Trust received $27,385,000 in cash, and a "New Note" in the principal amount of $10 million, payable at 15% interest, over 37 months.[3] The receipt of the January refinancing payment, the monthly payments of amounts due under the

3 This amount varies from the terms of the original restructuring proposal, which was to provide payment of $30,483,000 in cash and a New Note of $4.25 million, interest free payable over 24 months.

New Note and the payment by the Reorganized Debtors of the entire balance of the New Note in November 2007, should permit the Trust to make an initial distribution to creditors in an amount that exceeds original Plan estimates. However, before such a distribution can be made to general unsecured creditors, the Trust must complete the claims objection process.

35. Similarly, holders of claims retained by Reorganized Debtors will not be significantly prejudiced by the extension of time to file claim objections. As noted above, the vast majority of, if not all, priority tax claims and third party payor claims have been resolved by consensus. The retained claim of the Department of Health and Human Services was resolved by consensus as set forth in the Confirmation Order. Holders of Medical Malpractice Claims and Tort Claims retained by the Reorganized Debtors will not be prejudiced by the extension because, pursuant to the Plan, the Bankruptcy Court no longer has jurisdiction to fix those claims and the holders of those claims have now proceeded to seek adjudication of their claims in the appropriate non-bankruptcy *fora*. Finally, the vast majority of retained claims for accrued and unpaid prepetition employee benefit obligations consist of claims for accrued vacation and sick time that was not used as of the Petition Date. The vast majority of these claims have been satisfied by allowing employees to use their prepetition accrued vacation and sick time. Nevertheless, the Reorganized Debtors continue to face ongoing operational and financial performance issues that, out of necessity, occupy the bulk of management's time and attention. Consistent with their obligations under the Plan, the Reorganized Debtors continue to seek to minimize overhead costs and have not, and cannot afford to, hire additional staff or consultants to address claim objections—although one member of their executive staff has been tasked with resolving the remaining open claims retained by the Reorganized Debtors. Consequently, the

Reorganized Debtors will need additional time after October 31, 2008 to ensure that all objectionable claims have been addressed.

36. In summary, the Movants submit that the rights of claimants will not be prejudiced by the requested extension, such an extension is in the best interests of the estate and the creditors, and the relief requested herein is warranted.

Notice

37. Under the Plan Section 7.1(b), this Motion can be filed, heard and approved on an ex parte basis.

> The Liquidating Trustee, the Reorganized Debtor(s) or any other entit(ies) responsible for Retained Liabilities, as the case may be shall serve a copy of each objection upon the holder of the Claim to which the objection is made as soon as practicable (unless such Claim was already the subject of a valid objection by the Debtors), but in no event shall the service of such an objection be later than 120 days after the Effective Date, unless such date is extended by order of the Bankruptcy Court. The Bankruptcy Court, for cause, may extend the deadline on the ex parte request of the Liquidating Trustee or a Reorganized Debtor or other entit(ies).

Nevertheless, a copy of this Motion was served on the Office of the U.S. Trustee. The Trust and the Reorganized Debtors respectfully submit that such notice is adequate and that no further notice is necessary.

No Prior Request

No prior motion for the relief requested herein has been made to this Court or any other court.

WHEREFORE, the Movants respectfully request entry of an order, substantially in the form annexed hereto, extending to December 31, 2008, the deadline for the Trust and the Reorganized Debtors to file objections to all claims filed in the above-captioned cases, without

prejudice to their right to seek further extensions of time to object to such claims an order granting such other and further relief as may be just and proper.

Dated: October 28, 2008

Respectfully submitted,

WHITE & CASE LLP

By: /s/ Jeffrey E. Schmitt
Jeffrey E. Schmitt (D.C. Bar No. 490013)
Joshua M. Hantman (D.C. Bar No. 488058)
701 Thirteenth St., N.W.
Washington, D.C. 20005
tel.: (202) 626-3600
fax: (202) 639-9355

Counsel to Sam J. Alberts, Trustee for The DCHC Liquidating Trust

Dated: October 28, 2008

By: /s/ Patrick Collins
Ted Berkowitz (admitted *pro hac vice*)
Patrick Collins (admitted *pro hac vice*)
Farrell Fritz, P.C.
1320 RexCorp Plaza
Uniondale, New York 11556
tel.: (516) 227-0700
fax.: (516) 227-0777

Peter M. Friedman (D.C. Bar No.474966)
John H. Thompson (D.C. Bar No.484852)
Cadwalader Wickersham & Taft LLP
1201 F Street, NW
Washington, D.C. 20004
(202) 862-2200

Andrew M. Troop (*admitted pro hac vice*)
Cadwalader, Wickersham & Taft LLP
One World Financial Center
New York, NY 10281
(212) 504-6000

Counsel to the Reorganized Debtors

CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2008, I caused to be served a true and correct copy of the foregoing Motion of The DCHC Liquidating Trust and the Reorganized Debtors For Entry Of An Ex Parte Order Granting Sixteenth Extension Of Time To Object To Claims to December 31, 2008 on the persons listed below by United States mail:

Andrew M. Troop
Cadwalader, Wickersham & Taft LLP
One World Financial Center
New York, NY 10281

Peter M. Friedman
John H. Thompson
Cadwalader Wickersham & Taft LLP
1201 F Street, NW
Washington, D.C. 20004

Peter D. Isakoff
Holly E. Loiseau
Cleveland Lawrence III
Weil Gotshal & Manges LLP
1501 K Street NW Suite 100
Washington, D.C. 20005

Ted A Berkowitz
Patrick Collins
Farrell Fritz, P.C.
1320 RexCorp Plaza
Uniondale, NY 11556
Tel: 516-227-0700

Counsel for the Reorganized Debtors

Dennis Early, Esq.
Office of the United States Trustee
115 S. Union Street, Rm. 210
Alexandria, VA 22314

/s/ Jeffrey E. Schmitt
Jeffrey E. Schmitt