

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF LOUISIANA
(NEW ORLEANS)**

IN RE:§

OCA, INC. *et al.*,

DEBTOR

§
§
§
§

CASE NO. 06-10179

CHAPTER 11

Jointly Administered

**DUDLEY M. HODGKINS, DDS, MSD,
AND DUDLEY M. HODGKINS, DDS, MSD, PC
OBJECTION TO DEBTORS' EX PARTE MOTION FOR
CASE MANAGEMENT/SCHEDULING CONFERENCE AND
A SUPPLEMENTAL SCHEDULING ORDER**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COME NOW Dudley M. Hodgkins, DDS, MSD (“Dr. Hodgkins”), and Dudley M. Hodgkins, DDS, MSD, PC (“Hodgkins PC”) (collectively referred to as “Hodgkins”), and file this their Objection to Debtors’ Ex Parte Motion for Case Management/Schedulign Conference and a Supplemental Scheduling Order, respectfully state as follows:

1. The Debtors’ proposed schedule and procedures are simply unreasonable. If approved, Hodgkins would be denied due process. Hodgkins agrees with and incorporates herein the objections that have been stated in the various pleadings filed by other objecting Doctors [Docket Nos. 1942, 1944, 1945, 1946 and 1948].

2. However, Hodgkins has individual concerns that bear mentioning. At the hearing on Hodgkins’ Motion for Relief From Stay held before this Court on October 11, 2006, counsel for the Debtors argued to the Court that the Hodgkins BSA was quite different from the BSAs of other Doctors, and that substantial discovery would be necessary as to Hodgkins’ claims and defenses. If the case is not dismissed summarily on legality grounds, Hodgkins agrees that substantial discovery may be necessary. The claims and defenses of each doctor are distinct.

Hodgkins contends that OCA breached the Hodgkins BSA in numerous specific ways resulting in its pre-petition termination. Hodgkins has a right to take full discovery on his specific case. Allowing approximately sixty minutes of individualized deposition testimony is simply insufficient. Moreover, Hodgkins should not be required to begin depositions before written discovery is complete. Finally, the Debtor should be required to communicate with all attorneys on substantive and procedural issues, not just Messrs. Goldstein and Forsyth. Counsel for Hodgkins was never approached about any form of scheduling agreement, nor conferred with about even the setting of this hearing.

3. The Debtors are responsible for commencing the multitude of litigation existing before this Court. They should not be allowed to prevent the Doctors from a full and fair discovery process.

WHEREFORE, PREMISES CONSIDERED, the Dr. Hodgkins and Hodgkins PC request that the Debtor's Motion be denied and that Dr. Hodgkins and Hodgkins PC be allowed a full and fair discovery process. Dr. Hodgkins and Hodgkins PC further requests such other and further relief that as they may be justly entitled.

Respectfully submitted,

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By: /s/ Kell C. Mercer
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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of October, 2006, a true and correct copy of the foregoing pleading was served, via regular first class mail, postage prepaid, on the parties on the attached service.

/s/ Kell C. Mercer

Kell C. Mercer