

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
In re)	
)	
HAMPDEN COUNTY PHYSICIAN)	CHAPTER 11
ASSOCIATES, LLC,)	CASE NO. 14-30961-HJB
)	
Debtor.)	
_____)	

**EMERGENCY MOTION FOR THE ENTRY
OF AN ORDER COMPELLING THE REJECTION
OF CERTAIN EXECUTORY CONTRACTS**

Connecticut Physicians' Services LLC ("CPS") a creditor of this bankruptcy estate and a party with Hampden County Physician Associates, LLC (the "Debtor") to three contracts which are described below, hereby moves this Court for the entry of an order requiring the Debtor to reject those contracts.

In support thereof CPS states as follows:

1. On October 2, 2014, the Debtor filed a voluntary petition pursuant to Chapter 11 of the Bankruptcy Code (the "Petition Date").
2. Pursuant to the provisions of §§1107 and 1108 of the Bankruptcy Code since the Petition Date the Debtor has continued to operate its business and manage its business affairs as a Debtor-in-Possession.
3. The Debtor is a physician group which employs approximately 68 health care providers to serve approximately 55,000 patients from 14 different locations.
4. CPS is a provider of clinical and business technology solutions to the healthcare industry.

5. Prior to the Petition Date, CPS and the Debtor entered into the following three contracts (a) the Master Services Agreement dated January, 2013; (b) the Data Hosting and Services Agreement dated November 5, 2012; and (c) the Services Agreement dated April 12, 2013 (these contracts, as amended, are referred to herein as the "Contracts").

6. As of the Petition Date the Debtor was in default of all three Contracts and owed arrearages on the Contracts totaling approximately \$750,000.00.

7. Pursuant to the Contracts CPS hosts and supports all of the Debtor's systems concerning patient records and stores all of the patient records on CPS's private cloud. Only by using CPS' systems can the doctors employed by the Debtor access and manipulate their patients' records.

8. Counsel to CPS has been advised that the Debtor intends to close its business as of 5:00 p.m. on October 31, 2014 and that in connection therewith all of the doctors employed by the Debtor will be resigning their employment and seeking to treat their patients elsewhere.

9. CPS has been contacted by two local hospitals which intend to employ the majority of the Debtor's doctors. CPS has begun negotiating new contracts with these hospitals in the hope that there will be a seamless transition of access to patients' records once the Debtor's soon to be former doctors join these hospitals.

10. However, since these new contracts would relate to the same records CPS has contracted to maintain and support for the Debtor, CPS is unable to finalize these new contracts until such time as the Contracts have been rejected by the Debtor.

11. Given the fact that the Debtor will soon close its business, the Contracts have no value to the bankruptcy estate. The immediate rejection of the Contracts will be of great benefit

to the Debtor's former patients by ensuring that their medical care will not be compromised by any delay or other problem with their doctor's ability to access their medical records.

WHEREFORE, Connecticut Physicians' Services LLC respectfully requests that this Court: (a) consider this Motion on an emergency basis; and (b) enter an Order requiring the Debtor to immediately reject the Contracts.

Respectfully submitted,

CONNECTICUT PHYSICIANS' SERVICES LLC,

By its counsel,

/s/ Mark G. DeGiacomo

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