

SUMMONS - CIVIL

JD-CV-1 Rev. 10-09
 C.G.S. §§ 51-346, 51-347, 51-349, 51-350, 52-45a,
 52-48, 52-259, P.B. Secs. 3-1 through 3-21, 8-1

**STATE OF CONNECTICUT
 SUPERIOR COURT**

www.jud.ct.gov

See page 2 for instructions

- "X" if amount, legal interest or property in demand, not including interest and costs is less than \$2,500.
- "X" if amount, legal interest or property in demand, not including interest and costs is \$2,500 or more.
- "X" if claiming other relief in addition to or in lieu of money or damages.

TO: Any proper officer; BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby commanded to make due and legal service of this Summons and attached Complaint.

Address of court clerk where writ and other papers shall be filed (Number, street, town and zip code) (C.G.S. §§ 51-346, 51-350)		Telephone number of clerk (with area code)	Return Date (Must be a Tuesday)
95 Washington Street, Hartford, CT 06106		(860) 548-2700	February 1, 2011 <small>Month Day Year</small>
<input checked="" type="checkbox"/> Judicial District <input type="checkbox"/> Housing Session	<input type="checkbox"/> G.A. Number:	At (Town in which writ is returnable) (C.G.S. §§ 51-346, 51-349)	Case type code (See list on page 2) Major: M Minor: 10
		Hartford	

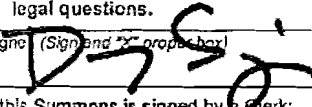
For the Plaintiff(s) please enter the appearance of:

Name and address of attorney, law firm or plaintiff if self-represented (Number, street, town and zip code)	Juris number (to be entered by attorney only)
Daniel Shapiro, AAG, Office of the Attorney General, 55 Elm Street, Hartford, CT 06106	416583
Telephone number (with area code)	Signature of Plaintiff (if self-represented)
(860) 808-5210	

Number of Plaintiffs: 1	Number of Defendants: 4	<input type="checkbox"/> Form JD-CV-2 attached for additional parties
Parties	Name (Last, First, Middle Initial) and Address of Each party (Number, Street, P.O. Box, Town, State, Zip, Country, if not USA)	
First Plaintiff	Name: State of Connecticut Commissioner of Social Services Address: 25 Sigourney Street, Hartford, CT 06106	P-01
Additional Plaintiff	Name: Address:	P-02
First Defendant	Name: 915 Ella T. Grasso Blvd, Operations, LLC of New Haven, CT d/b/a University Skilled Nursing and Rehab. Address: 915 Ella T. Grasso Blvd., New Haven, CT 06511	D-50
Additional Defendant	Name: 2432 Albany Ave, Operations, LLC of West Hartford, CT d/b/a Bishops Corner Skilled Nursing and Reh. Address: 2432 Albany Ave., West Hartford, CT 06117	D-51
Additional Defendant	Name: 60 West St. Operations, LLC of Rocky Hill, CT, d/b/a Rocky Hill Skilled Nursing and Rehabilitation Address: 60 West St., Rocky Hill, CT 06067	D-52
Additional Defendant	Name: 1 Care Lane Operations, LLC of West Haven, CT, d/b/a Soundview Skilled Nursing and Rehabilitation Address: 1 Care Lane, West Haven, CT 06516	D-53

Notice to Each Defendant

- YOU ARE BEING SUED. This paper is a Summons in a lawsuit. The complaint attached to these papers states the claims that each plaintiff is making against you in this lawsuit.
- To be notified of further proceedings, you or your attorney must file a form called an "Appearance" with the clerk of the above-named Court at the above Court address on or before the second day after the above Return Date. The Return Date is not a hearing date. You do not have to come to court on the Return Date unless you receive a separate notice telling you to come to court.
- If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default. The "Appearance" form may be obtained at the Court address above or at www.jud.ct.gov under "Court Forms."
- If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately contact your insurance representative. Other action you may have to take is described in the Connecticut Practice Book which may be found in a superior court law library or on-line at www.jud.ct.gov under "Court Rules."
- If you have questions about the Summons and Complaint, you should talk to an attorney quickly. The Clerk of Court is not allowed to give advice on legal questions.

Signer (Sign and "X" proper box)	<input checked="" type="checkbox"/> Commissioner of the Superior Court <input type="checkbox"/> Assistant Clerk	Name of Person Signing at Left	Date signed
		Daniel Shapiro, AAG	1-10-2011
If this Summons is signed by a Clerk:			<i>For Court Use Only</i>
a. The signing has been done so that the Plaintiff(s) will not be denied access to the courts.			
b. It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law.			
c. The Clerk is not permitted to give any legal advice in connection with any lawsuit.			
d. The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint, or the service of the Summons or Complaint.			
I certify I have read and understand the above:	Signed (Self-Represented Plaintiff)	Date	
Name and address of person recognized to prosecute in the amount of \$250			
Not Applicable: Plaintiff is the Commissioner of Social Services			
Signed (Official taking recognizance; "X" proper box)	<input type="checkbox"/> Commissioner of the Superior Court <input type="checkbox"/> Assistant Clerk	Date	Docket Number

RETURN DATE: FEBRUARY 1, 2011

STATE OF CONNECTICUT
COMMISSIONER OF SOCIAL SERVICES

v.

915 ELLA T. GRASSO BOULEVARD
OPERATIONS LLC OF NEW HAVEN, CT, d/b/a
UNIVERSITY SKILLED NURSING AND
REHABILITATION; 2432 ALBANY AVENUE
OPERATIONS LLC OF WEST HARTFORD, CT,
d/b/a BISHOPS CORNER SKILLED NURSING
AND REHABILITATION; 60 WEST STREET
OPERATIONS LLC OF ROCKY HILL, CT, d/b/a
ROCKY HILL SKILLED NURSING AND
REHABILITATION; 1 CARE LANE OPERATIONS
LLC OF WEST HAVEN, CT, d/b/a SOUNDVIEW
SKILLED NURSING AND REHABILITATION

SUPERIOR COURT

JUDICIAL DISTRICT OF
HARTFORD

JANUARY 10, 2011

COMPLAINT

COUNT ONE

1. The plaintiff State of Connecticut, through its Commissioner of Social Services ("Commissioner"), an officer of the State of Connecticut and administrative head of the Connecticut Department of Social Services ("Department"), is acting pursuant to Conn. Gen. Stat. §§ 19a-541 to 19a-549, inclusive.

2. Pursuant to Chapter 368v of the Connecticut General Statutes, 915 Ella T. Grasso Boulevard Operations LLC of New Haven, CT, d/b/a University Skilled Nursing

and Rehabilitation ("University" or "defendant") has been issued License 2345 to maintain and operate a 120 bed nursing home for chronic and convalescent cases, at 915 Ella T. Grasso Boulevard, New Haven, Connecticut, 06511, and is enrolled as a provider in the State of Connecticut Medicaid program.

3. The Commissioner of the Department may file an application in the Superior Court to appoint a receiver for a nursing home facility. Conn. Gen. Stat. § 19a-542.

4. A "court shall grant an application for the appointment of a receiver for a nursing home facility upon a finding of any of the following . . . (3) such facility has sustained a serious financial loss or failure which jeopardizes the health, safety and welfare of the patients or there is a reasonable likelihood of such loss or failure." Conn. Gen. Stat. § 19a-543.

5. University reported a loss in its cost report for the Cost Year 2009 of \$1,967,447.

6. On good faith information and belief, the accounts receivable of the defendant are subject to a security interest(s) of a third party lender that has informed the plaintiff of its intentions to exercise its right to collect all such accounts receivable as of January 10, 2011, including funds payable by Medicaid on or about January 12, 2011 which are necessary for the operation of the facilities.

7. The defendant has no objection to the appointment of a receiver pursuant to Connecticut General Statutes § 19a-543. (See attached Stipulation).

8. The defendant's financial condition constitutes sufficient grounds for the appointment of a receiver pursuant to Conn. Gen. Stat. § 19a-543 as set forth above.

9. Due to the insufficiency of funding for operations, the current financial insecurity of the defendant's facility constitutes an emergency condition which supports the Commissioner of Social Services' request that a receiver be appointed forthwith to assure that the welfare of the defendant's patients is maintained in the immediate future.

COUNT TWO

10. Paragraph One of Count One is hereby incorporated by reference as if set forth in full.

11. Pursuant to Chapter 368v of the Connecticut General Statutes, 2432 Albany Avenue Operations LLC of West Hartford, CT, d/b/a Bishops Corner Skilled Nursing and Rehabilitation ("Bishops Corner" or "defendant") has been issued License 2343 to maintain and operate a 130 bed nursing home for chronic and convalescent cases, at 2432 Albany Avenue, West Hartford, Connecticut, 06117, and is enrolled as a provider in the State of Connecticut Medicaid program.

12. The Commissioner of the Department may file an application in the Superior Court to appoint a receiver for a nursing home facility. Conn. Gen. Stat. § 19a-542.

13. A "court shall grant an application for the appointment of a receiver for a nursing home facility upon a finding of any of the following . . . (3) such facility has sustained a serious financial loss or failure which jeopardizes the health, safety and welfare of the patients or there is a reasonable likelihood of such loss or failure." Conn. Gen. Stat. § 19a-543.

14. Bishops Corner reported a loss in its cost report for the Cost Year 2009 of \$2,001,673.

15. On good faith information and belief, the accounts receivable of the defendant are subject to a security interest(s) of a third party lender that has informed the plaintiff of its intentions to exercise its right to collect all such accounts receivable as of January 10, 2011, including funds payable by Medicaid on or about January 12, 2011 which are necessary for the operation of the facilities.

16. The defendant has no objection to the appointment of a receiver pursuant to Connecticut General Statutes § 19a-543. (See attached Stipulation).

17. The defendant's financial condition constitutes sufficient grounds for the appointment of a receiver pursuant to Conn. Gen. Stat. § 19a-543 as set forth above.

18. Due to the insufficiency of funding for operations, the current financial insecurity of the defendant's facility constitutes an emergency condition which supports the Commissioner of Social Services' request that a receiver be appointed forthwith to assure that the welfare of the defendant's patients is maintained in the immediate future.

COUNT THREE

19. Paragraph One of Count One is hereby incorporated by reference as if set forth in full.

20. Pursuant to Chapter 368v of the Connecticut General Statutes, 60 West Street Operations, LLC of Rocky Hill, CT, d/b/a Rocky Hill Skilled Nursing and Rehabilitation ("Rocky Hill" or "defendant") has been issued License 2344 to maintain and operate a 120 bed nursing home for chronic and convalescent cases, at 60 West Street, Rocky Hill, Connecticut, 06067, and is enrolled as a provider in the State of Connecticut Medicaid program.

21. The Commissioner of the Department may file an application in the Superior Court to appoint a receiver for a nursing home facility. Conn. Gen. Stat. § 19a-542.

22. A "court shall grant an application for the appointment of a receiver for a nursing home facility upon a finding of any of the following . . . (3) such facility has sustained a serious financial loss or failure which jeopardizes the

health, safety and welfare of the patients or there is a reasonable likelihood of such loss or failure." Conn. Gen. Stat. § 19a-543.

23. Rocky Hill reported a loss in its cost report for the Cost Year 2009 of \$1,415,096.

24. On good faith information and belief, the accounts receivable of the defendant are subject to a security interest(s) of a third party lender that has informed the plaintiff of its intentions to exercise its right to collect all such accounts receivable as of January 10, 2011, including funds payable by Medicaid on or about January 12, 2011 which are necessary for the operation of the facilities.

25. The defendant has no objection to the appointment of a receiver pursuant to Connecticut General Statutes § 19a-543. (See attached Stipulation).

26. The defendant's financial condition constitutes sufficient grounds for the appointment of a receiver pursuant to Conn. Gen. Stat. § 19a-543 as set forth above.

27. Due to the insufficiency of funding for operations, the current financial insecurity of the defendant's facility constitutes an emergency condition which supports the Commissioner of Social Services' request that a receiver be appointed forthwith to assure that the welfare of the defendant's patients is maintained in the immediate future.

COUNT FOUR

28. Paragraph One of Count One is hereby incorporated by reference as if set forth in full.

29. Pursuant to Chapter 368v of the Connecticut General Statutes, 1 Care Lane Operations LLC of West Haven, CT, d/b/a Soundview Skilled Nursing and Rehabilitation ("Soundview" or "defendant") has been issued License 2346 to maintain and operate a 102 bed nursing home for chronic and convalescent cases, at 1 Care Lane, West Haven, Connecticut, 06516, and is enrolled as a provider in the State of Connecticut Medicaid program.

30. The Commissioner of the Department may file an application in the Superior Court to appoint a receiver for a nursing home facility. Conn. Gen. Stat. § 19a-542.

31. A "court shall grant an application for the appointment of a receiver for a nursing home facility upon a finding of any of the following . . . (3) such facility has sustained a serious financial loss or failure which jeopardizes the health, safety and welfare of the patients or there is a reasonable likelihood of such loss or failure." Conn. Gen. Stat. § 19a-543.

32. Soundview reported a loss in its cost report for the Cost Year 2009 of \$1,049,836.

33. On good faith information and belief, the accounts receivable of the defendant are subject to a security interest(s) of a third party lender that has

informed the plaintiff of its intentions to exercise its right to collect all such accounts receivable as of January 10, 2011, including funds payable by Medicaid on or about January 12, 2011 which are necessary for the operation of the facilities.

34. The defendant has no objection to the appointment of a receiver pursuant to Connecticut General Statutes § 19a-543. (See attached Stipulation).

35. The defendant's financial condition constitutes sufficient grounds for the appointment of a receiver pursuant to Conn. Gen. Stat. § 19a-543 as set forth above.

36. Due to the insufficiency of funding for operations, the current financial insecurity of the defendant's facility constitutes an emergency condition which supports the Commissioner of Social Services' request that a receiver be appointed forthwith to assure that the welfare of the defendant's patients is maintained in the immediate future.

WHEREFORE, the Plaintiff claims:

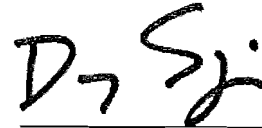
1. The appointment of Phyllis Belmonte of South Windsor, Connecticut as Receiver to operate the defendant's nursing home pursuant to the provisions of Conn. Gen. Stat. §§ 19a-541 to 19a-549, inclusive.
2. Such other relief as the Court may deem appropriate.

The financial responsibility of the Plaintiff is sufficient to prosecute this action.

PLAINTIFF

COMMISSIONER OF THE
DEPARTMENT OF SOCIAL
SERVICES

BY: GEORGE JEPSEN
ATTORNEY GENERAL



Daniel Shapiro
Assistant Attorney General
Juris No. 416583
Office of the Attorney General
55 Elm Street, 5th Floor
Hartford, CT 06106
Tel.: (860) 808-5210
Fax: (860) 808-5385
Daniel.Shapiro@ct.gov

RETURN DATE: FEBRUARY 1, 2011

STATE OF CONNECTICUT : SUPERIOR COURT
COMMISSIONER OF SOCIAL SERVICES :
 :
v. : JUDICIAL DISTRICT OF
 : HARTFORD
 :
915 ELLA T. GRASSO BOULEVARD :
OPERATIONS LLC, d/b/a :
UNIVERSITY SKILLED NURSING AND :
REHABILITATION; 2432 ALBANY AVENUE :
OPERATIONS LLC, :
d/b/a BISHOPS CORNER SKILLED NURSING :
AND REHABILITATION; 60 WEST STREET :
OPERATIONS LLC, d/b/a :
ROCKY HILL SKILLED NURSING AND :
REHABILITATION; 1 CARE LANE OPERATIONS :
LLC, d/b/a SOUNDVIEW :
SKILLED NURSING AND REHABILITATION : JANUARY 10, 2011

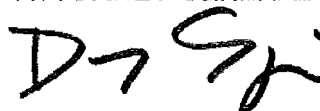
APPLICATION FOR APPOINTMENT OF RECEIVER

The plaintiff in the above-entitled action hereby moves for the appointment of a receiver, pursuant to the provisions of Conn. Gen. Stat. §§ 19a-542 and based on plaintiff's complaint and the Stipulation.

PLAINTIFF

GEORGE JEPSEN
ATTORNEY GENERAL

BY:



Daniel Shapiro
Assistant Attorney General
Juris No. 416583
P.O. Box 120
Hartford, CT 06141-1020
Tel.: (860) 808-5210
Fax: (860) 808-5385
Daniel.shapiro@ct.gov

RETURN DATE: FEBRUARY 1, 2011

STATE OF CONNECTICUT	:	SUPERIOR COURT
COMMISSIONER OF SOCIAL SERVICES	:	
	:	
v.	:	JUDICIAL DISTRICT OF
	:	HARTFORD
	:	
915 ELLA T. GRASSO BOULEVARD	:	
OPERATIONS LLC, d/b/a	:	
UNIVERSITY SKILLED NURSING AND	:	
REHABILITATION; 2432 ALBANY AVENUE	:	
OPERATIONS LLC,	:	
d/b/a BISHOPS CORNER SKILLED NURSING	:	
AND REHABILITATION; 60 WEST STREET	:	
OPERATIONS LLC, d/b/a	:	
ROCKY HILL SKILLED NURSING AND	:	
REHABILITATION; 1 CARE LANE OPERATIONS	:	
LLC, d/b/a SOUNDVIEW	:	
SKILLED NURSING AND REHABILITATION	:	JANUARY 10, 2011

ORDER TO SHOW CAUSE AND ORDER OF NOTICE

This Complaint with Supporting Affidavits having come before this Court; and

The Court having reviewed such documents and prayers for relief; and

The Court considering the granting the relief requested it is hereby ORDERED:

That the defendants appear before a judge of the Superior Court at the Superior Court, 95
Washington Street, Hartford, Connecticut, on the _____ day of
_____, 2011 at _____ in the _____ noon, Room
_____ and then and there to show cause, if any, why the Receiver Ordered on
_____, 2011 should not remain.

As counsel for the defendant has agreed to accept service on his client's behalf, Notice of the foregoing orders shall be hand-delivered to William Fish, Jr., counsel for defendant, on January 10, 2011, including true and attested copies of all of the pleadings and supporting documents.

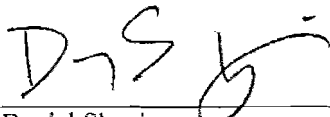
Dated at Hartford, Connecticut this _____ day of January, 2011.

Assistant Clerk / Judge

PLAINTIFF
STATE OF CONNECTICUT,
COMMISSIONER OF SOCIAL
SERVICES

GEORGE JEPSEN
ATTORNEY GENERAL

BY:



Daniel Shapiro
Assistant Attorney General
Juris No. 416583
P.O. Box 120
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Tel.: (860) 808-5210
Fax: (860) 808-5385
Daniel.shapiro@ct.gov

RETURN DATE: FEBRUARY 1, 2011

STATE OF CONNECTICUT	:	SUPERIOR COURT
COMMISSIONER OF SOCIAL SERVICES	:	
	:	
v.	:	JUDICIAL DISTRICT OF
	:	HARTFORD
	:	
915 ELLA T. GRASSO BOULEVARD	:	
OPERATIONS LLC, d/b/a	:	
UNIVERSITY SKILLED NURSING AND	:	
REHABILITATION; 2432 ALBANY AVENUE	:	
OPERATIONS LLC,	:	
d/b/a BISHOPS CORNER SKILLED NURSING	:	
AND REHABILITATION; 60 WEST STREET	:	
OPERATIONS LLC, d/b/a	:	
ROCKY HILL SKILLED NURSING AND	:	
REHABILITATION; 1 CARE LANE OPERATIONS	:	
LLC. d/b/a SOUNDVIEW	:	
SKILLED NURSING AND REHABILITATION	:	JANUARY 10, 2011

STIPULATION

The parties to the above captioned matter hereby enter into this

Stipulation and agree as follows:

1. The defendants, 915 Ella T. Grasso Boulevard Operations, LLC, d/b/a University Skilled Nursing and Rehabilitation; 2432 Albany Avenue Operations, LLC, d/b/a Bishops Corner Skilled Nursing and Rehabilitation; 60 West Street Operations, LLC, d/b/a Rocky Hill Skilled Nursing and Rehabilitation; 1 Care Lane Operations, LLC, d/b/a Soundview Skilled Nursing and Rehabilitation, through counsel, hereby consent to the entry of the Order of Appointment of Receiver submitted by the plaintiff Commissioner of the Department of Social Services ("Commissioner" or "Department").
2. The defendants, through counsel, hereby consent to the appointment of a Receiver as described in the Order of Appointment of Receiver.

3. In granting the consent contained herein, the defendants make no admission nor take any other position as to the factual allegations contained in the Complaint in this matter, but based upon their desire to resolve this matter to avoid the costs and uncertainty of further proceedings, they have provided the consent contained herein.

4. The defendants reserve the right to petition the Court at any time to seek modification of the powers and authority of the Receiver set forth in the Order of Appointment of Receiver.

5. The defendants, through counsel, waive their rights to service of the notice of the application for a Receiver and order of appointment of the Receiver, and the defendants waive their rights to a hearing as set forth in Conn. Gen. Stat. § 19a-542(c).

6. The defendants, through counsel, agree that they shall remit to the extent possible all payments that they receive that are for the provision of nursing home services provided on and after the Effective Date as defined in the Order of Appointment of Receiver within five calendar days of the end of the month in which the funds were received. Such payments shall include Medicare, Medicaid, applied income, other third party payors, and private payors that would be due and payable to the Receiver for her provision of services on and after the effective date of her appointment.

7. In the event that defendants fail to remit the payment required under paragraph 6, the defendants, through counsel, agree that the Plaintiff may recoup from Medicaid payments due to the defendants for dates of nursing home

service that pre-date the appointment of the Receiver an amount equal to the payment that should have been remitted to the Receiver under paragraph 6.

8. The defendants, through counsel, agree that the plaintiff may recoup from Medicaid payments due the defendants for dates of nursing home service that pre-date the Effective Date as defined in the Order of Appointment of Receiver an amount equal to the payroll paid to employees and related taxes from the Receiver's funds for services provided by such employees during periods preceding said Effective Date provided no recoupment shall be taken for payment of such payroll or related taxes for dates of employment prior to January 1, 2011.

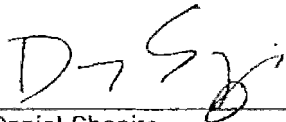
9. The parties agree that in the event there is a dispute over the exercise of recoupments authorized under this Stipulation (but not as to recoupments authorized by other law or the Medicaid provider agreements with the defendants), if after consultation among the parties and the Receiver the dispute is not resolved, then the matter may be submitted to the Court in the above captioned matter for resolution

10. The defendants, through counsel, agree that the Receiver is authorized to pay from the Segregated Account, as defined in the Order Of Appointment of Receiver, user fees required under Conn. Gen. Stat. § 17b-320 et seq and real and personal property taxes which have accrued but are unpaid for the Facilities for periods that pre-date the Effective Date as defined in the Order of Appointment of Receiver.

PLAINTIFF
COMMISSIONER
DEPARTMENT OF SOCIAL SERVICES

DEFENDANTS

BY:


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Phone (860) 331-2700
Fax (860) 331-2701

CV11 - 6017873

RETURN DATE: FEBRUARY 1, 2011

STATE OF CONNECTICUT
COMMISSIONER OF SOCIAL SERVICES

v.

915 ELLA T. GRASSO BOULEVARD
OPERATIONS LLC, d/b/a
UNIVERSITY SKILLED NURSING AND
REHABILITATION; 2432 ALBANY AVENUE
OPERATIONS LLC,
d/b/a BISHOPS CORNER SKILLED NURSING
AND REHABILITATION; 60 WEST STREET
OPERATIONS LLC, d/b/a
ROCKY HILL SKILLED NURSING AND
REHABILITATION; 1 CARE LANE OPERATIONS
LLC, d/b/a SOUNDVIEW
SKILLED NURSING AND REHABILITATION

SUPERIOR COURT

JUDICIAL DISTRICT OF
HARTFORD

JANUARY 10, 2011

ORDER OF THE APPOINTMENT OF RECEIVER AND RELATED RELIEF

TO: 915 ELLA T. GRASSO BOULEVARD OPERATIONS LLC, d/b/a
UNIVERSITY SKILLED NURSING AND REHABILITATION (hereinafter
"University");

2432 ALBANY AVENUE OPERATIONS LLC, d/b/a BISHOPS CORNER
SKILLED NURSING AND REHABILITATION (hereinafter "Bishops
Corner");

60 WEST STREET OPERATIONS LLC, d/b/a ROCKY HILL SKILLED
NURSING AND REHABILITATION (hereinafter "Rocky Hill");

1 CARE LANE OPERATIONS LLC, d/b/a SOUNDVIEW SKILLED
NURSING AND REHABILITATION (hereinafter "Soundview");

WHEREFORE, the foregoing Complaint, and Stipulation, have been presented to
the Court; and,

104.86

1. WHEREFORE, the Court finds that the defendant University has been issued License No. 2345 to maintain and operate a 120 bed nursing home for chronic and convalescent cases at 915 Ella T. Grasso Boulevard, New Haven, Connecticut, and that the defendant is enrolled as a provider in the State of Connecticut Medicaid program;

2. WHEREFORE, the Court finds that the defendant Bishops Corner has been issued License No. 2343 to maintain and operate a 130 bed nursing home for chronic and convalescent cases at 2432 Albany Avenue, West Hartford, Connecticut, and that the defendant is enrolled as a provider in the State of Connecticut Medicaid program;

3. WHEREFORE, the Court finds that the defendant Rocky Hill has been issued License No. 2344 to maintain and operate a 120 bed nursing home for chronic and convalescent cases at 60 West Street, Rocky Hill, Connecticut, and that the defendant is enrolled as a provider in the State of Connecticut Medicaid program;

4. WHEREFORE, the Court finds that the defendant Soundview has been issued License No. 2346 to maintain and operate a 102 bed nursing home for chronic and convalescent cases at 1 Care Lane, West Haven, Connecticut, and is enrolled as a provider in the State of Connecticut Medicaid program.

University, Bishops Corner, Rocky Hill and Soundview are hereinafter referred to as "defendants" or "facilities."

WHEREFORE, the Court finds the statutorily required ground for appointment of a nursing home receiver set forth in Conn. Gen. Stat. § 19a-543(3) (i.e., that there is a reasonable likelihood that the facilities will sustain a serious financial loss or failure

which jeopardizes the health, safety and welfare of the patients) exists at the nursing homes operated by the defendants; and,

IT IS HEREBY ORDERED:

A. **APPOINTMENT OF RECEIVER.** Phyllis Belmonte of South Windsor, Connecticut is hereby appointed receiver in this action (the "Receiver") over the defendants and the nursing home facilities (the "Facilities") operated and subleased by the defendants. Such appointment shall be effective on January 10, 2010 at 12 midnight ("the Effective Date").

B. **POWERS AND DUTIES OF RECEIVER.** Pursuant to *inter alia* Conn. Gen. Stat. § 19a-545 and § 52-507, the Receiver is granted the following powers and duties:

1. **Possession.** To immediately take exclusive possession of the defendants' rights, title and interests in the Facilities including, but not limited to, taking control of the defendants' rights, title and interests in all real property and personal property and general tangibles and intangibles owned, leased or licensed by the defendants wherever located (collectively, the "Receivership Assets") except as set forth herein. Receivership Assets shall include, without limitation, the defendants' rights, title and interests, if any, in land, buildings and structures; leases; fixtures and movable personal property; records; licenses; intangible property; bank accounts and all funds, all accounts receivable, revenues and income generated or earned before the Effective Date

of this appointment. In the event that the Receiver takes possession of funds, payments of such accounts receivable, revenue or income generated or earned before the Effective Date of this appointment, they will be placed by the Receiver into a segregated account (the "Segregated Account"); the Receiver will report on the status of the Segregated Account every ninety (90) days to the Court, the parties and any secured creditors; and funds in the Segregated Account will be disbursed only upon order of the Court upon notice and hearing which shall be take place no later than ten (10) days after said notice. Notwithstanding the foregoing, the Receiver is authorized to pay from the Segregated Account user fees required under Conn. Gen. Stat. § 17b-320 et seq and real and personal property taxes which have accrued but are unpaid for the Facilities for periods that pre-date the Effective Date of the Receivership. To the extent necessary, the Receiver shall have authority to instruct the defendants, their agents or employees to turn over all keys, security codes, blueprints, maintenance records, contracts and lease agreements, medical and facility records and other documents as may be necessary to implement the provisions of this Order.

2. Maintenance and Operation of Facilities. To take any and all actions necessary to operate the Facilities in a manner which will ensure adequate care and treatment of the residents and to comply

with all relevant provisions of the state law, the Public Health Code and Titles XVIII and XIX of the Social Security Act and regulations adopted pursuant thereto. The Receiver shall otherwise oversee the operations of the Facilities and shall comply with the requirements of Conn. Gen. Stat. § 19a-545.

3. Use of Revenues. The Receiver shall have authorization to apply for, collect and use the profits, revenues and all other sources of funds generated or earned by the on and after the Effective Date of this appointment and the Receivership Assets other than the Segregated Account (collectively, the "Revenues") that she deems necessary to operate the Facilities in accordance with the terms of this Order and applicable statutory and regulatory requirements. The Receiver shall have also authorization to apply for and collect the profits, revenues and all other sources of funds generated or earned by the Facilities before the Effective Date of this appointment (Pre-Receivership Revenue) to the extent the Receiver deems it necessary in order to collect Revenues provided such funds shall be placed in the Segregated Account as per paragraph 1 above. To the extent that the Receiver elects not to apply for and collect Pre-Receivership Revenue, other persons or entities legally entitled to do so may apply for and collect Pre-Receivership Revenue, upon prior written notice to the Receiver and the Plaintiff and provided that the Pre-Receivership Revenue

so collected is deposited in the Segregated Account as per paragraph 1 above. The Receiver may enter into agreements with other entities as necessary to bill and collect Pre-Receivership Revenue provided that the costs of such billing and collection is not borne by the Receiver absent prior approval of the Plaintiff.

4. Existing Bank Accounts. The Receiver shall issue demands for the freezing and turnover of funds upon any financial institution which the Receiver has determined is a depository of funds belonging to or arising from the Receivership Assets and where she has determined that such accounts are necessary for her to secure facility operations and/or Receivership assets, whether such accounts be titled in the name of the defendants or others, including accounts in the name of the defendants that have been used to conserve or hold personal account funds of the residents of the defendants' nursing homes. Funds in those accounts that were earned or generated on and before the Effective Date of this appointment shall be subject to the retention in the Segregated Account and the distribution procedure described in Paragraph 1, above.
5. Establishment of Receivership Accounts. In addition to the Segregated Account, the Receiver shall as soon as possible establish separate bank accounts (the "Receivership Accounts") in which all Revenues shall be deposited.

6. Receiver's Agents. The Receiver shall have the power to hire such individuals as may be needed to assist the Receiver in managing the Facilities and Receivership Assets including, but not limited, managers, agents, employees, independent contractors and servants, as may be advisable or necessary in their judgment to discharge their duties, provided that employment of management professionals retained by the Receiver shall be subject to notice to the Plaintiff.
7. Receiver's Counsel. The Receiver shall have authorization to hire independent legal counsel (the "Receiver Counsel" at the rate not to exceed \$190.00 per hour, plus reasonable and necessary out-of-pocket expenses .
8. Compensation and Reimbursement of Receiver. The Receiver shall be compensated for services at the rate of \$150.00 per hour plus reasonable and necessary out-of-pocket expenses (such as phone).
9. Approval of Fees Paid to Receiver's Counsel and Receiver. All sums paid to the Receiver and Receiver's Counsel shall be subject to the approval of this Court. The Receiver and/or Receiver's Counsel shall file a motion for payment of fees and expenses with this Court that shall include hourly time records supporting such services. Such fees and expenses shall only be paid upon approval by this Court. All such motions shall be filed no less frequent than

every ninety (90) days after the submission of the first report of the Receiver as set forth in paragraph 1 herein.

10. Notice to Creditors; Pre-Receivership Claims Process. The Receiver shall send a notice of the provisions of this Order to all known creditors of the defendants, which notice shall be provided for commercial creditors within thirty days of the date of this order and all other creditors within sixty days of the date of this order. The Receiver shall motion the Court for an order for a pre-receivership claims process within sixty days of the date of this order.
11. Receiver's Right to Borrow. The Receiver is hereby authorized to borrow or obtain unsecured credit in the ordinary course of business as they deem necessary and reasonable in the performance of her duties as Receiver.
12. Reporting. For the first six (6) months the Receiver shall file reports monthly at such time as the Court may set and every three (3) months thereafter until discharged. Such reports shall describe their activities and the financial, operational and regulatory status of the Facilities. Said report shall be served upon all counsel of record. Absent objection by a party within ten (10) days of the service of said report, the report shall be deemed approved. In addition, the Receiver shall immediately verbally notify the Connecticut Department of Social Services, the Connecticut

Department of Public Health and this Court of any emergency situation which would jeopardize the health or safety of the residents of the Facilities.

13. Pre-Receivership Bills. The Receiver shall only pay current operating expenses incurred from and after the Effective Date of this Order; provided, however, the Receiver, may use Revenues to pay any bills for goods or services related to the Facilities incurred prior to the Effective Date of this Order, to the extent such payments are necessary to enable the Receiver to continue to operate the Facilities without jeopardizing the health and welfare of residents subject to notice and prior approval of the Plaintiff and order of this Court. Circumstances must be exceptional and outside of the ordinary course of business to warrant such consideration. Without limiting the foregoing, the Receiver is authorized to pay from the Revenues the wages and related payroll obligations of the defendant which were incurred for the period beginning January 1, 2011 until the Effective Date of this Order in an amount not to exceed eight hundred thousand dollars \$800,00.00.
14. Discovery. The Receiver may conduct discovery in accordance with the Connecticut Rules of Practice with any other person, party or entity to fulfill his duties and to locate and secure the Receivership Assets or the assets of the Facilities' residents.

Nothing herein shall preclude a person, party or entity subject to such discovery from asserting any objection thereto.

15. Commencement of Actions. With permission of the Court, the Receiver may institute or prosecute suits or summary proceedings (i) for the collection of any sums due or owing to the defendants, (ii) for the removal of any person(s) or entity(ies) unlawfully in possession of any Receivership Assets, or (iii) otherwise related to the Receivership Assets or business of the defendants. The Receiver may also defend against any legal action brought against the Receivers in her capacity as Receiver of the Receivership Assets or against or pertaining to the Receivership Assets or the business of the defendants. Any legal actions to which the Receivership is a party shall be reported to the Plaintiff and the Court. The Receiver shall not be personally liable for any actions or inactions taken or not taken in good faith by the Receiver in the performance of her duties as receiver hereunder.
16. The Receiver is authorized to request and receive advances on Medicaid payments from the Plaintiff in accord with Public Act 09-3, section 54 (June Sp. Session, 2009).

C. INJUNCTION.

1. All persons or entities claiming to be creditors of the defendants, or otherwise taking action against the Receiver or Receivership Assets, are hereby enjoined without first obtaining the prior approval of this Court from (i) instituting or prosecuting any action, suit or proceeding against the defendants or any of the Receivership Assets, (ii) seeking or executing on any levy, attachment or garnishment against the defendants or any of the Receivership Assets, (iii) taking or attempting to take possession of any of the Receivership Assets, and (iv) canceling any insurance policy, lease or other contract with the defendants or terminating any telephone, electric, gas or other utility service to the defendants. Any other person who becomes aware of this Order shall not interfere in any way with the possession or operation of the defendants, the Facilities and/or the Receivership Assets by the Receiver.
2. The defendants and any parent corporations or affiliated corporations including officers, directors, agents and employees, and their respective agents or persons acting on their behalf of same (i) shall take any action which the Receiver may reasonably request in order to exercise the powers and fulfill her responsibilities as Receiver, (ii) shall timely provide access to the Receiver all Receivership Assets, books and business records of the defendants and copies of such books or records within a reasonable time of the Receiver's request, including requests for tax returns and cost reports, (iii) shall not interfere in any way with the possession, operation

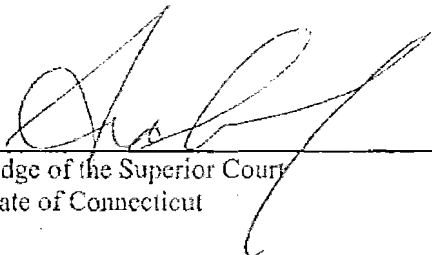
or sale of the Receivership Assets by the Receiver and (iv) shall preserve without diminution or alteration the Receivership Assets, books and business records of the defendants until such time as they are delivered to the Receiver. Any party, person or entity that objects to a request of the Receiver made under this provision may seek relief from the Court.

3. Notwithstanding any interest in the Receivership Assets or the assets of the defendants held by any creditor, to the extent that the Receiver secures Medicaid billing advances from the Plaintiff in accord with Public Act 09-3, section 54 (June Sp. Session, 2009), the Plaintiff shall have the right to recoup or recover such advances from payments due to the Receiver and/or the defendants that were earned or generated on and after the date of this order. In addition, the Plaintiff may make such additional recoveries or recoupments from payments due to the defendants that were earned or generated on and before the Effective Date of this order in accord with the Stipulation entered into by the parties and submitted to the Court of even date herewith or in accord with applicable law and/or the Medicaid Provider agreements between the Plaintiff and the defendants.

D. RETENTION OF JURISDICTION.

This Court shall retain exclusive jurisdiction over the Receivership Assets. Any creditor, party or the Receiver may apply to this Court at any time for further directions or orders as may be necessary in the circumstances.

Dated at Hartford, Connecticut, this 10th day of January, 2011.



Judge of the Superior Court
State of Connecticut

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RETURN DATE: FEBRUARY 1, 2011

STATE OF CONNECTICUT
COMMISSIONER OF SOCIAL SERVICES

v.

915 ELLA T. GRASSO BOULEVARD
OPERATIONS LLC, d/b/a
UNIVERSITY SKILLED NURSING AND
REHABILITATION; 2432 ALBANY AVENUE
OPERATIONS LLC,
d/b/a BISHOPS CORNER SKILLED NURSING
AND REHABILITATION; 60 WEST STREET
OPERATIONS LLC, d/b/a
ROCKY HILL SKILLED NURSING AND
REHABILITATION; 1 CARE LANE OPERATIONS
LLC, d/b/a SOUNDVIEW
SKILLED NURSING AND REHABILITATION

SUPERIOR COURT

JUDICIAL DISTRICT OF
HARTFORD

JANUARY 10, 2011

AFFIDAVIT OF PHYLLIS A. BELMONTE

I, Phyllis A. Belmonte, being duly sworn, depose and say that:

1. I am of legal age and believe in the obligations of an oath.
2. I established a solo consulting practice in October, 1998. My areas of specialization include operational assessment/turnaround, regulatory compliance, and strategic business development. My clients include acute, long-term care, and senior housing providers; trade associations, corporations with senior market

requirements, and consumers. I have no current clients which might present a conflict of interest with the duties of a receiver to the facilities owned by the Defendants in the above captioned matter.

3. I have no current financial interests in the facilities nor have I had any financial interests in the facilities during the past five years or at anytime.

4. Prior to establishing my consulting practice, my professional experience in health care includes fifteen years of leadership experience in with long-term care and senior housing providers in Connecticut and Maryland. I have been licensed in Connecticut as a nursing home administrator since 1983. My direct experience in provider settings has encompassed national proprietary multi-site and not-for-profit organizations, and unionized sites. During these years I developed extensive regulatory, operational, and labor relations expertise. I have directed regulatory compliance and quality assurance programs, resulting in numerous deficiency-free Medicare certification surveys, and resident-focused care. I have developed and implemented operational/capital budgets; instituted fiscal controls; and performance improvement standards and training. I have also participated in the negotiation and implementation of labor contracts and disputes, including strikes.

5. I was a member of Connecticut regulatory tasks forces that developed and promulgated health care industry regulations for skilled nursing facilities, do-not-resuscitate orders, and assisted living. For a number of years I was a board member and committee chair of the Connecticut Association of Not-for-Profit Providers For the Aging. I hold a Master's degree in Health Services Administration from George Washington University.

6. In Commissioner of Department of Social Services v. Lexington Health Care Group et al, (No.CV-03-0825642S), I was appointed as a co-receiver by the Court to oversee the operation of six nursing home facilities that were released from bankruptcy with no cash assets. The nursing homes were licensed to provide services for a combined total of 768 nursing home beds. During the receivership, two of the homes were closed with successful placements of all residents and four homes were sold to a new operator.

7. In Commissioner of Department of Social Services v. 3030 Park Fairfield Health Center, Inc., (No. CV-05-4018220S), I was appointed as a receiver by the Court to oversee the operation of a nursing home facility in Fairfield, Connecticut which was licensed to operate a 143-bed nursing home for chronic and convalescent cases. The facility was successful transferred to new operator in less than a year from the filing of the litigation.

8. On July 7, 2008, in Commissioner of Department of Social Services v. Haven Health Center of Danielson, LLC et al, (No. HHD CV08-4038427-S), I was appointed receiver for four nursing homes formerly operated by subsidiaries of Haven Eldercare, LLC and continue at this time in that role. Three of the homes have been sold to new operators and are no longer being operated by the receivership. One home was closed. The receivership is winding down the collection of revenue from their operations. Nevertheless I am able to fulfill the duties of a receiver for the nursing home in the above captioned case and will be able to use resources and systems supporting the Haven receivership to meet the operational needs of the nursing homes in the above captioned case.

9. On October 2, 2008, in Commissioner of Department of Social Services v. Health Care Ventures, Inc., (HHD CV-08-4040166-S) I was appointed receiver for the nursing home operated by the defendant and continue at this time in that role. As per order of the court, the home was closed. The receivership is winding down the collection of revenue from its operations. I have completed collections and am proceeding with the receivership period claims process in anticipation of dismissal sometime after that has been completed. Nevertheless I am able to fulfill the duties of a receiver for the nursing home in the above captioned case and will be able to use resources and systems supporting the Haven and Crescent Manor receiverships to meet the operational needs of the nursing homes in the above captioned case.

10. On December 24, 2008, in Commissioner of Department of Social Services v. Marathon Health Care Center of New Haven et al, (HHD CVO8-4038427-S), I was appointed receiver for the six nursing homed operated by the defendants and continue at this time in that role. All six homes have been sold new operators and are no longer being operated by the receivership which is winding down the collection of revenue from their operations. Nevertheless I am able to fulfill the duties of a receiver for the nursing home in the above captioned case and will be able to use resources and systems supporting the Haven, Marathon and Crescent Manor receiverships to meet the operational needs of the nursing homes in the above captioned case.

11. In re New Haven Health Care, Inc., d/b/a West Rock Health Care Facility, Case No. 09-33678, is a chapter 11 bankruptcy case filed by a nursing home for which a trustee was appointed by the U.S. Bankruptcy Court. The trustee retained me as operating officer of the facility which per order of the court has been closed. At

this time I am assisting the trustee in the wind down of the facility's business. My work has been completed.

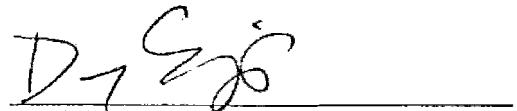
12. Attached hereto is my current resume.

STATE OF CONNECTICUT)
)
COUNTY OF HARTFORD)

ss: Hartford


Phyllis A. Belmonte

Subscribed and sworn to before me this 10th day of January, 2011.


Daniel Shapiro
Commissioner of the Superior Court