

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
CIVIL ACTION NO. 5:15-cv-00229-BO

COUNTY OF YADKIN,

Plaintiff,

v.

CAH ACQUISITION COMPANY 10 LLC,
HMC/CAH CONSOLIDATED, INC.; and
RURAL COMMUNITY HOSPITALS OF
AMERICA, LLC

Defendants.

**PLAINTIFF'S MOTION TO APPEAR
AND SHOW CAUSE AND OTHER
APPROPRIATE RELIEF**

Plaintiff the County of Yadkin (the “County”), by and through counsel, and pursuant to 18 U.S.C. 401(3) and Rule 65 of the Federal Rules of Civil Procedure, respectfully moves this Court for an Order requiring Defendants CAH Acquisition Company 10 LLC (“CAH”) and, to the extent applicable, Defendants HMC/CAH Consolidated, Inc. (“Consolidated”) and Rural Community Hospitals of America, LLC (“RCHA”) (collectively “Defendants”), to appear and show cause why they should not be sanctioned and held in contempt for violations of the temporary restraining order issued in this action by the Superior Court for Wake County on May 22, 2015 (the “TRO”) prior to removal to this Court. The County seeks appropriate sanctions be levied against CAH and, to the extent applicable, the other Defendants, including appropriate contempt proceedings and for an award of costs and attorneys’ fees in favor of the County. In

support of this motion, the County has submitted a Memorandum and additional evidentiary materials pursuant to Local Rule 7.2.

Respectfully submitted this the 1st day of June, 2015.

SMITH MOORE LEATHERWOOD LLP

/s/ William R. Forstner

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CERTIFICATE OF SERVICE

The undersigned does hereby certify that a copy of the PLAINTIFF'S MOTION FOR ORDER TO APPEAR AND SHOW CAUSE AND OTHER APPROPRIATE RELIEF was filed with the clerk using the CM/ECF system which will send notice to all parties of record and electronic notification and was served by United States First Class mail upon the following parties:

J. Alexander S Barrett
Hagan Davis Mangum Barrett & Langley PLLC
300 N. Greene Street, Suite 200
Greensboro, NC 27401
Attorneys for CAH Acquisition Company 10 LLC

And was served by certified mail, return receipt requested upon the following parties:

HMC/CAH Consolidated, Inc.
c/o Management Agent
1100 Main Street, Suite 2350
Kansas, MO 64105

Rural Community Hospitals of America LLC
c/o Registered Agent: Corporation Service Company
327 Hillsborough Street
Raleigh, NC 27603

This, the 1st day of June, 2015.

SMITH MOORE LEATHERWOOD LLP

By: /s/ William R. Forstner
William R. Forstner