

JUL 13 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

In the Matter of: BROTMAN MEDICAL
CENTER, INC.,

Debtor,

PRIME HEALTHCARE SERVICES,
LLC,

Appellant,

v.

BROTMAN MEDICAL CENTER, INC.,

Appellee.

No. 09-56907

D.C. No. 2:09-cv-02378-CJC

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Cormac J. Carney, District Judge, Presiding

Argued and Submitted June 9, 2011
Pasadena, California

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

Before: B. FLETCHER and N.R. SMITH, Circuit Judges, and BREWSTER,
Senior District Judge.**

We affirm the judgment of the district court that Prime Healthcare Services, LLC's appeal of the confirmation order is equitably moot. Here, the substantial consummation of the reorganization plan is a "comprehensive change of circumstances" which makes granting the relief sought inequitable. *See Focus Media v. Nat'l Broadcasting Co.*, 378 F.3d 916, 923 (9th Cir. 2004). Requiring Brotman Medical Center, Inc. to pay Prime Healthcare an additional sum of money would unjustly affect the rights of other creditors and investors, particularly Brotman's shareholders, whose equity interests would be placed below Prime Healthcare's claim. Because allowing Prime Healthcare to contest the now-consummated reorganization plan "would knock the props out from under the authorization for every transaction that has taken place," *In re Roberts Farms, Inc.*, 652 F.2d 793, 797 (9th Cir. 1981), we affirm.¹

AFFIRMED.

** The Honorable Rudi M. Brewster, Senior District Judge for the U.S. District Court for Southern California, San Diego, sitting by designation.

¹ Brotman's unopposed Motion for Judicial Notice is granted.