

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION
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IN RE:

SOUTH BEACH COMMUNITY
HOSPITAL, LLC,

Debtor/

ALAN L. GOLDBERG, Chapter 11 Trustee
for South Beach Community Hospital, LLC,

Plaintiff,

v.

MOUNT SINAI MEDICAL CENTER OF
GREATER MIAMI, INC., a Florida
corporation,

Defendant/

CASE NO. 06-10634-BKC-LMI

Chapter 11

Adv. Proc No.: 07-1210-BKC-LMI

**MOTION OF WILLIAM P. SMITH TO EXPEDITE HEARING CURRENTLY
SCHEDULED FOR JUNE 25, 2007 ON ORDER TO SHOW CAUSE WHY WILLIAM P.
SMITH, ESQ. SHOULD NOT BE SUSPENDED FROM PRACTICE BEFORE THIS
COURT INCLUDING REVOCATION OF HIS CURRENT PRO HAC VICE STATUS**

**(Movant Does Not Request a Hearing with
Respect to the Relief Sought Herein)**

Now comes William P. Smith ("Mr. Smith"), by and through undersigned counsel, and files this Motion to Expedite the Hearing Currently Scheduled for June 25, 2007 on this Court's Order to Show Cause Why William P. Smith, Esq. Should Not be Suspended from Practice Before this Court Including Revocation of His Current Pro Hac Vice Status (the "Motion"). In support of the Motion, Mr. Smith states as follows:

1. On May 21, 2007, the Court entered an Order to Show Cause Why William P. Smith, Esq. Should Not be Suspended from Practice Before this Court Including Revocation of His Current Pro Hac Vice Status (the "Order to Show Cause"). The Order to Show Cause sets a hearing date of June 25, 2007 for Mr. Smith to appear and show cause as to why he should not be suspended from the practice of law before this Court, including to have his pro hac vice admission revoked.

2. Preliminarily, Mr. Smith expresses his heartfelt, sincere apologies to Judge Isicoff, this honorable Court and the parties present in the courtroom on May 7, 2007. Mr. Smith fully intends to present himself to the Court at the hearing on the Order to Show Cause and at that time will personally express his apologies to all involved. Mr. Smith's reputation is extremely important to him, and has been earned practicing law for over thirty (30) years, during which he has never previously demonstrated a lack of respect for the courts before which he has been privileged to practice and has never been disciplined by any court or administrative agency. As he will tell the Court at the hearing on the Order to Show Cause, even though Mr. Smith intended no disrespect with his comments made before this Court on May 7, 2007, he clearly understands that his choice of words was inappropriate in all respects. It is not Mr. Smith's intention to offer any justification for his statements or argue that they should not be viewed as offensive to the Court. Simply stated, he is truly sorry for what he said, understands that his statements were improper and regrets the inconvenience to the Court.

3. Mr. Smith and his law firm, McDermott Will & Emery, LLP ("MWE"), view these circumstances and the Court's Order to Show Cause with seriousness. Mr. Smith and MWE have discussed and agreed upon a series of remedial measures that will be self-imposed by Mr. Smith proportionate to the seriousness of this situation. Such measures will be described to

the Court in connection with the hearing on the Order to Show Cause. Mr. Smith sincerely hopes that the Court will take his apology and these remedial measures into consideration in deciding whether to take any action in respect of the Order to Show Cause.

4. Pursuant to Rule 2090-2(B)(1) of the Local Bankruptcy Rules of this Court, an order to show cause requires at least thirty (30) days notice and a hearing be provided to the attorney who is subject of the order to show cause. Mr. Smith understands and is aware of such notice requirement. Pursuant to this Motion, Mr. Smith hereby waives such thirty (30) day notice requirement in favor of an expedited hearing pursuant to this Motion.

5. Mr. Smith and MWE desire to appear before this Court as soon as reasonably possible in connection with the Order to Show Cause so as to present to the Court Mr. Smith's sincerest apologies, to describe to the Court the self imposed remedial action that Mr. Smith shall be undertaking as a result of this situation, and to address generally the Court's Order to Show Cause.

WHEREFORE, Mr. Smith, through undersigned counsel, hereby respectfully requests that this Court enter an order granting this Motion and re-scheduling the hearing on the Order to Show Cause to the earliest available date on the Court's calendar from and after June 11, 2007, and for such other and further relief as this Court deems appropriate.

Dated: June 5, 2007

Respectfully submitted,

GENOVESE JOBLOVE & BATTISTA, P.A.
Attorneys for William P. Smith
4400 Bank of America Tower
100 Southeast Second Street
Miami, Florida 33131
Telephone: (305) 349 2300
Facsimile : (305) 349 2310

By: /s/ Paul J. Battista
Paul J. Battista, Esq.

Florida Bar No. 884162
Allison R. Day, Esq.
Florida Bar No. 494097

**CERTIFICATE OF SERVICE AND
COMPLIANCE WITH LOCAL RULE 2090-1(A)**

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via electronic notice and/or U.S. mail on June 5, 2007, to all parties on the attached service list; and I FURTHER CERTIFY that I am admitted to the Bar of the United States District Court for the Southern District of Florida and I am in compliance with the additional qualifications to practice in this Court set forth in Local Rule 2090-1(A).

/s/ Paul J. Battista
Paul J. Battista

SERVICE LIST

Ross R. Hartog, Esq.
Markowitz, Davis, Ringel & Trusty, P.A.
Two Datan Center, Suite 1225
9130 South Dadeland Blvd
Miami, Florida 33156-7849

Office of the US Trustee
51 S.W. 1st Ave., Ste. 1204
Miami, FL 33130-1614

Steven E Siff, Esq .
201 S Biscayne Blvd, 22 Fl
Miami, FL 33131