

Exhibit A

Memorandum of Points and Authorities in Support of
Defendant's Motion to Dismiss Amended Complaint

Dr. de la Torre v. Sanders, et al., No. 1:24-cv-02776-TNM

Calendar No. 522

118TH CONGRESS } 2d Session }	SENATE	{ REPORT 118-230
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PROCEEDING AGAINST DR. RALPH DE LA TORRE FOR CONTEMPT OF THE SENATE

SEPTEMBER 23, 2024.—Ordered to be printed

Mr. SANDERS, from the Committee on Health, Education, Labor,
and Pensions, submitted the following

R E P O R T

[To accompany S. Res. 837]

The Committee on Health, Education, Labor, and Pensions reports favorably an original resolution (S. Res. 837) authorizing the President of the Senate to certify the report of the Senate regarding the refusal of Dr. Ralph de la Torre to appear and testify before the committee, and recommends that the resolution do pass.

The Committee on Health, Education, Labor, and Pensions (Committee), as authorized by the U.S. Senate by Senate Rule XXVI(1), caused to be issued a subpoena *ad testificandum* to Dr. Ralph de la Torre. The said subpoena directed Dr. de la Torre to be and appear before the Committee Thursday, September 12, 2024, at 10 a.m. at their committee room, room 562, Dirksen Senate Office Building, Washington, D.C., then and there to testify relative to the subject matters under consideration by said Committee.

The said subpoena was issued July 25, 2024, in words and figures as follows:

UNITED STATES OF AMERICA
CONGRESS OF THE UNITED STATES
TO DR. RALPH DE LA TORRE, CHAIRMAN AND CHIEF EXECUTIVE
OFFICER C/O STEWARD HEALTH CARE SYSTEM,
1900 N Pearl St Suite 2400, Dallas, TX 75201,
Greeting:

Pursuant to lawful authority, YOU ARE HEREBY COM-
MANDED to appear before the Committee on Health, Education,
Labor, and Pensions of the Senate of the United States, on Sep-
tember 12, 2024, at 10:00 o'clock a.m., at their committee room 562
Dirksen Senate Office Building, then and there to testify what you

may know relative to the subject matters under consideration by said committee.

The bankruptcy of Steward Health Care.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To Committee staff or the U.S. Marshals Service to serve and return.

Given under my hand, by the order of the committee, this 25th day of July, 2024.

BERNARD SANDERS,
Chairman, Committee on Health, Education, Labor, and Pensions

After Dr. de la Torre declined the Committee's request to testify voluntarily at a hearing before the Committee, the Committee authorized the Chairman to issue the above subpoena to Dr. de la Torre. This subpoena was duly served on July 25, 2024 by the Oversight Director for the Majority staff of the Committee, Greg Carter, via electronic mail to Dr. de la Torre, through his counsel. The email to Dr. de la Torre's counsel and the attached subpoena are annexed hereto as Appendix I and are expressly made a part of this report.

On the same day, July 25, 2024, counsel for Dr. de la Torre, William Burck, acknowledged service of the subpoena by electronic mail. The proof of receipt from Mr. Burck is annexed hereto as Appendix II and is expressly made a part of this report.

On September 4, 2024, counsel for Dr. de la Torre, Alexander J. Merton, submitted a letter by electronic mail to Chairman Bernard Sanders. In his letter, Mr. Merton stated that Dr. de la Torre would not testify as commanded by the subpoena. Mr. Merton cited Dr. de la Torre's constitutional rights and the on-going bankruptcy proceedings as reasons it would be inappropriate for Dr. de la Torre to appear before the Committee. The September 4, 2024 letter from Mr. Merton is annexed hereto as Appendix III and is expressly made a part of this report.

On September 5, 2024, Chairman Sanders and Ranking Member Bill Cassidy overruled the objections raised by Dr. de la Torre's counsel and ordered Dr. de la Torre to appear at the hearing as commanded by the subpoena. The Chairman and the Ranking Member explained that the Fifth Amendment privilege against self-incrimination does not permit witnesses to refuse to appear when summoned to testify before a congressional committee. Rather, witnesses must appear and assert that constitutional privilege in declining to answer specific questions put to them. The Chairman and the Ranking Member also explained that the other objections Dr. de la Torre raised are not cognizable legal grounds for refusing to appear at the Committee's hearing and answer pertinent questions based on personal, first-hand knowledge. The September 5, 2024 letter to Mr. Merton is annexed hereto as Appendix IV and is expressly made a part of this report.

Thereafter, Dr. de la Torre failed and refused to comply with the said subpoena and failed and refused to appear before the Committee at the designated time and place as a witness on Thursday, September 12, 2024, thereby depriving the Committee of his testimony on questions pertinent to its inquiry and subject matters under consideration.

A record of the hearing on September 12, 2024, at which Dr. de la Torre failed and refused to appear, entitled “Examining the Bankruptcy of Steward Health Care: How Management Decisions Have Impacted Patient Care,” is annexed hereto as Appendix V and is expressly made a part of this report.

The Committee considered the original resolution, S. Res. 837, Authorizing the President of the Senate to certify the report of the Committee on Health, Education, Labor, and Pensions of the Senate regarding the refusal of Dr. Ralph de la Torre to appear and testify before the Committee, at a business meeting on September 19, 2024. With a majority of the Members of the Committee present, constituting a quorum under Committee Rules for the purpose of reporting a measure or matter, the Committee ordered the original resolution favorably reported by a roll call vote of 20 in favor and none opposed. Members voting in the affirmative were: Bernard Sanders (I-VT), Patty Murray (D-WA), Christopher Murphy (D-CT), Tim Kaine (D-VA), Maggie Hassan (D-NH), Tina Smith (D-MN), Ben Ray Lujan (D-NM), John Hickenlooper (D-CO), Edward J. Markey (D-MA), Bill Cassidy (R-LA), and Markwayne Mullin (R-OK). For the record only, Senators Robert P. Casey, Jr. (D-PA), Tammy Baldwin (D-WI), Susan Collins (R-ME), Lisa Murkowski (R-AK), Mike Braun (R-IN), Roger Marshall (R-KS), Mitt Romney (R-UT), Tommy Tuberville (R-AL), and Ted Budd (R-NC) voted “aye” by proxy, and Senator Rand Paul (R-KY) did not vote by proxy. There were no votes cast in the negative.

APPENDIX I

6

From: [Carter, Greg \(HELP Committee\)](#)
To: ["William Burck"; Anthony Bongiorno; AJ Merton](#)
Cc: [Gunnels, Warren \(HELP Committee\); Lincoln, Amanda \(HELP Committee\); Soto, Caitlin \(HELP Committee\); Shek, Chung \(HELP Committee\)](#)
Subject: Senate HELP Committee Subpoena for Dr. de la Torre
Date: Thursday, July 25, 2024 11:30:00 AM
Attachments: [HELP Committee Subpoena for Ralph de la Torre, Steward Health Care SIGNED.pdf](#)
Importance: High

Good morning:

The Senate Committee on Health, Education, Labor, and Pensions has authorized Chairman Sanders to issue a subpoena to Dr. Ralph de la Torre for his testimony at a hearing on September 12, 2024 at 10:00 AM. That subpoena is attached here.

Please acknowledge acceptance of service on Dr. de la Torre's behalf by close of business today.

Thank you,
Greg

Greg Carter
Oversight Director
U.S. Senate Health, Education, Labor, and Pensions Committee
Bernie Sanders, Chair

7

UNITED STATES OF AMERICA
Congress of the United States

To Dr. Ralph de la Torre, Chairman and Chief Executive Officer
c/o Steward Health Care System, 1900 N Pearl St Suite 2400
Dallas, TX 75201, **Greeting:**


Pursuant to lawful authority, **YOU ARE HEREBY COMMANDED** to appear
before the _____ Committee on Health, Education, Labor, and Pensions
of the Senate of the United States, on September 12, 2024,
at 10:00 o'clock a. m., at their committee room 562 Dirksen
Senate Office Building, then and there to
testify what you may know relative to the subject matters under consideration by
said committee.

The bankruptcy of Steward Health Care

Hereof fail not, as you will answer your default under the pains and penalties
in such cases made and provided.

To Committee staff or the U.S. Marshals Service
to serve and return.

Given under my hand, by order of the committee, this
25th day of July, 2024.



Chairman, Committee on Health, Education, Labor, and Pensions

APPENDIX II

10

From: William Burck
To: Carter, Greg (HELP Committee)
Cc: Anthony Bongiorno; AJ Merton; Gunnels, Warren (HELP Committee); Lincoln, Amanda (HELP Committee); Soto, Caitlin (HELP Committee); Shek, Chung (HELP Committee)
Subject: Re: Senate HELP Committee Subpoena for Dr. de la Torre
Date: Thursday, July 25, 2024 12:43:36 PM

We acknowledge acceptance of service.
Sent from my iPhone

On Jul 25, 2024, at 11:32 AM, Carter, Greg (HELP Committee)
<Greg_Carter@help.senate.gov> wrote:

[EXTERNAL EMAIL from greg_carter@help.senate.gov]

Good morning:

The Senate Committee on Health, Education, Labor, and Pensions has authorized Chairman Sanders to issue a subpoena to Dr. Ralph de la Torre for his testimony at a hearing on September 12, 2024 at 10:00 AM. That subpoena is attached here.

Please acknowledge acceptance of service on Dr. de la Torre's behalf by close of business today.

Thank you,
Greg

Greg Carter

Oversight Director
U.S. Senate Health, Education, Labor, and Pensions Committee
Bernie Sanders, Chair

<HELP Committee Subpoena for Ralph de la Torre, Steward Health Care
SIGNED.pdf>

APPENDIX III

quinn emanuel trial lawyers | washington, dc

1300 I Street NW, Suite 900, Washington, District of Columbia 20005-3314 | TEL (202) 538-8000 FAX (202) 538-8100

WRITER'S EMAIL ADDRESS
ajmerton@quinnemanuel.com

September 4, 2024

VIA E-MAIL

The Honorable Bernie Sanders, *Chairman*
Committee on Health, Education, Labor, and Pensions
United States Senate
428 Dirksen Senate Office Building
Washington, DC 20510

Re: Senate HELP Committee Subpoena to Dr. Ralph de la Torre

Dear Senator Sanders,

This firm represents Dr. Ralph de la Torre, and we write regarding the Senate Health, Education, Labor, and Pensions Committee's (the "Committee") July 25, 2024 subpoena seeking testimony from our client, in his capacity as Chairman and CEO of Steward Health Care System LLC ("Steward"), on matters related to the "bankruptcy of Steward Health Care" at a hearing the Committee has set for September 12, 2024 (the "Subpoena").¹ As explained in detail below, recent developments will necessitate that Dr. de la Torre's testimony be postponed.

As you know, the Committee originally sought testimony from Dr. de la Torre, in his capacity as Chairman and Chief Executive Officer of Steward, at a July 30, 2024 hearing entitled: *Examining the Bankruptcy of Steward Health Care: How Management Decisions Have Impacted Patient Care*.² Dr. de la Torre declined the Committee's invitation to participate at this hearing because it would be inappropriate for him to testify on matters related to Steward's bankruptcy while those proceedings remain live and ongoing in U.S. Bankruptcy Court. Rather than afford the time necessary to administer Steward's reorganization case, however, on July 24, 2024, the Committee issued the Subpoena now seeking to compel Dr. de la Torre's testimony.

¹ See Attachment A, *HELP Committee's Subpoena to Dr. de la Torre*, dated July 25, 2024.

² See Attachment B, Letter from Sen. Bernie Sanders and Sen. Bill Cassidy to Dr. Ralph de la Torre, dated June 25, 2024 ("We are writing to formally invite you to testify at the hearing *in your capacity as Chairman and Chief Executive Officer*" (emphasis added)). The Committee's Subpoena was also issued to Dr. de la Torre in his official capacity. See Attachment A.

quinn emanuel urquhart & sullivan, llp

ABU DHABI | ATLANTA | AUSTIN | BEIJING | BERLIN | BOSTON | BRUSSELS | CHICAGO | DALLAS | DOHA | HAMBURG | HONG KONG | HOUSTON | LONDON |
LOS ANGELES | MANNHEIM | MIAMI | MUNICH | NEUILLY-LA DEFENSE | NEW YORK | PARIS | PERTH | RIVADH | SALT LAKE CITY | SAN FRANCISCO |
SEATTLE | SHANGHAI | SILICON VALLEY | SINGAPORE | STUTTGART | SYDNEY | TOKYO | WASHINGTON, DC | WILMINGTON | ZURICH

On August 28, 2024, Steward prohibited Dr. de la Torre from speaking on its behalf regarding any “bankruptcy-related issues” because those matters had already been delegated exclusively to an independent sub-committee of Steward’s board of managers established on December 19, 2023.³ As Steward’s missive explains, Dr. de la Torre is prohibited from testifying about anything within the sub-committee’s purview, including “topics related to the Company’s debt obligations, potential claims or causes of action, chapter 11 sale transactions, chapter 11 financing transactions, and/or similar transactions and related matters.”⁴ All of Dr. de la Torre’s personal knowledge regarding the Committee’s inquiry into Steward’s bankruptcy is derived from his role as Steward’s CEO, but as Steward’s admonishment makes clear: Dr. de la Torre “is not involved in directing or overseeing any part of the [i]nvestigation [of potential claims the Company might have], the Company’s strategic transaction process, or the administration of the Company’s chapter 11 cases,” and thus it would be “inappropriate for him to testify on behalf of the Company on the matters set forth above on which he lacks authority, involvement, or personal knowledge”⁵ outside of his role as Steward’s CEO.

Separately, consistent with our prior objections, allowing for the unfettered administration of Steward’s bankruptcy proceedings is the best way to achieve the Committee’s stated goal of ensuring continuous care for the communities that Steward serves. Indeed, on August 30, 2024, Steward announced an agreement in principle with creditors that “establish[es] a path for keeping the majority of Steward hospitals open, provides stability for its valued workforce by retaining nearly 30,000 jobs and a potential recovery for general unsecured creditors.”⁶ While Dr. de la Torre is pleased that existing stakeholders recognize (as he always has) the importance and value of Steward, Steward’s agreement with its creditors is not final until all documentation can be completed and approved by the U.S. Bankruptcy Court. Given the shared goals of the Committee and Dr. de la Torre of supporting continuity of patient care, saving jobs for Steward’s hospital staff, and providing an avenue for recovery for general unsecured creditors, Dr. de la Torre needs to respect the ongoing reorganization and settlement effort by remaining silent regarding the reasons for Steward’s bankruptcy, particularly because a federal court order prohibits him from discussing anything exchanged in a mediation effort that led to the recently announced agreement in principle.⁷

Dr. de la Torre’s wish has always been to create a hospital system that would serve communities in need, and for the reasons set forth above, a successful financial reorganization of Steward is currently the most promising avenue to achieve this goal. Unfortunately, while Dr. de la Torre has continued to fight for Steward hospitals and the patients and communities they serve, members of this Committee continue to cast aspersions on Dr. de la Torre and appear determined

³ See Attachment C, Letter from Counsel for Steward Health Care System LLC to Counsel for Dr. de la Torre, dated August 28, 2024.

⁴ See *id.*

⁵ See *id.*

⁶ Press Release, Steward Health Care, *Steward Health Care and Medical Properties Trust Reach Settlement Agreement in Principle, Allowing for Steward-Operated Hospitals to Be Transitioned to New Ownership* (August 30, 2024), available at <https://www.steward.org/newsroom/2024-08-30/steward-health-care-and-medical-properties-trust-reach-settlement-agreement>.

⁷ See Attachment D, Order Regarding Mediation, *In re Steward Health Care System LLC, et al.*, No. 24-90213 (S.D. Tex. June 13, 2024), ECF No. 829 at ¶ 12.

to turn the hearing into a pseudo-criminal proceeding in which they use the time, not to gather facts, but to convict Dr. de la Torre in the eyes of public opinion. Indeed, there have been calls for criminal investigations of Dr. de la Torre by members of this Committee, ascribing guilt to him without a factual basis for doing so.⁸ It is not within this Committee's purview to make predeterminations of alleged criminal misconduct under the auspices of an examination into Steward's bankruptcy proceedings, and the fact that its Members have already done so smacks of a veiled attempt to sidestep Dr. de la Torre's constitutional rights by seeking sworn testimony on matters for which the Committee has pre-determined his guilt. Dr. de la Torre's testimony before the Committee under these circumstances would be wholly inappropriate.

Consequently, for the various reasons set forth above, Dr. de la Torre will not participate in the Committee's September 12, 2024 hearing, as doing otherwise may run afoul of the federal court order prohibiting him from discussing the above-referenced mediation efforts, and would be inconsistent with the bankruptcy court proceedings, the best interests of Steward itself as reflected in its admonishment, and Dr. de la Torre's core constitutional rights.

Dr. de la Torre has consistently fought for Steward hospitals and the communities that they serve, and he continues to do so. If the Committee shares this aim of ensuring continuity of care for patients, hospital employees, and communities, it would reschedule its hearing for a more appropriate date after the conclusion of Steward's bankruptcy proceedings.

Sincerely,



Alexander J. Merton

cc: Warren Gunnels (Staff Director, Senate HELP Committee)
Amanda Lincoln (Republican Staff Director, Senate HELP Committee)
Greg Carter (Oversight Director, Senate HELP Committee)
Caitlin Soto (Chief Counsel, Senate HELP Committee)
Chung Shek (Chief Clerk, Senate HELP Committee)

⁸ See, e.g., *Executive Session of the Senate Health, Education, Labor, and Pensions Committee*, 118th Cong. (July 25, 2024) ("As a result of Dr. de la Torre's elaborate Ponzi scheme, Steward Health Care . . . [was] forced to declare bankruptcy" (statement of Sen. Bernie Sanders)); *id.* ("And not satisfied with going from just the six catholic hospitals in Massachusetts . . . [Dr. de la Torre] then went international to Malta to take over their system as well, where he is now being investigated for the very same irresponsible conduct that our committee is investigating here in the United States." (statement of Sen. Ed Markey)); *id.* ("In 2018, Steward entered into a public-private partnership with the country of Malta to run a number of hospitals in Malta. The deal is now under investigation by the Department of Justice over allegations of fraud and corruption." (statement of Sen. Bill Cassidy)); see also Press Release, Sen. Ed Markey, *Senator Markey Statement on Federal Investigation into Steward Health Care on Charges of Fraud and Corruption* (July 11, 2024) ("Steward must be investigated, and I hope the company and the corporate executives who facilitated Steward's actions face consequences that reflect the lives, livelihoods, safety, and security that they stole from communities."); Ross Crisantiello, *Healey Supports Federal Investigation into Steward Health Care's de la Torre*, BOSTON.COM (August 9, 2024), available at <https://www.boston.com/news/local-news/2024/08/09/healey-supports-federal-investigation-into-steward-health-cares-de-la-torre/>.

15

ATTACHMENT A

UNITED STATES OF AMERICA

Congress of the United States

To Dr. Ralph de la Torre, Chairman and Chief Executive Officer
c/o Steward Health Care System, 1900 N Pearl St Suite 2400
Dallas, TX 75201, Greeting:

Pursuant to lawful authority, YOU ARE HEREBY COMMANDED to appear
before the _____ Committee on Health, Education, Labor, and Pensions
of the Senate of the United States, on September 12, 2024,
at 10:00 o'clock a. m., at their committee room 562 Dirksen
Senate Office Building, then and there to
testify what you may know relative to the subject matters under consideration by
said committee.

The bankruptcy of Steward Health Care

Hereof fail not, as you will answer your default under the pains and penalties
in such cases made and provided.

To Committee staff or the U.S. Marshals Service
to serve and return.

Given under my hand, by order of the committee, this
25th day of July, 2024.



Chairman, Committee on Health, Education, Labor, and Pensions

16

ATTACHMENT B

BERNARD SANDERS, VERMONT, CHAIR

PATTY MURRAY, WASHINGTON	BILL CASKEY, LOUISIANA
ROBERT P. CASEY, JR., PENNSYLVANIA	RANDY PAUL, KENTUCKY
TAMMY HALDEMAN, WISCONSIN	SUSAN M. COLLINS, MAINE
CHRISTOPHER S. MURPHY, CONNECTICUT	LISA MURKOVSKY, ALABAMA
THOMAS CARPER, VIRGINIA	MIKE BRAUN, INDIANA
MARGARET WOOD HASSAN, NEW HAMPSHIRE	ROGER MARSHALL, KANSAS
TRINA SANTI, MINNESOTA	MIKEY ROBINSON, UTAH
BEN RAY LUJAN, NEW MEXICO	TAMMY TUBERVILLE, ALABAMA
JOHN HICKENLOOPER, COLORADO	MARIKAYNE MALLI, OKLAHOMA
EDWARD MARKEY, MASSACHUSETTS	TED CRUZ, NORTH CAROLINA

WARREN GUNNELS, MAJORITY STAFF DIRECTOR
AMANDA LINCOLN, REPUBLICAN STAFF DIRECTOR

www.help.senate.gov

United States Senate
COMMITTEE ON HEALTH, EDUCATION, LABOR,
AND PENSIONS

WASHINGTON, DC 20510-6300

June 25, 2024

Ralph de la Torre, MD
Chairman and Chief Executive Officer
Steward Health Care System LLC
1900 N Pearl Street
Suite 2400
Dallas, TX 75201

Dr. de la Torre:

We write to invite you to testify on July 30, 2024, before the U.S. Senate Committee on Health, Education, Labor, and Pensions at a hearing entitled, Examining the Bankruptcy of Steward Health Care: How Management Decisions Have Impacted Patient Care. The hearing will begin at 10:00AM EDT in room 562 of the Dirksen Senate Office Building.

As you know, Steward operates 30 hospitals across eight states. The communities surrounding each of these hospitals now face unacceptable uncertainty regarding their access to health care in light of Steward's bankruptcy filing on May 6. The hearing will examine the management decisions of Steward Health Care (Steward), how those decisions led the hospital system to file for bankruptcy, and the impact those decisions have had on patient care, health care workers, and the hospitals it operates.

You have been involved in Steward since Cerberus Capital Management, a private equity firm, acquired the hospitals in 2010. We are writing to formally invite you to testify at the hearing in your capacity as Chairman and Chief Executive Officer so that the Committee can better understand the investment and financial decisions that led to the bankruptcy of Steward, and its plan to ensure continuity of care in the communities in which it operates.

The HELP Committee has jurisdiction over issues related to health care delivery. Please submit a written statement of any length prior to the hearing for inclusion in the hearing record. Committee rules require witnesses to submit testimony at least 48 hours in advance of the hearing. At the hearing, you will be given five minutes to summarize your written testimony. Each Senator will then have five minutes to ask questions of witnesses.

In order to accommodate Committee members and the press, please arrange to submit a one paragraph biographical profile, your written testimony, and a one-page summary of your testimony by electronic mail to Chung Shek (Chung_Shek@help.senate.gov) at least 48 hours

17

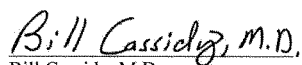
prior to the hearing.

We look forward to seeing you on Tuesday, July 30. Your assistance is greatly appreciated.

Sincerely,



Bernard Sanders
Chairman
Senate Committee on Health,
Education, Labor, and Pensions



Bill Cassidy, M.D.
Ranking Member
Senate Committee on Health,
Education, Labor, and Pensions

ATTACHMENT C

Weil, Gotshal & Manges LLP

BY E-MAIL

767 Fifth Avenue
New York, NY 10153-0119
+1 212 310 8000 tel
+1 212 310 8007 fax

August 28, 2024

David J. Lender
+1 (212) 310-8153
david.lender@weil.com

William Burck
1300 I Street NW, Suite 900
Washington, D.C. 20005
Quinn Emanuel Urquhart & Sullivan, LLP
williamburck@quinnemanuel.com

Alexander Merton
1300 I Street NW, Suite 900
Washington, D.C. 20005
Quinn Emanuel Urquhart & Sullivan, LLP
ajmerton@quinnemanuel.com

Re: In re: Steward Health Care System LLC, et al. (24-90213)

Mr. Burck and Mr. Merton:

We understand that your client, Dr. Ralph de la Torre, will testify before Congress on September 12, 2024, in connection with the management of Steward-affiliated hospital system facilities. As you know, the board of managers of Steward Health Care Holdings LLC established the transformation committee (the “**Transformation Committee**”) on December 19, 2023. The Transformation Committee has been delegated exclusive authority with respect to all bankruptcy-related issues and all strategic and financial transactions available to Steward Health Care System LLC and its debtor affiliates in the above-captioned chapter 11 cases (collectively, the “**Company**”). Further, an independent sub-committee of the Transformation Committee comprised of independent managers, William Transier and Alan Carr, (the “**Investigation Sub-Committee**”) has been delegated with the sole authority to conduct an independent investigation focused on identifying and assessing claims available to the Company (the “**Investigation**”). This Investigation commenced three months ago and is ongoing. As you also know, Dr. Ralph de la Torre is not involved in directing or overseeing any part of the Investigation, the Company’s strategic transaction process, or the administration of the Company’s chapter 11 cases. He is not a member of the Transformation Committee or the Investigation Sub-Committee, and he is not privy to the findings of the Investigation or its status.

Because Dr. Ralph de la Torre is not involved with the Transformation Committee and Investigation Sub-Committee, nor privy to the findings of the Investigation, he has no authority to speak

August 28, 2024
Page 2

Weil, Gotshal & Manges LLP

on behalf of the Company about the Investigation or any other areas under the purview of the Transformation Committee or the Investigation Sub-Committee. This prohibition includes, without limitation, topics related to the Company's debt obligations, potential claims or causes of action, chapter 11 sale transactions, chapter 11 financing transactions, and/or similar transactions and related matters.

We ask that you advise your client that it is inappropriate for him to testify on behalf of the Company on the matters set forth above on which he lacks authority, involvement, or personal knowledge, including specifically about the Investigation or any other areas under the purview of the Transformation Committee or Investigation Sub-Committee.

To the extent Dr. Ralph de la Torre is asked about any of the above-referenced matters, he should make clear that he has no authority, involvement, or personal knowledge on those matters and is not authorized to speak for or represent the views of the Company.

For the avoidance of doubt, nothing in this letter constitutes a waiver of any of the Company's rights or remedies, all of which are expressly reserved, including using Dr. Ralph de la Torre's testimony for purposes of the Investigation to identify any additional claims the Company may have.

Sincerely,



David J. Lender

cc: Anthony Bongiorno
Ray Schrock

Case 24-90213 Document 829 Filed in TXSB on 06/13/24 Page 1 of 6
ATTACHMENT D

United States Bankruptcy Court
Southern District of Texas

ENTERED

June 13, 2024

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	§	Chapter 11
	§	
STEWARD HEALTH CARE SYSTEM	§	Case No. 24-90213 (CML)
LLC, et al.,	§	
	§	(Jointly Administered)
Debtors.¹	§	
	§	

**ORDER REGARDING MEDIATION OF DISPUTES
RELATING TO ALLOCATION OF SALE PROCEEDS
AND RELATED ISSUES WITH MEDICAL PROPERTIES TRUST**

Upon the motion, dated June 11, 2024 (the “**Motion**”)² of Steward Health Care System LLC and its debtor affiliates, as debtors and debtors in possession in the above-captioned chapter 11 cases (collectively, the “**Debtors**”), for entry of an order directing mediation of disputes relating to allocation of sale proceeds and related consent rights pursuant section 105(a) of title 11 of the United States Code (the “**Bankruptcy Code**”) and paragraph S.48 of the Procedures for Complex Chapter 11 Cases in the Southern District of Texas (the “**Complex Procedures**”), as more fully set forth in the Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein pursuant to 28 U.S.C. § 1334; and consideration of the Motion and the requested relief being a core proceeding pursuant to 28 U.S.C. § 157(b); and it appearing that venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of the Motion having been provided, and it appearing that no other or further notice need be provided; and the Court having reviewed the Motion; and the Court having held a hearing on

¹ A complete list of the Debtors in these chapter 11 cases may be obtained on the website of the Debtors’ claims and noticing agent at <https://restructuring.ra.kroll.com/Steward>. The Debtors’ service address for these chapter 11 cases is 1900 N. Pearl Street, Suite 2400, Dallas, Texas 75201.

² Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Motion.

Case 24-90213 Document 829 Filed in TXSB on 06/13/24 Page 2 of 6

the Motion; and the Court having held a hearing on the Motion; and upon the record of the hearing and upon all of the proceedings had before the Court; and all objections, if any, to the Motion having been withdrawn, resolved, or overruled; and this Court having determined that the legal and factual bases set forth in the Motion establish just cause for the relief granted herein; and it appearing that the relief requested in the Motion is in the best interests of the Debtors and their respective estates and creditors; and upon all of the proceedings had before this Court and after due deliberation and sufficient cause appearing therefor,

IT IS HEREBY ORDERED THAT:

1. The Debtors, MPT, ABL Lenders, FILO Lenders, the Committee, and MIP V Hopkins, LLC may participate in non-binding mediation to attempt to resolve all disputes among the parties relating to the following, among other things:

- A framework for allocating proceeds from hospital and other assets sales or leases of MPT-owned real estate between MPT and the Debtors;
- A framework for allocating estate proceeds to the Debtors' various asset collateral pools;
- A process for facilitating the consents of relevant parties with regards to the sales;
- Resolution to any potential challenges the Committee has to the Master Leases, including any challenges relating to recharacterization or divisibility;
- A framework for determining the amount of MPT's lease deficiency claims against the Debtors in connection with the sales, as well as the amount of any cure in connection with assumptions or assignments; and
- A framework for agreeing with MPT on steps to preserve value in the event one or more hospitals or other assets do not receive a bid.

2. Judge Marvin Isgur of the United States Bankruptcy Court for the Southern District of Texas (the "**Mediator**") is authorized to mediate such issues between the Parties as he determines appropriate in this case.

Case 24-90213 Document 829 Filed in TXSB on 06/13/24 Page 3 of 6

3. The Parties shall participate before the Mediator in (i) non-binding mediation beginning with a pre-mediation conference on a date and time scheduled by the Mediator in consultation with the Parties; and (ii) at such other conferences as deemed appropriate by the Mediator to attempt to resolve all disputes among the Parties relating to the allocation of hospital and other assets sale proceeds (including their hospital operations and the underlying real property owned by MPT) and related issues (together, the “**Mediation**”). The Mediation shall terminate on the date on which the Mediator determines that the Mediation has terminated (and advises the Parties of such determination).

4. The Court adopts Section S of the Procedures for Complex Cases in the Southern District of Texas (Effective October 18, 2023); *provided*, that nothing herein shall alter, modify, or otherwise prejudice or impair any of the Parties’ rights or obligations under any pre-existing confidentiality agreements or protective orders, all of which shall remain in full force and effect.

5. One or more principals for each Party, as well as lead counsel for each Party, shall attend the Mediation and such other conferences as the Mediator deems appropriate. Co-counsel and financial advisors may also participate in the Mediation. Other parties-in-interest may participate in relevant portions of the Mediation at the discretion of the Mediator to the extent issues arise in the Mediation that require their input.

6. The Mediation shall be non-binding.

7. The Mediator will mediate this case in his capacity as a United States Bankruptcy Judge. He will have full, unqualified judicial immunity in his role as a mediator.

8. The Mediator may not be compelled to disclose to the Court or to any person any of the records, reports, summaries, notes, communications, or other documents received or

Case 24-90213 Document 829 Filed in TXSB on 06/13/24 Page 4 of 6

made by the Mediator while serving in such capacity. The Mediator may not testify or be compelled to testify regarding the Mediation in connection with any arbitration, judicial, or other proceeding. The Mediator will not be a necessary party in any proceedings relating to the Mediation. Nothing contained in this paragraph prevents the Mediator from reporting (a) the status, but not the substance, of the mediation effort to the Court or (b) whether a Party failed to participate in good faith in the Mediation, subject in each respect to decretal paragraph 12 hereof.

9. Each Party shall bear its own costs and expenses incurred in connection with the Mediation; *provided, however*, nothing herein shall prejudice any Party's right to seek payment or reimbursement from the Debtors' estates of such costs and expenses, including attorney fees, in accordance with any Court orders or otherwise.

10. The Parties and their respective counsel shall participate in the Mediation in good faith and comply with all directions issued by the Mediator regarding the mediation process.

11. Each Party may directly submit to the Mediator any materials (the "**Submissions**") in form and content as the Mediator directs. Prior to the Mediation, the Mediator may confer with one or more of the Parties to determine what materials would be helpful to the Mediator or the Mediation. The Submissions shall not be filed with the Court.

12. The Mediation will be considered confidential settlement discussions pursuant to Rule 408 of the Federal Rules of Evidence, made applicable by Federal Rules of Bankruptcy Procedure 9017. Any (a) discussions among the Parties, including discussions with or in the presence of the Mediator; (b) mediation statements or any other documents or information provided to the Mediator or the Parties in the course of the Mediation; (c) correspondence, draft resolutions produced in connection with, or as a result of, the Mediation; and (d) offers, and

Case 24-90213 Document 829 Filed in TXSB on 06/13/24 Page 5 of 6

counteroffers ((a) through (d), collectively, the “**Mediation Information**”), shall be (i) strictly confidential; (ii) subject to disclosure only to the Mediator and the Parties to which the Mediation Information is provided; (iii) not constitute a waiver of any existing privileges or immunities (even if such privileged information is produced during the Mediation); and (iv) not be admissible, discoverable or otherwise used for any purpose in any proceeding outside of the Mediation, including any judicial or administrative proceeding. No person, including counsel, shall in any way disclose to any person not expressly permitted to see Mediation Information under this Order or to any court, including, without limitation, in any pleading or other submission to any court, any such Mediation Information, unless all Parties to the Mediation consent to disclosure. The confidentiality provisions in this paragraph 12 shall not prevent a Party from using or disclosing materials and information it has created (with its own information) in any way it sees fit (subject to other applicable law), and does not prevent the use or disclosure of materials and information that is a matter of public knowledge, provided that the material and information did not become public knowledge through an act or omission of a Party other than the Party who created it.

13. The Parties, the Mediator, and all participants in the Mediation shall protect proprietary information.

14. The disclosure by a Party of privileged information to the Mediator does not waive or otherwise adversely affect the privileged nature of such information.

15. No Party may be served with a summons, subpoena, notice, or other pleading during the Mediation or at the location where the Mediation is occurring.

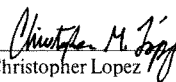
16. Unless otherwise ordered by the Court, the assignment to Mediation does not delay or stay discovery, any hearings scheduled, or any deadlines set by the Court.

25

Case 24-90213 Document 829 Filed in TXSB on 06/13/24 Page 6 of 6

17. The Court retains jurisdiction in connection with this Order and all matters related thereto.

Signed: June 13, 2024



Christopher Lopez
United States Bankruptcy Judge

APPENDIX IV

BERNARD SANDERS, VERMONT, CHAIR

PATTY MURRAY, WASHINGTON	BILL CASSIDY, LOUISIANA
ROBERT P. CASEY, JR., PENNSYLVANIA	RAND PAUL, KENTUCKY
TAMMY BALOWIN, WISCONSIN	SUSAN M. COLLINS, MAINE
CHRISTOPHER MURPHY, CONNECTICUT	LISA MURKOWSKI, ALASKA
TIM KAINE, VIRGINIA	MIKE BRAUN, INDIANA
MARGARET WOOD HASSAN, NEW HAMPSHIRE	ROGER MARSHALL, KANSAS
TINA SMITH, MINNESOTA	MIIT ROMNEY, UTAH
BEN RAY LUJAN, NEW MEXICO	TOMMY TUBERVILLE, ALABAMA
JOHN W. HICKENLOOPER, COLORADO	MARKWAYNE MULLIN, OKLAHOMA
EDWARD J. MARKEY, MASSACHUSETTS	TED BUZZ, NORTH CAROLINA

WARREN GURNELLS, MAJORITY STAFF DIRECTOR
AMANDA LINGGON, REPUBLICAN STAFF DIRECTOR

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United States Senate
COMMITTEE ON HEALTH, EDUCATION,
LABOR, AND PENSIONS
WASHINGTON, DC 20510-6300

September 5, 2024

VIA ELECTRONIC TRANSMISSION

Alexander J. Merton
Partner
Quinn Emanuel
1300 I Street NW
Suite 900
Washington, DC 20005

Dear Mr. Merton:

We write to respond to your September 4, 2024 letter informing the U.S. Senate Committee on Health, Education, Labor, and Pensions that your client, Dr. Ralph de la Torre, will not participate in the Committee's upcoming September 12, 2024 hearing to which Dr. de la Torre has been subpoenaed to testify. To the extent your letter is either a request for Dr. de la Torre to be excused or an objection to appearing before the Committee, that request is denied and any objection to attending the hearing overruled.

After Dr. de la Torre declined the Committee's invitation to appear voluntarily at a hearing to examine the management decisions of Steward Health Care, how those decisions led the hospital system to file for bankruptcy, and the impact those decisions have had on patient care, health care workers, and the hospitals Steward Health Care operates, the Committee issued a subpoena compelling Dr. de la Torre to appear for testimony at the Committee's September 12, 2024 hearing on these subjects. The Committee seeks testimony from Dr. de la Torre because the Committee believes that he can provide useful information relevant to the matter being reviewed by the Committee, and that directing appropriate questions to Dr. de la Torre may yield important information for the Committee's legislative functions.

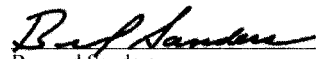
Your letter suggests that it would be inappropriate to compel Dr. de la Torre to appear before the Committee because of his constitutional rights. The Fifth Amendment privilege against self-incrimination, however, does not permit witnesses to refuse to appear when summoned to testify before a congressional committee, but, rather, that constitutional privilege must be asserted by witnesses in declining to answer specific questions put to them. A valid assertion of the privilege against self-incrimination is predicated on a witness' good-faith determination that the provision of a truthful answer to a particular question creates a reasonable apprehension of incriminating him or her, and a witness cannot ultimately make the particular judgment necessary for invocation of the privilege except in consideration of a specific question. Accordingly, the Committee rejects

any suggestion that Dr. de la Torre can refuse to appear for testimony before the Committee on this ground. While the Committee respects the constitutional rights of witnesses, including your client, it requires that the witness appear and assert the privilege in response to specific questions.

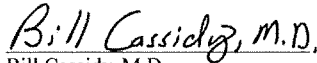
The other matters raised in your letter are not cognizable legal grounds for your client's refusing to appear at the Committee's hearing as summoned and to answer pertinent questions based on his personal, first-hand knowledge.

Accordingly, as required by the subpoena issued to him, Dr. de la Torre is expected to appear for testimony at the Committee's hearing on September 12, 2024, at 10:00 a.m., in 562 Dirksen Senate Office Building. Failure to comply with the Committee's subpoena could subject your client to criminal penalties. As a reminder, pursuant to Committee Rule 9, should Dr. de la Torre wish to submit a written statement of testimony prior to the hearing, he must do so at least 48 hours in advance thereof.

Sincerely,



Bernard Sanders
Chairman
Senate Committee on Health,
Education, Labor, and Pensions



Bill Cassidy, M.D.
Ranking Member
Senate Committee on Health,
Education, Labor, and Pensions

APPENDIX V

1 Examining the Bankruptcy of Steward Health Care: How
2 Management Decisions Have Impacted Patient Care

3

4 Thursday, September 12, 2024

5

6 U.S. Senate
7 Committee on Health, Education, Labor, and Pensions
8 Washington, D.C.

9

10 The committee met, pursuant to notice, at 10:01 a.m.,
11 in Room 562, Dirksen Senate Office Building, Hon. Bernard
12 Sanders, chairman of the committee, presiding.

13 Present: Senators Sanders [presiding], Casey, Baldwin,
14 Murphy, Kaine, Hassan, Hickenlooper, Markey, Cassidy,
15 Collins, Braun, Romney, and Budd.

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1 OPENING STATEMENT OF SENATOR SANDERS

2 The Chairman. The Committee on Health, Education,
3 Labor, and Pensions will come to order. It's very
4 significant here in America today, we have a healthcare
5 system, which in my view going to say the healthcare system
6 is broken, but it's currently not the only thing that's
7 broken. We have a healthcare system that is broken,
8 dysfunctional, and cruel. Too often it is a system that is
9 designed not to make patients well, but to make healthcare
10 executives and stockholders extraordinarily wealthy.

11 There cannot be a clearer example of that than private
12 equity billionaires on Wall Street who are making billions
13 by purchasing hospitals throughout our country, stripping
14 all of their assets, and loading them up with debt that
15 these hospitals could never pay back. Perhaps more than
16 anyone else in America, Ralph de la Torre, the CEO of
17 Steward Healthcare, is the poster child for this outrageous
18 type of corporate greed that is permeating our for-profit
19 healthcare system.

20 Working in partnership with a private equity firm,
21 Cerberus, Dr. de la Torre became obscenely wealthy by
22 loading up hospitals from Massachusetts to Arizona with
23 billions of dollars in debt and selling the land underneath
24 these hospitals to real estate executives at Medical
25 Properties Trust who charged unsustainably high rents. As a



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1 result of Dr. de la Torre's elaborate financial scheme,
2 Steward Healthcare and the more than 30 hospitals it owns in
3 eight states, declared bankruptcy with some \$9 billion in
4 debt.

5 But let's be clear, Steward's severe financial problems
6 did not happen overnight. They have been going on for more
7 than a decade. It has been estimated that at least 15
8 patients at hospitals owned by Steward died as a result of a
9 lack of medical equipment or staffing shortages, and that at
10 least 2000 other patients were put in serious risk according
11 to federal regulators. Since 2019, federal inspectors have
12 cited Steward-owned hospitals over 30 times for putting
13 patients in "immediate jeopardy" meaning the patients died,
14 were put at grave risk, or were injured.

15 In 2014, Steward shut down the Quincy Medical Center,
16 Massachusetts, with the exception of its emergency room,
17 which it shut down six years later. Today, Quincy is the
18 largest city in Massachusetts without an emergency room. In
19 2018, Steward shut down the Northside Regional Medical
20 Center in Youngstown, Ohio, closing the only labor and
21 delivery unit in that city for pregnant women and their
22 babies, and laying off 468 healthcare workers in the
23 process.

24 Last year, Steward shut down the Texas Vista Medical
25 Center, the main healthcare option for San Antonio's south

1 side after it missed over \$650,000 in payments to medical
2 suppliers leaving the hospital with a severe shortage of
3 respiratory masks among many other things. Last month,
4 state regulators required Steward to shut down St. Luke's
5 Behavioral Center in Phoenix, Arizona after they found that
6 it had been without air conditioning in Phoenix, as
7 temperatures soared past 100 degrees, putting more than 70
8 patients at risk of heat exposure.

9 Steward has also shut down pediatric wards in
10 Massachusetts, Louisiana, closed neonatal units in Florida
11 and Texas, and eliminated maternity services at a hospital
12 in Florida. We know that Steward has gone bankrupt. We
13 know that several of its hospitals have already been forced
14 to close their doors because they ran out of money.

15 But the question that is interesting to me is, in the
16 midst of all of that, how is the main person behind all of
17 these efforts, Dr. de la Torre, how's he doing financially?
18 While hospitals shut down, while patients go without care,
19 while healthcare workers lose their jobs, how has Dr. de la
20 Torre been doing in terms of his own financial wellbeing?
21 And the answer is that he has been doing phenomenally well.

22 While Steward was busy shutting down hospitals, the
23 companies he owned received \$250 million in compensation
24 over a four-year period. Let me repeat. He personally
25 received hundreds of millions of dollars, some of which,

1 remember, hospitals shut down, patients without care,
2 workers being laid off, and some of that money he used to
3 purchase this \$40 million yacht.

4 While Steward Hospitals were severely understaffed,
5 patients were not getting the care they desperately needed,
6 Dr. de la Torre was able to afford this \$15 million custom
7 made luxury fishing boat. \$15 million fishing boat while
8 patients were dying. While Steward-owned hospitals cannot
9 afford to pay for life saving medical supplies, it had
10 enough money to purchase a \$62 million private jet, and
11 incredibly, a \$33 million backup jet that Dr. de la Torre
12 and his family used for non-business trips throughout the
13 world.

14 While Steward's hospitals were laying off hundreds of
15 workers, de la Torre made a \$10 million charitable
16 contribution to an exclusive prep school in Dallas that was
17 fully paid for by Steward Healthcare, not his own personal
18 funds. How many of Steward's hospitals could have been
19 prevented from closing down? How many lives could have been
20 saved? How many healthcare workers would still have their
21 jobs today if Dr. de la Torre spent 160 million on high
22 quality healthcare at the hospitals he managed, instead of a
23 yacht, two private jets, a luxury fishing boat, and a huge
24 contribution to a wealthy prep school.

25 Today, we will be hearing from nurses in Massachusetts

1 and from public officials in Louisiana who have firsthand
2 knowledge of the harm Steward has caused the patients, the
3 healthcare workers, and the communities in which they live.
4 I look forward to hearing from these panelists very soon.
5 As the Chairman of this Committee, I look forward to working
6 with Ranking Member Cassidy, and I want to thank him and his
7 staff for their cooperation on this effort.

8 I want to thank Senator Markey for his leadership. He
9 is from Massachusetts. They have been very hard hit by
10 Steward. And I hope that we will be working together every
11 Senator, Democrat and Republican, to hold Dr. de la Torre
12 accountable for his financial mismanagement and his greed.

13 But let me conclude by saying this. Dr. de la Torre
14 did not act alone. Who else besides de la Torre benefited
15 financially as a result of Steward's bankruptcy? Cerberus,
16 the private equity firm he partnered with, made an estimated
17 \$800 million profit from its investments in Steward
18 Healthcare. From 2017 through 2021, the CEO of Medical
19 Properties Trust received about 70 million in bonuses,
20 stock, awards, and salary. How much of that compensation
21 came as a result of its financial arrangements with Steward?

22 The collapse of Steward Healthcare is just one extreme
23 example of the damaging role in my view, that private equity
24 is having on our healthcare system. Private equity firms
25 have bought, bought up hundreds of hospitals, thousands of

1 nursing homes, and tens of thousands of medical practices,
2 saddling them up with unsustainable debt and stripping their
3 assets to make huge profits for their executives and their
4 investors.

5 Study after study has shown that on average, when a
6 private equity firm takes over a hospital, a nursing home,
7 or another medical provider, the price of healthcare goes
8 up, the quality goes down, and healthcare workers are asked
9 to do much more with fewer and fewer staff. The issue of
10 private equity and healthcare is an issue this committee
11 must look into. We cannot allow wealthy private equity
12 executives to treat our healthcare system as their own
13 personal piggy bank.

14 Healthcare in America, in my view, must be a human
15 right for every man, woman, and child in this country, and
16 not simply an opportunity for billionaire investors to make
17 huge profits.

18 Senator Cassidy, I want to thank you for your hard work
19 on this, and you are recognized for an opening statement.

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1 STATEMENT OF SENATOR CASSIDY

2 Senator Cassidy. Thank you, Senator Sanders.

3 For months this committee has engaged in a bipartisan
4 investigation into the bankruptcy of the Steward Healthcare
5 and the impact on the delivery of its care at its hospitals.
6 And I would add therefore, on the impact of the healthcare
7 of the patients those hospitals served. It was quickly
8 evident that breaking down the management decisions of Chief
9 Executive Officer Dr. Ralph de la Torre is essential to
10 understand Steward's financial problems.

11 Steward's bankruptcy has nationwide implications
12 impacting more than 30 hospitals across eight states,
13 including Glenwood Regional Medical Center in West Monroe,
14 Louisiana. According to a report from the Centers for
15 Medicare and Medicaid Services, a physician at Glenwood told
16 a Louisiana State Inspector, "the hospital was performing
17 third world medicine."

18 Because of management decisions resulting in limited
19 resources at Glenwood, the state had to force the hospital
20 to operate at one-third capacity. One patient died waiting
21 for a transfer to another hospital, because Glenwood lacked
22 resources to treat. Glenwood is also the largest employer
23 in West Monroe and West Ouachita Parish, at one point
24 employing 9 percent of the community.

25 Now, hospitals like Glenwood are essential to the both



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1 physical and financial health of the communities they serve.
2 We need to keep this from happening again. That means we
3 need answers, and it seems the principle to give that answer
4 is Dr. Ralph de la Torre, and this is what our bipartisan
5 work has been about; answers for our constituents, answers
6 to inform legislative solutions.

7 Unfortunately, Dr. de la Torre has refused to testify
8 voluntarily. As a result, the committee issued a subpoena
9 in July. Up until September the 4th, Dr. de la Torre's
10 lawyers indicated he intended to comply with the subpoena
11 and to testify. However, eight days before the hearing, Dr.
12 de la Torre informed the committee that he would not comply
13 with the subpoena. We responded to Dr. de la Torre
14 explaining why his objections to the Committee's subpoena
15 have no merit and directed him to comply.

16 Now a witness cannot disregard and evade a duly
17 authorized subpoena. Therefore, today the Chair and I will
18 be asking the committee to report a resolution to authorize
19 civil enforcement and criminal contempt proceedings against
20 Dr. de la Torre, requiring compliance with the subpoena. I
21 thank the chair for working with me on this critically
22 important issue. I believe our actions today are a
23 testament to what bipartisanship can accomplish on behalf of
24 Americans, on behalf of patients. Thank you.

25 The Chairman. Thank you, Senator Cassidy. And again,

1 I want to thank you and your staff for their bipartisan
2 efforts. As Senator Cassidy mentioned, our first witness is
3 Dr. de la Torre, but as I think everybody can see, Dr. de la
4 Torre is not here. He was subpoenaed to testify at 10:00
5 a.m. this morning. On September 4th, 2024, counsel for Dr.
6 de la Torre sent a letter to the committee, objecting to the
7 compelled testimony and declining to comply with the
8 subpoena. The next day, the committee overruled these
9 objections in their entirety and informed his attorneys that
10 we expected to see Dr. de la Torre today.

11 Dr. de la Torre is not present in the room at this
12 time, so I now call up our second panel of witnesses.
13 Panel, if you would come to the dais, we would appreciate
14 it.

15 [Pause.]

16 The Chairman. All right. Let me thank all of our
17 witnesses. We have four excellent witnesses from
18 Massachusetts, Louisiana, and we thank them all for being
19 here. Senator Markey has played a very important role in
20 driving this investigation and has had a huge impact on
21 communities throughout Massachusetts. So Senator Markey,
22 I'd appreciate it very much if you can introduce our first
23 two witnesses.

24 Senator Markey. Thank you, Mr. Chairman, very much,
25 and thanks to you and Ranking Member Cassidy for your