

U.S. DISTRICT COURT
 NORTHERN DIST. OF TX
 FT. WORTH DIVISION
 2009 APR 17 PM 2:53
 CLERK OF COURT

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ATTORNEYS FOR JPMORGAN CHASE BANK, N.A.

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**IN THE UNITED STATES BANKRUPTCY COURT
 FOR THE NORTHERN DISTRICT OF TEXAS
 FORT WORTH DIVISION**

IN RE:)	
)	
FORT WORTH OSTEOPATHIC HOSPITAL, INC.)	CASE NO. 05-41513-DML
)	
Debtor)	CHAPTER 7
_____)	
)	
ESTATE OF JOHNNY FISHER, DEC'D,)	
)	
Plaintiff,)	ADVERSARY NO. 08-4168
)	
v.)	
)	
JPMORGAN CHASE BANK, N.A., GLENN MILTON, JAY SANDLIN, LUCY NORRIS, RN and NANCY ARGO, RN,)	
)	
Defendants)	

ORIGINAL ANSWER OF JPMORGAN CHASE BANK, N.A.

TO THE HONORABLE UNITED STATES BANKRUPTCY COURT JUDGE:

Comes now Defendant JPMorgan Chase Bank, N.A. ("JPMC") and files this Original Answer of JPMorgan Chase Bank, N.A. to the Original Petition and Claim of Estate ("Petition") and would respectfully show the Court as follows:

1. JPMC denies the allegations contained in Paragraph 1¹ of the Petition.
2. JPMC is not required to admit or deny the allegations contained in Paragraph 2 of the Petition (Discovery Level).
3. JPMC denies the allegations contained in Paragraph 3 of the Petition (Parties). JPMC denies that any of the defendants are proper parties to this action. JPMC denies that Plaintiff has standing to bring the claims alleged and denies that the Plaintiff is a proper party.
4. JPMC denies the allegations contained in Paragraph 4 of the Petition.
5. JPMC admits that the Estate is a judgment creditor of the Fort Worth Osteopathic Hospital, Inc. ("FWOH") which is a debtor in bankruptcy. JPMC denies that the Plaintiff is a proper party and denies that the Plaintiff has any standing to enforce the alleged judgment in this action. JPMC admits that a copy of the alleged judgment is attached to the Petition but denies the balance of the allegations in Paragraph 5 of the Petition.
6. JPMC denies the allegations contained in Paragraph 6 of the Petition.
7. JPMC denies the allegations contained in Paragraph 7 of the Petition.
8. JPMC is without sufficient knowledge to admit or deny the allegations contained in Paragraph 8 of the Petition and those allegations are therefore denied.
9. JPMC admits that the Fort Worth Osteopathic Hospital, Inc. d/b/a Fort Worth Osteopathic Medical Center Self-Insurance Plan Trust Agreement ("Trust Agreement") attached as Exhibit 1 to the Petition is clear and unambiguous. The Trust Agreement speaks for itself and, thus, JPMC is not required to admit or deny the allegations concerning what is set out in the Trust Agreement. JPMC denies that it owed any duties to the Plaintiff and denies that the

¹ Plaintiff failed to number the paragraphs in the Petition. Accordingly, for purposes of this Answer, JPMC refers to the first paragraph under "Jurisdiction and Venue" as Paragraph 1 and the remaining paragraphs are consecutively numbered thereafter.

Plaintiff was a beneficiary of the trust formed by the Trust Agreement. JPMC denies the balance of the allegations in Paragraph 9 of the Petition.

10. The Trust Agreement speaks for itself and, thus, JPMC is not required to admit or deny the allegations concerning what is set out in the Trust Agreement. JPMC denies that any improper payments were made from the trust formed by the Trust Agreement. JPMC denies the balance of the allegations in Paragraph 10 of the Petition.

11. JPMC denies the allegations contained in Paragraph 11 of the Petition.

12. JPMC is without sufficient information to admit or deny what the estate was advised and thus that allegations is denied. JPMC denies the balance of the allegations contained in Paragraph 12 of the Petition.

13. JPMC denies the allegations contained in Paragraph 13 of the Petition.

14. JPMC denies the allegations contained in Paragraph 14 of the Petition.

15. JPMC admits that it was the trustee of the trust formed by the Trust Agreement. JPMC denies the balance of the allegations contained in Paragraph 15 of the Petition.

16. JPMC denies the allegations contained in Paragraph 16 of the Petition.

17. On information and belief, JPMC admits the allegations contained in Paragraph 17 of the Petition.

18. JPMC denies the allegations contained in Paragraph 18 of the Petition.

19. JPMC denies the allegations contained in Paragraph 19 of the Petition.

20. JPMC denies the allegations contained in Paragraph 20 of the Petition.

21. JPMC denies the allegations contained in Paragraph 21 of the Petition.

22. JPMC denies that it is liable to the Plaintiff. JPMC denies that Plaintiff is a proper party or has standing to bring this suit. JPMC denies the balance of the allegations contained in Paragraph 22 of the Petition.

Affirmative Defenses

23. Plaintiff is without standing to bring the claims alleged in the Petition.
24. Plaintiff's claims are barred by the bankruptcy of FWOH.
25. Plaintiff's claims are barred by the applicable statutes of limitations.
26. Plaintiff's claims are barred by laches.
27. Plaintiff's damages, if any, were caused in whole or in part by third parties over whom JPMC has no control.
28. Plaintiff is estopped from bringing the claims alleged in the Petition.

Dated: October 23, 2008.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: /s/ Jeffrey G. Hamilton

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ATTORNEYS FOR JPMORGAN CHASE
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CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of October, 2008, a true and correct copy of the foregoing instrument has been served electronically or has been sent certified mail, return receipt requested to the parties listed below:

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