

ENTERED

July 19, 2023

Nathan Ochsner, Clerk

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

_____)	
In re:)	Chapter 11
)	
TEHUM CARE SERVICES, INC., ¹)	Case No. 23-90086 (CML)
)	
Debtor.)	
_____)	
TEHUM CARE SERVICES, INC.,)	
)	
Plaintiff,)	
)	
v.)	Adv. Pro. No. 23-03049
)	
THOSE PARTIES LISTED IN APPENDIX A)	
TO THE COMPLAINT,)	
)	
Defendants.)	
_____)	

**STIPULATION AND AGREED ORDER REGARDING
(I) DEBTOR'S MOTION TO EXTEND AND ENFORCE THE
AUTOMATIC STAY AND (II) AGREEMENT TO MODIFY THE AUTOMATIC STAY**

Tehum Care Services, Inc., the above-captioned debtor and debtor-in-possession (the "Debtor"), and defendants St. Luke's Health System, Ltd. and St. Luke's Regional Medical Center, Ltd. (collectively, "St. Luke's") and Saint Alphonsus Health Alliance, Inc. and Saint Alphonsus Health System, Inc. (collectively, "Saint Alphonsus"), by and through their undersigned counsel, hereby enter into this Stipulation and Agreed Order as follows:

WHEREAS, on February 13, 2023 (the "Petition Date"), the Debtor filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code") commencing the above-captioned chapter 11 case (the "Main Case");

¹ The last four digits of the Debtor's federal tax identification number is 8853. The Debtor's service address is: 205 Powell Place, Suite 104, Brentwood, Tennessee 37027.



WHEREAS, on February 17, 2023, the Debtor filed its *Emergency Motion to Extend and Enforce the Automatic Stay* [Main Case Docket No. 7] (the “Stay Motion”);

WHEREAS, on March 3, 2023, the Court entered its *Order Regarding Debtor’s Emergency Motion to Extend and Enforce the Automatic Stay* [Main Case Docket No. 118] (the “Initial Stay Order”), temporarily extending the automatic stay to certain non-debtors listed therein, including (a) YesCare Corp. and CHS TX, Inc., as non-debtor affiliates (collectively, the “Non-Debtor Affiliates”) in the case styled *St. Luke’s Health System, Ltd. and St. Luke’s Regional Medical Center, Ltd. v. Corizon, LLC*, Case No. 1:18-cv-00289, which is currently pending before the United States District Court for the District of Idaho (the “St. Luke’s Lawsuit”), (b) the Non-Debtor Affiliates and Sara Tirschwell and Scott King, as indemnified D&O’s, in the case styled *Saint Alphonsus Health System, Inc. v. Corizon, LLC*, Case No. 1:18-cv-00183, which is currently pending before the United States District Court for the District of Idaho, and (c) the Non-Debtor affiliates in the case styled *Saint Alphonsus Health System, Inc. v. Tehum Care Servs., Inc.*, Case No. 1:23-cv-00065, which is currently pending before the United States District Court for the District of Idaho (collectively, the “Saint Alphonsus Lawsuits”);

WHEREAS, the St. Luke’s Lawsuit is currently stayed (i) solely with respect to the Debtor, by operation of section 362(a)(1) of the Bankruptcy Code and (ii) with respect to certain non-Debtor defendants, pursuant to the Stay Order;

WHEREAS, the Saint Alphonsus Lawsuits are currently stayed (i) solely with respect to the Debtor, by operation of section 362(a)(1) of the Bankruptcy Code and (ii) with respect to certain non-Debtor defendants, pursuant to the Stay Order;

WHEREAS, on March 23, 2023, the Debtor filed its (i) *Complaint Seeking (I)(A) a Declaratory Judgment that the Automatic Stay Applies to Certain Claims and Causes of Actions*

Asserted Against Certain Non-Debtors and (B) an Extension of the Automatic Stay to Certain Non-Debtors, or in the Alternative, (II) a Preliminary Injunction Related to Such Actions [Adv. No. 23-03049, Docket No. 1] (the “Adversary Complaint”) and (ii) *Motion for an Order (I)(A) Declaring that the Automatic Stay Applies to Certain Claims and Causes of Action Asserted against Certain Non-Debtors and (B) Extending the Automatic Stay to Certain Non-Debtors, or in the Alternative, (II) Preliminary Enjoining Such Actions* [Adv. No. 23-03049, Docket No. 2] (the “Adversary Stay Motion”), whereby the Debtors commenced the above-captioned adversary proceeding (the “Adversary Proceeding”) and requested the Court enter an order extending the automatic stay to certain litigation listed therein, including the St. Luke’s Lawsuit and the Saint Alphonsus Lawsuits, until the earlier of: (a) confirmation of a chapter 11 plan in the Debtor’s chapter 11 case; (b) conversion of the Debtor’s chapter 11 case to a case under chapter 7 of the Bankruptcy Code; or (c) dismissal of the Debtor’s chapter 11 case;

WHEREAS, the Court extended the Stay Order through August 10, 2023 by the entry on May 18, 2023 of that certain *Order (I)(A) Declaring that the Automatic Stay Applies to Certain Claims and Causes of Action Asserted Against Certain Non-Debtors and (B) Extending the Automatic Stay to Certain Non-Debtors, or in the Alternative, (II) Preliminarily Enjoining Such Actions* [Adv. No. 23-03049, Docket No. 43] (the “Second Stay Order,” and together with the Initial Stay Order, the “Stay Orders”); and

WHEREAS, the Debtor, St. Luke’s, and Saint Alphonsus have reached an agreement with respect to the Stay Motion, the Adversary Complaint, the Adversary Stay Motion, the Adversary Proceeding, and the Stay Orders as set forth herein.

**NOW, THEREFORE, IT IS HEREBY STIPULATED, AGREED, AND ORDERED
AS FOLLOWS:**

1. The automatic stay shall continue to apply in the St. Luke's Lawsuit and the Saint Alphonsus Lawsuits until the earlier of the following:

- a. December 31, 2023, unless a chapter 11 plan has been confirmed before that date;
- b. The entry by the Court of an order appointing a chapter 11 trustee, responsible officer, or any examiner in this chapter 11 case;
- c. The dismissal of this chapter 11 case or conversion of the chapter 11 case to a case under chapter 7 of the Bankruptcy Code; or
- d. The entry by the Court of an order terminating or vacating the Stay Orders.

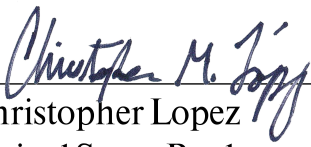
2. Upon the occurrence of the earlier of any of the events in paragraph 1, the automatic stay is modified solely to permit the St. Luke's Lawsuit and the Saint Alphonsus Lawsuits to proceed against the Non-Debtor Affiliates including (i) YesCare Corp., (ii) CHS TX, Inc., (iii) Sara Tirschwell and (iv) Scott King. The Debtor retains its right to seek an extension of the automatic stay for cause, following notice and a hearing.

3. The Adversary Proceeding is stayed as to St. Luke's and Saint Alphonsus with respect to all deadlines and calendar dates and no further action is required herein on the part of St. Luke's and Saint Alphonsus unless and until either St. Luke's, Saint Alphonsus, or the Debtor files a motion seeking further relief.

4. St. Luke's and Saint Alphonsus reserve all rights in the Main Case and in the Adversary Proceeding, including, but not limited to, the right to file and respond to pleadings, claims, applications, documents, and notices, as applicable, and the Debtor reserves all rights to respond to same.

5. This Court retains jurisdiction to hear and determine all matters arising from or related to the implementation of this Stipulation and Agreed Order. This Stipulation, as approved by the Bankruptcy Court, shall be binding on any chapter 7 or chapter 11 trustee appointed in this case.

Signed: July 19, 2023



Christopher Lopez
United States Bankruptcy Judge

AGREED AS TO FORM AND CONTENT:

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