

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.)	
)	

**EMERGENCY MOTION FOR ORDER
(I) CONSOLIDATING ADVERSARY PROCEEDING AND MAIN
CASE STAY MOTION AND (II) EXTENDING BRIEFING SCHEDULE**

EMERGENCY RELIEF HAS BEEN REQUESTED. RELIEF IS REQUESTED NOT LATER THAN MARCH 30, 2023.

IF YOU OBJECT TO THE RELIEF REQUESTED OR YOU BELIEVE THAT EMERGENCY CONSIDERATION IS NOT WARRANTED, YOU MUST APPEAR AT THE HEARING IF ONE IS SET, OR FILE A WRITTEN RESPONSE PRIOR TO THE DATE THAT RELIEF IS REQUESTED IN THE PRECEDING PARAGRAPH. OTHERWISE, THE COURT MAY TREAT THE PLEADING AS UNOPPOSED AND GRANT THE RELIEF REQUESTED.

Tehum Care Services, Inc., the above-captioned debtor and debtor in possession (the “Debtor”) respectfully states the following in support of this motion (this “Motion”):²

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.

² Capitalized terms used but not yet defined herein have the meanings ascribed to them later in this Motion.



Relief Requested

1. The Debtor seeks entry of an order, substantially in the form attached to this Motion (the “Order”): (a) consolidating the *Debtor’s Emergency Motion to Extend and Enforce the Automatic Stay* [Main Case Docket No. 7] (the “Main Case Stay Motion”) with the adversary case styled *Tehum Care Services, Inc. v. Those Parties Listed in Appendix A to the Complaint (In re Tehum Care Services, Inc.)*, Adv. Pro. No. 23-03049 (Bankr. S.D. Tex.) (the “Adversary Proceeding”); and (b) extending the response and reply deadlines (the “Stay Order Briefing Schedule”) set forth in the Court’s *Order Regarding Debtor’s Emergency Motion to Extend and Enforce the Automatic Stay* [Main Case Docket No. 118] (the “Stay Order”) to align with the deadline for parties to respond to the *Debtor’s 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) Preliminarily Enjoining Such Actions* [Adv. Pro. Docket No. 2] (the “Adversary Stay Motion”) filed in the Adversary Proceeding.³

2. The Debtor proposes that an omnibus hearing on the Main Case Stay Motion and the Adversary Stay Motion be held on May 17, 2023, at 1:00 p.m. (as presently scheduled pursuant to the Stay Order), and that the Court approve the following consolidated briefing schedule (the “Consolidated Briefing Schedule”):

³ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to them in the Adversary Stay Motion.

Pleading	Proposed Deadline
Objections to the Main Case Stay Motion and the Adversary Stay Motion	April 14, 2023 ⁴
Debtor's Omnibus Reply to Objections	April 28, 2023 ⁵

Jurisdiction and Venue

3. The United States Bankruptcy Court for the Southern District of Texas (the "Court") has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This is a core proceeding pursuant to 28 U.S.C. § 157(b).

4. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

5. The bases for the relief requested herein are section 105 of title 11 of the United States Code (the "Bankruptcy Code"), rules 7016, 7042, 9006, 9013, and 9014 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), and rule 9013-1 of the Bankruptcy Local Rules for the Southern District of Texas (the "Bankruptcy Local Rules").

Factual and Procedural Background

6. The Debtor provided correctional healthcare services across the United States. In May 2022, the Debtor effectuated a divisional merger pursuant to the Texas Business Organizations Code in which (among other things) assets and liabilities were allocated between CHS TX, Inc. and the Debtor. The Debtor spent the second half of 2022 attempting to settle and satisfy its allocated liabilities, but ongoing litigation and associated costs have made such efforts impractical. Through this chapter 11 process, the Debtor aims to maximize the value of its estate

⁴ April 14, 2023, represents (a) a full 21 days to respond to the Adversary Stay Motion and (b) an 11-day extension beyond the response deadline in the Stay Order.

⁵ April 28, 2023, represents a 4-day extension beyond the deadline in the Stay Order.

and propose a chapter 11 plan that, to the best of the Debtor's ability, provides meaningful recoveries for creditors and other stakeholders.

7. On February 13, 2023 (the "Petition Date"), the Debtor filed a voluntary petition for relief under chapter 11 of the Bankruptcy Code. The Debtor is operating as a debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No request for the appointment of a trustee or examiner has been made in this chapter 11 case. On March 2, 2023, the United States Trustee for the Southern District of Texas (the "U.S. Trustee") appointed an official committee of unsecured creditors pursuant to section 1102 of the Bankruptcy Code [Docket No. 77], as amended on March 6, 2023 [Docket No. 145] (the "Committee").

8. On February 17, 2023, the Debtor filed the Main Case Stay Motion. The Main Case Stay Motion sought to (a) confirm that the automatic stay applies, or extend the automatic stay, to cover the Non-Debtor Indemnified Parties in specified lawsuits, and (b) enforce the protections of section 362 of the Bankruptcy Code in each of the specified lawsuits.

9. On March 3, 2023, the Court held an initial hearing on the Main Case Stay Motion (the "Stay Hearing"). At the Stay Hearing, the Court expressed its concern that due process rights of impacted parties be preserved. *See* Hearing Tr. 154:4-5. At the conclusion of the Stay Hearing, the Court entered the Stay Order, temporarily extending the automatic stay to the litigation claims set forth on Exhibit 1 attached thereto (the "Stayed Matters") through May 18, 2023. The Stay Order also scheduled an evidentiary hearing on the Main Case Stay Motion for May 17, 2023, at 1:00 p.m., and set a briefing schedule with (a) objections to the Main Case Stay Motion due by April 3, 2023, and (b) any Debtor reply to objections due by April 24, 2023.

10. On March 23, 2023, the Debtor filed its *Complaint Seeking (I)(A) a Declaratory Judgment that the Automatic Stay Applies to Certain Claims and Causes of Action 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 in the Adversary Proceeding [Adv. Pro. Docket No. 1] (the “Complaint”) and the Adversary Stay Motion. The Complaint and Adversary Stay Motion are substantially identical, except that the Adversary Stay Motion includes additional authorities and briefing in support of the requested relief.

11. The Defendants named in the Complaint are the same plaintiffs identified in the Stayed Matters, and the relief requested in the Adversary Stay Motion is the same relief requested in the Main Case Stay Motion, with only the following limited exceptions:

- a. Removed cases: Seven cases/tort claim notices included in the Main Case Stay Motion were removed from the Adversary Stay Motion:
 - i. Tort Claim Notice of Alex Scott;
 - ii. *Lyles v. Papendick*, No. 2:19-cv-10673, U.S. District Court for the Eastern District of Missouri;
 - iii. Tort Claim Notice of Bradley Armstrong;
 - iv. *Mintun v. Corizon Health Inc.*, No. 1:21-cv-00124, U.S. District Court for the District of Idaho;
 - v. *Schroder v. Johnson*, No. 1:21-cv-00106, U.S. District Court for the District of Idaho;
 - vi. *Johnson v. Gulick*, No. 2:20-cv-10147, U.S. District Court for the Eastern District of Michigan; and
 - vii. *Blake v. Corizon*, No. 22-3048, 10th Cir. Court of Appeals (*on appeal from* 5:21-cv-3140, U.S. District Court for the District of Kansas).

Although the Debtor reserves all rights, it does not intend to continue prosecuting the Main Case Stay Motion as it relates to these seven cases/tort notices.

- b. Added cases: Five cases that were not included in the Main Case Stay Motion were added to the Adversary Stay Motion. These cases were inadvertently omitted from the Main Case Stay Motion, and should have been included therein:
 - i. *Beitman v. Correct Care Solutions*, No. 2:17-CV-03829, U.S. District Court for the District of Arizona

- Indemnified Client: David Shinn-Arizona DOC Director
- ii. *Arther v. Corizon Health, Inc.*, No. 2:20-CV-0189, U.S. District Court for the District of Arizona
 - Indemnified Client: State of Arizona
- iii. *Power v. Arizona*, No. 21-16436, Ninth Circuit Court of Appeals (*on appeal from* No. 2:19-cv-1546, U.S. District Court for the District of Arizona, *removed from* the AZ Superior Court, County of Maricopa No. 2018-008861)
 - Indemnified Client: State of Arizona
- iv. *Dennison v. Ryan*, No. 22-15106, Ninth Circuit Court of Appeals, (*on appeal from* No. 2:19-cv-00292, U.S. District Court for the District of Arizona)
 - Indemnified Clients: David Shinn-Arizona DOC Director; Richard Pratt and Vanessa Headstream-Arizona DOC employees
- v. *Medley v. Corizon Health Inc.*, No. CV2020-016257, in the Superior Court of the State of Arizona
 - Non-Debtor Affiliates: YesCare Corp. and CHS TX, Inc.
- c. Amended cases: Four cases included in the Main Case Stay Motion were amended to add or remove a Non-Debtor Indemnified Party.⁶
 - i. *Wolf v. Tewalt*, No. 1:21-cv-00226, U.S. District Court for the District of Idaho
 - Added Indemnified Client: Randy Valley-Idaho DOC employee
 - ii. *Capitol Eye Care Inc. v. Tehum Care Services Inc.*, No. 22AC-CC07354, Circuit Court of Cole County, Missouri
 - Added Indemnified Client: Missouri DOC
 - iii. *K.A. et al. v. City of New York et al.*, No. 1:16-cv-04936, U.S. District Court for the Southern District of New York
 - **Removed** Indemnified D&O: Sidney Wilson
 - iv. *Hasty v. Corizon LLC et al.*, No. 2:22-cv-04054, U.S. District Court for the Western District of Missouri
 - Added Indemnified D&O: Sara Tirshwell

⁶ Certain of the cases included in the Main Case Stay Motion reflected out-of-date case numbers or courts. These errors have been amended in the Adversary Stay Motion. Additionally, there are three Saint Alphonsus Health Systems, Inc. or Saint Luke's Health System, Ltd. cases included in both the Main Case Stay Motion and the Adversary Stay Motion. Each of Saint Alphonsus and Saint Luke's are plaintiffs in their own lawsuits and are also plaintiffs in one case that is jointly administered for purposes of discovery. Case numbers and Non-Debtor Indemnified Parties have shifted between these three cases, but no additional Non-Debtor Indemnified Parties have been added.

12. In the Complaint and the Adversary Stay Motion, the Debtor seeks:
- a. declarations that 11 U.S.C. § 362(a):
 - i. prohibits the commencement or continuation of any action by the Defendants to recover prepetition claims against YesCare Corp. and/or CHS TX, Inc. (collectively, the “Non-Debtor Affiliates”) relating to liabilities allocated to the Debtor in the Divisional Merger (collectively, the “Allocated Claims”); and
 - ii. prohibits any act by the Defendants to assert fraudulent transfer, alter ego, veil piercing, successor liability, or similar claims (collectively, the “POE Claims”) against (a) the Non-Debtor Affiliates or (b) the Indemnified D&Os; and
 - b. an extension of the automatic stay under 11 U.S.C. § 105(a) and/or 362(a) to prohibit the commencement or continuation of any action by the Defendants against (i) the Non-Debtor Affiliates, (ii) the Indemnified D&Os, and/or (iii) the Indemnified Clients (collectively, the “Non-Debtor Indemnified Parties”), asserting certain specified claims and causes of action (the “Indemnified Claims”).
 - c. In the alternative to the relief requested in paragraphs 11.a. and 11.b., the Debtor seeks a preliminary injunction under 11 U.S.C. § 105(a) and rule 7065 of the Federal Rules of Bankruptcy Procedure to enjoin the Defendants’ prosecution of the Allocated Claims, POE Claims, and Indemnified Claims against the Non-Debtor Indemnified Parties unless and until a chapter 11 plan is confirmed in this chapter 11 case, or this chapter 11 case is converted or dismissed.

13. The relief requested in the Main Case Stay Motion and the Adversary Stay Motion (collectively, the “Stay Motions”) are based on similar facts and rationale. Although the Stay Motions are worded slightly differently (in an effort to explain the requested relief more precisely in the Adversary Stay Motion), both Stay Motions, in simple terms, request that the Court confirm that the automatic stay applies to certain claims, and prohibit the commencement or continuation of actions against parties with indemnification rights against the Debtor.

14. The deadline for Defendants to respond to the Adversary Stay Motion is April 13, 2023, which is the normal 21-day response period set forth in the Bankruptcy Local Rules.

Basis for Relief

I. Consolidation of the Adversary Proceeding with the Main Case Stay Motion Is Appropriate Because They Involve the Same Parties and Common Questions of Law or Fact.

15. The Court should consolidate the Main Case Stay Motion with and into the Adversary Proceeding. Under rule 42(a) of the Federal Rules of Civil Procedure, a court may consolidate actions “involv[ing] a common question of law or fact” pending before the court. Fed. R. Civ. P. 42(a)(2). Bankruptcy Rule 7042 makes rule 42(a) of the Federal Rules of Civil Procedure applicable in adversary proceedings, and Bankruptcy Rule 9014 makes Bankruptcy Rule 7042 applicable in contested matters, like the Main Case Stay Motion.

16. Consolidation is a procedural tool intended “to streamline and economize pretrial proceedings so as to avoid duplication of effort, and to prevent conflicting outcomes in cases involving similar legal and factual issues.” *Cima Labs, Inc. v. Actavis Group HF*, 2007 WL 1672229, at *6 (D.N.J. 2007) (quoting *In re TMI Litig.*, 193 F.3d 613, 724 (3d Cir. 1999)). Because its goal is to promote convenience and judicial economy, whether to consolidate litigation under Bankruptcy Rule 7042 is a decision vested in the sound discretion of the bankruptcy court. *Gentry v. Smith*, 487 F.2d 571, 581 (5th Cir. 1973); *Johnson v. Celotex Corp.*, 899 F.2d 1281, 1284-85 (2d Cir. 1990) (“In the exercise of discretion, courts have taken the view that considerations of judicial economy favor consolidation.”).

17. Federal Rule 42(a) provides that “[i]f actions before the court involve a common question of law or fact, the court may . . . consolidate the actions; or issue any other orders to avoid unnecessary cost or delay.” Fed. R. Civ. P. 42(a). The party requesting consolidation has the burden of proving to the court that common issues of fact or law exist that merit consolidation. *See, e.g., Total Containment v. TCI Env’t NV/SA (In re Total Containment, Inc.)*, No. 04-13144bf, 2008 WL 817104, at *2 (Bankr. E.D. Pa. Mar. 25, 2008).

18. If common issues exist, the bankruptcy court then considers several factors in the exercise of its discretion over whether to consolidate separate actions, including whether: (i) the actions are pending before the same court; (ii) the actions involve a common party; (iii) any risk of prejudice will result from consolidation; (iv) any risk of inconsistent adjudications of common factual or legal questions will result if the matters are tried separately; (v) consolidation will reduce the time and cost of trying the matters separately; and (vi) the cases are at the same stages of preparation for trial. *Taylor v. Ocwen Loan Servicing, LLC*, CIV.A. H-12-2929, 2013 WL 3356231, at *1 (S.D. Tex. July 3, 2013).

19. Here, the facts and circumstances strongly favor consolidation of the Adversary Proceeding and the Main Case Stay Motion under Bankruptcy Rule 7042. Both the Adversary Proceeding and the Main Case Stay Motion are pending before this Court and other than the addition of a limited number of new cases and new parties (as set forth above), involve identical parties and cases.⁷ The Adversary Proceeding and the Main Case Stay Motion involve identical questions of law and fact. Specifically, both seek declarations that the automatic stay (i) already applies to certain non-debtor affiliates, certain of the Debtor's current or former directors, officers, and certain medical providers that hold indemnification rights against the Debtor or (ii) should extend to prohibit the commencement or continuation of any actions against such parties or certain of the Debtor's former clients. Consolidation will not cause prejudice any party or cause delay because (i) the parties already subject to the Stay Motion will have their time to respond extended beyond the deadline already set by the Court and (ii) new parties will receive the full 21-day response period applicable to motions under Bankruptcy Local Rule 9013-1(b). ***Importantly, the***

⁷ Because the additional parties to the Adversary Proceeding assert claims and causes of action that implicate the same indemnification rights and issues as the Stayed Matters, the Debtor respectfully submits that they will not suffer prejudice in connection with their inclusion in the relief sought.

Debtor is not seeking to move the hearing on May 17, 2023, or to otherwise “jam” Defendants in preparing for the same. Rather, the Debtor believes that consolidation will benefit the parties and the Court by eliminating any concerns or arguments about the Debtor proceeding via adversary proceeding or contested matter, while reducing the time and cost of having different hearings for identical matters.

20. As a result, the Debtor respectfully requests that the Court exercise its discretion and consolidate the Adversary Proceeding and the Main Case Stay Motion pursuant to Bankruptcy Rule 7042.

II. Cause Exists to Extend the Stay Order Briefing Schedule.

21. Bankruptcy courts possess the inherent power to control their dockets and the administration of pending litigation. *In re Yukos Oil Co.*, 321 B.R. 396, 408 (Bankr. S.D. Tex. 2005). Moreover, section 105(a) provides that this Court “may issue any order, process, or judgment that is necessary or appropriate to carry out the provisions of this title.” 11 U.S.C. § 105(a).

22. Bankruptcy Rule 9006(b) provides as follows:

[W]hen an act is required or allowed to be done at or within a specified period by . . . order of court, the court for cause shown may at any time in its discretion . . . with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed or as extended by a previous order.

Fed. R. Bankr. P. 9006(b).

23. Although Bankruptcy Rule 9006 does not define “cause,” it has been noted that “courts should be liberal in granting extensions of time sought before the period to act has elapsed, as long as the moving party has not been guilty of negligence or bad faith and the privilege of extensions has not been abused” 10 Collier on Bankruptcy at 9006-14 (Alan N. Resnick & Henry J. Sommer, eds., 15th ed. rev. 2009).

24. In the context of determining whether “cause” exists regarding requests for extension of time, courts have considered such factors as the size and complexity of the issues involved, the debtors’ good faith progress in resolving issues, the amount of time elapsed in the case, and whether any prejudice will result to the creditors. *See, e.g., In re Express One Int’l, Inc.*, 194 B.R. 98, 100 (Bankr. E.D. Tex. 1996).

25. The Debtor submits that cause exists to extend the Stay Order Briefing Schedule, as the same will inure to the benefit of the parties against whom relief was sought in the Main Case Stay Motion and will not affect the “ordinary course” response time for the few new parties who have been added. The current deadlines under the Stay Order Briefing Schedule, and the proposed extended deadlines requested herein, are as follows:

Pleading	Current Deadline	Proposed Extended Deadline	Additional Days
Objections to the Main Case Stay Motion	April 3, 2023	April 14, 2023	11 days
Debtor’s Reply to Objections	April 24, 2023	April 28, 2023	4 days

26. In the nearly three weeks since the Stay Hearing, the Debtor has worked in good faith to review, investigate, and analyze the claims asserted in the Stayed Matters to confirm that the relief sought in the Main Case Stay Motion continues to be appropriate in light of the specific facts of each case. The Debtor has also undertaken the same review and analysis for many of its other pending litigation matters to determine if they fall within the same category as the Stayed Matters. That review resulted in the removal of seven actions and the addition of five actions to the requested relief. After conducting this additional diligence, the Debtor prepared the Complaint and the Adversary Stay Motion, which addresses the Court’s and other parties’ comments and concerns about due process and the form of the proceeding. As discussed above, the relief

requested in the Adversary Stay Motion is substantively identical to the relief sought in the Main Case Stay Motion. As a result, the Debtor does not believe that Defendants responding to the Adversary Stay Motion will need to expend significant extra time and effort that would not already be part of their responses to the Main Case Stay Motion and, in any event, if extra work is required then the extra 11 days proposed for responses should be more than sufficient to compensate accordingly.

27. The Debtor desires to extend the Stay Order Briefing Schedule to align the response deadlines with those triggered by the filing of the Adversary Stay Motion.⁸ Presently, the Stay Order provides Defendants with 45 days' notice of the relief sought in the Main Case Stay Motion before the objection deadline. Through the proposed extended and consolidated objection deadline of April 14, 2023, the Defendants will have 56 days' notice of the Main Case Stay Motion—11 more days—prior to their objection deadline. Because the Debtor is seeking to give Defendants more, not less, time to brief these important issues, the Debtor does not believe that Defendants will be prejudiced by extending the deadlines as proposed herein. Rather, granting the Motion will promote efficiency and avoid unnecessary cost associated with preparing two sets of objections with different briefing deadlines.

28. Additionally, the Debtor requests a short, four-day extension of its deadline to file an omnibus reply to objections to the Main Case Stay Motion, through and including April 28, 2023. The Debtor does not believe that Defendants or the Court will be harmed by such extension, as the May 17, 2023, hearing will still be 19 days away.

⁸ Technically, the 21-day response period to the Adversary Stay Motion runs on April 13, 2023. However, the Debtor has no issue with extending the response deadline for an additional day—through and including April 14, 2023—to give parties through the end of the week to file objections.

29. As a result, the Debtor respectfully requests the Court approve the Consolidated Briefing Schedule.

Emergency Consideration

30. Pursuant to Bankruptcy Local Rule 9013-1(i), the Debtor respectfully requests emergency consideration of this Motion. The existing deadline for parties in interest to object to the Main Case Stay Motion is April 3, 2023. As a result, to avoid unnecessary expense and delay while providing parties in interest with sufficient notice of the proposed consolidation and the upcoming related deadlines, the Debtor requests a hearing on the Motion no later than March 30, 2023. Accordingly, the Debtor respectfully requests that the Court approve the relief requested in this Motion on an emergency basis.

Notice

31. The Debtor will provide notice of this Motion to the following parties: (a) the Office of the U.S. Trustee for the Southern District of Texas; (b) the holders of the 30 largest unsecured claims against the Debtor; (c) counsel to the Committee; (d) the Defendants, parties to the Stayed Matters, and counsel thereto; and (e) any party that has requested notice pursuant to Bankruptcy Rule 2002. The Debtor submits that, in light of the nature of the relief requested, no other or further notice need be given.

No Prior Request

32. No prior motion for the relief requested herein has been made to this or any other court.

[Remainder of page intentionally left blank]

WHEREFORE, the Debtor respectfully requests that the Court enter the Order, granting the relief requested herein and such other relief as the Court deems appropriate under the circumstances.

Respectfully submitted this 24th day of March, 2023.

GRAY REED

By: /s/ Jason S. Brookner

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*Proposed Counsel to the Debtor
and Debtor in Possession*

Certificate of Service

I certify that on March 24, 2023, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ Jason S. Brookner

Jason S. Brookner

**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.)	Re: Docket No. ____
)	

**ORDER (I) CONSOLIDATING ADVERSARY PROCEEDING AND MAIN
CASE STAY MOTION AND (II) EXTENDING BRIEFING SCHEDULE**

Upon the motion (the “Motion”)² of the above-captioned debtor and debtor in possession (the “Debtor”) for entry of an order (this “Order”), (a) consolidating the Adversary Proceeding with the Main Case Stay Motion; and (b) extending the Stay Order Briefing Schedule to align with the deadline for parties to respond to Adversary Stay Motion, all as more fully set forth in the Motion; and this Court having jurisdiction over this matter pursuant to 28 U.S.C. § 1334; and this Court having found that this is a core proceeding pursuant to 28 U.S.C. § 157(b)(2); and this Court having found that it may enter a final order consistent with Article III of the United States

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.

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

Constitution; and this Court having found that venue of this proceeding and the Motion in this district is proper pursuant to 28 U.S.C. §§ 1408 and 1409; and this Court having found that the relief requested in the Motion is in the best interests of the Debtor's estate, its creditors, and other parties in interest; and this Court having found that the Debtor's notice of the Motion and opportunity for a hearing on the Motion were appropriate under the circumstances and no other notice need be provided; and this Court having reviewed the Motion and having heard the statements in support of the relief requested therein at a hearing before this Court (the "Hearing"); and this Court having determined that the legal and factual bases set forth in the Motion and at the Hearing establish just cause for the relief granted herein; 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 Main Case Stay Motion is hereby consolidated with and into the Adversary Proceeding. Parties shall file all responsive pleadings to the Main Case Stay Motion in the Adversary Proceeding in connection with the Adversary Stay Motion. Parties may respond to either or both of the Main Case Stay Motion and/or the Adversary Stay Motion in one pleading; separate responses are not required.

2. The deadline for Defendants to respond to the Main Case Stay Motion is hereby extended until April 14, 2023.

3. The deadline for the Debtor to file an omnibus reply to any objections received to the Main Case Stay Motion is hereby extended until April 28, 2023.

4. Except as modified herein, the relief granted in the Stay Order is otherwise unaffected by the Motion or this Order.

5. Notwithstanding any Bankruptcy Rule to the contrary, the terms and conditions of this Order are immediately effective and enforceable upon its entry.

6. The Debtor is authorized to take all actions necessary to effectuate the relief granted in this Order in accordance with the Motion.

7. This Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation, interpretation, and enforcement of this Order.

Signed: _____, 2023

Christopher M. Lopez
United States Bankruptcy Judge