

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

IN RE:	§	
	§	
TEHUM CARE SERVICES, INC.	§	CASE NO. 4:23-BK-90086 (CML)
	§	
Debtor.	§	CHAPTER 11
	§	
<hr/> ANANT KUMAR TRIPATI	§	
	§	Adversary No. 23-03072
Plaintiff,	§	
	§	
Vs.	§	
	§	
SARAH TIRSCHWELL, et al.	§	
<hr/>	§	
	§	

DEFENDANT WEBER GALLAGHER SIMPSON STAPLETON FIRES & NEWBY LLP'S
RESPONSE TO PLAINTIFF'S MOTION FOR INHERENT POWER AND RULE 11
SANCTIONS

Comes Now, Weber Gallagher Simpson Stapleton Fires & Newby LLP (“Weber Gallagher” or “Defendant”), by and through its counsel, hereby files this Response to Plaintiff’s Motion for Inherent Power and Rule 11 Sanctions (the “Motion”). [Dkt # 173], stating in support as follows:

1. Plaintiff has filed several pleadings alleging “sanctionable conduct” against multiple defense attorneys in this matter, including the Motion. *See* Docs. Nos. 93, 163, 173. Although the Motion is titled as seeking sanctions against Thomas O. Bean and Nathaniel R. Hull of Verrill Dana LLP, Plaintiff has inexplicably listed attorneys Phillip A. Baggett and Stephen E. Hart of Jackson Lewis P.C. (the “Jackson Lewis Attorneys”) under the header of “Second Sanctionable Conduct.” *See* Motion, at 4. Although Plaintiff has identified no facts to support sanctions against Weber Gallagher or the Jackson Lewis Attorneys, Defendant files this Response



out of an abundance of caution and to the extent Plaintiff intended to seek sanctions against Defendant or the Jackson Lewis Attorneys.

2. As noted above, Plaintiff has inexplicably cited the Jackson Lewis Attorneys for “second sanctionable conduct”¹ for apparently joining in other defendants’ motions. *See* Motion, at 4. Specifically, Plaintiff’s **sole** complaint in his Motion appears to be an alleged statement regarding the issuance of summons contained in ECF 143 and 144, allegedly filed by attorneys Thomas O. Bean and Nathaniel R. Hull on behalf of their clients. *See* Motion, at 3 (“Thomas O. Bean Esq, Nathaniel R. Hull Esq . . . made blatant misrepresentations . . . in ECF 143, 144 they impugned the integrity of the Court’s process by stating that the court did not issue summons”). Notably, Thomas O. Bean and Nathaniel R. Hull do **not** represent or have any association with Weber Gallagher or the Jackson Lewis Attorneys.

3. While Plaintiff’s pleadings are unclear, Plaintiff’s sole complaint against the Jackson Lewis Attorneys appears to be Weber Gallagher’s alleged joinder of ECF 143 and 144. *Id.* at 4 (“Phillip A. Baggett Esq, Stephen E. Hart Esq . . . joined in the motion by Thomas O. Bean Esq, Nathaniel R. Hull Esq”). However, Defendant (and its counsel, the Jackson Lewis Attorneys) **did not join** ECF 143 or 144, as alleged by Plaintiff.² Accordingly, neither Defendant nor the Jackson Lewis Attorney engaged in any of the conduct of which Plaintiff now complains.

4. As neither Defendant nor its counsel of record have engaged in any conduct violating FED. R. CIV. P. 11, FED. R. BANKR. P. 9011, or any orders of this Court, Plaintiff’s Motion must be denied.

¹ Notably, Plaintiff does not allege any initial sanction conduct occurred, only implies in a header that there was some nebulous “second sanctionable conduct.”

² Although Defendant did file its Joinder [Doc. 138] of the State of Arizona Defendants’ Motion to Screen [Doc. 25], neither of those documents references the summons language to which Plaintiff takes offense.

WHEREFORE, Defendant respectfully requests the Court deny Plaintiff's Motion and grant Defendant any further relief that the Court deems appropriate.

Dated: November 21, 2023

Respectfully submitted,

JACKSON LEWIS P.C.

/s/ Stephen E. Hart

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ATTORNEYS FOR DEFENDANT

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CERTIFICATE OF SERVICE

I hereby certify that on November 21, 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. I also served a copy on Plaintiff via mail at the following address:

Anant Kumar Tripati

102081

P.O. Box 8909

Yuma, AZ 85349

Pro Se Plaintiff

/s/ Stephen E. Hart

Stephen E. Hart