

DeMarco-Mitchell, PLLC
500 N. Central Expressway
Suite 500, PMB 120
Plano, TX 75074
972-578-1400

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IN RE:

Higher Grounds Education, Inc. *et al.*¹

Debtors

Renah Soliman,
Movant,

vs.

Higher Ground Education, Inc. *et al.*,
Respondents

Chapter 11

Case No.: 25-80121-11 (MVL)

(Jointly Administered)

Preliminary Hearing Date: September 2, 2025

Preliminary Hearing Time: 1:30 p.m. CST

Hearing Location: Per General Order 2023-05
all preliminary hearings on motions to lift the
automatic stay shall be conducted remotely (i.e.
by video and telephone via the Court's WebEx
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¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's federal identification number, are: Higher Ground Education Inc. (7265); Guidepost A LLC (8540); Prepared Montessorian LLC (6181); Terra Firma Services LLC (6999); Guidepost Birmingham LLC (2397); Guidepost Bradley Hills LLC (2058); Guidepost Branchburg LLC (0494); Guidepost Carmel LLC (4060); Guidepost FIC B LLC (8609); Guidepost FIC C LLC (1518); Guidepost Goodyear LLC (1363); Guidepost Las Colinas LLC (9767); Guidepost Leawood LLC (3453); Guidepost Muirfield Village LLC (1889); Guidepost Richardson LLC (7111); Guidepost South Riding LLC (2403); Guidepost St Robert LLC (5136); Guidepost The Woodlands LLC (6101); Guidepost Walled Lake LLC (9118); HGE FIC D LLC (6499); HGE FIC E LLC (0056); HGE FIC F LLC (8861); HGE FIC G LLC (5500); HGE FIC H LLC (8817); HGE FIC I LLC (1138); HE FIC K LLC (8558); HGE FIC L LLC (2052); HGE FIC M LLC (8912); HGE FIC N LLC (6774); HGE FIC O LLC (4678); HGE FIC P LLC (1477); HGE FIC Q LLC (3122); HGE FIC R LLC (9661); LePort Emeryville LLC (7324); AltSchool II LLC (0403). The Debtors' mailing address is 1321 Upland Dr. PMB 20442, Houston, Texas 77043.



**Judge Larson's Webex Instructions can be
accessed online here:**

**[https://www.txnb.uscourts.gov/sites/txnb/files/
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**MOTION OF RENAH SOLIMAN FOR RELIEF FROM
STAY OF ACTION AGAINST DEBTORS PURSUANT TO 11 U.S.C. §362,
WAIVER OF THIRTY DAY REQUIREMENT PURSUANT TO §362(e),
AND REQUEST FOR HEARING IN DALLAS, TEXAS**

NOTICE

PURSUANT TO LOCAL BANKRUPTCY RULE 4001-1(b), A RESPONSE IS REQUIRED TO THIS MOTION, OR THE ALLEGATIONS IN THE MOTION MAY BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT MAY BE ENTERED BY DEFAULT.

ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT, LOCATED IN THE EARLE CABELL FEDERAL BUILDING, 1100 COMMERCE STREET, ROOM 1254, DALLAS, TX 75242-1496, BEFORE CLOSE OF BUSINESS ON AUGUST 23, 2025, WHICH IS AT LEAST 14 DAYS FROM THE DATE OF SERVICE HEREOF.

A COPY OF SUCH RESPONSE SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY AND ANY TRUSTEE OR EXAMINER APPOINTED IN THE CASE. ANY RESPONSE SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE "ADEQUATELY PROTECTED" IF THE STAY IS TO BE CONTINUED.

PLEASE ALSO TAKE NOTE THAT, PURSUANT TO LOCAL BANKRUPTCY RULE 4001-1(e)(1), ABSENT COMPELLING CIRCUMSTANCES WARRANTING AN ALTERNATIVE PROCEDURE, EVIDENCE PRESENTED AT PRELIMINARY HEARINGS ON MOTIONS FOR RELIEF FROM THE AUTOMATIC STAY WILL BE BY AFFIDAVIT ONLY. THE RESPONDING PARTY MUST SERVE ITS EVIDENTIARY AFFIDAVIT(S) AT LEAST TWO (2) DAYS IN ADVANCE OF THE HEARING DATE NOTED ABOVE.

TO THE HONORABLE UNITED STATES BANKRUPTCY COURT:

COMES NOW RENAH SOLIMAN (“Movant”), files this *Motion of Renah Soliman for Relief From Stay of Action Against Debtor Pursuant to 11 U.S.C. §362, Waiver of Thirty Day Requirement Pursuant to §362(e), and Request for Hearing in Dallas, Texas* (the “Motion”). By the Motion, Movant seeks the permission of this Court to continue a civil action alleging wrongful termination, disability discrimination, failure to accommodate, and other related causes of action, against the Debtors’ estates, which includes liability insurance, in a proceeding currently pending in the Superior Court for the State of California, County of Orange, captioned as *Renah Soliman, an individual, Plaintiff v. Guidepost FIC A LLC, a Delaware limited liability company; Guidepost FIC B LLC, a Delaware limited liability company; Higher Ground Education Inc. dba Guidepost Montessori, a Delaware corporation; Erin Hennigan, an individual; Amie Sugarman, an individual; and Does 1 through 50 inclusive, Defendants* , Case No. 30-2023-01354511-CU-WT-CJC (“the California Action”). In support thereof Movant would respectfully show the Court as follows:

I. JURISDICTION

1. The Court has jurisdiction over the subject matter of the Motion pursuant to 28 U.S.C. §1334(b) and the standing order of reference of the District Court. This matter is a core proceeding per the provisions of 28 U.S.C. §157(b).
2. Venue in this Court is proper under 28 U.S.C. §§ 1408 and 1409.

II. BACKGROUND

3. On June 17, 2025, Higher Ground Education, Inc. and its affiliated debtors and debtors in possession filed voluntary petitions for relief under Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Northern District of Texas, Dallas Division (the “Court”).

4. On June 20, 2025, the Court entered an Order directing the joint administration of the cases of the various debtor entities under cause number 25-80121-11 (MVL). The various debtor entities are identified in footnote 1 above and, for sake of simplicity, are hereinafter referenced as the “Debtor.”

III. MOVANT’S CLAIM

5. On October 2, 2023, an action was initiated by the filing of a complaint by the Movant against defendants Guidepost FIC A LLC, Guidepost FIC B LLC, Higher Ground Education Inc dba Guidepost Montessori, and various other non-debtor defendants in the Superior Court for the State of California, County of Orange (the “Complaint”). A true and correct copy of the Complaint is attached hereto as Movant’s Exhibit “A”. The supporting affidavit of Robert Odell, counsel for Ms. Soliman in the California Action, is attached hereto as Movant’s Exhibit “B”.

6. As set forth in the Complaint, Movant alleges that, in January, 2023 she was wrongfully terminated from her employment by the Debtor. As a result of the events set forth in the Complaint, Movant sought damages for lost wages, emotional distress, as well as costs and attorney’s fees.

IV. RELIEF REQUESTED

7. This motion is brought pursuant to 11 U.S.C. §362(d) and in accordance with Rule 9014 of the Federal Rules of Bankruptcy Procedure.

8. The bases for the relief sought herein include, but are not limited to, 11 U.S.C. §§105 and 362(d).

9. In order for Movant to properly value her claim for the bankruptcy court, she must be allowed to liquidate her claims against the bankruptcy estate of the Debtor. This cannot happen unless and until the 11 U.S.C. Section 362 automatic stay is modified.

10. The automatic stay applies to bar the commencement or continuation of an action against the Debtor. See 11 U.S.C. § 362(a)(1). Movant requests stay relief to liquidate her claims against the Debtor to establish the Debtor's liability as a predicate to potential recoveries from the available proceeds of liability insurance policies. Movant further requests the entry of order pursuant to Sections 362(d)(1) and/or (2) of the Bankruptcy Code, modifying the automatic stay to enable Movant to proceed with the California Action against the Debtor. Movant seeks to continue an action against Debtor for the purpose of liquidating her claims and determining the values of said claims.

V. BASIS FOR RELIEF

11. For the reasons set out in detail below, cause exists to terminate the automatic stay herein.

12. The Court has discretion to grant the requested relief pursuant to Sections 362(d)(1) and (2) of the Bankruptcy Code. In determining whether there is "cause" to modify the

automatic stay, the Court often considers whether: (a) any great prejudice to either the bankruptcy estate or the debtor will result from the continuation of the civil suit; (b) the hardship to the movant by maintenance of the stay considerably outweighs the hardship to the debtor; (c) the movant has a probability of prevailing on the merits. *Izzarelli v. Resene Products Co. (In re Rexen Prod. Co.)*, 141 B.R. 574, 576 (Bankr. D.Del. 1992). Additionally the Court should consider the policies underlying the automatic stay. *See American Airlines, Inc. v. Continental Airlines, Inc., (In re Continental Airlines, Inc.)*, 152 B.R. 420, 424 (D.Del. 1993).

13. Permitting the continuation of the California Action is the most efficient way to Liquidate Movant's claim against the Debtor. To the extent Movant is successful in the California Action, Movant seeks recovery against Debtor's estate, including its insurance providers(s). *See Baldino v. Wilson (In re Wilson)*, 116 F.3d 87, 91 (3d Cir. 1997) ("[I]t will often be more appropriate to permit proceedings to continue in their place of origin, when no great prejudice to the bankruptcy estate would result, in order to leave the parties to their chosen forum and to relieve the bankruptcy court from many duties that may be handled elsewhere.").

14. The liability insurance policies owned by Debtor are property of Debtor's estate to the extent of Debtor's contractual rights in those policies. *AC&S, Inc. V. Travelers Cas. & Sur. Co.*, 435 F.3d 252, 260 (3d Cir. 2006). Debtor does not have a significant interest protected by the automatic stay in the proceeds of the liability insurance policies. *See Santa Fe Minerals, Inc. V. BEPCO, L.P.* (In re 15375 Memorial Corp.) 2008 WL 542362 at *31 (Bankr. D.Del.) (holding that the Court need not definitively determine whether the automatic stay applies to

the proceeds of the Debtor's liability insurance policy because such an interest is sufficiently insignificant as not to support the continued imposition of the automatic stay). No advantage over other unsecured creditors will result by liquidating Movant's claim because the only relief sought is to value and liquidate movant's claims. Debtor's creditors' interests will not be prejudiced by the modification of the automatic stay for purposes of allowing claims against Debtor, to the extent of any bond or insurance coverage, arising from the facts of the California Action.

15. Debtor and its bankruptcy estate will not be financially prejudiced by the modification of the automatic stay for purposes of allowing Movant's claim to proceed because the defense of the California Action is already being provided by Debtor's insurers, and has been defended by them since the action commenced in October, 2023. A traditional function of the automatic stay is to provide the Debtors with a breathing spell. *McCartney v. Integra Nat'l Bank N.*, 106 F.3d. 506, 509 (3d Cir. 1997). The Debtor's insurers need no such relief or breathing spell. Movant seeks to liquidate her claim as predicate to recovering under applicable liability insurance policies.

16. Conversely, great prejudice will result to Movant if this relief is not granted. Movant suffered tremendous financial and other damages as set forth in the Complaint. Movant's right to seek equity has been stymied by the Debtor's bankruptcy filing.

17. Even a slight probability of success on the merits may be sufficient to warrant a stay of relief. *In re Continental Airlines, Inc.*, 152 B.R. at 426. In this case, Movant seeks only to liquidate her claims as a predicate to recovering against insurance and other non-debtor

sources, if any. In such instances lifting the stay is permitted. *In re 15375 Memorial Corp.*, 2008 WL 542362 at *35.

18. For all of the foregoing reasons, Movant asserts that “cause” exists under 11 U.S.C. §§362(d)(1) and (2) for the termination of the automatic stay as it applies to Movant.

19. The provisions of Bankruptcy Rule 4001(a)(3) should be waived and Movant should be permitted to immediately enforce and implement any order granting relief from the automatic stay herein.

WHEREFORE, PREMISES CONSIDERED, Movant prays that this Court enter an order terminating or modifying the automatic stay herein as to Movant so that Movant may proceed to liquidate and value her claims against the Debtor in the California Action. Movant further prays that the Court waive the provisions of Bankruptcy Rule 4001(a)(3) so that Movant may be permitted to immediately enforce and implement any order granting relief from the automatic stay; and that Movant be granted such other and further relief as is just

Respectfully submitted,

Dated: August 6, 2025

/s/ Michael S. Mitchell

DeMarco Mitchell, PLLC

Michael S. Mitchell, Texas Bar No. 00788065

Email mike@demarcomitchell.com

500 N. Central Expressway

Suite 500, PMB 120

Plano, TX 75074

T 972-578-1400

F 972-346-6791

Counsel for Movant

CERTIFICATE OF CONFERENCE

The undersigned counsel hereby certifies that, commencing on the morning of August 6, 2025 he contacted Foley & Lardner LLP, counsel for the Debtors herein, telephonically, to discuss the filing of the attached motion. The undersigned counsel was directed to leave a voice message for the assistant to Ms. Holland O'Neil and did just that. Having not received a return call or other response by the close of business on August 6, 2025, the undersigned counsel proceeded with the filing of the foregoing motion.

Respectfully submitted,

/s/ Michael S. Mitchell

DeMarco Mitchell, PLLC

Michael S. Mitchell, Texas Bar No. 00788065

Email mike@demarcomitchell.com

500 N. Central Expressway

Suite 500, PMB 120

Plano, TX 75074

T 972-578-1400

F 972-346-6791

Counsel for Movant

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that true and correct copies of the foregoing pleading and all attachments were served upon all parties listed below in accordance with applicable rules of bankruptcy procedure on this 6th day of August, 2025. Where possible, service was made electronically via the Court's ECF noticing system. Where such electronic service was not possible, service was made via regular first-class mail.

DEBTORS AND COUNSEL FOR DEBTORS

Higher Ground Education, Inc. et al.
1321 Upland Dr.
PMB 20442
Houston, TX 77043

Holland N. O'Neil
Foley & Lardner LLP
2021 McKinney Avenue
Suite 1600
Dallas, TX 75201
honeil@foley.com

Nora J. McGuffey
Foley & Lardner LLP
321 North Clark Street
Suite 3000
Chicago, IL 60654
nora.mcguffey@foley.com

Timothy Mohan
Foley & Lardner LLP
1144 15th Street
Suite 2200
Denver, CO 80202
tmohan@foley.com

Thomas C. Scannell
Foley & Lardner LLP
2021 McKinney Avenue, Ste. 1600
Dallas, TX 75201
tscannell@foley.com

Quynh-Nhu Truong
Foley & Lardner LLP
1000 Louisiana St.
Ste. 2000
Houston, TX 77002
qtruong@foley.com

UNITED STATES TRUSTEE

United States Trustee
1100 Commerce Street
Room 976
Dallas, TX 75202
214-767-8967
ustpreion06.da.ecf@usdoj.gov

Meredyth Kippes
Office of the United States Trustee
1100 Commerce Street, Room 976
Dallas, TX 75242
meredyth.kippes@usdoj.gov

ADDITIONAL PARTIES IN INTEREST AND/OR PARTIES REQUESTING NOTICE

Markel Claims
P.O. Box 2009
Glen Allen, VA 23058-2009

Markel Midwest Region
Ten Parkway North
Deerfield, IL 60015

Adwins Insurance Brokerage, LLC
10 South LaSalle Street, Suite 2000
Chicago, IL 60603

SEE ATTACHED MATRIX

Case 25-80121-mvl11 Doc 299 Filed 08/06/25 Entered 08/06/25 17:55:24 Desc

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25-80121-mvl11 Higher Ground Education, Inc.**Case type:** bk **Chapter:** 11 **Asset:** Yes **Vol:** v **Judge:** Michelle V. Larson**Date filed:** 06/17/2025 **Date of last filing:** 08/06/2025

Parties

214 E Hallandale Beach LLC*Added: 06/23/2025**(Creditor)***2HR Learning, Inc.***Added: 07/09/2025**(Creditor)***AltSchool II LLC**

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 84-3500403

*Added: 06/20/2025**(Jointly Administered Party/Debtor)***Annmarie Antoniette Chiarello**

Winstead PC

2728 N. Harwood Street

500 Winstead Building

represented by Dallas, TX 75201

(214) 745-5410

(214) 745-5390 (fax)

a Chiarello@winstead.com

*Assigned: 06/23/25***Trevor Hoffman**

Cozen O'Connor

3 WTC 175 Greenwich Street

represented by New York, NY 10007

212-453-3735

*Assigned: 07/11/25**LEAD ATTORNEY***Frederick E Schmidt, Jr**

Cozen O'Connor

3 Wtc

175 Greenwich Street

55th Floor

New York, NY 10007

212-883-4948

eschmidt@cozen.com

*Assigned: 07/09/25***Timothy Mohan**

Foley & Lardner LLP

1144 15th Street

Suite 2200

represented by Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

Assigned: 08/05/25

Holland N. O'Neil
Foley & Lardner LLP
2021 McKinney Avenue
Ste. 1600
Dallas, TX 75201
214-999-4961
honeil@foley.com
Assigned: 06/20/25
LEAD ATTORNEY

Stephen Ark Darnestown Properties, LLC

c/o Stephen Nichols, Esq
Offit | Kurman, PA
7501 Wisconsin Avenue, Suite 1000W
Bethesda, MD 20814
United States
3019175170
snichols@offitkurman.com
Added: 06/20/2025
(Creditor)

Stephen BRR Enterprises, Inc.

c/o Stephen Nichols, Esq.
Offit | Kurman, PA
7501 Wisconsin Avenue, Suite 1000W
Bethesda, MD 20814
United States
3019175170
snichols@offitkurman.com
Added: 06/20/2025
(Creditor)

Carl B. Barney

Added: 07/15/2025
(Creditor)

represented by

Stephen Nichols
Offit Kurman, P.A.
7501 Wisconsin Avenue
Suite 1000w
Bethesda, MD 20814
240-507-1700
snichols@offitkurman.com
Assigned: 06/20/25

represented by

Stephen Nichols
Offit Kurman, P.A.
7501 Wisconsin Avenue
Suite 1000w
Bethesda, MD 20814
240-507-1700
snichols@offitkurman.com
Assigned: 06/20/25

represented by

Robert Paul Goe
Goe Forsythe & Hodges LLP
17701 Cowan
Building D
Suite 210
Irvine, CA 92614
949-798-2460
949-955-9437 (fax)
rgoe@goeforlaw.com
Assigned: 07/18/25
LEAD ATTORNEY

Charles Brackett Hendricks
Cavazos Hendricks Poirot, P.C.

900 Jackson St., Suite 570
Dallas, TX 75202
(214) 573-7302
(214) 573-7399 (fax)
chuckh@chfirm.com
Assigned: 07/15/25

Bexar County

Linebarger Goggan Blair & Sampson LLP
c/o Don Stecker
112 E. Pecan Street, Suite 2200
San Antonio, TX 78205
Added: 06/18/2025
(Creditor)

Don Stecker

Linebarger Goggan Blair & Sampson, LLP
711 Navarro Street #300
San Antonio, TX 78205
(210) 225-6763
(210) 225-6410 (fax)
don.stecker@lgbs.com
Assigned: 06/18/25

represented by

COLLIN COUNTY TAX ASSESSOR-COLLECTOR

Abernathy, Roeder, Boyd & Hullett, P.C.
1700 Redbud Blvd., Suite 300
McKinney, TX 75069
2145444000
bankruptcy@ABERNATHY-LAW.com
Added: 07/07/2025
(Creditor)

Paul M. Lopez

Abernathy, Roeder, Boyd & Hullett, P.C.
1700 Redbud Blvd.
Suite 300
McKinney, TX 75069
214-544-4000
plopez@abernathy-law.com
Assigned: 07/07/25

represented by

City of Frisco

Linebarger Goggan Blair & Sampson, LLP
c/o John Kendrick Turner
3500 Maple Avenue
Suite 800
Dallas, TX 75219
United States
2148800089
dallas.bankruptcy@lgbs.com
Added: 06/18/2025
(Creditor)

John Kendrick Turner

Linebarger Goggan Blair & Sampson, LLP
3500 Maple Avenue
Suite 800
Dallas, TX 75219
469-221-5125
john.turner@lgbs.com
Assigned: 06/18/25

represented by

City of Houston

Linebarger Goggan Blair & Sampson LLP
c/o Tara L. Grundemeier
PO Box 3064
Houston, TX 77253-3064
houston_bankruptcy@lgbs.com
Added: 06/30/2025
(Creditor)

Tara L. Grundemeier

Linebarger Goggan Blair & Sampson LLP
P.O. Box 3064
Houston, TX 77253-3064
713-844-3478
713-844-3503 (fax)
houston_bankruptcy@lgbs.com
Assigned: 06/30/25

represented by

Tina P. Estevao County of Loudoun

Tina P. Estevao
PO Box 7000
Leesburg, VA 20177-7000
United States
703-777-0307
Added: 07/10/2025
(Creditor)

Radostina Petkova Estevao

Loudoun County Attorney's Office
1 Harrison Street SE
PO Box 7000
Ste 5th Floor
Leesburg, VA 20177
703-777-0307
703-771-5025 (fax)
tina.estevao@loudoun.gov
Assigned: 07/10/25

represented by

Dallas County

Linebarger Goggan Blair & Sampson, LLP
c/o John Kendrick Turner
3500 Maple Avenue
Suite 800
Dallas, TX 75219
United States
2148800089
dallas.bankruptcy@lgbs.com
Added: 06/18/2025
(Creditor)

John Kendrick Turner

Linebarger Goggan Blair & Sampson, LLP
3500 Maple Avenue
Suite 800
Dallas, TX 75219
469-221-5125
john.turner@lgbs.com
Assigned: 06/18/25

represented by

Federal Way School LLC, Naples School LLC, and Burke School LLC

Added: 07/22/2025
(Creditor)

Jarrold Martin

Bradley Arant Boult Cummings LLP
600 Travis Street
Suite 5600
Houston, TX 77002
713-576-0388
jbmartin@bradley.com
Assigned: 07/22/25

represented by

First-Citizens Bank & Trust Co.

Added: 06/30/2025
(Creditor)

David W. Creeggan

Weintraub Tobin Chediak Coleman GRodin
400 Capitol Mall Fl 11
Sacramento, CA 95814
916-558-6000
916-446-1611 (fax)
Dcreeggan@weintraub.com
Assigned: 06/30/25
LEAD ATTORNEY

represented by

Guidepost A LLC

1321 Upland Dr.
PMB 2044
Houston, TX 77043

represented by

Timothy Mohan

Foley & Lardner LLP
1144 15th Street
Suite 2200

Tax ID / EIN: 81-3368540

Added: 06/20/2025

(Jointly Administered Party/Debtor)

Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

Assigned: 08/05/25

Holland N. O'Neil

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

Assigned: 06/20/25

LEAD ATTORNEY

Guidepost Birmingham LLC

1321 Upland Dr

PMB 20442

Houston, TX 77043

Tax ID / EIN: 88-2202397

Added: 06/20/2025

(Jointly Administered Party/Debtor)

Timothy Mohan

Foley & Lardner LLP

1144 15th Street

Suite 2200

represented by Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

Assigned: 08/05/25

Holland N. O'Neil

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

Assigned: 06/20/25

LEAD ATTORNEY

Guidepost Bradley Hills LLC

1321 Upland Dr

PMB 20442

Houston, TX 77043

Tax ID / EIN: 88-2442058

Added: 06/20/2025

(Jointly Administered Party/Debtor)

Timothy Mohan

Foley & Lardner LLP

1144 15th Street

Suite 2200

represented by Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

Assigned: 08/05/25

Guidepost Branchburg LLC

1321 Upland Dr

PMB 2044

Houston, TX 77043

Tax ID / EIN: 88-2270494

*Added: 06/20/2025**(Jointly Administered Party/Debtor)***Guidepost Carmel LLC**

1321 Upland Dr

PMB 2044

Houston, TX 77043

Tax ID / EIN: 93-3804060

*Added: 06/20/2025**(Jointly Administered Party/Debtor)***Holland N. O'Neil**

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

*Assigned: 06/20/25**LEAD ATTORNEY***Timothy Mohan**

Foley & Lardner LLP

1144 15th Street

Suite 2200

represented by Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

*Assigned: 08/05/25***Holland N. O'Neil**

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

*Assigned: 06/20/25**LEAD ATTORNEY***Timothy Mohan**

Foley & Lardner LLP

1144 15th Street

Suite 2200

represented by Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

*Assigned: 08/05/25***Holland N. O'Neil**

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

Guidepost FIC B LLC

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 81-4078609

*Added: 06/20/2025**(Jointly Administered Party/Debtor)*

honeil@foley.com

*Assigned: 06/20/25**LEAD ATTORNEY***Timothy Mohan**

Foley & Lardner LLP

1144 15th Street

Suite 2200

represented by Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

*Assigned: 08/05/25***Holland N. O'Neil**

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

*Assigned: 06/20/25**LEAD ATTORNEY***Guidepost FIC C LLC**

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 81-1391518

*Added: 06/20/2025**(Jointly Administered Party/Debtor)***Timothy Mohan**

Foley & Lardner LLP

1144 15th Street

Suite 2200

represented by Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

*Assigned: 08/05/25***Holland N. O'Neil**

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

*Assigned: 06/20/25**LEAD ATTORNEY***Guidepost Financial Partner, LLC***Added: 07/09/2025**(Interested Party)*represented by **Jordan A. Kroop**

PACHULSKI STANG ZIEHL & JONES LLP

780 Third Avenue

34th Floor
New York, NY 10017-2024
212-561-7700
212-561-7777 (fax)
jkroop@pszjlaw.com
Assigned: 07/11/25
LEAD ATTORNEY

Michael D. Warner
Pachulski Stang Ziehl & Jones LLP
700 Louisiana Street
Suite 4500
Houston, TX 77002
713-691-9385
mwarner@pszjlaw.com
Assigned: 07/09/25

Guidepost Global Education, Inc.
c/o Kane Russell Coleman Logan PC
401 Congress Avenue
Suite 2100
Attn: Jason Binford
Austin, TX 78701
512-487-6566
jbinford@krcl.com
Added: 06/18/2025
(Creditor)

Guidepost Goodyear LLC
1321 Upland Dr.
PMB 20442
Houston, TX 77043
Tax ID / EIN: 93-2611363
Added: 06/20/2025
(Jointly Administered Party/Debtor)

represented by

Jason B. Binford
Kane Russell Coleman Logan
401 Congress Avenue
Suite 2100
Austin, TX 78701
512-487-6566
jbinford@krcl.com
Assigned: 06/18/25

represented by

Timothy Mohan
Foley & Lardner LLP
1144 15th Street
Suite 2200
Denver, CO 80202
720-437-2014
720-437-2200 (fax)
tmohan@foley.com
Assigned: 08/05/25

Holland N. O'Neil
Foley & Lardner LLP
2021 McKinney Avenue
Ste. 1600
Dallas, TX 75201
214-999-4961
honeil@foley.com
Assigned: 06/20/25

*LEAD ATTORNEY***Guidepost Las Colinas L**

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 93-2589767

*Added: 06/20/2025**(Jointly Administered Party/Debtor)***Timothy Mohan**

Foley & Lardner LLP

1144 15th Street

Suite 2200

represented by Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

*Assigned: 08/05/25***Holland N. O'Neil**

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

*Assigned: 06/20/25**LEAD ATTORNEY***Guidepost Leawood LLC**

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 88-2343453

*Added: 06/20/2025**(Jointly Administered Party/Debtor)***Timothy Mohan**

Foley & Lardner LLP

1144 15th Street

Suite 2200

represented by Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

*Assigned: 08/05/25***Holland N. O'Neil**

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

*Assigned: 06/20/25**LEAD ATTORNEY***Guidepost Muirfield Village LLC**

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 99-2737111

represented by **Timothy Mohan**

Foley & Lardner LLP

1144 15th Street

Suite 2200

Denver, CO 80202

Added: 06/20/2025

(Jointly Administered Party/Debtor)

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

Assigned: 08/05/25

Holland N. O'Neil

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

Assigned: 06/20/25

LEAD ATTORNEY

Guidepost Richardson LLC

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 99-2737111

Added: 06/20/2025

(Jointly Administered Party/Debtor)

Timothy Mohan

Foley & Lardner LLP

1144 15th Street

Suite 2200

represented by Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

Assigned: 08/05/25

Holland N. O'Neil

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

Assigned: 06/20/25

LEAD ATTORNEY

Guidepost South Riding, LLC

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 88-2582403

Added: 06/20/2025

(Jointly Administered Party/Debtor)

Timothy Mohan

Foley & Lardner LLP

1144 15th Street

Suite 2200

represented by Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

Assigned: 08/05/25

Holland N. O'Neil

Foley & Lardner LLP

2021 McKinney Avenue
Ste. 1600
Dallas, TX 75201
214-999-4961
honeil@foley.com
Assigned: 06/20/25
LEAD ATTORNEY

Guidepost St. Robert LLC

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 93-2555136

*Added: 06/20/2025**(Jointly Administered Party/Debtor)***Timothy Mohan**

Foley & Lardner LLP

1144 15th Street

Suite 2200

represented by Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

*Assigned: 08/05/25***Holland N. O'Neil**

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

*Assigned: 06/20/25**LEAD ATTORNEY***Guidepost The Woodlands LLC**

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 99-2346101

*Added: 06/20/2025**(Jointly Administered Party/Debtor)***Timothy Mohan**

Foley & Lardner LLP

1144 15th Street

Suite 2200

represented by Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

*Assigned: 08/05/25***Holland N. O'Neil**

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

Assigned: 06/20/25

*LEAD ATTORNEY***Guidepost Walled Lake LLC**

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 99-4729118

*Added: 06/20/2025**(Jointly Administered Party/Debtor)***Timothy Mohan**

Foley & Lardner LLP

1144 15th Street

Suite 2200

represented by Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

*Assigned: 08/05/25***Holland N. O'Neil**

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

*Assigned: 06/20/25**LEAD ATTORNEY***HGE FIC D LLC**

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 82-3316499

*Added: 06/20/2025**(Jointly Administered Party/Debtor)***Timothy Mohan**

Foley & Lardner LLP

1144 15th Street

Suite 2200

represented by Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

*Assigned: 08/05/25***Holland N. O'Neil**

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

*Assigned: 06/20/25**LEAD ATTORNEY***HGE FIC E LLC**

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 82-4400056

represented by **Timothy Mohan**

Foley & Lardner LLP

1144 15th Street

Suite 2200

Denver, CO 80202

Added: 06/20/2025

(Jointly Administered Party/Debtor)

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

Assigned: 08/05/25

Holland N. O'Neil

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

Assigned: 06/20/25

LEAD ATTORNEY

HGE FIC F LLC

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 82-4558861

Added: 06/20/2025

(Jointly Administered Party/Debtor)

represented by

Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

Assigned: 08/05/25

Holland N. O'Neil

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

Assigned: 06/20/25

LEAD ATTORNEY

HGE FIC G LLC

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 82-5505500

Added: 06/20/2025

(Jointly Administered Party/Debtor)

represented by

Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

Assigned: 08/05/25

Holland N. O'Neil

Foley & Lardner LLP

2021 McKinney Avenue
Ste. 1600
Dallas, TX 75201
214-999-4961
honeil@foley.com
Assigned: 06/20/25
LEAD ATTORNEY

HGE FIC H LLC

1321 Upland Dr.
PMB 20442
Houston, TX 77043
Tax ID / EIN: 84-2428817
Added: 06/20/2025
(Jointly Administered Party/Debtor)

Timothy Mohan

Foley & Lardner LLP
1144 15th Street
Suite 2200
Denver, CO 80202
720-437-2014
720-437-2200 (fax)
tmohan@foley.com
Assigned: 08/05/25

represented by

Holland N. O'Neil

Foley & Lardner LLP
2021 McKinney Avenue
Ste. 1600
Dallas, TX 75201
214-999-4961
honeil@foley.com
Assigned: 06/20/25
LEAD ATTORNEY

HGE FIC I LLC

1321 Upland Dr.
PMB 20442
Houston, TX 77043
Tax ID / EIN: 85-0821138
Added: 06/20/2025
(Jointly Administered Party/Debtor)

Timothy Mohan

Foley & Lardner LLP
1144 15th Street
Suite 2200
Denver, CO 80202
720-437-2014
720-437-2200 (fax)
tmohan@foley.com
Assigned: 08/05/25

represented by

Holland N. O'Neil

Foley & Lardner LLP
2021 McKinney Avenue
Ste. 1600
Dallas, TX 75201
214-999-4961
honeil@foley.com
Assigned: 06/20/25

*LEAD ATTORNEY***HGE FIC K LLC**

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 85-1518558

*Added: 06/20/2025**(Jointly Administered Party/Debtor)***Timothy Mohan**

Foley & Lardner LLP

1144 15th Street

Suite 2200

represented by Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

*Assigned: 08/05/25***Holland N. O'Neil**

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

*Assigned: 06/20/25**LEAD ATTORNEY***HGE FIC L LLC**

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 87-4242052

*Added: 06/20/2025**(Jointly Administered Party/Debtor)***Timothy Mohan**

Foley & Lardner LLP

1144 15th Street

Suite 2200

represented by Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

*Assigned: 08/05/25***Holland N. O'Neil**

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

*Assigned: 06/20/25**LEAD ATTORNEY***HGE FIC M LLC**

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 87-4688912

represented by **Timothy Mohan**

Foley & Lardner LLP

1144 15th Street

Suite 2200

Denver, CO 80202

Added: 06/20/2025

(Jointly Administered Party/Debtor)

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

Assigned: 08/05/25

Holland N. O'Neil

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

Assigned: 06/20/25

LEAD ATTORNEY

HGE FIC N LLC

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 88-0806774

Added: 06/20/2025

(Jointly Administered Party/Debtor)

represented by

Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

Assigned: 08/05/25

Holland N. O'Neil

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

Assigned: 06/20/25

LEAD ATTORNEY

HGE FIC O LLC

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 88-1094678

Added: 06/20/2025

(Jointly Administered Party/Debtor)

represented by

Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

Assigned: 08/05/25

Holland N. O'Neil

Foley & Lardner LLP

2021 McKinney Avenue
Ste. 1600
Dallas, TX 75201
214-999-4961
honeil@foley.com
Assigned: 06/20/25
LEAD ATTORNEY

HGE FIC P LLC

1321 Upland Dr.
PMB 20442
Houston, TX 77043
Tax ID / EIN: 88-1111477
Added: 06/20/2025
(Jointly Administered Party/Debtor)

Timothy Mohan

Foley & Lardner LLP
1144 15th Street
Suite 2200
Denver, CO 80202
720-437-2014
720-437-2200 (fax)
tmohan@foley.com
Assigned: 08/05/25

represented by

Holland N. O'Neil

Foley & Lardner LLP
2021 McKinney Avenue
Ste. 1600
Dallas, TX 75201
214-999-4961
honeil@foley.com
Assigned: 06/20/25
LEAD ATTORNEY

HGE FIC Q LLC

1321 Upland Dr.
PMB 20442
Houston, TX 77043
Tax ID / EIN: 88-1133122
Added: 06/20/2025
(Jointly Administered Party/Debtor)

Timothy Mohan

Foley & Lardner LLP
1144 15th Street
Suite 2200
Denver, CO 80202
720-437-2014
720-437-2200 (fax)
tmohan@foley.com
Assigned: 08/05/25

represented by

Holland N. O'Neil

Foley & Lardner LLP
2021 McKinney Avenue
Ste. 1600
Dallas, TX 75201
214-999-4961
honeil@foley.com
Assigned: 06/20/25

*LEAD ATTORNEY***HGE FIC R LLC**

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 88-1159661

*Added: 06/20/2025**(Jointly Administered Party/Debtor)***Timothy Mohan**

Foley & Lardner LLP

1144 15th Street

Suite 2200

represented by Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

*Assigned: 08/05/25***Holland N. O'Neil**

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

*Assigned: 06/20/25**LEAD ATTORNEY***Harris County ESD #48**

Linebarger Goggan Blair & Sampson LLP

c/o Tara L. Grundemeier

PO Box 3064

Houston, TX 77253-3064

houston_bankruptcy@lgbs.com

*Added: 06/30/2025**(Creditor)***Tara L. Grundemeier**

Linebarger Goggan Blair & Sampson LLP

P.O. Box 3064

represented by Houston, TX 77253-3064

713-844-3478

713-844-3503 (fax)

houston_bankruptcy@lgbs.com

*Assigned: 06/30/25***Higher Ground Education, Inc.**

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 81-1437265

*Added: 06/17/2025**(Debtor)***Nora J. McGuffey**

Foley & Lardner LLP

321 North Clark Street

Suite 3000

represented by Chicago, IL 60654

312-832-4700

nora.mcguiffey@foley.com

*Assigned: 06/18/25***Timothy Mohan**

Foley & Lardner LLP

1144 15th Street

Suite 2200

Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

Assigned: 06/30/25

Timothy C. Mohan

Foley & Lardner LLP

600 17th Street

Ste. 2020S

Denver, CO 80202

720-437-2014

Assigned: 06/20/25

LEAD ATTORNEY

Holland N. O'Neil

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

Assigned: 06/17/25

Thomas C. Scannell

Foley & Lardner LLP

2021 McKinney Avenue, Ste. 1600

Dallas, TX 75201

214-999-4289

tscannell@foley.com

Assigned: 07/15/25

Quynh-Nhu Truong

Foley & Lardner LLP

1000 Louisiana St.

Ste. 2000

Houston, TX 77002

713-276-5070

713-276-5555 (fax)

qtruong@foley.com

Assigned: 06/19/25

Houston Community College System

Linebarger Goggan Blair & Sampson LLP

c/o Tara L. Grundemeier

PO Box 3064

Houston, TX 77253-3064

houston_bankruptcy@lgbs.com

Added: 06/30/2025

(Creditor)

Tara L. Grundemeier

Linebarger Goggan Blair & Sampson LLP

P.O. Box 3064

Houston, TX 77253-3064

713-844-3478

713-844-3503 (fax)

houston_bankruptcy@lgbs.com

Assigned: 06/30/25

represented by

Houston ISD

Linebarger Goggan Blair & Sampson LLP
c/o Tara L. Grundemeier
PO Box 3064
Houston, TX 77253-3064
houston_bankruptcy@lgbs.com
Added: 06/30/2025
(Creditor)

INTERSTATE MUNICIPAL UTILITY DISTRICT

Added: 07/01/2025
(Creditor)

Irving ISD

Linebarger Goggan Blair & Sampson, LLP
c/o John Kendrick Turner
3500 Maple Avenue
Suite 800
Dallas, TX 75219
United States
2148800089
dallas.bankruptcy@lgbs.com
Added: 06/24/2025
(Creditor)

Kimco Realty Corp.

Added: 07/16/2025
(Creditor)

Kurtzman Carson Consultants, LLC dba Verita Global

222 N. Pacific Coast Highway, Suite 300
El Segundo, CA 90245
United States
veritanoticing@veritaglobal.com
Added: 06/19/2025
(Claims Agent)

Tara L. Grundemeier

Linebarger Goggan Blair & Sampson LLP
P.O. Box 3064
Houston, TX 77253-3064
represented by 713-844-3478
713-844-3503 (fax)
houston_bankruptcy@lgbs.com
Assigned: 06/30/25

Melissa Emily Valdez

Perdue Brandon Fielder Collins & Mott
1235 North Loop West, Suite 600
Houston, TX 77008
represented by (713) 862-1860
(713) 862-1429 (fax)
mvaldez@pbfc.com
Assigned: 07/01/25

John Kendrick Turner

Linebarger Goggan Blair & Sampson, LLP
3500 Maple Avenue
Suite 800
represented by Dallas, TX 75219
469-221-5125
john.turner@lgbs.com
Assigned: 06/24/25

Michelle E. Shriro

Singer & Levick, P.C.
16200 Addison Road, Suite 140
Addison, TX 75001
represented by (972) 380-5533
(972) 380-5748 (fax)
mshriro@singerlevick.com
Assigned: 07/16/25

LePort Emeryville LLC

1321 Upland Dr.

PMB 20442

Houston, TX 77043

Tax ID / EIN: 47-4117324

*Added: 06/20/2025**(Jointly Administered Party/Debtor)***Timothy Mohan**

Foley & Lardner LLP

1144 15th Street

Suite 2200

represented by Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

*Assigned: 08/05/25***Holland N. O'Neil**

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

*Assigned: 06/20/25**LEAD ATTORNEY***Learn Capital, LLC***Added: 08/05/2025**(Creditor)***Jason B. Binford**

Kane Russell Coleman Logan

401 Congress Avenue

Suite 2100

represented by Austin, TX 78701

512-487-6566

jbinford@krcl.com

*Assigned: 08/05/25***Lewisville ISD**

Linebarger Goggan Blair & Sampson, LLP

c/o John Kendrick Turner

3500 Maple Avenue

Suite 800

Dallas, TX 75219

United States

2148800089

dallas.bankruptcy@lgbs.com

*Added: 06/18/2025**(Creditor)***John Kendrick Turner**

Linebarger Goggan Blair & Sampson, LLP

3500 Maple Avenue

Suite 800

represented by Dallas, TX 75219

469-221-5125

john.turner@lgbs.com

*Assigned: 06/18/25***Cathy Lim***Added: 07/02/2025**(Creditor)*represented by **David R. Gibson**

The Gibson Law Group

15400 Knoll Trail Dr., Suite 205

Dallas, TX 75248

(817) 769-4044

McKinney TX Associates, LLC

4410 Mountaingate Drive

Reno, NV 89519

*Added: 06/20/2025**(Creditor)***Montgomery County**

Linebarger Goggan Blair & Sampson LLP

c/o Tara L. Grundemeier

P.O. Box 3064

Houston, TX 77253-3064

houston_bankruptcy@lgbs.com

*Added: 06/30/2025**(Creditor)***Montgomery County Municipal Utility District # 6***Added: 06/27/2025**(Creditor)***Duc Viet Nguyen**

Baker Donelson

c/o Daniel J. Ferretti

1301 McKinney, Suite 3700

Houston, TX 77010

(713) 650-9700

(713) 650-9701 (fax)

dferretti@bakerdonelson.com

*Added: 07/17/2025**(Interested Party)***Thuy Thi Thu Nguyen**

Baker Donelson

c/o Daniel J. Ferretti

1301 McKinney, Suite 3700

(817) 764-4313 (fax)

david.gibson@gibsonlawgroup.com

*Assigned: 07/02/25***J. Robert Arnett, II**

Carter Arnett PLLC

8150 N. Central Expressway

Suite 500

represented by Dallas, TX 75206

214-550-8209

214-550-8185 (fax)

barnett@carterarnett.com

*Assigned: 06/20/25***Tara L. Grundemeier**

Linebarger Goggan Blair & Sampson LLP

P.O. Box 3064

represented by Houston, TX 77253-3064

713-844-3478

713-844-3503 (fax)

houston_bankruptcy@lgbs.com

*Assigned: 06/30/25***Melissa Emily Valdez**

Perdue Brandon Fielder Collins & Mott

1235 North Loop West, Suite 600

represented by Houston, TX 77008

(713) 862-1860

(713) 862-1429 (fax)

mvaldez@pbfc.com

*Assigned: 06/27/25***Daniel J. Ferretti**

Baker Donelson Bearman Caldwell, et al

1301 McKinney Street, Suite 3700

represented by Houston, TX 77010

(713) 650-9700

(713) 650-9701 (fax)

dferretti@bakerdonelson.com

*Assigned: 07/17/25*represented by **Daniel J. Ferretti**

Baker Donelson Bearman Caldwell, et al

1301 McKinney Street, Suite 3700

Houston, TX 77010

Houston, tx 77010
(713) 650-9700
(713) 650-9701 (fax)
dferretti@bakerdonelson.com
Added: 07/17/2025
(Interested Party)

Philip O'Neill

Baker Donelson
c/o Daniel J. Ferrett
1301 McKinney, Suite 3700
Houston, TX 77010
(713) 650-9700
(713) 650-9701 (fax)
dferretti@bakerdonelson.com
Added: 07/17/2025
(Interested Party)

Official Committee of Unsecured Creditors

Added: 07/11/2025
(Creditor Committee)

Stephen Plainsboro Education, LLC

c/o Stephen Nichols, Esq.
Offit | Kurman, PA
7501 Wisconsin Avenue, Suite 1000W
Bethesda, MD 20814
United States
3019175170
snichols@offitkurman.com
Added: 06/20/2025
(Creditor)

Prepared Montessorian LLC

1321 Upland Dr.
PMB 20442
Houston, TX 77043
Tax ID / EIN: 83-3086181
Added: 06/20/2025
(Jointly Administered Party/Debtor)

(713) 650-9700
(713) 650-9701 (fax)
dferretti@bakerdonelson.com
Assigned: 07/17/25

Daniel J. Ferretti

represented by Baker Donelson Bearman Caldwell, et al
1301 McKinney Street, Suite 3700
Houston, TX 77010
(713) 650-9700
(713) 650-9701 (fax)
dferretti@bakerdonelson.com
Assigned: 07/17/25

Jason S. Brookner

represented by Gray Reed & McGraw LLP
1601 Main Street
Suite 4600
Dallas, TX 75201
469-320-6132
214-953-1332 (fax)
jbrookner@grayreed.com
Assigned: 07/11/25

Stephen Nichols

represented by Offit Kurman, P.A.
7501 Wisconsin Avenue
Suite 1000w
Bethesda, MD 20814
240-507-1700
snichols@offitkurman.com
Assigned: 06/20/25

represented by **Timothy Mohan**

Foley & Lardner LLP
1144 15th Street
Suite 2200
Denver, CO 80202
720-437-2014
720-437-2200 (fax)

tmohan@foley.com

*Assigned: 08/05/25***Holland N. O'Neil**

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

*Assigned: 06/20/25**LEAD ATTORNEY***Quattro Development, LLC***Added: 07/10/2025**(Creditor)***Demetra Liggins**

McGuireWoods LLP

845 Texas Ave.

Ste 24th Floor

represented by

Houston, TX 77002

713-353-6661

dliggins@mcguirewoods.com

*Assigned: 07/10/25***Quattro Menomonee Falls, LLC***Added: 07/10/2025**(Creditor)***Demetra Liggins**

McGuireWoods LLP

845 Texas Ave.

Ste 24th Floor

represented by

Houston, TX 77002

713-353-6661

dliggins@mcguirewoods.com

*Assigned: 07/10/25***RTS Orchards, LLC**

c/o Michael G. Colvard

Martin & Drought, P.C.

112 East Pecan Street

112 East Pecan Street

San Antonio, TX 78205

United States

*Added: 06/19/2025**(Creditor)***Michael G. Colvard**

Martin & Drought, P.C.

300 Convent, 25th Flr.

San Antonio, TX 78205

represented by

210-227-7591

210-227-7924 (fax)

mcolvard@mdtlaw.com

*Assigned: 06/19/25***Carter F. Scharmen**

Martin & Drought, PC

112 E. Pecan St., Ste 1616

San Antonio, TX 78205

210-227-7591

Assigned: 06/24/25

*LEAD ATTORNEY***Ramandeep Girn and Rebecca Girn***Added: 06/18/2025**(Creditor)***Red Arrow Investments, LLC***Added: 07/29/2025**(Creditor)***Richardson ISD**

% Perdue Brandon Fielder Et Al

500 E. Border Street

Suite 640

Arlington, TX 76010

817-461-3344

817-860-6509 (fax)

*Added: 06/20/2025**(Creditor)***TN Dept of Revenue**

c/o TN Attorney General's Office

Bankruptcy Division

P.O. Box 20207

Nashville, TN 37202-0207

United States

615-532-2504

615-741-3334 (fax)

*Added: 07/25/2025**(Creditor)***Tarrant County**

Linebarger Goggan Blair & Sampson, LLP

c/o John Kendrick Turner

3500 Maple Avenue

Suite 800

Dallas, TX 75219

United States

2148800089

dallas.bankruptcy@lgbs.com

Clay Marshall Taylor

Dentons US LLP

100 Crescent Court, Suite 900

represented by Dallas, TX 75201

214-647-2496

clay.taylor@dentons.com

*Assigned: 06/18/25***John D. Silk**

Rothschild, Barry & Myers LLP

represented by 150 S. Wacker Drive, Ste 3025

Chicago, IL 60606

*Assigned: 07/29/25**LEAD ATTORNEY***Elizabeth Banda Calvo**

Perdue Brandon Fielder Collins Mott

500 E. Border St.

represented by Ste 640

Arlington, TX 76010

817-461-3344

ebcalvo@pbfcm.com

*Assigned: 06/20/25***Stephen R. Butler**

Office of the Tennessee Attorney General

P.O. Box 20207

represented by Nashville, TN 37202

(615) 532-8718

(615) 741-3334 (fax)

agbanktexas@ag.tn.gov

*Assigned: 07/25/25*represented by **John Kendrick Turner**

Linebarger Goggan Blair & Sampson, LLP

3500 Maple Avenue

Suite 800

Dallas, TX 75219

469-221-5125

john.turner@lgbs.com

Assigned: 06/18/25

*Added: 06/18/2025**(Creditor)***Terra Firma Services LLC**

1321 Upland Dr

PMB 20442

Houston, TX 77043

Tax ID / EIN: 84-3506999

*Added: 06/20/2025**(Jointly Administered Party/Debtor)***Timothy Mohan**

Foley & Lardner LLP

1144 15th Street

Suite 2200

represented by Denver, CO 80202

720-437-2014

720-437-2200 (fax)

tmohan@foley.com

*Assigned: 08/05/25***Holland N. O'Neil**

Foley & Lardner LLP

2021 McKinney Avenue

Ste. 1600

Dallas, TX 75201

214-999-4961

honeil@foley.com

*Assigned: 06/20/25**LEAD ATTORNEY***Texas Taxing Authorities**

1919 S. Shiloh Road, Suite 640, LB 40

Garland

Garland, TX 75042

United States

9722788282

lreece@pbfc.com

*Added: 07/14/2025**(Creditor)***Linda D. Reece**

Perdue Brandon Fielder Collins & Mott LLP

1919 S. Shiloh Road

Suite 640, LB 40

represented by Garland, TX 75042

972-278-8282

972-278-8222 (fax)

lreece@pbfc.com

*Assigned: 07/14/25***The County of Denton, Texas**

McCreary, Veselka, Bragg & Allen, PC

c/o Julie Anne Parsons

PO Box 1269

Round Rock, TX 78680-1269

512-323-3200

jparsons@mcbalaw.com

*Added: 06/18/2025**(Creditor)***Julie Anne Parsons**

McCreary Veselka Bragg & Allen PC

PO Box 1269

represented by Round Rock, TX 78680

512-323-3200

512-323-3205 (fax)

jparsons@mcbalaw.com

*Assigned: 06/18/25***The County of Williamson, Texas**

McCreary Veselka Bragg & Allen, P.C.

c/o Julie Anne Parsons

P.O. Box 1269

represented by **Julie Anne Parsons**

McCreary Veselka Bragg & Allen PC

PO Box 1269

Round Rock, TX 78680

Round Rock, TX 78680-1269
United States
jparsons@mvbalaw.com
Added: 06/18/2025
(Creditor)

Travis County
c/o Jason A. Starks
P.O. Box 1748
Austin, TX 78767
Added: 07/22/2025
(Creditor)

Twin Star Ventures, LLC
Added: 07/16/2025
(Creditor)

United States Trustee
1100 Commerce Street
Room 976
Dallas, TX 75202
214-767-8967
ustpreion06.da.ecf@usdoj.gov
Added: 06/17/2025
(U.S. Trustee)

A. Venture Lending & Leasing IX, Inc.
c/o Trey A. Monsour
Fox Rothschild LLP
2501 N. Harwood, #1800
Dallas, TX 75201
United States
tmonsour@foxrothschild.com
Added: 07/31/2025
(Creditor)

Dixit Kishorkumar Vora
Baker Donelson
c/o Daniel J. Ferretti

512-323-3200
512-323-3205 (fax)
jparsons@mvbalaw.com
Assigned: 06/18/25

Jason Andrew Starks
Travis County
P.O. Box 1748
Austin, TX 78767
represented by (512) 854-9092
(512) 854-4808 (fax)
bkecf@traviscountytexas.gov
Assigned: 07/22/25

Michelle E. Shriro
Singer & Levick, P.C.
16200 Addison Road, Suite 140
Addison, TX 75001
represented by (972) 380-5533
(972) 380-5748 (fax)
mshriro@singerlevick.com
Assigned: 07/16/25

Meredyth Kippes
Office of the United States Trustee
1100 Commerce Street
Room 976
represented by Dallas, TX 75242
214-767-1079
214-767-8971 (fax)
meredyth.kippes@usdoj.gov
Assigned: 07/16/25

Trey Andrew Monsour
Fox Rothschild LLP
Saint Ann Court
2501 N. Harwood St., Suite 1800
represented by Dallas, TX 75201
713/927-7469
972/404-0516 (fax)
tmonsour@foxrothschild.com
Assigned: 07/31/25

represented by **Daniel J. Ferretti**
Baker Donelson Bearman Caldwell, et al
1301 McKinney Street, Suite 3700

1301 McKinney, Suite 3700
Houston, TX 77010
(713) 650-9700
(713) 650-9701 (fax)
dferretti@bakerdonelson.com
Added: 07/17/2025
(Interested Party)

A. WTI Fund X, Inc.
c/o Trey A. Monsour
Fox Rothschild LLP
2501 N. Harwood, #1800
Dallas, TX 75201
United States
tmonsour@foxrothschild.com
Added: 07/31/2025
(Creditor)

West Palm Beach Education, LLC
Added: 07/10/2025
(Creditor)

YYYYY, LLC
Added: 07/09/2025
(Creditor)

Yu Capital and the Yu Capital Affiliates
c/o Rebecca L. Matthews

Houston, TX 77010
(713) 650-9700
(713) 650-9701 (fax)
dferretti@bakerdonelson.com
Assigned: 07/17/25

Trey Andrew Monsour
Fox Rothschild LLP
Saint Ann Court
2501 N. Harwood St., Suite 1800
Dallas, TX 75201
represented by 713/927-7469
972/404-0516 (fax)
tmonsour@foxrothschild.com
Assigned: 07/31/25

Demetra Liggins
McGuireWoods LLP
845 Texas Ave.
Ste 24th Floor
Houston, TX 77002
represented by 713-353-6661
dliggins@mcguirewoods.com
Assigned: 07/10/25

Trevor Hoffman
Cozen O'connor
3 WTC 175 Greenwich Street
New York, NY 10007
represented by 212-453-3735
Assigned: 07/11/25
LEAD ATTORNEY

Frederick E Schmidt, Jr
Cozen O'Connor
3 Wtc
175 Greenwich Street
55th Floor
New York, NY 10007
212-883-4948
eschmidt@cozen.com
Assigned: 07/09/25

represented by **Christopher M. Desiderio**
NIXON PEABODY LLP

Frost Brown Todd LLP
2101 Cedar Springs Rd.
Dallas, TX 75201
(214) 580.5852
(214) 545.3472 (fax)
rmatthews@fbtlaw.com
Added: 07/24/2025
(Creditor)

55 W 46TH Street
New York, NY 10036
212-940-3000
Assigned: 07/28/25
LEAD ATTORNEY

Rebecca Lynn Matthews

Frost Brown Todd LLP
2101 Cedar Springs Road
Ste 900
Dallas, TX 75201
214-580-8608
214-545-3473 (fax)
rmatthews@fbtlaw.com
Assigned: 07/24/25

Morgan C. Nighan

NIXON PEABODY LLP
3 State Street, Exchange Place
Boston, MA 02109
617-345-1031
Assigned: 07/28/25
LEAD ATTORNEY

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Exhibit "A"

ODELL LAW, PLC
Robert A. Odell (SBN 286488)
rob@odelllaw.com
Claudette H. Villicaña (SBN 325669)
cvillicana@odelllaw.com
1 Park Plaza, Suite 600
Irvine, California 92614
Telephone: (949) 833-7105
Facsimile: (949) 606-8122

Attorneys for Plaintiff
RENAH SOLIMAN

SUPERIOR COURT FOR THE STATE OF CALIFORNIA
COUNTY OF ORANGE – UNLIMITED CIVIL

Assigned for All Purposes
Judge Thomas S McConville

RENAH SOLIMAN, an individual,

Plaintiff,

vs.

GUIDEPOST FIC A LLC, a Delaware limited liability company; GUIDEPOST FIC B LLC, a Delaware limited liability company; HIGHER GROUND EDUCATION INC. DBA GUIDEPOST MONTESSORI, a Delaware corporation; ERIN HENNIGAN, an individual; AMIE SUGARMAN, an individual; and DOES 1 through 50, inclusive,

Defendants.

Case No.: 30-2023-01354511-CU-WT-CJC

COMPLAINT FOR DAMAGES

1. Disability And/Or Medical Condition Discrimination In Violation Of The FEHA [Gov. Code §12926(A).];
2. Harassment In Violation Of The FEHA [Gov. Code §12940(J)]
3. Failure To Accommodate [Gov. Code § 12940(M)]
4. Failure To Engage In A Good Faith Interactive Process [Gov. Code § 12940(N)]
5. Retaliation For Exercising Rights Under FEHA [Gov. Code § 12940(H)]
6. Retaliation And Interference In Violation Of CFRA [Gov. Code § 12945.2]
7. Failure To Prevent Discrimination, And Harassment [Gov. Code §12940(K)]
8. Whistleblower Retaliation [Cal Lab. Code § 1102.5];
9. Wrongful Termination In Violation Of Public Policy;
10. Violation Of Business & Professions Code § 17200 Et Seq.

DEMAND FOR JURY TRIAL

PARTIES

1
2 1. Plaintiff RENAH SOLIMAN (hereinafter “Ms. Soliman” or “Plaintiff”) is, and at all
3 times mentioned herein was an employee of Defendants GUIDEPOST FIC A LLC (“ALICIA
4 MONTESSORI”), GUIDEPOST FIC B LLC, (“FOOTHILL RANCH MONTESSORI”), HIGHER
5 GROUND EDUCATION INC. DBA GUIDEPOST MONTESSORI (“HGE”), (collectively referred
6 to as “Defendants”). Defendants employed Plaintiff and at all times during her employment,
7 Plaintiff was fully qualified for her position and was performing her job duties well.

8 2. Plaintiff alleges on information and belief that Defendant ALICIA MONTESSORI,
9 is a Delaware limited liability company registered and existing under the laws of the State of
10 California and employed Plaintiff at 25261 Paseo De Alicia, Laguna Hills, CA 92653. Plaintiff
11 further alleges on information and belief that Defendant ALICIA MONTESSORI, at all relevant
12 times mentioned herein, was and currently is licensed to do business in California and was and is
13 currently conducting business throughout California. Plaintiff further alleges on information and
14 belief that at all times mentioned herein, Defendant ALICIA MONTESSORI’S business activities
15 in the State of California were significant and that a substantial predominance of its’ business
16 activity is conducted in California, County of Orange. As such, Defendant ALICIA MONTESSORI
17 is a citizen of California.

18 3. Plaintiff alleges on information and belief that Defendant FOOTHILL RANCH
19 MONTESSORI, is a Delaware limited liability company registered and existing under the laws of
20 the State of California and employed Plaintiff at 26462 Towne Centre Dr, Foothill Ranch, CA
21 92610. Plaintiff further alleges on information and belief that Defendant FOOTHILL RANCH
22 MONTESSORI, at all relevant times mentioned herein, was and currently is licensed to do business
23 in California and was and is currently conducting business throughout California. Plaintiff further
24 alleges on information and belief that at all times mentioned herein, Defendant FOOTHILL
25 RANCH MONTESSORI’S business activities in the State of California were significant and that a
26 substantial predominance of its’ business activity is conducted in California, County of Orange. As
27 such, Defendant FOOTHILL RANCH MONTESSORI is a citizen of California.
28

1 4. Plaintiff alleges on information and belief that Defendant HGE, is a Delaware
2 corporation registered and existing under the laws of the State of California and headquartered at 10
3 Orchard Rd, Lake Forest, CA 92630. Plaintiff further alleges on information and belief that
4 Defendant HGE, at all relevant times mentioned herein, was and currently is licensed to do business
5 in California and was and is currently conducting business throughout California. Plaintiff further
6 alleges on information and belief that at all times mentioned herein, Defendant HGE'S business
7 activities in the State of California were significant and that a substantial predominance of its'
8 business activity is conducted in California, County of Orange. As such, Defendant HGE is a citizen
9 of California.

10 5. Plaintiff alleges on information and belief that Defendant ERIN HENNIGAN
11 ("HENNIGAN") is an individual residing in California. Plaintiff further alleges on information and
12 belief that at all times mentioned herein, Defendant HENNIGAN was an employee, manager,
13 supervisor, managing agent, or officer of Defendants, having the actual or apparent authority to
14 participate in or recommend decisions affecting Plaintiff's job benefits and employment status.

15 6. Plaintiff alleges on information and belief that Defendant AMIE SUGARMAN
16 ("SUGARMAN") is an individual residing in California. Plaintiff further alleges on information and
17 belief that at all times mentioned herein, Defendant SUGARMAN was an employee, manager,
18 supervisor, managing agent, or officer of Defendant, having the actual or apparent authority to
19 participate in or recommend decisions affecting Plaintiff's job benefits and employment status.

20 7. Plaintiff alleges on information and belief that defendants DOES 1 through 20 were
21 and are corporations or other business entities, which were authorized to and did business in Orange
22 County, California. Plaintiff further alleges on information and belief that at all times mentioned
23 herein, Defendants DOES 1 through 20 business activities in the State of California were and are
24 substantially greater than their business activities in any other state or country, and that a substantial
25 predominance of their business activity is conducted in California. As such, Defendants DOES 1
26 through 20 are citizens of California.

27 8. Plaintiff alleges on information and belief that defendants DOES 21 through 50 were
28

1 and are individuals who at all relevant times herein were and are employees, managers, supervisors,
2 managing agents or officers of Defendant, having the actual or apparent authority to participate in
3 or recommend decisions affecting the Plaintiff's job benefits and employment status. Plaintiff
4 further alleges that at all times herein mentioned, defendants DOES 21 through 50, were in the
5 chain of command over the Plaintiff and had sufficient actual or reasonably perceived power or
6 control or direction in the work environment of the Plaintiff so as to significantly affect Plaintiff's
7 employment status.

8 9. Plaintiff is ignorant of the true names and capacities of defendants sued herein as
9 DOES 1 through 50, inclusive, and therefore sues these defendants by such fictitious names.
10 Plaintiff will amend this Complaint to allege their true names and capacities when the names are
11 ascertained. Plaintiff is informed and believes and thereon alleges that each of the fictitiously
12 named defendants are responsible in some manner for the occurrences, discriminatory and wrongful
13 acts alleged herein, and that Plaintiff's damages alleged herein were proximately caused by these
14 defendants. Defendants ALICIA MONTESSORI, FOOTHILL RANCH MONTESSORI, HGE,
15 HENNIGAN, SUGARMAN, and DOES 1 through 50 inclusive, may be collectively referred to
16 herein as "Defendants."

17 10. Plaintiff is informed and believes and thereon alleges that, each of the Defendants,
18 including the fictitiously named Defendants, was the agent and employee of each of the remaining
19 defendants, and in doing some of the things hereinafter alleged, was acting within the scope and
20 course of such agency. Plaintiff further alleges that the acts and conduct of said defendants, as
21 hereinafter alleged, were intentional, harassing and/or retaliatory.

22 11. Plaintiff is informed and believes and thereon alleges that at all relevant times herein,
23 Defendants and DOES 1 through 20, were the agents, employees, and/or joint ventures of, or
24 working in concert with the other defendants, and were acting within the course and scope of such
25 agency, employment, joint venture and/or concerted activity. To the extent that said conduct and
26 omission were perpetrated by Defendants and their agents, Defendants confirmed and ratified said
27 conduct and omissions.
28

12. At all times mentioned herein, Defendants, and DOES 1 through 20, and each of them, were the agents, servants, and alter-egos of each other, and as such, the acts of one defendant are considered the acts of all defendants. Plaintiff is informed and believes, and thereon alleges, that there is such unity of interests and ownership between these defendants that separate status no longer exists and, further, observance of the fiction of separate existence among these defendants would sanction fraud and promote injustice.

13. At all times mentioned herein, Defendants and DOES 21 through 50, and each of them, were the individuals, agents, servants, persons unknown to Plaintiff at this time, but known to Defendants. Plaintiff is informed and believes that DOES 21 through 50 are individuals who at all relevant times herein were and are employees, managers, supervisors, managing agents, or officers of Defendants.

14. Whenever and wherever reference is made in this Complaint to any act by a defendant or defendants, such allegations and references shall also be deemed to mean the acts and failures to act of each defendant acting individually, jointly, and severally.

15. Whenever and wherever reference is made to individuals who are not named as Plaintiff or Defendant in this Complaint but were agents, servants, employees and/or supervisors of Defendants, such individuals at all relevant times acted on behalf of Defendants within the scope of their employment.

EXHAUSTION OF ADMINISTRATIVE PROCEEDINGS

16. Plaintiff has met her obligation of administrative exhaustion of administrative remedied by filing an administrative complaint with the California Department of Fair Employment and Housing and receiving a Notice of Case Closure and Right-to-Sue Letter against the Defendants named herein.

VENUE AND JURISDICTION

17. This Court has proper jurisdiction over this action.

18. Plaintiff is informed and believes that Defendants ALICIA MONTESSORI, FOOTHILL RANCH MONTESSORI, and HGE, at all relevant times mentioned herein, and were and currently are licensed to do business in California and were and currently are conducting business throughout California. Specifically, Defendants employed Plaintiff out their California location in Lake Forest in Orange County, California.

19. Plaintiff is informed and believes that Defendant HENNIGAN is a resident of California.

20. Plaintiff is informed and believes that Defendant SUGARMAN is a resident of California.

21. Plaintiff alleges on information and belief that DOES 1 through 20 were and are corporations or other business entities, which were authorized to and did business in Orange County, California. Plaintiff is informed and believes that DOES 21 through 50 are individuals who at all relevant times herein were and are employees, managers, supervisors, managing agents, or officers of Defendants.

22. The amount in controversy herein is within the jurisdiction of this Court.

FACTUAL ALLEGATIONS

23. Plaintiff was, and at all times mentioned herein, an employee of Defendants. Plaintiff was hired in or about August 2020, as the interim Head of School at ALICIA MONTESSORI. At all times during her employment, Plaintiff was fully qualified for her position, with over 25 years of experience, and was performing her job duties well.

24. In or about January 2022, Plaintiff suffered a major heart attack, which required open heart surgery. As a result, Plaintiff was placed on a medical leave from approximately January 2022 to approximately September 2022.

25. On or about June 21, 2023, Vice-President and Regional Director ERIN HENNIGAN contacted Plaintiff and asked if she would take over as the head administrator at FOOTHILL RANCH MONTESSORI to improve the declining staff culture and challenging

1 organizational issues. Defendant HENNIGAN further elaborated that Plaintiff would be supported
2 by additional assistant heads of the school and administrative staff not only due to the larger size of
3 the campus but also in light of the serious issues that required correction. In response, Ms. Soliman
4 took some time to think about the new position.

5 26. Shortly thereafter, HENNIGAN contacted Plaintiff again, desperate to convince her
6 to accept his request. HENNIGAN offered Plaintiff a raise for her agreement to help resolve the
7 issues at the FOOTHILL RANCH MONTESSORI. After much convincing from HENNIGAN,
8 Plaintiff accepted the new head of school position at FOOTHILL RANCH MONTESSORI in or
9 about September 2022. Subsequently, HENNIGAN introduced Plaintiff to Regional Director AMIE
10 SUGARMAN and Assistant Head Sarah Lee ("Ms. Lee") so she can begin getting acquainted with
11 her new team.

12 27. Soon after, Plaintiff began working for FOOTHILL RANCH MONTESSORI and
13 proposed numerous new initiatives, the majority of which addressed various health and safety code
14 violations occurring at FOOTHILL RANCH MONTESSORI. In response, Plaintiff received
15 pushback from her staff members, including Ms. Lee, despite HGE's previous assurances that
16 FOOTHILL RANCH MONTESSORI would support her new initiatives.

17 28. Nevertheless, Plaintiff shared the proposed changes and/or new initiatives with her
18 supervisor, Defendant SUGARMAN, and was instructed to move forward with the corrections,
19 which included increased sanitation efforts, increased teacher supervision of infants and children,
20 updating emergency medical equipment, and repairing unsafe and dangerous conditions, such as an
21 exposed drain hole in the playground.

22 29. In or about late September 2022, two Licensing Program Analysts (from the
23 Department of Social Services) made an unannounced visit to the campus and determined a section
24 of the playground was in desperate need of immediate repair. Plaintiff kindly informed the analysts
25 that she had already flagged the issue for the school and successfully, had the violation reduced to a
26 simple technical infraction.

27 30. In or around October 20, 2022, a parent filed a complaint with Sarah Lee ("Ms.
28

Lee"), the assistant head of FOOTHILL RANCH MONTESSORI, regarding an on-campus incident involving a child climbing a fence. After conducting an investigation, Plaintiff was instructed to terminate the staff member involved, given this incident as well as other concerns.

31. In or about November 2022, Plaintiff fell ill and could not work due to her condition. Seeking help, Plaintiff contacted Defendant SUGARMAN, but instead of offering assistance, Defendant SUGARMAN began to inquire about Plaintiff's plans to inform parents about a teacher's recent resignation. Plaintiff informed Defendant SUGARMAN that she attempted to contact the teacher several times and received no response. Plaintiff then asked Defendant SUGARMAN if she could assist the school's administration in notifying the parents about the teacher's recent departure.

32. Subsequently, Plaintiff was placed on a medical leave until in or about January 2023. Ms. Soliman promptly informed HGE's HR department and regional director about her medical condition via an email.

33. However, only hours after Ms. Soliman notified HGE of her medical leave, Defendant SUGARMAN informed Ms. Soliman she was terminated due to alleged "poor performance."

FIRST CAUSE OF ACTION

DISABILITY AND/OR MEDICAL CONDITION

DISCRIMINATION IN VIOLATION OF FEHA

(Violation of Government Code § 12940(a))

(By Plaintiff Against Defendants ALICIA MONTESSORI, FOOTHILL RANCH MONTESSORI,
HGE, and DOES 1 through 20, inclusive)

34. Plaintiff repeats and re-alleges the allegations set forth above in paragraphs and incorporates same by reference as though fully set forth herein.

35. Government Code section 12940(a) provides that it is an unlawful employment practice "[f]or an employer, because of the ... physical disability, mental disability, [or] medical condition ... of any person, to refuse to hire or employ the person or to refuse to select the person for

1 a training program leading to employment, or to bar or to discharge the person from employment or
2 from a training program leading to employment, or to discriminate against the person in
3 compensation or in terms, conditions, or privileges of employment.”

4 36. The California Fair Employment and Housing Act (“FEHA”) defines “disability” to
5 include (1) “[h]aving a record or history of a disease, disorder, condition, cosmetic disfigurement,
6 anatomical loss, or health impairment [that constitutes a physical disability], which is known to the
7 employer”; (2) “[b]eing regarded or treated by the employer ... as having, or having had, any
8 physical condition that makes achievement of a major life activity difficult”; or (3) “[b]eing
9 regarded or treated by the employer ... as having, or having had, a disease, disorder, condition,
10 cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect
11 but may become a physical disability.” Cal. Gov. Code § 12926, subd. (k)(3)–(5). Under “regarded
12 as” theory, an actual or existing disability is not necessary. *Gelfo v. Lockheed Martin Corp.*, 140
13 Cal. App. 4th 34, 52-53 (2006). Plaintiff alleges that she was discriminated against on the basis of
14 her actual disability/medical condition, as well as on the basis of having being regarded as disabled.

15 37. During her employment with Defendants, Plaintiff had a history of heart related
16 problems, and/or various related symptoms (“Disability and/or Medical Conditions”) that limited
17 her physical activities and ability to work. Defendants knew that Plaintiff suffered from disabling
18 conditions because Plaintiff informed her supervisors, on numerous occasions, about her Disability
19 and/or Medical Conditions and requested accommodations for her Disability and/or Medical
20 Conditions. Thus, Defendants knew that Plaintiff had a Disability and/or Medical Conditions that
21 limited her major life activities.

22 38. Alternatively, Plaintiff believes she may have been “regarded” by Defendants as
23 having or having had a disease, disorder, condition, or mental impairment that had no present
24 disabling effect but may become a physical disability. Cal. Gov. Code §12926(k)(5). This qualifies
25 Plaintiff as a person protected from discrimination on the basis of a “physical disability” under the
26 FEHA. Cal. Gov. Code §12926(k)(3),(4),(5). Defendants knew and regarded Plaintiff as having a
27 disability that limited her ability to work.

1 39. Plaintiff was able to perform the essential job duties with reasonable accommodation
2 for her Disability and/or Medical Conditions. At all times during her employment, Plaintiff was
3 otherwise qualified to do her job.

4 40. Plaintiff's actual or perceived Disability and/or Medical Conditions were a
5 substantial motivating reason for Plaintiff's termination.

6 41. As a direct, legal, and proximate cause of Plaintiff's aforementioned protected status,
7 Defendants discriminated against Plaintiff on the basis of her actual or perceived Disability and/or
8 Medical Conditions, which included treating her differently than non-disabled employees and
9 taking into account her Disability and/or Medical Conditions when terminating Plaintiff's
10 employment.

11 42. As a direct, foreseeable, and proximate result of Defendants' conduct, as alleged
12 above, Plaintiff has suffered lost income, employment, and career opportunities, and has suffered
13 and continues to suffer other economic loss, the precise amount of which will be proven at trial.

14 43. As a direct, foreseeable, and proximate result of Defendants' conduct, as alleged
15 above, Plaintiff has suffered and continues to suffer great anxiety, depression, embarrassment,
16 anger, loss of enjoyment of life, and emotional distress, the precise amount of which will be proven
17 at trial.

18 44. Defendants' conduct was a substantial factor in causing the aforementioned harm
19 and causing further damage to Plaintiff.

20 45. The conduct which Plaintiff complains of in this Complaint was carried out by
21 Defendants and DOES 1 through 50, inclusive, willfully, intentionally, and with oppression, malice,
22 and fraud and was carried out with conscious disregard for Plaintiff's rights; as such, Plaintiff is
23 entitled to an award of exemplary damages according to proof. The aforementioned conduct on
24 which punitive damages is alleged, was done with the advance knowledge by an officer, director
25 and/or managing agent of Defendants. The alleged conduct on which punitive damages is alleged,
26 was authorized, ratified and/or committed by an officer, director, and/or managing agent of
27 Defendants.
28

46. Under the FEHA, Plaintiff is entitled to an award of reasonable attorney's fees and costs.

SECOND CAUSE OF ACTION

HARASSMENT IN VIOLATION OF THE FEHA

(Violation of the Fair Employment and Housing Act, Gov. Code § 12940(j))

(By Plaintiff Against All Defendants)

47. Plaintiff repeats and re-alleges the allegations set forth above, and incorporates the same by reference as though fully set forth herein.

48. Plaintiff was an employee of Defendants and DOES 1 through 20, inclusive, and DOES 21 through 50, inclusive were employees, managers, and/or officers of Defendants and Plaintiff's supervisors and/or superiors.

49. The FEHA indicates that "Race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, age, sexual orientation, or military and veteran status" includes a perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics. Cal. Gov. Code § 12926, subd. (o)

50. Plaintiff was subjected to unwanted harassing conduct because of her Disability and/or Medical Conditions, as she was subjected to a hostile work environment created by repeated harassing conduct by Defendants and DOES 1 through 50, inclusive. This harassing conduct included, but is not limited to, refusing to investigate Plaintiff's complaints of harassment in good faith, ratifying the harassment by other employees or persons against Plaintiff, and terminating Plaintiff.

51. Plaintiff's Disability and/or Medical Conditions were a substantial motivating reason for Defendants' and DOES 1 through 20's, inclusive's, motivation to harass, punish, and subsequently terminate Plaintiff.

52. The harassing conduct was severe and/or pervasive, so as to alter the conditions of

1 employment and create a hostile or abusive work environment.

2 53. A reasonable person in Plaintiff's circumstances would have considered the work
3 environment to be hostile or abusive. Plaintiff considered the work environment to be hostile or
4 abusive.

5 54. Plaintiff's Disability and/or Medical Conditions was a substantial motivating factor
6 for the adverse employment actions.

7 55. Defendants and DOES 1 through 50, inclusive, knew or should have known of the
8 conduct and failed to take immediate and appropriate corrective action.

9 56. Defendants and DOES 1 through 50, inclusive, participated and engaged in a
10 concerted, frequented, and repeated pattern of harassing conduct against Plaintiff, which included
11 harassment and interference with her normal work conditions.

12 57. As a direct, foreseeable, and proximate result of Defendants' and DOES 1 through
13 50's, inclusive's, conduct, as alleged above, Plaintiff has suffered lost income, employment, and
14 career opportunities, and has suffered and continues to suffer other economic losses, the precise
15 amount of which will be proven at trial.

16 58. As a direct, foreseeable, and proximate result of Defendants' and DOES 1 through
17 50's, inclusive's, conduct, as alleged above, Plaintiff has suffered and continues to suffer great
18 anxiety, embarrassment, anger, loss of enjoyment of life, and emotional distress, the precise amount
19 of which will be proven at trial.

20 59. Defendants' and DOES 1 through 50's, inclusive's, harassing conduct was a
21 substantial factor in causing aforementioned harm.

22 60. The conduct which Plaintiff complains of in this Complaint, was carried out by
23 Defendants and DOES 1 through 50's, inclusive, willfully, intentionally, and with oppression,
24 malice, and fraud and was carried out with conscious disregard of Plaintiff's rights; as such,
25 Plaintiff is entitled to an award of exemplary damages according to proof. The aforementioned
26 conduct on which punitive damages is alleged, was done with the advance knowledge by an officer,
27 director and/or managing agent of Defendants and DOES 1 through 50, inclusive. The alleged
28

1 conduct on which punitive damages is alleged, was authorized, ratified and/or committed by an
2 officer, director, and/or managing agent of Defendants and DOES 1 through 50's, inclusive.

3 61. Under the FEHA, Plaintiff is entitled to an award of reasonable attorney's fees and
4 costs.

5
6 **THIRD CAUSE OF ACTION**

7 **FAILURE TO PROVIDE REASONABLE ACCOMMODATION**

8 (Violation of Government Code § 12940(m))

9 (By Plaintiff Against Defendant ALICIA MONTESSORI, FOOTHILL RANCH MONTESSORI,
10 HGE, and DOES 1 through 20, inclusive)

11 62. Plaintiff repeats and re-alleges the allegations set forth above in paragraphs and
12 incorporates same by reference as though fully set forth herein.

13 63. At all times herein mentioned, Government Code section 12940(a), (i), (m), and (n)
14 were in full force and effect and was binding on Defendants. This statute requires Defendants to
15 provide reasonable accommodations to known disabled employees.

16 64. Defendants failed to provide reasonable accommodation of Plaintiff's known
17 Disability and/or Medical Conditions, namely, by punishing Plaintiff for taking a medical leave of
18 absence and/or requesting a medical leave of absence and/or refusing to provide her with reasonable
19 accommodations. Instead, Defendants terminated Plaintiff's employment based on her Disability
20 and/or Medical Conditions and/or her need for present and future accommodations.

21 65. Plaintiff believes and, on that basis, alleges that her Disability and/or Medical
22 Conditions and the need to continue to accommodate her Disability and/or Medical Conditions were
23 substantial motivating factors in Defendants' termination of her employment.

24 66. As a direct, foreseeable, and proximate result of Defendants' conduct, as alleged
25 above, Plaintiff has suffered lost income, employment, and career opportunities, and has suffered
26 and continues to suffer other economic loss, the precise amount of which will be proven at trial.

27 67. As a direct, foreseeable, and proximate result of Defendants' conduct, as alleged
28

1 above, Plaintiff has suffered and continues to suffer great anxiety, depression, embarrassment,
2 anger, loss of enjoyment of life, and emotional distress, the precise amount of which will be proven
3 at trial.

4 68. Defendants' conduct was a substantial factor in causing the aforementioned harm
5 and causing further damage to Plaintiff.

6 69. The conduct which Plaintiff complains of in this Complaint was carried out by
7 Defendants and DOES 1 through 50, inclusive, willfully, intentionally, and with oppression, malice,
8 and fraud and was carried out with conscious disregard for Plaintiff's rights; as such, Plaintiff is
9 entitled to an award of exemplary damages according to proof. The aforementioned conduct on
10 which punitive damages is alleged, was done with the advance knowledge by an officer, director
11 and/or managing agent of Defendants and DOES 1 through 50, inclusive. The alleged conduct on
12 which punitive damages is alleged, was authorized, ratified and/or committed by an officer,
13 director, and/or managing agent of Defendants.

14 70. Under the FEHA, Plaintiff is entitled to an award of reasonable attorney's fees and
15 costs.

16
17 **FOURTH CAUSE OF ACTION**

18 **FAILURE TO ENGAGE IN GOOD FAITH INTERACTIVE PROCESS**

19 (Government Code 12900, *et seq.*)

20 (By Plaintiff Against Defendant ALICIA MONTESSORI, FOOTHILL RANCH MONTESSORI,
21 HE, and DOES 1 through 20, inclusive)

22 71. Plaintiff repeats and re-alleges the allegations set forth above in paragraphs and
23 incorporates same by reference as though fully set forth herein.

24 72. Defendants failed to engage in a timely, good-faith interactive process with Plaintiff
25 to accommodate her known disabilities. Instead, Defendants ignored Plaintiff's requests for
26 accommodations, discriminated, harassed, and/or retaliated against Plaintiff for making such
27 requests for accommodations, and terminated Plaintiff's employment in part because of her
28

1 disabilities and/or refused to engage in the interactive process with Plaintiff when she requested that
2 Defendants provide accommodations.

3 73. As a direct, foreseeable, and proximate result of Defendants' conduct, as alleged
4 above, Plaintiff has suffered lost income, employment, and career opportunities, and has suffered
5 and continues to suffer other economic loss, the precise amount of which will be proven at trial.

6 74. As a direct, foreseeable, and proximate result of Defendants' conduct, as alleged
7 above, Plaintiff has suffered and continues to suffer great anxiety, depression, embarrassment,
8 anger, loss of enjoyment of life, and emotional distress, the precise amount of which will be proven
9 at trial.

10 75. Defendants' conduct was a substantial factor in causing the aforementioned harm
11 and causing further damage to Plaintiff.

12 76. The conduct which Plaintiff complains of in this Complaint was carried out by
13 Defendants and DOES 1 through 50, inclusive, willfully, intentionally, and with oppression, malice,
14 and fraud and was carried out with conscious disregard for Plaintiff's rights; as such, Plaintiff is
15 entitled to an award of exemplary damages according to proof. The aforementioned conduct on
16 which punitive damages is alleged, was done with the advance knowledge by an officer, director
17 and/or managing agent of Defendants and DOES 1 through 50, inclusive. The alleged conduct on
18 which punitive damages is alleged, was authorized, ratified and/or committed by an officer,
19 director, and/or managing agent of Defendants.

20 77. Under the FEHA, Plaintiff is entitled to an award of reasonable attorney's fees and
21 costs.

22
23 **FIFTH CAUSE OF ACTION**

24 **RETALIATION IN VIOLATION OF THE FEHA**

25 (Violation of the Fair Employment and Housing Act, Gov. Code § 12940(h))

26 (By Plaintiff Against Defendant ALICIA MONTESSORI, FOOTHILL RANCH MONTESSORI,
27 HGE, and DOES 1 through 20, inclusive)
28

1 78. Plaintiff repeats and re-alleges the allegations set forth above and incorporates the
2 same by reference as though fully set forth herein.

3 79. Defendants and DOES 1 through 20, inclusive are “employers” within the meaning
4 of, and are subject to, the FEHA as employers of five (5) or more employees. Cal. Gov. Code §
5 12926(d).

6 80. Plaintiff was continuously employed by Defendants and DOES 1 through 20,
7 inclusive, at all times herein.

8 81. California Government Code Section 12940(h) prohibits covered employers and/or
9 persons from retaliating against employees for exercising any right under the FEHA.

10 82. Plaintiff exercised her rights under FEHA and engaged in legally protected activity
11 by reporting and opposing the unlawful harassment, discrimination, and/or retaliation by
12 Defendants based on her Disability and/or Medical Conditions as outlined above. In addition,
13 Plaintiff exercised her rights under FEHA and engaged in legally protected activity by requesting a
14 reasonable accommodation for her Disability and/or Medical Conditions, taking a medical leave of
15 absence and/or complaining about Defendants’ retaliatory and harassing conduct due to her
16 Disability and/or Medical Conditions and need for accommodations. In reaction, Defendants and
17 DOES 1 through 20, inclusive, punished Plaintiff by creating a hostile work environment, allowing
18 and/or ratifying harassment by others, and terminating her employment.

19 83. Defendants and DOES 1 through 20, inclusive, took the aforementioned adverse
20 employment action in retaliation for Plaintiff’s exercise of rights guaranteed under the FEHA.

21 84. Plaintiff’s opposition to Defendants’ unlawful discrimination, harassment, and
22 retaliation were substantial motivating reasons for Defendants’ decision to punish and subsequently
23 terminate Plaintiff.

24 85. As a direct, foreseeable, and proximate result of Defendants’ conduct as alleged
25 above, Plaintiff has suffered lost income, employment, and career opportunities, and has suffered
26 and continues to suffer other economic losses, the precise amount of which will be proven at trial.

27 86. As a direct, foreseeable, and proximate result of Defendants’ conduct as alleged
28

1 above, Plaintiff has suffered and continues to suffer great anxiety, embarrassment, anger, loss of
2 enjoyment of life, and emotional distress, the precise amount of which will be proven at trial.

3 87. Defendants' conduct was a substantial factor in causing Plaintiff's aforementioned
4 harm.

5 88. The conduct which Plaintiff complains of in this Complaint was carried out by
6 Defendants and DOES 1 through 20, inclusive willfully, intentionally, and with oppression, malice,
7 and fraud and was carried out with conscious disregard of Plaintiff's rights; as such, Plaintiff is
8 entitled to an award of exemplary damages according to proof. The aforementioned conduct on
9 which punitive damages is alleged, was done with the advanced knowledge by an officer, director
10 and/or managing agent of Defendants and DOES 1 through 20, inclusive. The alleged conduct on
11 which punitive damages is alleged, was authorized, ratified and/or committed by an officer,
12 director, and/or managing agent of Defendants and DOES 1 through 20, inclusive.

13 89. Under the FEHA, Plaintiff is entitled to an award of reasonable attorney's fees and
14 costs.

15
16 **SIXTH CAUSE OF ACTION**

17 **RETALIATION AND INTERFERENCE IN VIOLATION OF CFRA**

18 (Violation of the California Family Rights Act, Gov. Code § 12945.2)

19 (By Plaintiff Against Defendant ALICIA MONTESSORI, FOOTHILL RANCH MONTESSORI,
20 HGE, and DOES 1 through 20, inclusive)

21 90. Plaintiff repeats and re-alleges the allegations set forth above, and incorporates same
22 by reference as though fully set forth herein.

23 91. Cal. Gov. Code § 12945.2(l)(1) states that it is unlawful for an employer "to refuse to
24 hire, or to discharge, fine, suspend, expel, or discriminate against, any individual because of . . . an
25 individual's exercise of the right to family care and medical leave." *See also* 2 Cal. Code of
26 Regulations § 7297.7.

27 92. Cal. Gov. Code § 12945.2(t) states that "it shall be an unlawful employment practice
28

1 for an employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any
2 right provided under this section.”

3 93. Courts have held that employers who took adverse employment actions against an
4 employee for taking FMLA/CFRA leave may also be liable for “interference” under FMLA/CFRA.

5 94. Plaintiff alleges on information and belief that, Defendants and DOES 1 through 20,
6 inclusive, are employers who regularly employed fifty (50) or more persons and are thus subject to
7 Government Code Section 12945.2, commonly known as the California Family Rights Act
8 (“CFRA”), as it expressly grants its employees with twelve weeks of unpaid FMLA leave (and,
9 therefore, CFRA qualifying leave), who suffer from a serious health condition and who worked for
10 Defendants and DOES 1 through 20, inclusive, for at least 12 months, have put in at least 1,250
11 hours during the 12-month period before the leave is to begin.

12 95. Plaintiff was eligible for CFRA leave. Plaintiff was employed by Defendants and
13 DOES 1 through 20, inclusive, for more than twelve months and she worked at least 1,250 hours
14 during the twelve months before she took her first FMLA/CFRA leave.

15 96. During her employment with Defendants and DOES 1 through 20, inclusive,
16 Plaintiff suffered from a Serious Health Condition as defined under Government Code Section
17 12945.2(13). Plaintiff informed Defendants and DOES 1 through 20, inclusive that she suffered
18 from a Serious Health Condition and was in need of time off from work to seek medical care and/or
19 to recover from symptoms associated with her Serious Health Condition. Plaintiff provided
20 information to Defendants and DOES 1 through 20, inclusive, that was sufficient to put them on
21 notice that she was in need of CFRA-qualifying leave.

22 97. Once Defendants and DOES 1 through 20, inclusive, were given reasonable advance
23 notice of Plaintiff’s need for CFRA-qualifying leave, Defendants and DOES 1 through 20, inclusive
24 failed to provide Plaintiff with an eligibility notice required under the FMLA and CFRA.

25 98. Also, Defendants and DOES 1 through 20, inclusive subsequently failed to designate
26 Plaintiff’s leave, paid or unpaid, as CFRA or CFRA/FMLA qualifying and give notice of the
27 designation to Plaintiff. Defendants and DOES 1 through 20, inclusive’s failure to properly follow
28

1 the notice and designation requirements under the FMLA and CFRA constitutes an interference
2 with Plaintiff's rights under these statutes.

3 99. By requesting and taking medical leave because of her Serious Health Condition,
4 Plaintiff exercised her rights under the CFRA, which guarantees an employee up to 12 weeks of
5 unpaid leave.

6 100. Defendants and DOES 1 through 20, inclusive, retaliated against Plaintiff after she
7 took CFRA-qualifying leave and/or before she was to take additional CFRA-qualifying leave by
8 creating a hostile work environment and then terminating her employment.

9 101. By retaliating against Plaintiff after she took CFRA-qualifying leaves of absence
10 during her employment and/or before she was to take additional CFRA-qualifying leave,
11 Defendants and DOES 1 through 20, inclusive, impermissibly interfered with Plaintiff's CFRA
12 rights.

13 102. In terminating Plaintiff, Defendants and DOES 1 through 20, inclusive,
14 impermissibly considered Plaintiff's taking of CFRA-qualifying leave as a negative factor in the
15 decision to terminate her employment. In doing so, Defendants and DOES 1 through 20, inclusive,
16 retaliated against Plaintiff for taking CFRA-qualifying leave and interfered with Plaintiff's CFRA
17 rights.

18 103. As a direct and proximate result of the above-described acts of Defendants and
19 DOES 1 through 20, inclusive, Plaintiff has suffered and will continue to suffer economic damages,
20 including lost wages and benefits, and other compensatory damages in an amount to be ascertained
21 at the time of trial.

22 104. As a further direct and proximate result of the above-described acts of Defendants'
23 and DOES 1 through 20, inclusive, Plaintiff has suffered and will continue to suffer mental,
24 physical, and emotional distress, including but not limited to humiliation, anxiety, nervousness,
25 depression, sleeplessness, and has been generally damaged in an amount to be ascertained at the
26 time of trial.

27 105. As a further direct and proximate result of the above-described acts of Defendants
28

1 and DOES 1 through 20, inclusive, Plaintiff will necessarily continue to expend sums in the future
2 for the treatment of the emotional, physical, and mental injuries sustained by Plaintiff, as a result of
3 said Defendants' and DOES 1 through 20's, inclusive, acts in an amount to be ascertained at the
4 time of trial.

5 106. As a direct and proximate result of the above-described acts of Defendants and
6 DOES 1 through 20, inclusive, Plaintiff has necessarily incurred attorney's fees and costs. Plaintiff
7 is entitled to the reasonable value of such attorney's fees.

8 107. The above-described acts of Defendants and DOES 1 through 20, inclusive, were
9 willful, intentional and malicious and done with the intent to vex, injure and annoy Plaintiff and
10 warrant the imposition of exemplary and punitive damages in an amount sufficient to punish said
11 Defendants, and to deter others from engaging in similar conduct.

12
13 **SEVENTH CAUSE OF ACTION**

14 **FAILURE TO PREVENT HARASSMENT, DISCRIMINATION AND RETALIATION**

15 (Violation of the Fair Employment and Housing Act, Gov. Code §12940 et seq.)

16 (By Plaintiff Against Defendant ALICIA MONTESSORI, FOOTHILL RANCH MONTESSORI,
17 HGE, and DOES 1 through 20, inclusive)

18 108. Plaintiff repeats and re-alleges the allegations set forth above, and incorporates the
19 same by reference as though fully set forth herein.

20 109. As outlined above, Plaintiff was subjected to discrimination, harassment, and
21 retaliation due to her Disability and/or Medical Conditions and/or due to her complaints of
22 discrimination and/or harassment.

23 110. Instead of taking reasonable steps to prevent discrimination, harassment, and/or
24 retaliation, and in complete disregard to Plaintiff's rights, Defendants and DOES 1 through 50,
25 inclusive, retaliated against Plaintiff by refusing to provide her with reasonable accommodations
26 and/or terminating her employment.

27 111. The FEHA requires employers to take all reasonable steps to prevent harassment,
28

1 discrimination, and/or retaliation, including the institution by employer of policies, procedures, and
2 practices that include prompt and effective remedial procedures, and appropriate training,
3 monitoring and disciplinary measures.

4 112. Defendants and DOES 1 through 50, inclusive, did not take any monitoring, training,
5 or disciplinary measures to remedy the discrimination, harassment and/or retaliation by Defendants
6 and DOES 1 through 50, inclusive. Defendants' policies, procedures, and practices were inadequate
7 for prevention, monitoring, and remediation of discrimination, harassment, and/or retaliation. If
8 such policies, procedures, and practices existed, employees, including supervisors, were
9 insufficiently trained or made aware of those policies and procedures to prevent discrimination,
10 harassment, and/or retaliation from occurring. Once Defendants and DOES 1 through 50, inclusive,
11 were made aware of discriminatory, harassing and/or retaliatory conduct against Plaintiff, they
12 failed to take reasonable steps to prevent retaliation against Plaintiff, and instead engaged in further
13 retaliation against Plaintiff by terminating her employment.

14 113. Defendants' failure to take reasonable steps to prevent discrimination, harassment,
15 and/or retaliation was a substantial factor in causing Plaintiff's harm.

16 114. As a direct, foreseeable, and proximate result of Defendants' conduct, as alleged
17 above, Plaintiff has suffered lost income, employment and career opportunities, and has suffered
18 and continues to suffer other economic losses, the precise amount of which will be proven at trial.

19 115. As a direct, foreseeable, and proximate result of Defendants' conduct, as alleged
20 above, Plaintiff has suffered and continues to suffer great anxiety, embarrassment, anger, loss of
21 enjoyment of life, and emotional distress, the precise amount of which will be proven at trial. Her
22 existing mental injuries were further exacerbated by Defendants' conduct.

23 116. The conduct which Plaintiff complains of in this Complaint, was carried out by
24 Defendants and DOES 1 through 50, inclusive, willfully, intentionally, and with oppression, malice,
25 and fraud and was carried out with conscious disregard of Plaintiff's rights; as such, Plaintiff is
26 entitled to an award of exemplary damages according to proof. The aforementioned conduct on
27 which punitive damages is alleged, was done with the advance knowledge by an officer, director
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1 and/or managing agent of Defendant and DOES 1 through 50, inclusive. The alleged conduct on
2 which punitive damages is alleged, was authorized, ratified and/or committed by an officer,
3 director, and/or managing agent of Defendant and DOES 1 through 50, inclusive and was made to
4 cover up the real reason for termination.

5 117. Under the FEHA, Plaintiff is entitled to an award of reasonable attorney's fees and
6 costs.

7
8 **EIGHTH CAUSE OF ACTION**

9 **WHISTLEBLOWER RETALIATION**

10 (Individual and Representative Claim for Violation of California Labor Code § 1102.5)

11 (By Plaintiff Against Defendant ALICIA MONTESSORI, FOOTHILL RANCH MONTESSORI,
12 HGE, and DOES 1 through 20, inclusive)

13 118. Plaintiff repeats and re-alleges the allegations set forth above, and incorporates the
14 same by reference as though fully set forth herein.

15 119. California Labor Code § 1102.5(b) provides that "[a]n employer, or any person
16 acting on behalf of the employer, shall not retaliate against an employee for disclosing information,
17 or because the employer believes that the employee disclosed or may disclose information, to a
18 government or law enforcement agency, to a person with authority over the employee or another
19 employee who has the authority to investigate, discover, or correct the violation or noncompliance,
20 or for providing information to, or testifying before, any public body conducting an investigation,
21 hearing, or inquiry, if the employee has reasonable cause to believe that the information discloses a
22 violation of state or federal statute, or a violation of or noncompliance with a local, state, or federal
23 rule or regulation, regardless of whether disclosing the information is part of the employee's job
24 duties."

25 120. As alleged above, Plaintiff reported serious violations of state and federal laws to her
26 superiors and other officers and directors of Defendants who had authority to investigate and correct
27 these violations. These violations included, but are not limited to, retaliating against Plaintiff due to
28

1 her complaints about health and safety violations, unlawful discrimination, harassment, and/or
2 retaliation based on her Disability and/or Medical Conditions and/or need for reasonable
3 accommodations.

4 121. After Plaintiff's complaints to Defendants, Defendants discriminated and retaliated
5 against Plaintiff by terminating her employment.

6 122. Plaintiff alleges that Defendants and DOES 1 through 20, inclusive terminated her
7 employment in retaliation for reporting the above violations of state and federal labor laws to
8 Defendants.

9 123. Additionally, Plaintiff's refusal to remain silent about such unlawful conduct also
10 constitutes her refusal to participate in the alleged illegality. Plaintiff's refusal to participate in the
11 alleged illegality is considered an exercise of protected activity under California Labor Code
12 §1102.5(c). Plaintiff further alleges, therefore, that her termination was in contravention of the
13 provisions set forth in California Labor Code §1102.5(c), because her termination was in close
14 temporal proximity to her exercise of such protected activity.

15 124. Defendants and DOES 1 through 20, inclusive knew of Plaintiff's whistleblowing
16 complaints protected by Section 1102.5 of the Labor Code.

17 125. Defendants and DOES 1 through 20, inclusive engaged in discrimination and
18 retaliation against Plaintiff because she engaged in activity protected by Section 1102.5 of the Labor
19 Code.

20 126. Plaintiff's activity protected by Section 1102.5 of the Labor Code was a contributing
21 factor in the discrimination and retaliation of Defendants and DOES 1 through 20, inclusive against
22 Plaintiff as described in this complaint.

23 127. As a result of the foregoing conduct, Plaintiff has suffered special and general
24 damages in an amount in excess of the minimum jurisdiction of this court, the precise amount to be
25 proven at trial.

26 128. Defendants and DOES 1 through 20's, inclusive acts as hereinbefore described were
27 committed maliciously, fraudulently, or oppressively with the intent of injuring Plaintiff, and/or
28

1 with a willful and conscious disregard of Plaintiff's right to work in an environment free from
2 retaliation. Because these acts were carried out by Defendants and DOES 1 through 20's, inclusive
3 managerial employees in a despicable, deliberate, and intentional manner, Plaintiff is entitled to
4 recover punitive damages in a sum sufficient to punish and deter future such conduct.

5 129. Pursuant to California Labor Code § 1102.5, Plaintiff is entitled to an award of
6 reasonable attorney's fees and costs.

7
8 **NINTH CAUSE OF ACTION**

9 **WRONGFUL TERMINATION IN VIOLATION OF PUBLIC POLICY**

10 (By Plaintiff Against Defendant ALICIA MONTESSORI, FOOTHILL RANCH MONTESSORI,
11 HGE, and DOES 1 through 20, inclusive)

12 130. Plaintiff repeats and re-alleges the allegations set forth above, and incorporates the
13 same by reference as though fully set forth herein.

14 131. Plaintiff was employed by Defendants and DOES 1 through 20, inclusive at all time
15 herein.

16 132. Plaintiff is informed and believes and thereon alleges that Defendant and DOES 1
17 through 50 inclusive terminated her employment for reasons that are unlawful and/or for reasons
18 violate public policy. Defendants discriminated against, harassed, and/or retaliated against Plaintiff
19 due to her complaints about violations of health and safety and/or on the basis of her Disability
20 and/or Medical Conditions and/or due to her complaints of discrimination and/or harassment, and
21 terminated her employment at least in part on that basis, as outlined above.

22 133. Defendant and DOES 1 through 20, inclusive intentionally created or knowingly
23 permitted these working conditions.

24 134. The adverse working conditions would have been unusual and/or repeatedly
25 offensive to a reasonable person in Plaintiff's position.

26 135. Defendants' termination of Plaintiff's employment violates public policy of the State
27 of California as Defendants harassed, retaliated against, discriminated against, and discharged
28

1 Plaintiff at least in part due to her complaints about violations of health and safety and/or on the
2 basis of her Disability and/or Medical Conditions and/or due to her complaints of discrimination
3 and/or harassment, and/or his reports of unlawful conduct, which is explicitly prohibited by the
4 FEHA and/or the California Labor Code. Such public policy is set forth in Article I, §8, of the
5 California Constitution and the California Fair Employment Housing Act (Government Code §
6 12900, *et seq.*), which specifically prohibits Defendants from discriminating against Plaintiff on the
7 basis of her Disability and/or Medical Conditions and/or due to her complaints of discrimination
8 and/or harassment in the workplace and/or due to her complaints about violations of health and
9 safety.

10 136. As a proximate result of the said termination, Plaintiff has suffered and continues to
11 suffer substantial losses in earnings and other employment benefits according to proof.

12 137. As a further proximate result of the said termination, Plaintiff has suffered and
13 continues to suffer humiliation, emotional distress, mental pain, and anguish all to his damages in a
14 sum according to proof.

15 138. As a further and proximate result of said termination, Plaintiff has incurred and will
16 continue to incur expenses all to his damage in a sum to be determined at trial.

17 139. The aforementioned conduct by Defendants and DOES 1 through 20, inclusive,
18 constitutes oppression, fraud, and malice, thereby entitling Plaintiff to an award of punitive
19 damages against Defendants. Plaintiff is informed and believes and thereon alleges by failing to
20 take adequate remedial measures, Defendants ratified the wrongful conduct and are guilty of
21 oppression, fraud, and malice. Plaintiff is further informed and believes and thereon alleges that
22 this act of oppression, fraud and malice or ratification was on the part of an officer, director, or
23 managing agent of Defendants and DOES 1 through 20.

24
25 **TENTH CAUSE OF ACTION**

26 **VIOLATION OF BUSINESS & PROFESSIONS CODE SECTION 17200 ET SEQ.**

27 (By Plaintiff Against Defendant ALICIA MONTESSORI, FOOTHILL RANCH MONTESSORI,
28

HGE, and DOES 1 through 20, inclusive)

140. Plaintiff repeats and re-alleges the allegations set forth above and incorporates the same by reference as though fully set forth herein.

141. Defendants and DOES 1 through 20, inclusive, have in the course of business committed acts and/or omissions and engaged in a practice of unfair competition, as defined by California Business & Professions Code section 17200 et seq., including but not limited to discriminating against Plaintiff on the basis of her Disability and/or Medical Conditions, and/or violations of law and by terminating Plaintiff's employment at least in part due to her complaints about health and safety violations and/or Disability and/or Medical Conditions and/or need for accommodations and/or for her complaints of unlawful harassment and discrimination and retaliation.

142. The conduct of Defendants and DOES 1 through 20, as alleged above, constitutes unlawful, unfair and fraudulent activity prohibited by California Business and Professions Code section 17200 et seq.

143. As a result of their improper acts, Defendants and DOES 1 through 20, inclusive, and each of them, have reaped and continue to reap unfair benefits and illegal profits at Plaintiff's expense. Defendants and DOES 1 through 20, inclusive, and each of them, should be made to disgorge these ill-gotten gains and restore to Plaintiff these gains pursuant to California Business and Professions Code section 17203.

144. Defendants and DOES 1 through 20, inclusive, and each of them, should also be subjected to a permanent injunction prohibiting Defendants and DOES 1 through 20, inclusive, and each of them, from violating the California Labor Code by retaliating against and discharging employees for reporting violations of law to Defendants.

145. Plaintiff requests relief as described below.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

ON ALL CAUSES OF ACTION

(Against All Defendants)


1. For compensatory damages, together with prejudgment and post-judgment interest, according to proof;
2. For general damages, according to proof;
3. For reasonable attorney's fees according to proof;
4. For exemplary and punitive damages, according to proof;
5. For costs of suit incurred herein;
6. For a permanent injunction prohibiting Defendants, and each of them, from discriminating against employees on the basis of age or disability and/or from unfair competition;
7. For disgorgement of all ill-gotten and/or ill-gained profits resulting from the unfair business practices of Defendants, and each of them;
8. For such other and further relief as the court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury as to all issues so triable.

Dated: October 2, 2023

ODELL LAW, PLC

By: 
Robert A. Odell, Esq.
Claudette H. Villicaña, Esq.
Attorneys for Plaintiff,
RENAH SOLIMAN

DeMarco-Mitchell, PLLC
500 N. Central Expressway, Suite 500
Plano, TX 75074
972-578-1400
972-346-6791 facsimile

Exhibit "B"

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:

Higher Grounds Education, Inc. *et al.*¹

Debtors

Chapter 11

Case No.: 25-80121-11 (MVL)

(Jointly Administered)

**Renah Soliman,
Movant,**

vs.

**Higher Ground Education, Inc. *et al.*,
Respondents**

¹ The Debtors in these Chapter 11 Cases, along with the last four digits of each Debtor's federal identification number, are: Higher Ground Education Inc. (7265); Guidepost A LLC (8540); Prepared Montessorian LLC (6181); Terra Firma Services LLC (6999); Guidepost Birmingham LLC (2397); Guidepost Bradley Hills LLC (2058); Guidepost Branchburg LLC (0494); Guidepost Carmel LLC (4060); Guidepost FIC B LLC (8609); Guidepost FIC C LLC (1518); Guidepost Goodyear LLC (1363); Guidepost Las Colinas LLC (9767); Guidepost Leawood LLC (3453); Guidepost Muirfield Village LLC (1889); Guidepost Richardson LLC (7111); Guidepost South Riding LLC (2403); Guidepost St Robert LLC (5136); Guidepost The Woodlands LLC (6101); Guidepost Walled Lake LLC (9118); HGE FIC D LLC (6499); HGE FIC E LLC (0056); HGE FIC F LLC (8861); HGE FIC G LLC (5500); HGE FIC H LLC (8817); HGE FIC I LLC (1138); HE FIC K LLC (8558); HGE FIC L LLC (2052); HGE FIC M LLC (8912); HGE FIC N LLC (6774); HGE FIC O LLC (4678); HGE FIC P LLC (1477); HGE FIC Q LLC (3122); HGE FIC R LLC (9661); LePort Emeryville LLC (7324); AltSchool II LLC (0403). The Debtors' mailing address is 1321 Upland Dr. PMB 20442, Houston, Texas 77043.

**AFFIDAVIT OF ROBERT ODELL
IN SUPPORT OF MOTION OF RENAH SOLIMAN
FOR RELIEF FROM STAY OF ACTION AGAINST DEBTORS
PURSUANT TO 11 U.S.C. §362, WAIVER OF THIRTY DAY REQUIREMENT
PURSUANT TO §362(e), AND REQUEST FOR HEARING IN DALLAS, TEXAS**

1. That I am legal, and specifically employment law, counsel for Renah Soliman (the “Movant”).

2. I am above the age of eighteen, of sound mind and body, fully and personally familiar with all matters set out herein, and fully authorized by Movant to execute this affidavit.

3. On October 2, 2023, I initiated an action on behalf of Movant by filing a complaint against Guidepost FIC A LLC, Guidepost FIC B LLC, and Higher Ground Education Inc, d/b/a Guidepost Montessori, several of the Debtor entities in jointly administered Chapter 11 Case No. 25-80121-11 (MVL) (the “Debtor”). Said action was commenced in the Superior Court for the State of California, County of Orange, and was assigned Case Number 20-2023-01354511-CU-WT-CJC (the “California Action”).

4. As set forth in the complaint which initiated the California Action, Movant alleges that, in January, 2023, Movant was wrongfully terminated from her employment by the Debtor. As a result of the events set forth in the California Action, Movant sought damages for lost wages, emotional distress, as well as costs and attorney’s fees.

5. In order for Movant to properly value her claim for the bankruptcy court, she must be allowed to liquidate her claims against the bankruptcy estate of the Debtor; this cannot happen until the automatic stay is lifted or modified so as to allow Movant to do so.

6. Movant therefore seeks stay relief to liquidate her claims against the Debtor to establish the Debtor's liability as a predicate to potential recoveries from the available proceeds of liability insurance policies. Movant further requests the entry of order pursuant to Section 362(d)(1) of the Bankruptcy Code, modifying the automatic stay to enable Movant to proceed with the California action against the Debtor.

7. Permitting the continuation of the California action is the most efficient way to liquidate the Movant's claim against Debtor. To the extent Movant is successful on her claim in the California action, Movant seeks recovery against Debtor's estate, including its rights in its contractual policies of insurance.

8. Debtor and its bankruptcy estate will not be financially prejudiced by the modification of the automatic stay for purposes of allowing Movant's claim to proceed because the defense of the California action is already being provided by Debtor's insurers, and has been defended by them since the action commenced in October of 2023.

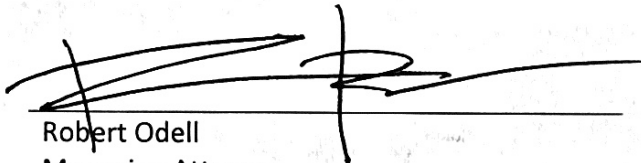
9. Conversely, great prejudice will result to Movant if this relief is not granted. Movant suffered tremendous harm as is set forth in the Complaint. Movant's right to seek equity has been stymied by Debtor's bankruptcy filing.

10. The California Action is the most logical and cost-effective location to liquidate both the value of Movant's claims against the Debtor. The parties to the California Action were approximately twenty-one (21) months into the process of litigation Movant's claim when the Debtor commenced its bankruptcy proceedings.

11. All defendants in the California Action have been represented by Rees Scully
Mansukhani, LLP.

12. Defendants have disclosed in discovery that Movant's claims are covered by Defendant
Higher Ground Education's Employment Practices Liability Insurance ("EPLI") policy through
Evanston Insurance Company (Policy No. xxxxxxxxxxx0325) with has a \$3,000,000.00 limit of
liability coverage.

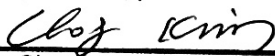
Further affiant sayeth not.



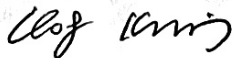
Robert Odell
Managing Attorney
Odell Law, PLLC
1 Park Plaza, Suite 600
Irvine, CA 92614
949-833-7105

State of California County of Orange
Subscribed and sworn to (or affirmed) before me
on this 05th day of August, 2025
by Robert Odell
proved to me on the basis of satisfactory evidence to
be the person(s) who appeared before me.

A notary public or other officer completing this certificate verifies only the
identity of the individual who signed the document to which this certificate
is attached, and not the truthfulness, accuracy, or validity of that document.

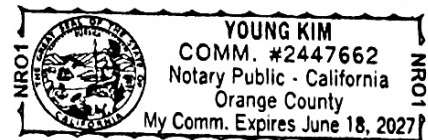

Notary Public Signature

Subscribed and sworn to before me the undersigned authority on this 05th day
of August, 2025, to certify which witness my hand and seal of office.



Notary public in and for the State of California

My Commission Expires:



06/18/2027

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IN RE:

Higher Grounds Education, Inc. *et al.*¹

Debtors

**Renah Soliman,
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vs.

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Case No.: 25-80121-11 (MVL)

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**ORDER GRANTING MOTION OF RENAH SOLIMAN FOR RELIEF FROM
STAY OF ACTION AGAINST DEBTORS PURSUANT TO 11 U.S.C. §362**

On August 6, 2025 the *Motion of Renah Soliman for Relief From Stay of Action Against Debtor Pursuant to 11 U.S.C. §362, Waiver of Thirty Day Requirement Pursuant to §362(e), and Request for Hearing in Dallas, Texas* (the “Motion”) was filed by Renah Soliman (the “Movant”) in the above-referenced case. Capitalized terms set out herein shall have the same meaning attributed to them in the Motion unless otherwise indicated.

The Court finds that the Motion was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure and that it contained the appropriate negative notice language, pursuant to LBR 4001-1(b), which directed any party opposed to the granting of the relief sought by the Motion to file a written response within fourteen (14) days or the Motion would be deemed by the Court to be unopposed. The Court finds that no objection or other written response to the Motion has been timely filed by any party. Due to the failure of any party to file a timely written response, the allegations contained in the Motion stand unopposed and, therefore, the Court finds that good cause exists for the entry of the following order.

IT IS, THEREFORE, ORDERED that the Motion is hereby **GRANTED** so as to authorize the Movant to take any and all steps necessary proceed to liquidate her claim against the Debtors in the California Action.

IT IS FURTHER ORDERED that, since the Motion was unopposed by any party, the fourteen-day stay period otherwise imposed by Fed. R. Bank. P 4001(a)(3) shall not be applicable to this Order.

XXX END OF ORDER XXX

ORDER SUBMITTED BY:

/s/ Michael S. Mitchell

DeMarco•Mitchell, PLLC

Michael S. Mitchell, Texas Bar No. 00788065

Email mike@demarcomitchell.com

500 N. Central Expressway

Suite 500, PMB 120

Plano, TX 75074

T 972-578-1400

F 972-346-6791