

Fill in this information to identify the case:

Debtor Tehum Care Services, Inc.

United States Bankruptcy Court for the: Southern District of Texas
(State)

Case number 23-90086

**Official Form 410
Proof of Claim**

04/22

Read the instructions before filling out this form. This form is for making a claim for payment in a bankruptcy case. Do not use this form to make a request for payment of an administrative expense. Make such a request according to 11 U.S.C. § 503.

Filers must leave out or redact information that is entitled to privacy on this form or on any attached documents. Attach redacted copies or any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. **Do not send original documents;** they may be destroyed after scanning. If the documents are not available, explain in an attachment.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Fill in all the information about the claim as of the date the case was filed. That date is on the notice of bankruptcy (Form 309) that you received.

Part 1: Identify the Claim

<p>1. Who is the current creditor?</p>	<p><u>Bradley Schwartz</u> Name of the current creditor (the person or entity to be paid for this claim)</p> <p>Other names the creditor used with the debtor _____</p>	
<p>2. Has this claim been acquired from someone else?</p>	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. From whom? _____</p>	
<p>3. Where should notices and payments to the creditor be sent?</p> <p>Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)</p>	<p>Where should notices to the creditor be sent?</p> <p><u>Bradley Schwartz</u> <u>Jeremy Killpack</u> <u>5240 E Pima St</u> <u>Tucson, AZ 85712, USA</u></p> <p>Contact phone <u>520-320-5240</u></p> <p>Contact email <u>jeremy@HLFAZ.com</u></p>	<p>Where should payments to the creditor be sent? (if different)</p> <p>Contact phone _____</p> <p>Contact email _____</p> <p>Uniform claim identifier for electronic payments in chapter 13 (if you use one): _____</p>
<p>4. Does this claim amend one already filed?</p>	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. Claim number on court claims registry (if known) _____ Filed on _____ MM / DD / YYYY</p>	
<p>5. Do you know if anyone else has filed a proof of claim for this claim?</p>	<p><input checked="" type="checkbox"/> No</p> <p><input type="checkbox"/> Yes. Who made the earlier filing? _____</p>	



Part 2: Give Information About the Claim as of the Date the Case Was Filed

6. Do you have any number you use to identify the debtor? No
 Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: ____ _

7. How much is the claim? \$ 300,000.00. Does this amount include interest or other charges?
 No
 Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).

8. What is the basis of the claim? Examples: Goods sold, money loaned, lease, services performed, personal injury or wrongful death, or credit card.
Attach redacted copies of any documents supporting the claim required by Bankruptcy Rule 3001(c).
Limit disclosing information that is entitled to privacy, such as health care information.
Medical negligence/ malpractice.

9. Is all or part of the claim secured? No
 Yes. The claim is secured by a lien on property.
Nature or property:
 Real estate: If the claim is secured by the debtor's principle residence, file a *Mortgage Proof of Claim Attachment* (Official Form 410-A) with this *Proof of Claim*.
 Motor vehicle
 Other. Describe: _____

Basis for perfection: _____
Attach redacted copies of documents, if any, that show evidence of perfection of a security interest (for example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.)

Value of property: \$ _____
Amount of the claim that is secured: \$ _____
Amount of the claim that is unsecured: \$ _____ (The sum of the secured and unsecured amount should match the amount in line 7.)

Amount necessary to cure any default as of the date of the petition: \$ _____

Annual Interest Rate (when case was filed) _____ %
 Fixed
 Variable

10. Is this claim based on a lease? No
 Yes. Amount necessary to cure any default as of the date of the petition. \$ _____

11. Is this claim subject to a right of setoff? No
 Yes. Identify the property: _____



12. Is all or part of the claim entitled to priority under 11 U.S.C. § 507(a)?

A claim may be partly priority and partly nonpriority. For example, in some categories, the law limits the amount entitled to priority.

- No
 Yes. Check all that apply:

- | | Amount entitled to priority |
|---|-----------------------------|
| <input type="checkbox"/> Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B). | \$ _____ |
| <input type="checkbox"/> Up to \$3,350* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use. 11 U.S.C. § 507(a)(7). | \$ _____ |
| <input type="checkbox"/> Wages, salaries, or commissions (up to \$15,150*) earned within 180 days before the bankruptcy petition is filed or the debtor's business ends, whichever is earlier. 11 U.S.C. § 507(a)(4). | \$ _____ |
| <input type="checkbox"/> Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8). | \$ _____ |
| <input type="checkbox"/> Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5). | \$ _____ |
| <input type="checkbox"/> Other. Specify subsection of 11 U.S.C. § 507(a)() that applies. | \$ _____ |

* Amounts are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or after the date of adjustment.

Part 3: Sign Below

The person completing this proof of claim must sign and date it. FRBP 9011(b).

If you file this claim electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what a signature is.

A person who files a fraudulent claim could be fined up to \$500,000, imprisoned for up to 5 years, or both. 18 U.S.C. §§ 152, 157, and 3571.

Check the appropriate box:

- I am the creditor.
 I am the creditor's attorney or authorized agent.
 I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.
 I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.

I understand that an authorized signature on this *Proof of Claim* serves as an acknowledgement that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

I have examined the information in this *Proof of Claim* and have reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on date 08/11/2023
MM / DD / YYYY

/s/Jeremy Killpack
 Signature

Print the name of the person who is completing and signing this claim:

Name Jeremy Killpack
First name Middle name Last name

Title Managing Partner

Company Hallinan and Killpack Law Firm
Identify the corporate servicer as the company if the authorized agent is a servicer.

Address _____

Contact phone _____ Email _____



KCC ePOC Electronic Claim Filing Summary

For phone assistance: Domestic (866) 967-0491 | International 001-424-236-7244

Debtor: 23-90086 - Tehum Care Services, Inc.		
District: Southern District of Texas, Houston Division		
Creditor: Bradley Schwartz Jeremy Killpack 5240 E Pima St Tucson, AZ, 85712 USA Phone: 520-320-5240 Phone 2: Fax: Email: jeremy@HLFAZ.com	Has Supporting Documentation: Yes, supporting documentation successfully uploaded Related Document Statement:	
	Has Related Claim: No Related Claim Filed By:	
	Filing Party: Authorized agent	
Other Names Used with Debtor:	Amends Claim: No Acquired Claim: No	
Basis of Claim: Medical negligence/ malpractice.	Last 4 Digits: No	Uniform Claim Identifier:
Total Amount of Claim: 300,000.00	Includes Interest or Charges: Yes	
Has Priority Claim: No	Priority Under:	
Has Secured Claim: No Based on Lease: No Subject to Right of Setoff: No	Nature of Secured Amount: Value of Property: Annual Interest Rate: Arrearage Amount: Basis for Perfection: Amount Unsecured:	
Submitted By: Jeremy Killpack on 11-Aug-2023 6:31:38 p.m. Eastern Time Title: Managing Partner Company: Hallinan and Killpack Law Firm		

ADDENDUM TO SCHWARTZ PROOF OF CLAIM.

Tehum Care Services, Inc.

Case No. 23-90086

Debtor: Tehum Care Services, Inc.

Claimant: Bradley Schwartz

Claim Amount: In excess of \$300,000.00 plus punitive damages, fees, and costs as more fully set forth in the attached Complaint.

Basis for Claim: Medical negligence/ malpractice and special damages. *See* attached Complaint.

BACKGROUND AND SUMMARY OF CLAIM.

On or about May 10, 2021, Bradley Schwartz commenced an action against the Debtor, among other defendants, in the Superior Court of the State of Arizona, County of Maricopa at Case No. cv2021-092282 styled *Schwartz v Centurion of Arizona et al.* (the “State Court Litigation”) arising out of the Debtor’s breach of duty and failure to properly administer treatment, care, or supervision to Bradley Schwartz (“Bradley”), an inmate at an Arizona Department of Corrections, Rehabilitation and Re-entry (“ADCRR”) facility. Bradley specifically asserts over \$300,000.00 of medical negligence/ malpractice claims for improper and woefully inadequate medical care against the Debtor and its employees. As set forth in the attached Complaint supporting this Proof of Claim, Bradley holds state law claims against the Debtor and its bankruptcy estate under Arizona law for medical negligence/ malpractice arising out of the inadequate medical care afforded to Bradley.

Additional details regarding the facts, claims and causes of action asserted by Dr. Schgwartz against the Debtor, and their damages, are detailed in the attached Complaint.

All relevant documents not otherwise attached to this Proof of Claim will be made available upon request by the Court and the Debtor.

RESERVATION OF RIGHTS.

Neither the filing of this Proof of Claim, nor any subsequent appearance, pleading, claim, proof of claim, document, suit, motion, nor any other writing or conduct shall be deemed or construed as: (i) a waiver or release of Bradley rights against any person, entity, estate or property (including, without limitation, any third party, insurance carrier or insurance policy covering any of Bradley's claims); (ii) a consent by Bradley to the jurisdiction of this Court or any other court with respect to proceedings, if any, commenced in any case against or otherwise involving Bradley; (iii) a waiver or release of Bradley's right to trial by jury in this Court or any other court in any proceeding as to any and all matters so triable herein or therein, whether or not the same be designated legal or private rights or in any case, controversy or proceeding related thereto, notwithstanding the designation or not of such matters as "core proceedings" pursuant to 28 U.S.C. § 157(b)(2), and whether such right to jury trial is pursuant to statute or the United States Constitution; (iv) a consent by Bradley to a jury trial in this Court or any other court in any proceeding as to any and all matters so triable herein or in any case, controversy or proceeding related hereto, pursuant to 28 U.S.C. § 157(e) or otherwise; (v) a waiver or release of Bradley's right to have any and all final orders in any and all non-core matters or proceedings entered only after de novo review by a United States District Court Judge; (vi) a waiver of the right to move to withdraw the reference with respect to the subject matter of this Proof of Claim, any objection thereto or other proceeding which may be commenced in this case against or

otherwise involving Bradley; (vii) an election of remedies; (viii) a waiver or release of any right of setoff or recoupment that Bradley may hold against Debtor; or (ix) a waiver or release of any of Bradley's other rights, claims, actions, defenses, or other matters to which Bradley is entitled under any agreements or at law or equity or under the United States Constitution. Bradley hereby reserves all of the rights and remedies at law or in equity with respect to this claim, any and all claims held by Bradley against third parties, and the right to a jury trial and right to object to this Court's subject matter jurisdiction with respect to any matter stated herein or related to this Proof of Claim.

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State Bar No. 033434/PAN 66970
9 **Attorneys for Plaintiff**

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11 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
IN AND FOR THE COUNTY OF MARICOPA COUNTY

12 Bradley Schwartz,

13 Plaintiff,

14 vs.

15 Centurion of Arizona, LLC., Corizon
Health, Inc., Itoro Elijah, MD, Theodora
Paul, DO, Richard Pratt, John and Jane
16 Does I-X and Black and White
Corporations I-X

17 Defendants.

Case No.

CV2021-092282

COMPLAINT

Assigned to Hon.

- 18 1. Plaintiff Bradley Schwartz (“Mr. Schwartz” or “Plaintiff”), pursuant to A.R.S. §12-
19 561, et seq., brings this claim on his own behalf as the injured party.

20 **JURY TRIAL REQUESTED**

- 21 2. A jury trial is requested.

PARTIES

3. Mr. Schwartz is a 56-year-old man remanded to the custody of the Arizona Department of Corrections, Rehabilitation & Reentry (“ADC”) and was housed at ASPC – Lewis, an ADC facility, at all relevant times.
4. Defendant Centurion of Arizona, LLC (“Centurion”) is an Arizona Limited Liability Corporation that acts through its agents and employees, and is legally responsible for their negligence, as well as its own. Centurion is responsible for the treatment and services furnished at ASPC – Lewis, a facility operated by ADC.
5. Defendant Corizon Health, Inc. (“Corizon”) is a Delaware corporation that acts through its agents and employees, and is legally responsible for their negligence, as well as its own. Centurion is responsible for the treatment and services furnished at ASPC – Lewis, a facility operated by ADC.
6. Defendant Dr. Itoro Elijah, MD (“Dr. Elijah” or “Defendant Elijah”) is a duly licensed physician and an employee or agent of Corizon and was at the relevant times employed as a medical doctor in the facility where Mr. Schwartz was housed.
7. Defendant Dr. Theodora Paul, DO (“Dr. Paul” or “Defendant Paul”) is a duly licensed physician and an employee or agent of Centurion and was at the relevant times employed as a medical doctor in the facility where Mr. Schwartz was housed.
8. Defendant Richard Pratt (“Director Pratt” or “Defendant Pratt”) is an employee or agent of ADC and was at the relevant times the Medical Director for ADC.

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9. Defendants John and Jane Does I-X and Black and White Corporations I-X are and, all relevant times were persons, agents, servants, employees, corporations and/or business entities whose true names are not known to plaintiffs at the present time. Plaintiff alleges, upon information and belief, that John and Jane Does I-X are citizens or residents of the State of Arizona. Plaintiff, upon informed belief, alleges that one or more of these individuals and/or business entities caused an event to occur, within the State of Arizona, which is the subject of this Complaint. At the present time, Plaintiff does not have the true names of John and Jane Does I-X and Black and White Corporations I-X.

JURISDICTION AND VENUE

10. The Defendants caused events to occur within Maricopa County, Arizona, out of which these claims arise.

11. Venue is proper pursuant to A.R.S. §12-401. The amount in controversy exceeds the minimal jurisdictional amount required for Arizona Superior Court jurisdiction.

FACTS OF THE CASE

12. Mr. Schwartz incorporates all paragraphs above as if stated herein.

13. On or about December 18, 2018, Mr. Schwartz awoke from sleep with weakness and paresthesia to his lower extremities.

14. Mr. Schwartz requested emergency medical evaluation for his highly concerning symptoms on December 18, 2018.

- 1 15. Between December 18, 2018 and May 15, 2019, Mr. Schwartz made repeated efforts to
2 obtain much-needed care through multiple Health Needs Requests, each time noting his
3 progressively worsening neurological symptoms which included urinary incontinence,
4 generalized weakness, numbness and tingling, and difficulty ambulating.
- 5 16. Corizon failed to provide medically necessary evaluation and treatment between
6 December 18, 2018 and May 15, 2019.
- 7 17. On or about May 15, 2019, Mr. Schwartz at last had a surgical operation to attempt to
8 improve his neurological condition.
- 9 18. As a direct and proximate result of Corizon's failure to provide medically necessary
10 evaluation, causing a six-month delay in Mr. Schwartz' diagnosis and treatment, Mr.
11 Schwartz will experience life-long neurological impairment, reduced quality of life, and
12 substantial pain and suffering.
- 13 19. On or about June 1, 2019, Centurion assumed responsibility for Mr. Schwartz' medical
14 care.
- 15 20. Following an extensive neurological surgery, Mr. Schwartz required intensive therapy
16 and medical care.
- 17 21. Throughout Mr. Schwartz' rehabilitation, Centurion provided inadequate medical care
18 including treatment, pain management, and evaluation, worsening Mr. Schwartz'
19 condition and causing additional, prolonged neurological dysfunction, impaired quality
20 of life, and unnecessary pain and suffering.
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22. Defendant Pratt knew or should have known of Mr. Schwartz’ serious medical condition and the negligence of Corizon, Centurion, and their employees or agents.

COUNT ONE
(Negligence/Malpractice)

23. Mr. Schwartz incorporates all previous paragraphs as if stated in full herein.

24. Defendants hold themselves out as having the ability, skill, expertise, and capacity to perform their duties and provide healthcare to individuals incarcerated in the custody of ADC such as Mr. Schwartz.

25. Defendants Centurion and Corizon employ medical doctors, nurse practitioners, physician’s assistants, registered nurses, licensed practical nurses, and other healthcare providers in their regular business of providing healthcare services.

26. Defendants Dr. Elijah, Dr. Paul, and Doe I-X provided medical care to Mr. Schwartz.

27. Defendant Pratt was negligent in managing provision of medical care to Mr. Schwartz.

28. Defendants negligently failed to adequately identify, diagnose, and treat Mr. Schwartz’ acute neurological condition which resulted in profound life-long disability, loss of enjoyment of life, future medical needs, and pain and suffering.

29. As a direct and proximate result of Defendants’ negligence, misconduct, errors, and omissions, Mr. Schwartz has and will suffer entirely unnecessary mental and physical pain, as well as life-long damage that impairs his ability to fully live and enjoy his life.

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PRAYER FOR RELIEF

WHEREFORE, Mr. Schwartz prays for judgments against the Defendants as follows:

- A. For special damages to be proven at the time of trial;
- B. For general damages to be proven at the time of trial;
- C. For the reasonable value of lost income and services;
- D. For the costs occurred herein and accruing; and
- E. For such other and further relief as the Court may deem just and proper.

RESPECTFULLY SUBMITTED this 10th day of May, 2021

/s/ Kirstin T. Eidenbach
Kirstin T. Eidenbach
Audrey C. Miller
Hallinan & Killpack Law Firm
Attorneys for Plaintiffs

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Corporations I-X

17 Defendants.
18

Case No.

**CERTIFICATION OF MEDICAL
EXPERT NECESSITY PURSUANT
TO A.R.S. § 12.2603(A)**

Assigned to Hon.

19 Counsel undersigned hereby certifies:

- 20 1. The plaintiffs listed above have asserted claims for medical malpractice and medical
21 negligence against several licensed healthcare professionals in the above-captioned
22 claim, including physicians practicing in a prison context.

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2. Pursuant to A.R.S. §12-2603(A), expert testimony will be required as to the liability and relevant standard of care for a physician in a prison context as well as the relevant standard of care for treating acute neurological changes.
3. These statements are true and correct to the best of my knowledge.

RESPECTFULLY SUBMITTED this 10th day of May, 2021

/s/ Kirstin T. Eidenbach
Kirstin T. Eidenbach
Audrey C. Miller
Hallinan & Killpack Law Firm
Attorneys for Plaintiffs