

ENTERED

May 01, 2024

Nathan Ochsner, Clerk

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

In re:)	
)	Chapter 11
TEHUM CARE SERVICES, INC., ¹)	
)	Case No. 23-90086 (CML)
Debtor.)	

**THIRD AMENDED STIPULATION AND AGREED
 ORDER REGARDING MEDIATION PROCEDURES**

Tehum Care Services, Inc., the above-captioned debtor and debtor in possession (the “Debtor”), the Official Committee of Unsecured Creditors appointed in this chapter 11 case (the “Creditors’ Committee”), the Official Tort Claimants’ Committee appointed in this chapter 11 case on November 20, 2023 (the “Tort Committee”), M2 LoanCo, LLC, YesCare Corp., M2 HoldCo, LLC, Perigrove 1018, LLC, and Geneva Consulting, LLC (collectively, the “Parties” and all of the Parties without the Tort Committee being the “Original Parties”), hereby enter into this Stipulation and Agreed Order as follows:

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

WHEREAS, pursuant to an agreed order entered on May 22, 2023 [Docket No. 603], a three-day mediation was held on August 21–23, 2023, which was attended by representatives of the Original Parties and mediated by Judge David R. Jones (the “Original Mediation”);

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



WHEREAS, the Original Mediation resulted in a settlement (the “August Settlement”), which was incorporated into a joint plan filed by the Debtor and the Creditors’ Committee (the “Joint Plan”);²

WHEREAS, on November 8, 2023, the Court entered an agreed order appointing Judge Christopher S. Sontchi (ret.), a well-known and respected jurist with no prior connections to this Bankruptcy Case, this district, or the parties involved in this matter, as mediator (the “Mediator”) for a second mediation (the “Second Mediation”);

WHEREAS, on November 20, 2023, the United States Trustee appointed the Tort Committee;³

WHEREAS, on November 29, 2023, at the request of the Debtor, the Creditors’ Committee, and the Tort Committee, the Court entered an amended order rescheduling the Second Mediation to December 14, 2023, and including the Tort Committee in the participants to the Second Mediation;⁴

WHEREAS, the Second Mediation resulted in a new settlement among all Parties except the Tort Committee (the “January Settlement”);

WHEREAS, the Debtor and the Creditors’ Committee filed a joint motion to approve the January Settlement (the “9019 Motion”),⁵ and the Tort Committee filed a motion to dismiss the Bankruptcy Case (the “Dismissal Motion”⁶ and, together with the 9019 Motion, the “Motions”);

² Docket No. 985, as amended at Docket Nos. 1043 and 1072.

³ Docket No. 1095.

⁴ Docket No. 1158.

⁵ Docket No. 1259.

⁶ Docket No. 1260.

WHEREAS, following a four-day evidentiary hearing, the Bankruptcy Court denied both Motions;⁷

WHEREAS, the Parties seek authority for Judge Sontchi to mediate the issues raised by the Court in its rulings on the Motions, as well as any other issues necessary to bring this Bankruptcy Case to an effective resolution, as the Mediator deems appropriate, including considering any submissions the Parties or the Mediator deem appropriate, reviewing the results of the Original Mediation, the Second Mediation, the evidentiary record from the hearing on the Motions, and conducting a third mediation with the Parties on May 6, 2024, and continuing on such other dates as the Parties and the Mediator may agree (the “Third Mediation”).

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

1. Christopher S. Sontchi, former Chief Judge of the U.S. Bankruptcy Court for the District of Delaware, is appointed as Mediator. Except as expressly set forth herein, the Third Mediation will be governed by Paragraph S of the *Procedures for Complex Cases in the Southern District of Texas (Effective October 18, 2023)*, which provides as follows:

- a. Time and Place of Mediation. The Mediator will schedule a time and place for the Second Mediation and any pre-mediation conferences.
- b. Submission Materials. Each Party must submit directly to the Mediator such materials (the “Submission”) in form and content as the Mediator directs. Prior to the Third Mediation, the Mediator may talk with the participants to determine what materials would be helpful. The Submission must not be filed with the Court.
- c. Cost of Mediation. Unless otherwise ordered by the Court, or agreed by the Parties, the non-estate Parties shall bear the fees and costs of the Mediator, whether there is a settlement reached at the Third Mediation or not; *provided, however*, that to the extent that the estate is required to pay the Mediator’s fees and costs following the

⁷ Docket Nos. 1505, 1506, 1508, 1509, and 1513.

Third Mediation, the Debtor or the Mediator, as applicable, will file a fee application with this Court.

- d. Protection of Information Disclosed at Mediation. The Mediator and the participants in the Third Mediation are prohibited from divulging, outside of the Third Mediation, any oral or written information disclosed by the Parties in the course of the Third Mediation. No person may rely on or introduce as evidence in any arbitral, judicial or other proceeding, evidence pertaining to any aspect of the mediation effort, including but not limited to: (A) views expressed or suggestions made by a Party with respect to a possible settlement of the dispute; (B) the fact that another Party had or had not indicated willingness to accept a proposal for settlement made by the Mediator, (C) proposals made or views expressed by the Mediator; (D) statements or admissions made by a Party in the course of the Third Mediation; and (E) documents prepared for the purpose of, in the course of, or pursuant to the Third Mediation. Without limiting the foregoing, the Parties are bound by (i) Fed. R. Evid. 408, and (ii) any applicable federal or state statute, rule, common law or judicial precedent relating to the privileged nature of settlement discussions, mediations, or other alternative dispute resolution procedures. Information otherwise discoverable or admissible in evidence does not become exempt from discovery, or inadmissible in evidence, merely by being used by a Party in the Third Mediation.
- e. Discovery from Mediator. The Mediator may not be compelled to disclose to the Court or to any person any of the records, reports, summaries, notes, communications or other documents received or made by the Mediator while serving in such capacity. The Mediator may not testify or be compelled to testify regarding the Third Mediation in connection with any arbitral, judicial or other proceeding. The Mediator will not be a necessary party in any proceedings relating to the Third Mediation. Nothing contained in this paragraph prevents the Mediator from reporting (i) the status, but not the substance, of the mediation effort to the Court; or (ii) whether a Party failed to participate in good faith in the Third Mediation.
- f. Protection of Proprietary Information. The Parties, the Mediator and all mediation participants shall protect proprietary information.
- g. Preservation of Privileges. The disclosure by a Party of privileged information to the Mediator does not waive or otherwise adversely affect the privileged nature of the information.
- h. Service of Process. No Party may be served with a summons, subpoena, notice or other pleading during the Third Mediation, at the location where the Third Mediation is occurring, or while any Party is traveling to or from the Third Mediation.

2. For the avoidance of doubt, the Mediator shall not be compelled, under any circumstances, to disclose to the Court or to any person outside the Third Mediation any records, reports, summaries, notes, communications, submissions, or other documents received or made by or to the Mediator while serving in such capacity. The Mediator shall not testify, be subpoenaed or compelled to testify regarding the Third Mediation in connection with any arbitral, judicial or other proceeding. The Mediator shall not be a necessary party in any proceedings relating to the mediation. Nothing contained in this paragraph shall prevent the Mediator from reporting the status, but not the substance, of the mediation effort to the Court in writing, from filing a certificate of completion, or from otherwise complying with the obligations set forth in this Stipulation and Agreed Order. In the event that some, but not all, Parties to the Third Mediation reach an agreement or agreements as a result of the Third Mediation, no Party may use confidential information shared during the Third Mediation, and no Party may compel discovery from the Mediator or any other Party concerning the confidential information shared during the Third Mediation, to support or oppose such agreement.

3. A representative with full settlement authority for each Party shall attend the Third Mediation, in person or via live video conference.

4. To the extent this Stipulation and Agreed Order conflicts with any provisions of the Court's prior orders (each, a "Prior Order") regarding mediations in this Bankruptcy Case,⁸ the terms of this Stipulation and Agreed Order shall prevail. Notwithstanding any prohibitions set forth in the Prior Order, all Parties are authorized, without waiving any privileges, to disclose to the Mediator any information or documents previously discussed with or disclosed to Judge Jones in connection with the Original Mediation.

⁸ See Docket Nos. 603, 1109, and 1158.

5. The Mediator is authorized to mediate any issues and disputes concerning the Joint Plan, the Original Mediation, the August Settlement, the January Settlement, the Second Mediation, the hearings on the Motions, and any other topics that the Mediator determines to be in the best interests of the Debtor, its estate, and its creditors.

6. Parties may communicate with other Parties and/or the Mediator, and no other Party may compel disclosure of the substance of such settlement communications from the Mediator or Party.

7. The Third Mediation will be conducted on or after May 6, 2024. The specific location(s), time(s), and additional procedures for the Third Mediation and any continuation of the Third Mediation after May 6, 2024, will be determined by the Mediator, following such consultation with the Parties as he deems appropriate. The Parties shall use their good faith best efforts to complete the Third Mediation contemplated herein as soon as reasonably practicable under the circumstances.

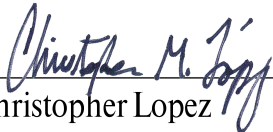
8. The Parties are authorized and empowered to take all actions necessary to effectuate the relief granted in this Stipulation and Agreed Order.

9. The Debtor is authorized to indemnify the Mediator for reasonable attorneys' fees and expenses, if any, that may be incurred in relation to the relief granted under this Stipulation and Agreed Order.

10. Each of the Parties represents and warrants that it is duly authorized to enter into and be bound by this Stipulation and Agreed Order.

11. This Court retains jurisdiction to hear and determine all matters arising from or related to the implementation of this Stipulation and Agreed Order.

Signed: May 01, 2024



Christopher Lopez
United States Bankruptcy Judge

STIPULATED AND AGREED TO THIS 30th DAY OF APRIL, 2024:

/s/ Jason S. Brookner

GRAY REED

Jason S. Brookner (TX Bar No. 24033684)
Aaron M. Kaufman (TX Bar No. 24060067)
Lydia R. Webb (TX Bar No. 24083758)
Amber M. Carson (TX Bar No. 24075610)
1300 Post Oak Boulevard, Suite 2000
Houston, Texas 77056
Telephone: (713) 986-7126
Facsimile: (713) 986-5966
Email: jbrookner@grayreed.com
akaufman@grayreed.com
lwebb@grayreed.com
acarson@grayreed.com

***Counsel to the Debtor
and Debtor in Possession***

/s/ Nicholas Zluticky (with permission)

STINSON LLP

Nicholas Zluticky (SDTX Bar No. 3846893)
Zachary Hemenway (SDTX Bar No. 3856801)
1201 Walnut, Suite 2900
Kansas City, Missouri 64106
Telephone: (816) 842-8600
Email: nicholas.zluticky@stinson.com
zachary.hemenway@stinson.com

Counsel to the Creditors' Committee

-and-

/s/ Kristian Gluck (with permission)

NORTON ROSE FULBRIGHT LLP

Kristian Gluck (TX Bar No. 24038921)
Julie Harrison (TX Bar No. 24092434)
1301 McKinney Street, Suite 5100
Houston, TX 77010
Telephone: (713) 651-5151
Facsimile: (713) 651-5246
Email: kristian.gluck@nortonrosefulbright.com
Email: julie.harrison@nortonrosefulbright.com

Counsel to M2 LoanCo, LLC

/s/ Melissa S. Hayward (with permission)

HAYWARD PLLC

Melissa S. Hayward (TX Bar No. 24044908)
10501 N. Central Expy., Suite 106
Dallas, Texas 75231
Telephone: (972) 755-7100
Facsimile: (972) 755-7100
Email: MHayward@HaywardFirm.com

***Counsel to M2 HoldCo, LLC, YesCare Corp.,
Perigrove 1018, LLC, and
Geneva Consulting, LLC***

-and-

[Signature Page to Mediation Stipulation and Agreed Order]

/s/ Michael W. Zimmerman (with permission)

BERRY RIDDELL LLC

Michael W. Zimmerman (admitted *pro hac vice*)

Martin A. Aronson (admitted *pro hac vice*)

Jeffrey D. Gross (admitted *pro hac vice*)

6750 East Camelback Road, Suite 100

Scottsdale, Arizona 85251

Telephone: (480) 385-2727

Fax: (480) 385-2757

Email: mz@berryriddell.com

ma@berryriddell.com

jg@berryriddell.com

Co-Counsel to the Tort Committee

/s/ Eric R. Goodman (with permission)

BROWN RUDNICK LLP

David J. Molton (admitted *pro hac vice*)

Eric R. Goodman (admitted *pro hac vice*)

Gerard T. Cicero (admitted *pro hac vice*)

Seven Times Square

New York, NY 10036

Telephone: 212-209-4800

Facsimile: 212-209-4801

Email: dmolton@brownrudnick.com

egoodman@brownrudnick.com

gcicero@brownrudnick.com

Co-Counsel to the Tort Committee

United States Bankruptcy Court
Southern District of Texas

In re:
Tehum Care Services, Inc.
Official Unsecured Creditors' Commi
Debtors

Case No. 23-90086-cml
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0541-4
Date Rcvd: May 01, 2024

User: ADIuser
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Total Noticed: 123

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
^	Addresses marked '^' were sent via mandatory electronic bankruptcy noticing pursuant to Fed. R. Bank. P. 9036.
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.
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Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 03, 2024:

Recip ID	Recipient Name and Address
db	+ Tehum Care Services, Inc., 205 Powell Place, Suite 104, Brentwood, TN 37027-7522
aty	+ Claire Stephens, Kirkland & Ellis LLP, 300 North LaSalle Street, Chicago, IL 60654-5412
aty	+ D. Cameron Moxley, Brown Rudnick LLP, 7 Times Square, New York, NY 10036-6548
aty	+ Eliese R. Herzl-bertz, Duane Morris, LLP, 30 S. 17th St, Philadelphia, PA 19103-4196
aty	+ Frank Ozment, Frank Ozment Attorney at Law, LLC, 217 Country Club Park, Box 501, Birmingham, AL 35213, UNITED STATES 35213-4237
aty	+ Jessica M. Meyers, Brown Rudnick LLP, 7 Times Square, New York, NY 10036-6548
aty	+ Martin J McAndrew, O'Connor Kimball LLP, 51 Haddonfield Rd, Ste 330, Cherry Hill, NY 08002-4616
aty	+ Mary Long, Missouri Attorney General, 815 Olive St, Ste 200, St Louis, MO 63101-1510
aty	+ Meghan McCafferty, Brown Rudnick LLP, One Financial Center, Boston, MA 02111-2600
aty	+ Ross M Kwasteniet, Kirkland & Ellis LLP, 300 North LaSalle St, Chicago, IL 60654-5412
aty	+ Susan Sieger-Grimm, Brown Rudnick LLP, 7 Times Square, New York, NY 10036-6548
aty	+ The Toomey Law Firm, The Old Robb & Stucky Building, 1625 Hendry Street, Suite 203, Fort Myers, FL 33901-2973
cr	+ Aakash Dalal, 215 Burlington Rd S, Bridgeton, NJ 08302-3479
intp	+ Aaron B Fodge, ISCI-13-F-64-A, POB 14, Boise, ID 83707-0014
cr	+ Aleatha Denise Reitsma-Mathias, 7806 Founders Circle, Naples, FL 34104-5315
cr	Alex Scott, 514 57th St, Apt. 6, Melba, IN 83641
intp	+ Alfred Green, 076282, La Palma Correctional Center, 5501 N La Palma Road, Eloy, AZ 85131-9641
cr	+ Ananda Slocum, c/o Lane & Nach, P.C., 2001 East Campbell Avenue, Suite 103, Phoenix, AZ 85016 US 85016-5573
cr	+ Angela Branum, c/o Attorney Joy Bertrand, PO Box 2734, Scottsdale, AZ 85252-2734, UNITED STATES 85252-2734
cr	+ Arizona Department of Corrections, Rehabilitation,, c/o Christopher Simpson, 2929 N Central Ave Ste 2000, Phoenix, AZ 85012-2838
cr	+ Armando Banuelos, c/o Hallinan & Killpack Law Firm, 5240 E Pima St, Tucson, AZ 85712, UNITED STATES OF AMERICA 85712-3630
cr	+ Arvant Kumar Tripathi, POB 8909, San Luis, AZ 85349-0376
cr	+ Benjamin Bedogwar Oryang, Staton Correctional Facility, AIS# 168079 F2-34A, 2690 Marion Spillway Rd, Elmore, AL 36025-1531
ptcrd	+ Billie Mancell, 707 Myrtle Ave, El Paso, TX 79901-2567
cr	+ Bradley Schwartz, c/o Hallinan & Killpack Law Firm, 5240 E Pima St, Tucson, AZ 85712, UNITED STATES OF AMERICA 85712-3630
cr	Business Centers, 12520D Olive Blvd, Creve Coeur, MO 63141-6683
cr	+ CHS TX, Inc., c/o Melissa S. Hayward, Hayward PLLC, 10501 N. Central Expy., Ste. 106, Dallas, TX 75231-2203
cr	+ Capitol Eye Care, et al., 1705 Christy Drive, Jefferson City, MO 65101, UNITED STATES 65101-5195
intp	+ Cedric Bell, Kinross Correctional Facility, 4533 W Industrial Park Dr, Kincheloe, MI 49788-1638
cr	+ Charles Stewart Jansen, 2145 Hackmore Drive, Ann Arbor, MI 48103-1405
cr	+ Charlie Stevens, 63 Pine Lake Rd, Thomasville, GA 31757-6407
cr	+ Christopher Brightly, 2438 E Broadway Boulevard, Tucson, AZ 85719-6008
cr	Christopher D Harrell, WMCI #26939, 7076 Road 55F, Torrington, WY 82240-7771
intp	Copeland Stair, et al, 191 Peachtree St NE, Ste 3600, POB 56887, Atlanta, GA 30343-0887
cr	+ Daniel Lee Wilmer, Tuscan Complex, Whetstone Uniti, 10004 S Wilmont Rd, PO Box 24402 Tuscan, AZ 85734-4402
cr	+ David Hall, 8092 Castle Rock Ct., Pasadena, MD 21122-6436
intp	+ Demetrius McBride, Thumb Correctional Facility, 3225 John Conley Dr, Lapeer, MI 48446-2987
intp	+ Donald Rolle, 7076 Road 55F, Tarrington, WY 82240-7771

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cr + Donna Marie Rohrs, 16593 Blodgett Rd., PO Box 68, Hersey, MI 49639-0068

cr + Edward Smith, Parnall Correctional Facility, 1780 East Parnall Rd, Jackson, MI 49201-7136

intp + Edward Smith #659715, 1780 E Parnall Rd, Jackson, MI 49201-7136

cr + Edward Stenberg, 124629, Thumb Correctional Facility, FB-48, 3225 Jon Conley Dr Lapear, MI 48446-2987

intp + Erin Maurice Justice, E.C. Brooks Correctional Facility, 2500 South Sheridan Drive, Muskegon Heights, MI 49444-2600

cr + Estate of Austin Bouton, Conroy Baran, LLC, 1316 Saint Louis Avenue, 2nd FL, Kansas City, MO 64101-1353

cr Frank Patterson, 7076 Road 55 F, Torrington, WY 82240-7771

cr + Gordon S Dittmer, Lakeland Correctional Facility, 141 First St, Coldwater, MI 49036-9687

cr + Harold Obiakor, c/o Hackney Odium & Dardas, 10850 E. Traverse Hwy., Suite 4440, Traverse City, MI 49684-1364

cr + Hector Garcia, Jr., 234 Buckhorn Dr, Las Cruces, NM 88005-3185

cr + Henry Snook, c/o Lane & Nach, P.C., 2001 East Campbell Avenue, Suite 103, Phoenix, AZ 85016 US 85016-5573

intp + Insider, Inc., One Liberty Plaza, 8th FL, New York, NY 10006-1431

cr J Brother, Jr, 1300 Post Oak H 2000, Houston, TX 77056

intp + J. Thaddeus Eckenrode, Eckenrode-Maupin Law Firm, 11477 Olde Cabin Rd, Ste 110, St Louis, MO 63141-7128

cr + James Miller, c/o Kevin Young, 801 W 47th Street, Ste 107, Kansas City, MO 64112-1253

cr + Jason Robinson, c/o Lane & Nach, P.C., 2001 E. Campbell Ave., Ste. 103, Phoenix, AZ 85016-5573

cr Jeffrey Walter Bomber, W11901 Middle Beach, Naubinway, MI 49762

cr + Jennifer Power, c/o Lane & Nach, P.C., 2001 East Campbell Avenue, Suite 103, Phoenix, AZ 85016 US 85016-5573

cr + Jim Williams, 3100 Cooper St, Jackson Correctional Facility, Jackson, MI 49201-7545

cr Kenneth Hinton, #442872, 18701 Roxbury Road, Hayerstown, MD 21746-1001

cr + Kevin Pich, Gay & Chacker, P.C., 1731 Spring Garden Street, Philadelphia, PA 19130, UNITED STATES 19130-3893

intp + Kurtzman Carson Consultants LLC, 222 N Pacific Coast Highway, 3rd Floor, El Segundo, CA 90245-5648

cr + Laura Medley, POB 490, Mesa, AZ 85211-0490

intp + Lee Ridgley, ISCC E-3-41a, POB 70010, Boise, ID 83707-0110

cr #+ Leona Miotke, 20804 Butteville Rd NE, Aurora, OR 97002-8746

cr + Leonard Thomas, #175876, Miami Correctional Facility, 3038 W 850 S, Bunker Hill, IN 46914-9810

cr + Linda Floyd, c/o Lane & Nach, P.C., 2001 East Campbell Avenue, Suite 103, Phoenix, AZ 85018 US 85016-5573

cr + Lone Star Alliance Inc., A Risk Retention Company, c/o Stromberg Stock, PLLC, 8350 N Central Expy, Ste 1225, Dallas, TX 75206-1600

cr + Mack Mandrell Loyde, c/o Moseley & Moseley, Attorneys, 237 Castlewood Dr., Suite D, Murfreesboro, TN 37129-5166

cr + Marcus Gilyard, #530753, Crossroads Correctional Center, 1115 E Pence Rd, Cameron, MO 64429-8804

intp + Marcus Jones, H. U 5 B-130, Crossroads Correctional Center, 1115 E Pence Rd, Cameron, MO 64429-8804

cr Mark Stewart, 203381, Arizona State Prison Complex - Elyman, South Unit, POB 3500 Florence, AZ 85132-3500

intp + Martin Rilinger, #1267395, 6-B-120, Crossroads Correctional Center, 1115 Pence Rd Cameron, MO 64429-8804

cr + Maxim Healthcare Staffing Services, Inc., c/o Susan Mathews, Baker Donelson, 1301 McKinney St., Ste. 3700, Houston, TX 77010-3034

cr + Michael Chapman, Elmore Correctional Facility, 3520 Marion Spillway Rd., Elmore, AL 36025-1532

cr + Michael Rosales, c/o Lane & Nach, P.C., 2001 E. Campbell Ave., Ste. 103, Phoenix, AZ 85016-5573

cr + Mitsubishi HC Capital America, Inc. f/k/a Hitachi, c/o Amish R. Doshi, Esq., Doshi Legal Group, PC, 1979 Marcus Avenue, Suite 210E, Lake Success, NY 11042-1022

intp + Moses Kirschke, 384285, Lakeland Corr. Facility, 141 First Street, Coldwater, MI 49036-9687

cr + Myron Jessie, S. Louis Correction Facility, 8585 N. Crosswell Rd., St.Louis, MI 48880-9236

cr + Nathan Alvarez, c/o Lane & Nach, P.C., 2001 E. Campbell Ave., Ste. 103, Phoenix, AZ 85016-5573

intp + Neil Willey, 934948, Jesup Correctional Inst., POB 534, Jessup, MD 20794-0534

cr + Paris Morgan, 122 Wellesley Dr SE, Albuquerque, NM 87106, UNITED STATES 87106-1444

cr + Patrick C Lynn, 64377, EDCF, POB 311, El Dorado, KS 67042-0311

cr + Paul Lupe, c/o Hallinan & Killpack Law Firm, 5240 E Pima St, Tucson, AZ 85712, UNITED STATES OF AMERICA 85712-3630

cr + Phillip Buchanan, Algoa Correctional Center, 8501 No More Victim's Road, Jefferson City, MO 65101, UNITED STATES 65101-4567

intp + Phillips Parker Orberon and Arnett, 716 W Main Street, Suite 300, Louisville, KY 40202-2677

intp + Public Justice, 1620 L St NW, Suite 630, Washington, DC 20036-5600

cr RMSC Plaintiffs, c/o Walker & Patterson, P.C., Johnie Patterson, 4815, Houston, 77092

cr + Randolph DeLeon, c/o Lane & Nach, P.C., 2001 E. Campbell Ave., Ste. 103, Phoenix, AZ 85016-5573

cr + Rickey Joe Coleman, 25115 E. Phillips Dr., Aurora, CO 80016-7373

cr + Robert D Blaurock, EDCF, POB 311, El Dorado, KS 67042-0311

cr + Robert David Lacy, 10714 W. Braemar, Holly, MI 48442-8694

cr + Robert L Dykes-Bay, Gus Harrison Correctional Facility, 2727 E Beecher St, Adrian, MT 49221-3506

cr + Robert Schaff, OnderLaw, LLC, 110 E Lockwood Ave, St. Louis, MO 63119-3058

cr + Roger Ervin, #361733, NBCI, 14100 McMullen Hwy, Cumberland, MD 21502-5777

cr + Rosilyn Jindal, 920 Red Oak Court, Tecumseh, MI 49286-1070

cr + Saint Alphonsus Health System, Inc., Mehaffy Weber P.C., c/o Blake Hamm, P.O. Box 16, Beaumont, TX 77704-0016

intp + Scott Woodbury, #203038, Kinross Correctional Facility, 4533 W. Industrial Park Drive, Kinecheloe, MI 49788-1638

cr + Shaidon E Blake, WCI, 13800 McMullen Hwy SW, Cumberland, MD 21502-5622

cr + Shanthi Gopal, c/o Hackney Odium and Dardas, 10850 E. Traverse Hwy., Suite 4440, Traverse City, MI 49684-1364

cr Shawn Reid, ADOC# 300725, P.O. Box 24401, Tucson, AZ 85734-4401

cr Shawn Reid Franklin, Arizona State Prison Complex Tucson, Cimeron Unit, Tucson, AZ 85734

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intp + Southern Center for Human Rights, 60 Walton St NW, Atlanta, GA 30303-2149
 intp + Stephen Floyd Ullrich, ISCI, PO Box 14, Boise, ID 83707-0014
 cr + Stephen Nolan, 14100 McMullen Highway, Cumberland, MD 21502-5777
 op + Tina Darling, Hancock, Daniel & Johnson, PC, 4701 Cox Rd., Suite 400, Glen Allen, VA 23060-6802
 cr + Tonatihu Aguilar, PO Box 40611, TUCSON, AZ 85717, US 85717-0611
 intp + Tyreese Moore #779951, 2500 S. Sheridan Rd, Muskegon, MI 49444-2665
 cr + Tyrone-Anthony Bell, Lapeer Correctional Fac., 3225 John Conley, Lapeer, MI 48446-2987
 intp + W. D. Merkley, ISCI, Med. Anx. -7, POB 14, Boise, ID 83707-0014
 cr + Waheed Nelson, C/O P.O. Box 340261, Tampa, FL 33694
 cr + Webster, Henry, Bradwell, Cohan, Speagle & DeShazo, P.O. Box 239, Montgomery, AL 36101-0239
 cr + Wendy Jamros, Plunkett Cooney, 150 W. Jefferson, Suite 800, Detroit, MI 48226-4451
 cr + YesCare Corp., c/o Melissa S. Hayward, Hayward PLLC, 10501 N. Central Expy., Ste. 106, Dallas, TX 75231-2203
 intp + Zemina Lakic, 947 W. Waltman Dr., Meridian, ID 83642-6149

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Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/Text: ahochheiser@mauricewutscher.com	May 01 2024 20:20:00	ANV Global Services Inc. on behalf of Associated I, c/o Maurice Wutscher LLP, 23611 Chagrin Blvd. Suite 207, Beachwood, OH 44122-5540
cr	+ Email/Text: courtnotices@grablemartin.com	May 01 2024 20:19:00	Adree Edmo, c/o Mary Elizabeth Heard, 100 NE Loop 410, Suite 605, SAN ANTONIO, TX 78216-4742
cr	+ Email/Text: notices@crgfinancial.com	May 01 2024 20:20:00	CRG Financial LLC, 84 Herbert Avenue, Building B, Suite 202, Closter, NJ 07624, UNITED STATES 07624-1313
cr	^ MEBN	May 01 2024 20:17:42	Canon Financial Services, Inc., Fleischer, Fleischer & Suglia, Four Greentree Centre, 601 Route 73 North, Suite 305, Marlton, NJ 08053, UNITED STATES 08053-3475
cr	+ Email/Text: BNC-bkhouston@munsch.com	May 01 2024 20:20:00	Certain Officials or Employees of the State of Ida, Munsch Hardt Kopf & Harr, PC, 700 Milam St., Suite 800, Houston, TX 77002-2835
cr	+ Email/Text: lemaste@slollp.com	May 01 2024 20:19:00	Dell Financial Services L.L.C., c/o Streusand Landon Ozburn & Lemmon, 1801 S. MoPac Expressway, Suite 320, Austin, TX 78746-9817
cr	Email/Text: nick.jakubowski@halo.com	May 01 2024 20:19:00	Halo Branded Solutions, Inc., 635 Butterfield Rd., Oakbrook Terrace, IL 60181
cr	+ Email/Text: BNC-bkhouston@munsch.com	May 01 2024 20:20:00	Idaho Department of Corrections, Munsch Hardt Kopf & Harr PC, 700 Milam St., Suite 800, Houston, TX 77002-2835
cr	+ Email/Text: BNC-bkhouston@munsch.com	May 01 2024 20:20:00	State of Idaho, Munsch Hardt Kopf & Harr PC, 700 Milam St., Suite 800, Houston, TX 77002-2835
cr	+ Email/Text: AGBankRevenue@ag.tn.gov	May 01 2024 20:19:00	TN Dept of Revenue, c/o TN Attorney General's Office, Bankruptcy Division, P.O. Box 20207, Nashville, TN 37202-4015

TOTAL: 10

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
intp		ACLU National Prison Project
cr		Adam Baker
cr		Alfred Vela

District/off: 0541-4

User: ADIuser

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Date Rcvd: May 01, 2024

Form ID: pdf002

Total Noticed: 123

cr Alton Brown
cr Andrew Lyles
cr Anthony Sabala
cr Antoinette Windhurst
cr Antonio Reali
cr Bay Hospital, Inc. d/b/a Gulf Coast Regional Medic
intp Bryan Farmer
cr Capital Region Medical Center
cr Cassandra Oliver
intp Center for Constitutional Rights
cr Centric Ambulatory Surgery Center, LLC
cr Charles Jones
cr Christopher Gilyard
cr City of Philadelphia
cr Clarence Dean
cr Class of Idaho Department of Corrections Inmates
crcm Co-Counsel for Tort Claimants' Committee
intp Committee of Tort Claimants
cr Consilium Staffing, LLC
3pd Coverys Speciality Insurance Company
intp Dakin Campbell, Insider
cr Darrell Barrows
cr Darren Robert Pedersen
cr David Wichterman, Jr.
cr Derico Thompson
intp Earl D Christine
cr Eileen McNamara
cr Elizabeth Frederick
intp Estate of Darryl Terrell Becton, c/o Monique Shenn
cr Eugenio Mathis
intp FTI Capital Advisors, LLC
cr Former Corizon Employees
intp Geneva Consulting LLC
cr Ginger Headley
cr Gregory Abraham
cr HCA Health Services of Florida, Inc. d/b/a St. Luc
cr Highwoods Realty Limited Partnership
intp Human Rights Defense Center
cr James Hyman
cr Joshua Buskirk
cr Junho Park
cr Kerrie Milkiewicz
cr Kimberly Briggs
cr Kohchise Jackson, US
cr Lawnwood Medical Center, Inc. d/b/a Lawnwood Regio
intp Lexington Insurance Company
cr Logicalis, Inc.
intp M2 LoanCo, LLC
cr MMS Minnesota Supply, Inc.
cr Mabelle Pearson
cr Maria Sheldon
cr Marion Community Hospital, Inc. d/b/a Ocala Region
cr Mark Coffelt
cr Memorial Healthcare Group, Inc. d/b/a Memorial Hos
cr New York State Nurses Association Pension Fund
intp Nicole Einbinder, Insider
cr Non-Party Flacks Group, LLC, Non-Party Flacks Group, LLC
cr North Florida Regional Medical Center, Inc. d/b/a
crcm Official Unsecured Creditors' Committee
cr OnPoint Capital, LLC
cr Paul Al-Amin
intp Phillip Wayne Berryman
intp Public Justice

District/off: 0541-4
 Date Rcvd: May 01, 2024

User: ADIuser
 Form ID: pdf002

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 Total Noticed: 123

cr	Rachell Garwood
cr	Reuben Cortes, et al.
cr	Ricky Scott
intp	Rights Behind Bars
intp	Roderick & Solange MacArthur Justice Center
cr	Sabrie Alexander
cr	Sanjeev Ravipudi
intp	Sara Tirschwell
cr	Serina Rides
intp	Sherwin Shelton
cr	Sigma Risk Management, LLC
cr	St. Luke's Health System, Ltd.
cr	St. Luke's Regional Medical Center, Ltd.
cr	State of Missouri
intp	TR Capital Management LLC, US
cr	Tallahassee Medical Center, Inc. d/b/a Capital Reg
cr	The Curators of the University of Missouri
cr	The Putative Class in Pearson v. Washington 2:19-c
cr	The Putative Class in Smith v Washington 2:19-cv-1
intp	Thomas Keeker
cr	Tiffany Smith
cr	Timothy Hawkins
intp	Tort Claimants' Committee
cr	Tracey Grissom
intp	UC Berkeley Center for Consumer Law & Economic Jus
cr	Victoria Hallett
pla	Wayne D Merkly
cr	White & Case LLP
cr	William Kelly
cr	William T Walker
intp	Worth Rises
intp	###+ Sefika Lakic, 990 Clithero Dr, Boise, ID 83703-5704

TOTAL: 97 Undeliverable, 0 Duplicate, 1 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 03, 2024

Signature: /s/Gustava Winters