

Aakash Dalal
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Creditor, *pro se*

United States Courts
Southern District of Texas
FILED
MAY 28 2024
Nathan Ochsner, Clerk of Court

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS (HOUSTON)**

In re Tehum Care Services, Inc.,

Debtor.

205 Powell Place
Suite 104
Brentwood, TN 37027
Tax ID/EIN: 23-2108853

Bankruptcy Petition No.: 23-90086

Bankruptcy Judge Christopher M. Lopez
Chapter 11 - Voluntary

Notice to Join the April 24, 2024 Joint Notice of Appeal of the Official Committee of Tort Claimants to the United States District Court for the Southern District of Texas (Docket No. 1525)

Creditor Aakash Dalal¹ ("Mr. Dalal") hereby joins in the April 24, 2024 Joint Notice of Appeal of the Official Committee of Tort Claimants ("TCC") to the United States District Court for the Southern District of Texas (Docket No. 1525) from the Order Denying the Motion for Structured Dismissal of the Chapter 11 Case (Docket No. 1506).

1. Mr. Dalal joins in the arguments set forth by the TCC in its Appeal and adds the following additional arguments and reasons the April 11, 2024 Order of the Hon. Christopher Lopez, U.S.B.J. Denying the TCC's Motion for Dismissal should be reversed.

¹ Mr. Dalal is the plaintiff in a civil rights in the Superior Court of New Jersey against Corizon Health, Inc. Aakash Dalal v. County of Bergen, et al, Superior Court of New Jersey, Passaic County Vicinage, Docket No.: PAS-L-2979-19.




2. It is submitted that the Bankruptcy Court lacked subject matter jurisdiction to permit to move forward a contrived bankruptcy petition designed to vitiate constitutional claims against non-debtors, as this would violate Article III of the United States Constitution. That is because Order at issue violates the First Amendment guaranteed right of access to the courts, the Seventh Amendment guaranteed right to a jury trial, and the bedrock principle of the separation of powers guaranteed by the United States Constitution, as it permits a Court invented by the Legislative Branch to extinguish Plaintiff's rights and causes of action.

3. The Supreme Court has previously struck down congressional delegations of power that trampled upon Article III and granted uncontrolled judicial power to non-Article III actors. Northern Pipeline Construction Co., v. Marathon Pipeline Co., 458 U.S. 50 (1982) (Bankruptcy Act of 1978 violates Article III by granting jurisdiction to newly minted bankruptcy judges). On the floor of the First Congress, James Madison stated, "If there is a principle in our Constitution ... more sacred than another, it is that which separates the Legislative, Executive, and Judicial powers." 1 Annals of Congress 581 (1789). It is a core principle "that one branch of the Government may not intrude upon the central prerogatives of another." Loving v. United States, 517 U.S. 748, 757 (1996). Importantly, "the separation of powers does not depend on ... whether the encroached-upon branch approves the encroachment." Free Enterprise Fund v. Public Company Accounting Oversight Bd., 561 U.S. 477, 497 (2010). It is also a fundamental principle that no branch of government can delegate its constitutional functions to an actor who lacks the authority to exercise those functions. Whitman v. American Trucking Assns., Inc., 531 U.S. 457, 472 (2001).

4. The TCC's Appeal should be accepted by this District Court, as an Article III court, rather than an unaccountable and extra-constitutional Bankruptcy Court, must review the weighty issues presented in the TCC's Motion for Dismissal.

5. As noted above, in addition to the reasons set forth herein, Mr. Dalal fully joins the TCC's Notice of Appeal which argues that the Debtor's Petition was brought in bad faith.

In re LTL Mgmt., LLC, 64 F.4th 84 (3d Cir. 2023).



Aakash Dalal
Creditor, *pro se*

Dated: May 7, 2024

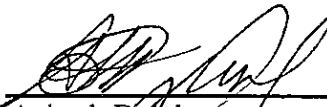
CERTIFICATION OF SERVICE

On May 7, 2024, I mailed copies of the documents herein via first-class United States mail to the following:

Clerk of the Court
United States Bankruptcy Court
P.O. Box 61010
Houston, TX 77208

All counsel of record and all parties of record authorized to receive this objection.

I certify under penalty of perjury that the foregoing statements are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment.



Aakash Dalal,
Plaintiff, *pro se*

Dated: May 7, 2024