

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

In re:

 TEHUM CARE SERVICES, INC.,¹

 Debtor.

Chapter 11

 Case No. 23-90086 (CML)

FIFTH FEE STATEMENT OF BERRY RIDDELL LLC FOR COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES AS CO-COUNSEL TO THE OFFICIAL COMMITTEE OF TORT CLAIMANTS FOR THE PERIOD FROM MAY 1, 2024 THROUGH MAY 31, 2024

In accordance with the Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals [ECF No. 357], each Application Recipient receiving notice of this monthly fee statement shall have until 4:00 p.m. (CT), 14 days after service of this monthly fee statement to object to the fees and expenses requested herein. Upon the expiration of such 14-day period, the Debtor is authorized and directed to pay 80% of the fees and 100% of the expenses requested in this monthly fee statement that are not subject to an objection.

Name of Professional:	Berry Riddell LLC
Authorized to Provide Professional Services to:	Official Committee of Tort Claimants
Date Order of Employment Signed:	January 24, 2024, as of November 21, 2023 [ECF No. 1293]
Time Period Covered:	May 1, 2024 through May 31, 2024
Total Fees Sought:	\$29,760.00
Amount of retainer received in case:	N/A
Total professional fees covered by this statement:	\$37,200.00
Total professional hours covered by this statement:	81.4
Average hourly rate for professionals:	\$457.00
Reimbursable expenses sought in this statement:	\$2,040.48

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.



Payment requested:	
80% Fees	\$29,760.00
100% Expenses	\$ 2,040.48
Total:	\$31,800.48

Pursuant to sections 330 and 331 of title 11 of the United States Code (the “Bankruptcy Code”), Rule 2016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Rule 2016-1 of the Bankruptcy Local Rules of the United States Bankruptcy Court for the Southern District of Texas (the “Bankruptcy Local Rules”), the Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Retained Professionals (the “Interim Compensation Order”), and the Order Authorizing the Employment and Retention of Berry Riddell LLC as Co-Counsel for the Official Committee of Tort Claimants as of November 21, 2023 [ECF No. 1293], the law firm of Berry Riddell LLC (“Berry Riddell”), as co-counsel to the Official Committee of Tort Claimants (the “Committee”) appointed in this chapter 11 case, hereby submits this Fifth Monthly Fee Statement of Berry Riddell LLP for Compensation for Services Rendered and Reimbursement of Expenses as Co-Counsel to the Official Committee of Tort Claimants for the Period from May 1, 2024 through May 31, 2024 (the “Fifth Monthly Fee Statement”). By the Fifth Fee Statement and pursuant to the Interim Compensation Order, Berry Riddell seeks interim payment of (i) \$29,760.00 (80% of \$37,200.00) as compensation for professional services rendered to the Committee, and (ii) \$2,040.48 for reimbursement of actual and necessary expenses, for a total of \$31,800.48 for the period May 1, 2024 through and including May 31, 2024 (the “Fee Period”). Pursuant to the Interim Compensation Order, the Application Recipients have until 4:00 p.m. (CT) on the fourteenth day following service of this Fifth Fee Statement to object to the requested fees and expenses.

Itemization of Services Rendered and Expenses Incurred

1. In support of this Fifth Fee Statement, attached are the following exhibits:

Exhibit A is a schedule of the number of hours expended and fees incurred (on an aggregate basis) by Berry Riddell partners, counsel, associates, consultants and paraprofessionals during the Fee Period with respect to each of the subject matter categories Berry Riddell established in accordance with its internal billing procedures. As reflected in Exhibit A, Berry Riddell incurred \$37,200.00 in fees during the Fee Period. Pursuant to this Fifth Fee Statement, Berry Riddell seeks compensation in the amount of \$29,760.00 or 80% of such fees.

Exhibit B is a schedule providing certain information regarding the Berry Riddell attorneys and paraprofessionals for whose work on this chapter 11 case compensation is sought in this Fifth Monthly Fee Statement. Attorneys and paraprofessionals of Berry Riddell expended a total of 81.4 hours in connection with this chapter 11 case during the Fee Period.

Exhibit C is a schedule setting forth the amount sought with respect to each category of expenses for which reimbursement is sought in this Fifth Fee Statement. This Fifth Fee Statement seeks reimbursement of expenses in the aggregate total amount of \$2,040.48.

Exhibit D consists of Berry Riddell's detailed records of fees and expenses incurred during the Fee Period in rendering professional services to the Committee.

Representations

2. Although Berry Riddell has used its reasonable best efforts to include all fees and expenses incurred in the Fee Period, some fees and expenses might not be included in this Fifth Fee Statement due to delays caused by accounting and processing during the Fee Period. Berry Riddell reserves the right to seek payment of such fees and expenses not included herein. Subsequent fee statements will be submitted in accordance with the Bankruptcy Code, the Bankruptcy Rules, the Bankruptcy Local Rules and the Interim Compensation Order.

WHEREFORE, Berry Riddell respectfully requests compensation and reimbursement of its expenses incurred during the Fee Period in the total amount of \$31,800.48 consisting of (i) \$29,760.00, which is 80% of the fees incurred by the Debtors for reasonable and necessary professional services rendered by Berry Riddell, and (ii) \$2,040.48, which is 100% of actual necessary costs and expenses incurred, in accordance with the procedures set forth in the Interim Compensation Order.

Dated: June 18, 2024
Scottsdale, AZ

Respectfully submitted,

BERRY RIDDELL LLC

/s/ Michael W. Zimmerman

Michael W. Zimmerman (*pro hac vice*)

Martin A. Aronson (*pro hac vice*)

Jeffrey D. Gross (*pro hac vice*)

6750 E. Camelback Road, Suite 100

Scottsdale, AZ 85251

Email: mz@berryriddell.com

ma@berryriddell.com

jg@berryriddell.com

CERTIFICATE OF SERVICE

I certify that on June 18, 2024, I caused a true and correct copy of the foregoing document to be served by the Court's CM/ECF notification system, which will send notice of electronic filing to all counsel of record.

/s/ Lynda Kogutkiewicz

EXHIBIT A

Summary of Hours Expended and Fees Incurred by Matter Category

Compensation by Category		Base Hrs	Base Amount	Billed Hrs	Billed Amount
Category	Employee				
Asset Analysis and Recovery	Michael Zimmerman	0.3	\$ 150.00	0.3	\$ 150.00
Meetings of and Communications with Committee/Creditors	Michael Zimmerman	26.2	\$ 13,100.00	26.2	\$ 13,100.00
Meetings of and Communications with Co-Counsel	Michael Zimmerman	6.4	\$ 3,200.00	6.4	\$ 3,200.00
Fee/Employment Applications	Michael Zimmerman	1.9	\$ 950.00	1.9	\$ 950.00
Contested Matters/Litigation (General)	Michael Zimmerman	4.2	\$ 2,100.00	4.2	\$ 2,100.00
Mediation/Settlement	Michael Zimmerman	28.4	\$ 14,200.00	28.4	\$ 14,200.00
Non-Working Travel @50%	Michael Zimmerman	14	\$ 3,500.00	14	\$ 3,500.00
		81.4	\$37,200.00	81.4	\$ 37,200.00

EXHIBIT B

Summary of Hours Expended and Fees Incurred by Professional

Compensation by Professional

Name of Attorney	Position; Admission Date	Hourly Billing Rate	Total Hours	Total Compensation
Michael Zimmerman	Partner; Admitted AZ 2009	\$ 500.00	67.4	\$ 33,700.00
Michael Zimmerman	Partner; Admitted AZ 2009	\$250.00	14	\$ 3,500.00
Professional Blended Rate		\$457.00		\$ 37,200.00

EXHIBIT C

Record of Expenses

Billed Disbursements			Rate (\$)	Billable (\$)
Date	Quantity	Description		
4/18/2024	1	Hot Shot Delivery Inc.: Records Request/Delivery;	\$ 67.16	\$ 67.19
4/23/2024	1	Hot Shot Delivery Inc.: Records Request;	\$ 48.30	\$ 48.30
5/4/2024	1	Taxi on 5/4 in New York for mediation;	\$ 70.97	\$ 70.97
5/7/2024	1	Pacer Fees;	\$ 129.90	\$ 129.90
5/7/2024	1	Hotel in New York 5/4-5/7 in New York for mediation;	\$ 1,405.05	\$ 1,405.05
5/7/2024	1	Taxi on 5/7 in New York for mediation;	\$ 101.32	\$ 101.32
5/7/2024	1	Taxi on 5/7 return from New York for mediation;	\$ 35.00	\$ 35.00
5/8/2024	200	Photocopies;	\$ 0.10	\$ 20.00
5/8/2024	40	Postage;	\$ 0.88	\$ 35.20
5/17/2024	844	Photocopies	\$ 0.10	\$ 84.40
5/20/2024	1	Postage;	\$ 23.10	\$ 23.10
5/20/2024	1	Postage;	\$ 20.05	\$ 20.05
				\$ 2,040.48

EXHIBIT D

Detailed Record of Time Entries



6750 E. Camelback Road, Suite 100
Scottsdale, AZ 85251
Phone: 480-385-2727

INVOICE

Invoice # 8364
Date: 06/01/2024
Due Upon Receipt

Committee of Tort Claimants

Committee of Tort Claimants/Tehum Care Services, Inc.

Services

Date	Timekeeper	Notes	Quantity	Rate	Total
05/01/2024	MWZ	Review filed stipulation re: third mediation and emails re: same;	0.20	\$500.00	\$100.00
05/01/2024	MWZ	Confer with E. Goodman re: settlement strategy and	0.50	\$500.00	\$250.00
05/02/2024	MWZ	Telephone conference with counsel for TCC members re: mediation preparation;	0.40	\$500.00	\$200.00
05/02/2024	MWZ	Review materials re: mediation preparation;	0.80	\$500.00	\$400.00
05/02/2024	MWZ	Work on slides re: strategy for mediation and possible settlement structure;	0.80	\$500.00	\$400.00
05/02/2024	MWZ	Work on monthly fee application;	0.60	\$500.00	\$300.00
05/03/2024	MWZ	Telephone conference with re: mediation preparation;	0.50	\$500.00	\$250.00
05/03/2024	MWZ	Telephone conference with E. Goodman re: settlement strategy;	0.50	\$500.00	\$250.00
05/03/2024	MWZ	Emails and telephone conference with counsel for the TCC members;	1.10	\$500.00	\$550.00
05/03/2024	MWZ	Telephone conference with counsel for tort claimant, re: emails, mediation schedule, claimants' jury trial and claim;	0.30	\$500.00	\$150.00
05/03/2024	MWZ	Work on analysis of settlement materials and Province materials;	0.60	\$500.00	\$300.00
05/03/2024	MWZ	Telephone conference with counsel for TCC members re: mediation preparation;	0.80	\$500.00	\$400.00
05/04/2024	MWZ	Travel from Phoenix to New York (50% rate);	7.00	\$250.00	\$1,750.00
05/05/2024	MWZ	Emails with TCC members re: mediation issues;	0.60	\$500.00	\$300.00
05/05/2024	MWZ	Telephone conferences with TCC members and counsel re: mediation;	3.40	\$500.00	\$1,700.00
05/05/2024	MWZ	Work on preparation for mediation;	2.80	\$500.00	\$1,400.00
05/05/2024	MWZ	Telephone conference with counsel for TCC members re: mediation issues;	1.30	\$500.00	\$650.00
05/06/2024	MWZ	Attend mediation with Judge Sontchi;	10.00	\$500.00	\$5,000.00
05/07/2024	MWZ	Travel from New York to Phoenix (50% rate);	7.00	\$250.00	\$1,750.00
05/08/2024	MWZ	Work on proposed term sheet;	0.90	\$500.00	\$450.00
05/08/2024	MWZ	Prepare notice of service re: appellants' statement of issues on appeal and attend to service issues;	0.40	\$500.00	\$200.00
05/08/2024	MWZ	Telephone conference with counsel for TCC members re: insurance issues;	0.60	\$500.00	\$300.00

05/08/2024	MWZ	Review joint response by the Debtor and the UCC to the TCC's appeal;	0.30	\$500.00	\$150.00
05/08/2024	MWZ	Review public interest group's amicus filing re: appeal;	0.30	\$500.00	\$150.00
05/08/2024	MWZ	Email TCC members re: case status;	0.30	\$500.00	\$150.00
05/09/2024	MWZ	Work on revisions to the proposed term sheet;	0.80	\$500.00	\$400.00
05/09/2024	MWZ	Emails re: proposed work on analysis of mediation disclosures;	1.40	\$500.00	\$700.00
05/09/2024	MWZ	Work on analysis of potential settlement plans;	1.40	\$500.00	\$700.00
05/09/2024	MWZ	Attend meeting with _____ re: case status;	0.60	\$500.00	\$300.00
05/09/2024	MWZ	Telephone conference with counsel for TCC member re: mediation status and appeal issues;	0.40	\$500.00	\$200.00
05/10/2024	MWZ	Attend meeting with counsel for tort claimant re: opt out issues;	1.00	\$500.00	\$500.00
05/10/2024	MWZ	Work on mediation strategy with E. Goodman;	0.80	\$500.00	\$400.00
05/10/2024	MWZ	Attend meeting with counsel for the UCC and E. Goodman re: mediation;	0.50	\$500.00	\$250.00
05/10/2024	MWZ	Email TCC members re: mediation issues and potential insurance counsel;	0.30	\$500.00	\$150.00
05/10/2024	MWZ	Work on review of draft employment application for insurance counsel;	0.30	\$500.00	\$150.00
05/10/2024	MWZ	Telephone conference with counsel for TCC members re: mediation proposals;	0.50	\$500.00	\$250.00
05/10/2024	MWZ	Telephone conference with pro se tort claimant re: case status;	0.20	\$500.00	\$100.00
05/10/2024	MWZ	Work on mediation issues re: YesCare financials;	0.40	\$500.00	\$200.00
05/13/2024	MWZ	Review and follow-up with co-counsel E. Goodman re: UCC's request for time extension;	0.20	\$500.00	\$100.00
05/13/2024	MWZ	Finalize fourth fee application and email same to the TCC;	0.30	\$500.00	\$150.00
05/13/2024	MWZ	Review filings from pro se claimant;	0.20	\$500.00	\$100.00
05/13/2024	MWZ	Prepare for TCC meeting;	0.60	\$500.00	\$300.00
05/13/2024	MWZ	Follow-up with counsel for TCC members re: mediation status;	0.80	\$500.00	\$400.00
05/13/2024	MWZ	Work on potential motion for sanctions;	0.60	\$500.00	\$300.00
05/14/2024	MWZ	Prepare for TCC meeting;	0.60	\$500.00	\$300.00
05/14/2024	MWZ	Attend TCC meeting;	1.20	\$500.00	\$600.00
05/14/2024	MWZ	Emails to TCC members re: scheduling future meetings;	0.40	\$500.00	\$200.00
05/14/2024	MWZ	Emails and telephone conference with counsel for the UCC re: joint settlement proposal;	0.30	\$500.00	\$150.00
05/15/2024	MWZ	Review and analyze correspondence from _____, counsel for the M2 parties;	0.30	\$500.00	\$150.00
05/15/2024	MWZ	Multiple conferences with E. Goodman re: mediation issues;	1.00	\$500.00	\$500.00
05/15/2024	MWZ	Emails with counsel for the UCC re: mediation issues;	0.30	\$500.00	\$150.00
05/15/2024	MWZ	Prepare for and attend meeting with counsel for the UCC;	0.50	\$500.00	\$250.00
05/16/2024	MWZ	Review emails from counsel for M2 parties and the UCC and follow-up re: same;	0.60	\$500.00	\$300.00
05/16/2024	MWZ	Emails with TCC members and counsel;	0.40	\$500.00	\$200.00
05/16/2024	MWZ	Telephone conference with counsel for TCC members re: case status	0.80	\$500.00	\$400.00

		issues;			
05/16/2024	MWZ	Review correspondence from pro se inmates and follow-up on their requests for additional information;	0.30	\$500.00	\$150.00
05/16/2024	MWZ	Review tort claimant's motion for relief from the automatic stay;	0.30	\$500.00	\$150.00
05/17/2024	MWZ	Review and respond to emails from Debtor's counsel re: mediation;	0.30	\$500.00	\$150.00
05/17/2024	MWZ	Telephone conference with counsel for tort claimant, re: case status;	0.30	\$500.00	\$150.00
05/17/2024	MWZ	Emails and telephone conference with Judge Sontchi re: mediation;	1.00	\$500.00	\$500.00
05/17/2024	MWZ	Confer with E. Goodman re: settlement proposal;	0.30	\$500.00	\$150.00
05/17/2024	MWZ	Telephone conference with counsel for TCC members re: case status;	0.70	\$500.00	\$350.00
05/18/2024	MWZ	Work on analysis of issues re: potential settlement;	1.50	\$500.00	\$750.00
05/20/2024	MWZ	Work on issues re: settlement and emails with counsel for the UCC re: same;	0.80	\$500.00	\$400.00
05/20/2024	MWZ	Finalize letters to pro se incarcerated claimants re: document requests;	0.20	\$500.00	\$100.00
05/20/2024	MWZ	Confer with counsel for the UCC re: settlement proposal and next steps;	1.00	\$500.00	\$500.00
05/20/2024	MWZ	Email TCC members and counsel re: settlement offer and proposed counteroffer;	0.80	\$500.00	\$400.00
05/20/2024	MWZ	Telephone conference with counsel for TCC members re: settlement status;	0.50	\$500.00	\$250.00
05/20/2024	MWZ	Confer with E. Goodman re: mediation issues;	0.60	\$500.00	\$300.00
05/20/2024	MWZ	Prepare for TCC meeting;	0.80	\$500.00	\$400.00
05/21/2024	MWZ	Prepare for and attend TCC meeting;	0.40	\$500.00	\$200.00
05/21/2024	MWZ	Emails with TCC members re: settlement status;	0.30	\$500.00	\$150.00
05/21/2024	MWZ	Telephone conference with representative from the Tennessee Procurement Office re: status of YesCare's request for proposal;	0.30	\$500.00	\$150.00
05/21/2024	MWZ	Attend TCC meeting and follow-up conference with coordinating counsel and M. Atkinson;	1.30	\$500.00	\$650.00
05/21/2024	MWZ	Attend to correspondence with counsel for the UCC re: mediation issues;	0.40	\$500.00	\$200.00
05/21/2024	MWZ	Review and address emails from Judge Sontchi re: mediation issues;	0.30	\$500.00	\$150.00
05/21/2024	MWZ	Confer with E Goodman re: mediation issues;	0.90	\$500.00	\$450.00
05/21/2024	MWZ	Attend meeting with Judge Sontchi, ; and E. Goodman;	1.00	\$500.00	\$500.00
05/21/2024	MWZ	Confer with E. Goodman re: mediation issues;	0.40	\$500.00	\$200.00
05/22/2024	MWZ	Work on mediation proposed terms and correspondence with Judge Sontchi;	0.90	\$500.00	\$450.00
05/22/2024	MWZ	Review Province's monthly fee application and emails to TCC members re: same;	0.40	\$500.00	\$200.00
05/22/2024	MWZ	Review and respond to email from pro se claimant	0.20	\$500.00	\$100.00
05/23/2024	MWZ	Emails with TCC members and their counsel re: Province's monthly fee application;	0.30	\$500.00	\$150.00
05/23/2024	MWZ	Review email from and telephone conference with counsel for tort claimant, re: case status;	0.30	\$500.00	\$150.00
05/23/2024	MWZ	Review pro se filings;	0.20	\$500.00	\$100.00

05/23/2024	MWZ	Confer with E. Goodman re: case status and mediation strategy;	0.80	\$500.00	\$400.00
05/24/2024	MWZ	Telephone conference with counsel for TCC members re: case status and mediation;	0.50	\$500.00	\$250.00
05/24/2024	MWZ	Confer with E. Goodman re: mediation counteroffers and work on email re: same;	0.40	\$500.00	\$200.00
05/24/2024	MWZ	Review Debtor's monthly operating report;	0.20	\$500.00	\$100.00
05/24/2024	MWZ	Review Debtors' response to motion to lift the automatic stay;	0.20	\$500.00	\$100.00
05/28/2024	MWZ	Prepare for TCC meeting;	0.80	\$500.00	\$400.00
05/28/2024	MWZ	Attend TCC meeting;	0.90	\$500.00	\$450.00
05/28/2024	MWZ	Emails with counsel for TCC members;	0.30	\$500.00	\$150.00
05/28/2024	MWZ	Review motion for relief from stay filed by	0.20	\$500.00	\$100.00
05/30/2024	MWZ	Review case docket and review recent notices;	0.20	\$500.00	\$100.00
05/31/2024	MWZ	Review and follow-up email from tort claimants;	0.20	\$500.00	\$100.00
				Services Subtotal	\$37,200.00

Expenses

Date	Notes	Quantity	Rate	Total	
04/18/2024	Hot Shot Delivery, Inc.: Records Request;	1.00	\$47.00	\$47.00	
04/18/2024	Hot Shot Delivery, Inc.: Records to Berry Riddell;	1.00	\$20.19	\$20.19	
04/23/2024	Hot Shot Delivery, Inc.: Records Request;	1.00	\$48.30	\$48.30	
05/07/2024	Pacer Fees;	1.00	\$129.90	\$129.90	
05/07/2024	Hotel in New York 5/4-5/7 in New York for mediation;	1.00	\$1,405.05	\$1,405.05	
05/07/2024	Taxi on 5/7 in New York for mediation;	1.00	\$101.32	\$101.32	
05/07/2024	Taxi on 5/4 in New York for mediation;	1.00	\$70.97	\$70.97	
05/07/2024	Taxi on 5/7 return from New York for mediation;	1.00	\$35.00	\$35.00	
05/08/2024	Photocopies;	200.00	\$0.10	\$20.00	
05/08/2024	Postage;	40.00	\$0.88	\$35.20	
05/17/2024	Copies;	844.00	\$0.10	\$84.40	
05/20/2024	Postage;	1.00	\$23.10	\$23.10	
05/20/2024	Postage;	1.00	\$20.05	\$20.05	
				Expenses Subtotal	\$2,040.48
				Subtotal	\$39,240.48
				Total for Current Invoice	\$39,240.48

Detailed Statement of Account**Prior Invoices**

Invoice Number	Invoice Date	Amount Due	Payments Received	Balance Due
7457	12/01/2023	\$20,645.00	\$0.00	\$20,645.00
7458	01/01/2024	\$48,152.89	\$0.00	\$48,152.89
7459	02/01/2024	\$40,070.31	\$0.00	\$40,070.31
7551	03/01/2024	\$43,908.58	\$0.00	\$43,908.58
7793	04/01/2024	\$53,558.68	\$0.00	\$53,558.68
7974	05/01/2024	\$32,075.14	\$0.00	\$32,075.14

Current Invoice

Invoice Number	Invoice Date	Amount Due	Payments Received	Balance Due
8364	06/01/2024	\$39,240.48	\$0.00	\$39,240.48
Outstanding Balance				\$277,651.08
Total Amount Outstanding				\$277,651.08

Please make all amounts payable to: Berry Riddell LLC

Payment is due upon receipt.