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.)
)

DEBTOR'S WITNESS AND EXHIBIT LIST FOR AUGUST 16, 2024 HEARINGS

The above-captioned debtor and debtor in possession (the "Debtor"), files this Witness and Exhibit List for the hearings to be held on **August 16, 2024, at 1:00 p.m.** (prevailing Central Time) (the "Hearings").

Witnesses

- 1. Russell A. Perry, Chief Restructuring Officer
- 2. Any witness called or listed by any other party in interest; and
- 3. Impeachment witnesses, as necessary.

Exhibits

Ex. No.	Description		
1.	Lone Star Alliance Declarations Page for Policy No. 4-454719		
2.	Proof of Claim No. 117 filed by Tyrone Anthony Bell dated May 1, 2023		
3.	Proof of Claim No. 689 filed by Gregory Lilbert dated August 15, 2023		
4.	Proof of Claim No. 631 filed by Antoinette Windhurst dated August 11, 2023		
5.	Lone Star Alliance Declarations Page for Policy No. 4-100167		
6.	Coverys Specialty Insurance Company Declarations Page for Policy No. 5-10229		
7.	Any document or pleading filed with the Court in the above-captioned case		
8.	Any exhibit necessary for impeachment purposes		

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.



4883-9448-4952

Ex. No.	Description
9.	Any exhibit identified or offered by any other party

Reservation of Rights

The Debtor reserves the right to supplement or otherwise amend this Witness and Exhibit List prior to the Hearings.

Respectfully submitted this 14th day of August, 2024.

GRAY REED

By: /s/ Jason S. Brookner

Jason S. Brookner

Texas Bar No. 24033684

Aaron M. Kaufman

Texas Bar No. 24060067

Lydia R. Webb

Texas Bar No. 24083758

Amber M. Carson

Texas Bar No. 24075610

1300 Post Oak Boulevard, Suite 2000

Houston, Texas 77056

Telephone: (713) 986-7127 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

Certificate of Service

I certify that on August 14, 2024, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ Jason S. Brookner

Jason S. Brookner



POLICY NUMBER 4-454719

Renewal New Policy

Agent - USI/HLS

DECLARATIONS PAGE Professional Liability Insurance Policy Occurrence

NAMED INSURED: (including mailing address)

NAMED INSURED IS A(N): Group NOTICE: THIS POLICY IS ISSUED BY YOUR RISK RETENTION GROUP

Valitas Health Services, Inc. 103 Powell Court Brentwood, TN 37027 Your risk retention group may not be subject to all of the insurance laws and regulations of your state. State insurance insolvency guaranty funds are not available for your risk retention group.

POLICY PERIOD:

Effective Date:

Expiration Date:

01/01/2019 01/01/2020

Beginning and ending at 12:01 a.m.

SPECIALTY:

See Schedule of Insureds

TOTAL PREMIUM:

Premium is fully earned at policy inception.

LIMITS OF LIABILITY:

TOTAL POLICY AGGREGATE LIMIT	\$21,000,000
AGGREGATE SELF-INSURED RETENTION*	\$17,000,000
MEDICAL GROUP PROFESSIONAL LIABILITY:	
Each Medical Incident – Each Physician Insured Limit	\$1,000,000
Each Medical Incident - All Other Non-Physician Insureds Combined Limit	\$1,000,000
Each Medical Incident Aggregate - All Insureds Combined Limit**	\$2,000,000
Each Physician Insured Aggregate Limit	\$3,000,000
Each Medical Incident - Physician Insured Self-Insured Retention	\$1,000,000
Each Medical Incident – All Other Non-Physician Insureds Combined Self-Insured Retention	\$1,000,000
Each Medical Incident Aggregate – All Insureds Combined Self-Insured Retention**	\$2,000,000
Each Physician Insured Aggregate Self-Insured Retention	\$3,000,000

^{*}The Aggregate Self-Insured Retention reduces the Total Policy Aggregate Limit. The Aggregate Self-Insured Retention is reduced by damages only, not **Defense Costs**. **Defense Cost** are paid directly by the First Named Insured and do not erode the Limits of Insurance or the Self-Insured Retention. Thus, the maximum total amount payable as damages by Lone Star Alliance, Inc. is \$4,000,000.

^{**} The Each Medical Incident Aggregate — All Insureds Combined Limit and Self-Insured Retention apply regardless of the number of Insured defendants involved or named in a **medical incident**.



Case 23-90086 Document 1664-1 Filed in TXSB on 08/14/24 Page 2 of 2

This Declarations Page, along with the coverage forms and *endorsements* attached, completes the above numbered policy and is part of and subject to all terms, conditions and exclusions of the above numbered policy and any *endorsements* issued by the Corporation to the *Named Insured*.

Issue Date:

12/27/2018

Countersigned by:

Authorized Representative of

AM

Lone Star Alliance Inc., A Risk Retention Group

ph 844 595 8866

P.O. Box 160140

www.lonestara.com

Austin, Texas 78716-0140

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 1 of 95

Case 23-90086 Claim 53-1 Filed 05/01/23 Desc Main Document Page 1 of 3 Claim #117 Date Filed: 5/1/2023

Fill in this information to identify the case:		
Debtor 1 TEHUME CARE SERVIE INC		
Debtor 2 (Spouse, if filing)		
United States Bankruptcy Court for the: Suhuy District of Texas		
Case number 23-90086 - CML		

United States Courts Southern District of Texas FILED

04/22

MAY 0 1 2023

Nathan Ochsner, Clerk of Court



Official Form 410

Proof of Claim

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 of 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.

ľ	Part 1: Identify the C	claim			
1.	Who is the current creditor?	Name of the current creditor (the person or entity to be paid for this clair Other names the creditor used with the debtor	im)		
2.	Has this claim been acquired from someone else?	☑ No · · · · · · · · · · · · · · · · · ·			
3.	Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? I GROWE - ANTHONY: BELL 49434 Name 3225 John Cowley Drive Number Street LADER, Michigan 48446 City State ZIP Code Contact phone 248-470-9677 Contact email Uniform claim identifier for electronic payments in chapter 13 (if you use	Name Number Street City Contact phone Contact email	ents to the creditor be	ZIP Code
4.	Does this claim amend one already filed?	☑ No ☐ Yes. Claim number on court claims registry (if known)		Filed on	/ yyyy
5.	Do you know if anyone else has filed a proof of claim for this claim?	☐ Yes. Who made the earlier filling?			

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 2 of 95
Case 23-90086 Claim 53-1 Filed 05/01/23 Desc Main Document Page 2 of 3

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? Yes. Amount necessary to cure any default as of the date of the petition. \$		ave any number o identify the	No Ses. Last 4 digits of the debtor's account or any number you use to identify the debtor: 8 8 5 3
charges required by Bankruptcy Rule 3001(c)(2)(A). 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). Until disclosing information that is entitled to privacy, such as health care information. Part of the claim secured Pyes. The claim is secured by a lien on property. Nature of property: Real estate. If the claim is secured by the debtor's principal residence, file a Montgage Proof of Claim. Motor vehicle Other. Describe: Basis for perfection: Attachment (Official Form 410-A) with this Proof of Claim. Attachment (Official Form 410-A) with this Proof of Claim. Walter of property: Samples of documents, if any, that show evidence of perfection of a security interest (for examples, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has been filed or recorded.) Value of property: Samples of property:	7. How muc	h is the claim?	
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. PERSONAL IN YOUR CIVILITY TO B. 3. Is all or part of the claim secured? Nature of property: Real estate. If the claim is secured by the debtor's principal 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: Amount of the claim that is unsecured: Amount of the claim that is unsecured: Amount necessary to cure any default as of the date of the petition: S			
Rescand In yary Civil litigation 5 Is all or part of the claim No Yes. The claim is secured by a lien on property. Nature of property: Real estate. If the claim is secured by the debtor's principal 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: \$		ne basis of the	
3. Is all or part of the claim secured? The claim is secured by a lien on property. Nature of property: Real estate. If the claim is secured by the debtor's principal residence, file a Mortgage Proof of Claim Affachment (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: Amount of the claim that is unsecured: Amount should match the amount in lie Amount necessary to cure any default as of the date of the petition: Annual Interest Rate (when case was filed) Yes. Amount necessary to cure any default as of the date of the petition. S O Yes. Amount necessary to cure any default as of the date of the petition. S O Yes. Amount necessary to cure any default as of the date of the petition. No right of setoff?			Limit disclosing information that is entitled to privacy, such as health care information.
Secured? Yes. The claim is secured by a lien on property. Nature of property:			Personal Injury civil litigation 5
Nature of property: Real estate. If the claim is secured by the debtor's principal residence, file a Mortgage Proof of Claim Attachment (Official Form 410-A) with this Proof of Claim. 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: Amount should match the amount in lie Amount necessary to cure any default as of the date of the petition: Annual Interest Rate (when case was filed) Variable 10. Is this claim based on a lease? No right of sectoff?	•		☐ Yes The claim is secured by a liep on property
Real estate. If the claim is secured by the debtor's principal residence, file a Mortgage Proof of Claim Attachment (Official Form 410-A) with this Proof of Claim. 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: Amount should match the amount in lie Amount necessary to cure any default as of the date of the petition: Annual Interest Rate (when case was filed) Variable 10. Is this claim based on a lease? No right of setoff?			
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: \$			_ ` ` ` `
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 filled or recorded.) Value of property: Amount of the claim that is secured: Amount of the claim that is unsecured: Amount should match the amount in lie Amount necessary to cure any default as of the date of the petition: Annual Interest Rate (when case was filled) 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. \$			Attachment (Official Form 410-A) with this Proof of Claim.
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 filled or recorded.) Value of property: Amount of the claim that is secured: Amount of the claim that is unsecured: Amount of the claim that is unsecured: 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. No It is this claim subject to a right of setoff?			
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: Amounts should match the amount in lin 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. No right of setoff?			Utiei. Describe.
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: Amounts should match the amount in lin 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. No right of setoff?			Paris for autorities.
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: Amount should match the amount in lir 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? Yes. Amount necessary to cure any default as of the date of the petition. S			•
Amount of the claim that is secured: \$			example, a mortgage, lien, certificate of title, financing statement, or other document that shows the lien has
Amount of the claim that is unsecured: \$			Value of property: \$
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 No No No No No No No No N			Amount of the claim that is secured: \$
Annual Interest Rate (when case was filed)% Fixed Variable Variable Variable Fixed Variable Variable Variable In Is this claim based on a lease? Yes. Amount necessary to cure any default as of the date of the petition. In Is this claim subject to a right of setoff?			Amount of the claim that is unsecured: \$(The sum of the secured and unsecured amounts should match the amount in line 7.
☐ Fixed ☐ Variable 10. Is this claim based on a lease? ☐ Yes. Amount necessary to cure any default as of the date of the petition. \$			Amount necessary to cure any default as of the date of the petition: \$
10. Is this claim based on a lease? Yes. Amount necessary to cure any default as of the date of the petition. 11. Is this claim subject to a right of setoff?		,	Annual Interest Rate (when case was filed)%
lease? Yes. Amount necessary to cure any default as of the date of the petition. 11. Is this claim subject to a right of setoff?			
Yes. Amount necessary to cure any default as of the date of the petition. 11. Is this claim subject to a No right of setoff?		aim based on a	⊠ No
right of setoff?	lease?		☐ Yes. Amount necessary to cure any default as of the date of the petition. \$
			⊠ No
	ingitt of s	oton:	☐ Yes. Identify the property:

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 3 of 95
Case 23-90086 Claim 53-1 Filed 05/01/23 Desc Main Document Page 3 of 3

	·		
12. Is all or part of the claim entitled to priority under	X) No		
11 U.S.C. § 507(a)?	☐ Yes. Check one:	Amount entitled to priority	
A claim may be partly priority and partly	Domestic support obligations (including alimony and child support) under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B).	\$	
nonpriority. For example, in some categories, the law limits the amount entitled to priority.	☐ 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).	\$	
,	■ 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).	\$	
	☐ Taxes or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$	
	☐ Contributions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$	
	☐ 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 afte	r the date of adjustment	
Part 3: Sign Below			
			
The person completing this proof of claim must	Check the appropriate box:		
sign and date it. FRBP 9011(b).	I am the creditor.		
If you file this claim	I am the creditor's attorney or authorized agent.		
electronically, FRBP	☐ 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.		
5005(a)(2) authorizes courts to establish local rules	I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.		
specifying what a signature	Lundovstand that an authorized signature as this Double Colum		
is.	I understand that an authorized signature on this <i>Proof of Claim</i> serves as an acknowledgment to amount of the claim, the creditor gave the debtor credit for any payments received toward the de	hat when calculating the bt.	
A person who files a fraudulent claim could be			
fined up to \$500,000, imprisoned for up to 5	I have examined the information in this <i>Proof of Claim</i> and have a reasonable belief that the information and correct.	rmation is true	
years, or both.	I declare under penalty of perjury that the foregoing is true and correct.		
18 U.S.C. §§ 152, 157, and 3571.			
	Executed on date 4-34-23 MM / DD / YYYY		
	Mense-Curry: BW		
	Print the name of the person who is completing and signing this claim:		
	Name TYRONE ANTHONY BELL First name Middle name Last name		
	Title	<u> </u>	
	Company	_	
	Identify the corporate servicer as the company if the authorized agent is a servicer.		
,	Address 3225 John Conley DRIDE Number Street		
	Lapeer Michigan 48446		
	City 1 State ZIP Code Contact phone 248-470-9137 Email		
	Contact phone Z18-1/0-11a/ Email		

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 4 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 1 of 92

Fill in this information to identify the case:
Debtor 1 TEHUME CARE SERVIE INC
Debtor 2 (Spouse, if filing)
United States Bankruptcy Court for the: Suchuu District of Texas
Case number 23-90086 - CML

United States Courts Southern District of Texas FILED

MAY 0 1 2023

Nathan Ochsner, Clerk of Court

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 of 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.

i	Part 1: Identify the C	laim	
1.	Who is the current creditor?	Name of the current creditor (the person or entity to be paid for this claim.) Other names the creditor used with the debtor	n)
2.	Has this claim been acquired from someone else?	☑ No · · · · · · · · · · · · · · · · · ·	
3.	Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Where should notices to the creditor be sent? TYPONE ANTHONY: BEIL JA0434 Name 3225 John Con/Gy Drive Number Street LADER , Michigan 4846 City State ZIP Code Contact phone J48-470-9137 Contact email Uniform claim identifier for electronic payments in chapter 13 (if you use	Where should payments to the creditor be sent? (if different) Name Number Street City State ZIP Code Contact phone Contact email one):
4.	Does this claim amend one already filed?	☑ No ☐ Yes. Claim number on court claims registry (if known)	Filed onMM_ / DD / YYYY
5.	Do you know if anyone else has filed a proof of claim for this claim?	☑ No ☐ Yes. Who made the earlier filing?	

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 5 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 2 of 92

	Part 2: Give Information	on About the Claim as of the Date the Case Was Filed		
6.	Do you have any number you use to identify the debtor?	No No Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor: 8 5 5 3		
7.	How much is the claim?	S 72,325,922,42 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. PERSONAL IN MRY CIVILIHIAATION 6		
9	Is all or part of the claim secured?	No Yes. The claim is secured by a lien on property. Nature of property: Real estate. If the claim is secured by the debtor's principal residence, file a Mortgage Proof of Claim Attachment (Official Form 410-A) with this Proof of Claim. 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 amounts 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		
1	0. Is this claim based on a	₹ Ø No		
	lease?	☐ Yes. Amount necessary to cure any default as of the date of the petition. \$		
1	1. Is this claim subject to a	⊠ No		
***************************************	right of setoff?	☐ Yes. Identify the property:		

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 6 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 3 of 92

12. Is all or part of the claim entitled to priority under	🗓 No		
11 U.S.C. § 507(a)?	Yes. Chec	ck one:	Amount entitled to priority
A claim may be partly priority and partly	☐ Dome: 11 U.S	stic support obligations (including alimony and child support) under S.C. § 507(a)(1)(A) or (a)(1)(B).	\$
nonpriority. For example, in some categories, the law limits the amount entitled to priority.	Up to person	\$3,350* of deposits toward purchase, lease, or rental of property or services for nal, family, or household use. 11 U.S.C. § 507(a)(7).	\$
on the promy.	bankrı	s, salaries, or commissions (up to \$15,150*) earned within 180 days before the uptcy petition is filed or the debtor's business ends, whichever is earlier. S.C. § 507(a)(4).	\$
	☐ Taxes	or penalties owed to governmental units. 11 U.S.C. § 507(a)(8).	\$
	☐ Contri	butions to an employee benefit plan. 11 U.S.C. § 507(a)(5).	\$
	Other.	Specify subsection of 11 U.S.C. § 507(a)() that applies.	\$
	* Amounts	s are subject to adjustment on 4/01/25 and every 3 years after that for cases begun on or aft	er the date of adjustment.
Part 3: Sign Below			
			
The person completing this proof of claim must	Check the app	'	
sign and date it. FRBP 9011(b).	☐ lam the c		
If you file this claim		reditor's attorney or authorized agent. rustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.	
electronically, FRBP 5005(a)(2) authorizes courts		arantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.	
to establish local rules	· ·	, , , , , , , , , , , , , , , , , , ,	
specifying what a signature is.	I understand th	at an authorized signature on this Proof of Claim serves as an acknowledgment	that when calculating the
A person who files a	amount of the	claim, the creditor gave the debtor credit for any payments received toward the d	ebt.
fraudulent claim could be fined up to \$500,000, imprisoned for up to 5	I have examine and correct.	ed the information in this <i>Proof of Claim</i> and have a reasonable belief that the info	ormation is true
years, or both.	I declare under	penalty of perjury that the foregoing is true and correct.	
18 U.S.C. §§ 152, 157, and 3571.	Executed on da	1 11 27	
	111000	e-auchny: Bell	
	Signature	COURTONY: XICY	
	Print the name	e of the person who is completing and signing this claim:	
	Name -	TURNIE LULLANU BELL	
	Name	First name Middle name Last name	
	Title		·
	Company		
		Identify the corporate servicer as the company if the authorized agent is a servicer.	
	Address	3225 John Conley DRIDE Number Street	
		Lapeer Michigan 48446	
	Contact phone	248 - 470 - 91 27 Email	,

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 7 of 95 Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 4 of 92

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

In re:	TEHUM	CARE	SERVICE,	INC.,	Chapter 11
Debtor			,	٠	Case No. 23-90086(CML)

DECLARATION OF TYRONE-ANTHONY: BELL IN SUPPORT OF PROOF OF CLAIM

- I, Tyrone-Anthony: Bell, unsecured creditor, party-in-interest declare the following:
- 1.] That I have an unsecured claims against Corizon Health Inc. now d/b/a Tehume Care Service ("Tehume")in the above cpation in the United States District Court for the Eastern District of Michigan under case nos. 21-cv-10399, 21-cv-10705, 21-cv-12481 and the United States Court of Appeal in the Sixth Circuit under case no. 22-2132.
- 2.] That I have an unsecured claim against Tehume under the civil litigation where I was pursuing \$66 million dollars in damages under case no. 21-cv-10399; 21-cv-10705. Exhibit A
- 3.] I have an unsecured claim under civil litigation case no. 21-cv-12481 where I was pursuing \$6 million dollars in damages. Exhibit B
- 4.] That the cases are still open where I am current in the United States Court of Appeals for the Sixth Circuit case no 21-cv-12481 is assigned case no. 22-2132, case no 21-cv-10399, 21-cv-10705 has not yet been assigned a case no.
- 5.] I am a paralegal who has worked 5 days a week with over 2088 billable paralegal hours totaling \$365,400.00
 - 6.] That I have spend approximately \$147.17 on postage. Exhibit C
 - 7.] That I have spend over \$351.95 on legal books. Exhibit D

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 8 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 5 of 92

- 8.] That I have spent over \$21.20 on copies related to these above cased litigations. Exhibit E
- 9.] That the total unsecured claim against Tehume Care Service is approximately \$72,365,922.42

VERIFICATION

I, Tyrone-Anthony: Bell, unsecured creditor/party-in-interest, declare (swear, certify, verify or state) that the aforementioned is true and correct under the penalty of perjury pursuant to 28 USC § 1746.

Date: 4/24/ 2023

Respectfully Submitted,

Tyrone-Anthopy: Bell, Pro Se

MDOC No. 240434

Thumb Correctional Facility 3225 John Conely Drive Lapeer, Michigan 48446

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 9 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 6 of 92

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

In re: TEHUM CARE SERVICE, INC., Chapter 11

Debtor

Case No. 23-90086(CML)

EXHIBIT LIST

- A-Pages from the Register of Action Case No. 21-cv-10399; 21-cv-10705
- B- Pages from Register of Action case no 21-cv-12481
- C- Expedited Legal Mail Receipts
- D- Legal Book Receipts
- E- Legal Copies Receipts

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 10 of 95 Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 7 of 92

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

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

EXHIBIT A

PAGES OF REGISTER OF ACTIONS case no 21-cv-10399; 21-cv-10705

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 11 of 95

CM/ECF - U.S. இத்து இரையாகி Claim 53-1 Part 2 Filed 05 முழ் இங்கு இத்து இது இது இது 15487-L_1_0-1 TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 8 of 92

CLOSED,IFP,LR11.2_NOTICE,reassigned,sa_db

U.S. District Court Eastern District of Michigan (Flint) CIVIL DOCKET FOR CASE #: 4:21-cv-10399-SDK-EAS

Bell v. Washington**CASE CLOSED - ALL ENTRIES MUST

BE MADE IN 21-10705.**

Assigned to: District Judge Shalina D. Kumar Referred to: Magistrate Judge Elizabeth A. Stafford

Cause: No cause code entered

Date Filed: 02/12/2021

Date Terminated: 03/18/2022 Jury Demand: Plaintiff

Nature of Suit: 550 Prisoner: Civil Rights

Jurisdiction: Federal Question

Plaintiff

Tyrone Anthony Bell represented by Tyrone Anthony Bell

240434

MUSKEGON CORRECTIONAL

FACILITY

2400 S. SHERIDAN MUSKEGON, MI 49442

PRO SE

Plaintiff

Terrell Counts represented by Terrell Counts

922815

SAGINAW CORRECTIONAL FACILITY

9625 PIERCE ROAD FREELAND, MI 48623

PRO SE

Plaintiff

Xavier Beaumont represented by Xavier Beaumont

457707

SAGINAW CORRECTIONAL FACILITY

9625 PIERCE ROAD FREELAND, MI 48623

PRO SE

Plaintiff

Andre Ferguson represented by Andre Ferguson

633008

1817 E Oltoef St

Apt 102

Austin, TX 78741

PRO SE

V.

Defendant

10/10/2022 11:42 AM

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 12 of 95

CM/ECF - U.S. District Control Claim 53-1 Part 2 Filed 05 Minst Bried of Seorge Control Chair Dec Control Cont

Heidi Washington

Director of Michigan Department of Corrections

Defendant

Richard D. Russell

Legal Administrator of MDOC

Defendant

Gary Miniard

Warden

Defendant

R. Morgan

Deputy Warden

Defendant

Carol Walker

Assistant Deputy Warden

Defendant

J. Anderson

Assistant Deputy Warden

Defendant

Raquepaw

Administrative Assistant

Defendant

Bischer

Resident Unit Manager/Supervisor

Defendant

Chalker

Resident Unit Manager/Supervisor

Defendant

Anderson

Sergeant

Defendant

Miller

Lt., Supervisor

Defendant

Dew

Correctional Officer

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 13 of 95

CM/ECF - U.S. இதுக்கு ஒரும்கள் Claim 53-1 Part 2 Filed 05 முழு இரும்கு இரு நிறு இது இது 15487-L_1_0-1 . TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 10 of 92

Villarreal

Correctional Officer

Defendant

Aldrich

Correctional Officer

Defendant

Daniels

Correctional Officer

Defendant

Sharon Oliver

Physician

Defendant

Jane Doe

Nurse

Defendant

Corizon Healthcare

Date Filed	#	Docket Text	
02/12/2021	1	COMPLAINT filed by Tyrone Anthony Bell against Heidi Washington (Attachments: # 1 Document Continuation Civil Cover Sheet) (LGra) (Entered: 03/01/2021)	
03/01/2021	2	NOTICE of Mediation Program (LGra) (Entered: 03/01/2021)	
03/04/2021	3		
03/04/2021		TEXT-ONLY CERTIFICATE OF SERVICE re 3 Order to Correct Deficiency (Habeas and 1983 Complaints Only) on Tyrone Anthony Bell, 240434, SAGINAW CORRECTIONAL FACILITY, 9625 PIERCE ROAD, FREELAND, MI 48623 (TTho) (Entered: 03/04/2021)	
03/18/2021	<u>5</u> .	APPLICATION [Motion] to Proceed without prepaying fees or costs by Tyrone Anthony Bell. (SSch) (Entered: 04/01/2021)	
03/25/2021	4	Notice Regarding Parties' Responsibility to Notify Court of Address Changes (KCas) (Entered: 03/25/2021)	
04/02/2021	6	ORDER granting 5 Application to Proceed Without Prepaying Fees or Costs and Directing Payment of an Initial Partial Filing Fee in the amount of \$20 and subsequent payments. Signed by Magistrate Judge R. Steven Whalen. (TTho) (Entered: 04/02/2021)	
04/02/2021		TEXT-ONLY CERTIFICATE OF SERVICE re 6 Order on Application to Proceed Without Prepaying Fees or Costs on Tyrone Anthony Bell240434 SAGINAW	

10/10/2022 11-43 AM

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 14 of 95 Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 11 of 92

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

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

EXHIBIT B

PAGES FROM REGISTER OF ACTION case no 21-cv-12481

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 15 of 95

CM/ECF - U.S. Dasse: 223-00-00-06 Claim 53-1 Part 2 Filed 05/1021/28ied-Exelse Ext/48ii/ebi/EktRata/10/10/10/10/248621-L_1_0-1
TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 12 of 92

LR11.2 NOTICE,sa_db

U.S. District Court Eastern District of Michigan (Detroit) CIVIL DOCKET FOR CASE #: 2:21-cv-12481-SJM-PTM Internal Use Only

Bell v. Washington et al

Assigned to: District Judge Stephen J. Murphy, III Referred to: Magistrate Judge Patricia T. Morris

Cause: No cause code entered

Date Filed: 10/08/2021 Jury Demand: Both

Nature of Suit: 550 Prisoner: Civil Rights

Jurisdiction: Federal Question

Plaintiff

Tyrone A. Bell

represented by Tyrone A. Bell

240434

MUSKEGON CORRECTIONAL

FACILITY

2400 S. SHERIDAN MUSKEGON, MI 49442

PRO SE

V.

Defendant

Heidi Washington

represented by Allan J. Soros

Michigan Department of Attorney General

MDOC Division P.O. Box 30217 525 W. Ottawa Lansing, MI 48909 517-335-3055 Fax: 517-335-7157

Email: sorosa@michigan.gov ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

Robert Naples

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

Connie Horton

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 16 of 95

Defendant

Tim O'Bell Winn

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

James Corrigan

represented by Allan J. Soros

(See above for address) *ATTORNEY TO BE NOTICED*

Bar Status: Not Sworn

Defendant

Carol Walker

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

Ducan Maclearn

TERMINATED: 04/08/2022

Defendant

David LaLonde

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

T. Eicher

Correctional Officer

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

A. Ortiz

Correctional Officer

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

Libby

Correctional Officer

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 17 of 95

CM/ECF - U.S. Dasac 25:00086 Claim 53-1 Part 2 Filed 05/103:1/28ied-Dates: Ext/igit-Dates: Ext

Babcock

Correctional Officer

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

Miller

Correctional Officer

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

M. Macdonald

Correctional Officer

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

Weems

C/O

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

M. Aldrich

C/O

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

Bond

C/O

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

Trombley

C/O

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

Dave Berry

Quartermater

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 18 of 95

CM/ECF - U.S. 6356ct 28090066 Claim 53-1 Part 2 Filed 05/1031/128ied-Det.so. Exal/inji/bib/Dick/ARTA/1011903148621-L_1_0-1 TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 15 of 92

T. Corey-Spiker

Resident Unit Manager

represented by Allan J. Soros

(See above for address)
ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

James Bischer

Resident Unit Manager

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

Jodie Anderson

Resident Unit Manager

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

Barry R. Butler

Resident Unit Manager

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

D. Plumm

Assist. Resident Unit Manager

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

John McCollum

Hearing Investigator

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

David Theut

Hearing Officer

represented by Bryan William Beach

MI Attorney General's Office

525 W. Ottawa Street P.O. Box 30736

Lansing, MI 48909

517-373-6434

Fax: 517-373-2454

Email: beachb@michigan.gov ATTORNEY TO BE NOTICED

Bar Status: Sworn

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 19 of 95

John Doe #2
Inspector

Defendant

John Doe #3
Inspector

Defendant

Michael McLean

Grievance Coordinator

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

Reesie A. Stranaly

Nurse

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

Bethany Stain

Nurse

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

Melissa laPlunt

Health Unit Manager

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

Amy

Nurse

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

McDowell

Nurse

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

Richard D. Russell

Legal Administrator

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 20 of 95

CM/ECF - U.S. ORGO Claim 53-1 Part 2 Filed 05/101/1/26ied-Decso Exchigii bib/DCRARITA1011903248621-L_1_0-1 TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 17 of 92

John Doe #1
Review Sergeant

Defendant

A. Pratt

represented by Allan J. Soros

(See above for address)
ATTORNEY TO BE NOTICED
Bar Status: Not Sworn

Defendant

Ducan McLaren

represented by Allan J. Soros

(See above for address)

ATTORNEY TO BE NOTICED

Bar Status: Not Sworn

Defendant

Corizon

represented by Nicholas Pillow

Chapman Law Group 1441 West Long Lake Rd

Ste 310

Troy, MI 48098 248-644-6326

Email: npillow@chapmanlawgroup.com

ATTORNEY TO BE NOTICED

Bar Status: Sworn

Date Filed	#	Docket Text
10/08/2021	1	COMPLAINT filed by Tyrone A. Bell against All Defendants (Attachments: # 1 Document Continuation Civil Cover Sheet) (LGra) (Entered: 10/25/2021)
10/08/2021	2	DECLARATION by Declaration In Support Of Request for Leave to proceed In Forma Pauperis re 1 Complaint filed by Tyrone A. Bell (LGra) (Entered: 10/25/2021)
10/08/2021	3	REQUEST for US Marshal Service by Tyrone A. Bell. (LGra) (Entered: 10/25/2021)
10/25/2021	4	NOTICE of Mediation Program (LGra) (Entered: 10/25/2021)
10/26/2021	<u>5</u>	ORDER to Correct Deficiency for failure to submit filing fee. Correction due by 11/26/2021 Signed by Magistrate Judge David R. Grand. (TTho) (Entered: 10/26/2021)
11/23/2021		FILING FEE Received in the amount of 402.00 by Tyrone A. Bell - Receipt No. DET138305 [No Image Associated with this docket entry] (BHan) (Entered: 11/23/2021)
12/06/2021	6	Notice Regarding Parties' Responsibility to Notify Court of Address Changes (KCas) (Entered: 12/06/2021)
12/06/2021	7	LETTER from Tyrone A. Bell re service (DPer) (Entered: 12/13/2021)

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 21 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 18 of 92

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

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

EXHIBIT C

EXPEDITED LEGAL MAIL RECEIPTS

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 22 of 95

Case 23-90086 Claim 53-1 Part 2 File 0 05/0 1/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM 2 Rage 19 of 92

DISBURSEMENT AUTHORIZ		AL MAIL – PRISONER)		CSJ-318
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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 23 of 95

Case 23-90086 Claim 53-1 Part 2 File 05/01/25 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY BELL IN SUPPROF OF PROOF OF CLAIM Page 20 of 92

DISBURSEMENT AUTHORIZ		GAL MAIL – PRISONER)	CSJ-31
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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 24 of 95

Case 23-90086 Claim 53 1 Part 2 File 25 01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 21 of 92

MICHIGAN DEPARTMENT OF CORRECTIONS	
DISBURSEMENT AUTHORIZATION (EXPEDITED LEGAL MAIL - PRISONER)	CSJ-318 REV. 11/15 4835-3318
Please PRINT clearly, illegible and/or incomplete forms will not be processed.	NEV. 11/15 4835-3318
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Prisoner Number 240434 Prisoner Name Type or Print Clearly Type ON Print Clearly	NUI Sell
Legal Postage Filing Fee \$ Certified Mail (Must Be a Court Order	red Requirement)
New Case Case Number 22-2132	
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Mailing Address FOR the Sixth CIRCUIT	
100 E FIAH STREET ROOM 540	
CINCININIAL, Ohio	
The Following Section Must Be Completed in Authorizing Staff Member's Presence	
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Denied by Type or Print Name & Title Signature	
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Only Business Office Staff are to Write in the Section Below	
Postage \$ 1.74 Total Court Filing Fee Denied	d Due to NSE
Filing Fee \$ Check #	a Duc to MSI
Date Copy Sent to Prisoner 3 - 7 - 23	
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STRIBUTION: Prisoner Association Day	数
Prisoner Accounting Prisoner Counselor's File Prisoner	

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 25 of 95

Case 23-90086 Claim 53-1 Part 2000 Claim 50-1 Part

Please PRINT clearly, illegible and/or incomplete forms will not be processed.	
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Lock CA-56 Institution Lagran Cornectional Famility-1CF	* .
Prisoner Number 24.04.34 Prisoner Name Type or Print Clearly Types - Applicable - Bald	
Legal Postage Filing Fee \$ Certified Mail (Must Be a Court Ordered)	
☐ New Case ☐ Case Number 21-cv-12481; 21-cv-10399; 21-cv-10705; 22	(-2232)
Pay To Micholas Pillaw, Caspron Law Group, 1441 Wost Long La	aku Hoeds.
Mailing Address Suite 310, Tsoy, Michgisa 46909 Attorney for Contson Plaint189's Notion to 1180 senometic stay under chapter 11; Mutton to Classovery	dles limited
The Following Section Must Be Completed In Authorizing Staff Member's Presence Prisoner Signature Received by Type or Print Name & Title The Following Section Must Be Completed In Authorizing Staff Member's Presence Date & Time Submitted 3-0-23 Staff Signature	18:35 <u>a</u>
Date & Time Received by Authorizing Staff 3.6.23 8.35 Authorization Denied Does not meet definition of legal mail or court filing fee as identified in OP 05.03.118 Not hand delivered to authorizing staff member	
Denied by Type or Print Name & Title Signature	
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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 26 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY BELL IN SUPPROT OF PROOF OF CLAIM Page 23 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 27 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/28 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELLETH SUPPROT OF PROOF, OF CLAIM Page 24 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 28 of 95

Case 23-90086 Claim 53-1 Part 2 166 05/05/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELLINGUERROT OF GEAIM Page 25 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 29 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 26 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 30 of 95

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 31 of 95

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 32 of 95

Case 23-90086 Claim 53-1 Part Profile 05/01/29 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELLEW SUPPROFILE PROFILE OF CLAIM Page 29 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 33 of 95

Case 23-90086 Claim 53-1 Part 2: Filed 05/04/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHOMY: BEICHASCHERGEROF, OF CIEDLAIM Page 30 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 34 of 95

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 35 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 32 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 36 of 95

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Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 33 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 37 of 95

Case 23-90086. Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 34 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 38 of 95

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 39 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/61/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 36 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 40 of 95

Case 23-90086 Claim 53-1 Part 2. Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN:SUPPROT OF PROOF OF CLAIM Page 37 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 41 of 95

Case 23-90086 CHAM 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 38 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 42 of 95

Case 23-90086 CHARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 39 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 43 of 95

Case 23-90086 Claim 53-1 Part 2' Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPRIOR OF PROOF OF CLAIM Page 40 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 44 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 41 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 45 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 42 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 46 of 95

Case 23-90086 / Claim 53-1 Part 2 | Filed 05/01/23 | Desc Exhibit, DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM | Page 43 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 47 of 95

Case 23-90086 Claim 53-1 Part 2 Pie 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 44 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 48 of 95

Case 23-90086 Claim 53-1 Part 2/1 Fried 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROTOF PROOF OF CLAIM Page 45 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 49 of 95

Case 28-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY BELLETH SUPPROT OF PROOF OF CLAIM Page 46 of 92

MICHIGAN DEPARTMENT OF CORRECTIONS DISBURSEMENT AUTHORIZATION (EXPEDITED LEGAL MAIL – PRISONER)	CSJ-318 REV. 11/15 4835-3318
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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 50 of 95

Case 23-90086 Claim 53-1-Part 27 File 05/01/28 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 47 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 51 of 95

Case 23-90086 Claim-53-1 Part-2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 48 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 52 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 49 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 53 of 95

Case 23-90086 Claim 53-1 Part 2 Filet 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 50 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 54 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 51 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 55 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 52 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 56 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/25 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROTOP PROOF OF CLAIM Page 53 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 57 of 95



Case 23-90086 Claim 93-1 Part 2V Filed 05/01/23 Coesc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 54 of 92

MICHIGAN DEPARTMENT OF CORRECTIONS	CSJ-318
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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 58 of 95

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 59 of 95

Case 23-90086 Clam 33-1 Part 2 File 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROF OF PROOF OF CLAIM Page 56 of 92

MICHIGAN DEPARTMENT OF CORRECTIONS	CSJ-318
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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 60 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL'IN SUPPROT OF PROPEOF CLAIM Page 57 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 61 of 95

Case 23-90086 Claim 53-1 Part 25 File (195/01/25) Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 58 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 62 of 95

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 63 of 95

Case 23-90086 Claim 53-1 Part & Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE ANTHONY BELLIN SUPPROTOE PRODE REGISTED AND PAGE 60 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 64 of 95

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 65 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 62 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 66 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 63 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 67 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 64 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 68 of 95

Case 23-90086 Claim 53-1 Part 2 下午 OF OF OF OF CLAIM Page 65 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 69 of 95



Case 23-90086 Claim 53-1 Part 2 File (105)01/25 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 66 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 70 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY BELL IN SUPPROT OF PROOF OF CLAIM Page 67 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 71 of 95

Case 23-90086 Claim 53-1 Part 25 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 68 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 72 of 95

Case 23-90086 Claim 53-1 Part-2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF/OF/CLAIM Page 69 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 73 of 95

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 74 of 95

Case 23-90086 Claim 53-1 Part 200 File 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 71 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 75 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 72 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 76 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 95/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 73 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 77 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 74 of 92 MICHIGAN DEPARTMENT OF CORRECTIONS

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 78 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY BELL IN SUPPROT OF PROOF OF CLAIM Page 75 of 92 MICHIGAN DEPARTMENT OF CORRECTIONS

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 79 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 76 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 80 of 95

Case 23-90086 Claim 53-1 Part 2 File 0.5/01/23. Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 77 of 92

DISBURSEMENT AUTHORIZATION (EXPEDITED LEGAL MAIL - PRISONER)	CSJ-318 REV. 11/15 4835-3318
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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 81 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 78 of 92

MICHIGAN DEPARTMENT OF CORRECTIONS	CSJ-318
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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 82 of 95

Case 23-90086 Claim: 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN: SURPROTOF PROOF OF CLAIM Page 79 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 83 of 95

Case 23-90086 Claim 53-1 Part 2 File 05/01/26 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 80 of 92 MICHIGAN DEPARTMENT OF CORRECTIONS

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 84 of 95 Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 81 of 92

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

In re:	TEHUM CARE SERV	ICE, INC.,	Chapter 11
Debtor			Case No. 23-90086(CML)
		/	

EXHIBIT D

LEGAL BOOKS RECEIPTS

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 85 of 95

Case 23-90086 — Claim 53-1 Part 2 — Filed 05/01/23 — Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 82 of 92

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 86 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 83 of 92

MICHIGAN DEPARTMENT OF CORRECTIONS **CAR-100** 4835-1100 DISBURSEMENT AUTHORIZATION/CATALOG ORDER FORM 10/08 Prisoners write clearly-illegible/incomplete forms will not be processed. Date: Prisoner Number: Prisoner's Last Name: Institution: Lock Number: Pay To: Cost/Amount Address: Reason/Description: (If to relative, identify relationship) COMPLETE THIS PORTION FOR CATALOG ORDERS ONLY Page Description of Item Unit Size Catalog Color Qty Unit Price Total Price No. Number \$ \$ Sub-Total \$ Delivery Costs Tax (if applicable) \$ Total Amount Enclosed \$ Prisoner's Signature Date Deputy Warden or Authorized Agent Date R.U.M. or Authorized Agent Date Warden or Authorized Agent Date

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 87 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 84 of 92

MICHIGAN DEPARTMENT OF CORRECTIONS DISBURSEMENT AUTHORIZATION / CATALOG ORDER FORM

CAR-100 4835-1100

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 88 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 85 of 92

MICHIGAN DEPARTMENT OF CORRECTIONS DISBURSEMENT AUTHORIZATION /CATALOG OPDED FORM

CAR-100 4835-1100

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 89 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 86 of 92

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

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

EXHIBIT E

LEGAL COPIES RECEIPTS

Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 90 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF MICHIGAN DEPARTMENT OF CORRECTIONS

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF MICHIGAN DEPARTMENT OF CORRECTIONS

CSJ-602 REV. 1/08 4835-3602

LEGAL PHOTOCOPY DISBURSEMENT AUTHORIZATION

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 91 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF MICHIGAN DEPARTMENT OF CORRECTIONS

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF MICHIGAN DEPARTMENT OF CORRECTIONS

LEGAL PHOTOCOPY DISBURSEMENT AUTHORIZATION

CSJ-602 REV. 1/08 4835-3602

Please PRINT clearly. Illegi	ble and/or incomple	ete forms v	vill not be pr	ocessed.			
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5. 5 1B/15, 343: 116	8642174 3	7 /	3.70	☐ Yes ☐ No			
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7. 717 FZd 284 (L	+1021983) ·	7 /	.70	☐ Yes ☐ No			
8. <u>175 F3A 378f4</u>	"Ciz 1999) 28	<u>al/</u>	2.50	☐ Yes ☐ No			
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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 92 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF MICHIGAN DEPARTMENT OF CORRECTIONS

MICHIGAN DEPARTMENT OF CORRECTIONS

LEGAL PHOTOCOPY DISBURSEMENT AUTHORIZATION

CSJ-602 REV. 1/08 4835-3602

Please PRINT clearly. Illegible and/or incomplete forms will not be processed.								
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2. 2020 US DINGENS			.30	☐ Yes ☐ No				
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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 93 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF MICHIGAN DEPARTMENT OF CORRECTIONS

CSJ-602 REV. 1/08 4835-3602

LEGAL PHOTOCOPY DISBURSEMENT AUTHORIZATION

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7				☐ Yes ☐ N	lo .
8				☐ Yes ☐ N	lo
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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 94 of 95

Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF MICHIGAN DEPARTMENT OF CORRECTIONS

LEGAL PHOTOCOPY DISBURSEMENT AUTHORIZATION

CSJ-602 REV. 1/08 4835-3602

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Case 23-90086 Document 1664-2 Filed in TXSB on 08/14/24 Page 95 of 95 Case 23-90086 Claim 53-1 Part 2 Filed 05/01/23 Desc Exhibit DECLARTAION OF TYRONE-ANTHONY: BELL IN SUPPROT OF PROOF OF CLAIM Page 92 of 92

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Distribution: White-Business Office; Canary-Vendor; Pink-Property; Goldenrod-Prisoner

Claim #689 Date Filed: 8/15/2023

Your claim can be filed electronically on KCC's website at https://epoc.kccllc.net/Tehum.

PIN: KWJcO6Rd

Fill in this int	ormation to identify the case:	
Debtor	Tehum Care Services, Inc.	i i i i i i i i i i i i i i i i i i i
United States B	ankruptcy Court for the Southern District of Texas	
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,

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.

Р	art 1.: Identify the Cla	im	NameID: 15193397
1.	Who is the current creditor?	Gregory Lilbert Name of the current creditor (the person or entity to be paid for this cl Other rannes the creditor used with the debtor	,
2.	Has this claim been acquired from someone else?	No Yes. From whom?	
3.	Where should notices and payments to the creditor be sent?	Where should notices to the creditor be sent? Gregory Lilbert Gregory Lilbert #212885 ST. Louis Correctional Facility	Where should payments to the creditor be sent? (if different) Name Old Control of the creditor be sent? (if the creditor
	Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	8585 N. Croswell Road St. Louis, MI 48880	Number Street Science RD Number Street State ZIP Code
1000	RECEIVED	Address	Country
	AUG 1 5 2023	Contact phone Contact email	Contact phone
URT	ZMAN CARSON CONSULTA	NTS niform claim identifier for electronic payments in chapter 13 (if you u	se one):
4.	Does this claim amend one already filed?	Yes. Claim number on court claims registry (if known	Description Description
5.	Do you know if anyone else has filed a proof of claim for this claim?	No Yes. Who made the earlier filing?	Star Maria

Part 2: Give Information Ab	out the Claim as of the Date the Case Was Filed
Do you have any number you use to identify the	No
debtor?	Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor:
7. How much is the claim?	\$\(\lambda \sum \lambda \cdot \omega
	charges required by Bankruptcy Rule 3001(c)(2)(A).
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.
	Money
9. Is all or part of the claim secured?	Yes. The claim is secured by a lien on property. Nature of property: Real estate: If the claim is secured by the debtor's principal 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: \$(The sum of the secured and unsecured amount should match the amount in line 7.)
RECEIVED	Amount necessary to cure any default as of the date of the petition: \$
AUG 1 5 2023	Annual Interest Rate (when case was filed)% Fixed
KURTZMAN CARSON CONSULTA	ANTS 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:

							1	
12. Is all or part of the claim entitled to priority under	☑ No)						
11 U.S.C. § 507(a)?	Ĺ∏ Y€	s. Check all that ap	oply:			•	Amount	entitled to priority
A claim may be partly priority and partly nonpriority. For example,		Domestic support			and child supp	ort) under	\$	
in some categories, the law limits the amount		Up to \$3,350* of services for pers					\$	
entitled to priority.		Wages, salaries, days before the b whichever is earl	bankruptcy petiti	on is filed or th			\$	· · · · · · · · · · · · · · · · · · ·
		Taxes or penaltie			11 U.S.C. § 50	7(a)(8).	\$	
		Contributions to	an employee be	nefit plan. 11 L	I.S.C. § 507(a))(5).	\$	4
		Other. Specify su	ubsection of 11 l	J.S.C. § 507(a)	() that appli	ies.	\$	
	* ,	Amounts are subject t	o adjustment on 4/	01/25 and every 3	years after that	for cases begun	on or after the	e date of adjustment.
Part'3: Sign Below								U
<u> </u>	Oh a ala th					· ·		
The person completing this proof of claim must	Parties.	appropriate box: the creditor.						
sign and date it. FRBP 9011(b).	$\overline{}$	the creditor's attorr	nev or authorized	l agent.		١		
If you file this claim electronically, FRBP	_	the trustee, or the o		_	t Bankruptov F	Rule 3004		
5005(a)(2) authorizes courts	I am a guarantor, surety, endorser, or other codebtor. Bankruptcy Rule 3005.							
to establish local rules specifying what a signature is.	in raiii	Tam a guarantor, surety, endorser, or other codebtor. Dankruptcy Rule 3005.						
A person who files a fraudulent claim could be fined up to \$500,000,	I understand that an authorized signature on this <i>Proof of Claim</i> 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.							
imprisoned for up to 5 years, or both.	I have examined the information in this <i>Proof of Claim</i> and have reasonable belief that the information is true and correct.							
18 U.S.C. §§ 152, 157, and	I declare under penalty of perjury that the foregoing is true and correct.							
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4 = 0000								
AUG 1 5 2023	Address	Number	Street			· · ·		
KURTZMAN CARSON CONSULTA	INTS	City			State	ZIP Cod	le	Country
HORIZINIA ORIGOTI CONCOLI	Contact pho	-				Email		·



LILBERT GREGORY#212885 SAGINAW CORR/FACC 9625 PIERCE RD FREELAND MIM48623

AFFIDAVATIOF VERIFICATION

THE AFFIANT SWEARS THAT THE FACTS STATEDSIN THIS AFFIDAVIT IS TRUE TO HIS KNOWLEDGE, AND THAT THEFACTS STATEDSON INFORMATION AND BELIFE ARE TRUE TO THE BEST OF HIS KNOWLEDGE AND BELIFE.

WHEN I ARRIVED AT ST.LOUIS CORRECTIONAL FACILITY ON12/28/2020 I ASK MEDICAL IS MY APPOINTMENT SCHEDULE FOR MY BIOPSY DUE TO MY P.S.A WAS THAT OF 20.3 FOR THE 11MONTHS WHILE AT THIS FACILITY I RECEIVED NO TREATMENT AT ALL , BUT MY CORIZEN DOCTERS TOOK ME OUT TWICE TO SEE IF THE CANCER HAS SPREADED, THE FIRST VISSIT TO THE DOCTER THE CANCER BROKE THROUGH MY PROSTATE AND ON THE SECOND VISSIT THE CANCER BROKE THROUGH MY PELVIC CAUSING ME TO BE TERMINAL SPREADING TO MY LYMPH NODES CAUSING ME A PREMATURE EARLY DEATH. THEN THE DOCTERS N.P HAD ME SIGN A HOSPICE FORM ASKING DO I WANT THEM TO REVIVE ME OR LET ME GO.FROM A 20.3 TO A30.5 43.5 TO 66.3AND THEN 88.2 MY P.S. O JUMPED 4TIMES WHIDE AT ST.LOUIS AND NOT ONE TIME HAVE I EVERY RECEIVED ANYTREATMENT , I BEGG ON MEDICAL KITETSAND ON GRIVACES I MEED TREATMENT MY WIRE EVEN CALL ASKENG WHY HAVEN, T I RECEIVED ANT TREATMENT 6 CALLS BUT TO NO AVAIL.FOR THIS I ASK FOR \$25.000.000 to seatle my CLAIM.

7/11/2023 hillent Laryfasel

M CHALKER

NOTARY PUBLIC - STATE OF MICHIGAN

COUNTY OF SAGINAW

MY COMMISSION EXPIRES 12-8-202

ACTING IN COUNTY OF Saginar

Case 2:22-cv-13119-GCS-KGA ECF No. 7-1, PageID.148 Filed 07/07/23 Page 51 of 277

ory, Lilbert (MR#63652892) Printed by PULFORD

HLEEN [JGBL02203]

12/8/2020 Gregon

INDICATION: Recently diagnosed prostate cancer. Additional History: Diabetes. PSA tevel not provided by the technologist.

TECHNIQUE: Whole body planar imaging was performed in the anterior and posterior projections. 27.5 mCl Tc-99m MDP was administered intravenously.

COMPARISON: None Available.

CORRELATION: CT abdomen pelvis performed same date.

FINDINGS: The whole body images demonstrate evidence of degenerative disease of the shoulders and sternoclavicular joints. Uptake along left side of the maxilla and mandible is most suggestive of dental disease. The distribution of radiopharmaceutical throughout the skeleton is otherwise unremarkable for the patient's age.

IMPRESSION: -

Whole-body bone scan does not suggest asseous metastatic disease. There is evidence of dental disease along left side of the maxilla and mandible.

9/11/2020 - Imaging

FINDINGS:

Abdomen.

The lung bases are clear. Small hand hema. The tyer is normal. The pancreus, spiech, corend grands and lattice of the lattice of lattice

Thing is no fice all or lymph note collarection. Mile calculations affect the nonaneury small abdomaid and a series of the nonaneury small abdomaid.

"Deline

There is no bower wall intekening or postuction. There is mild uncompleted distal colonic diversituists. Normal appendix is visualized. There is no tree fluid. Lymph nodes are not enlarged. Prostate is made enlarged, known malignancy is not well evaluated by CT. Right inquired harms contains trapped right anterplateral corner of the bladder. There are multiple enlarged eac chain lymph nodes, compability with malastatic disease, right preaser than left. Large right internal mac node measures up to 2.7 x 2.0 cm., anishly firmage 57). Left perve a dewell made measures 1.0 x 1.3 cm (image 76).

Skeleton

There are no acute fractures. No suspicious bony lesions.

IMPRESSION:

t XXO9 Enlaiged bilatoral pessic tymon nedes, right greater than left, compatible with metastatic tymphademorealty

2.X09Right inguinal hernia contains rapped conter of the fight enterorateral bledder.

10/28/2020 - Cancer Staged

Staging form: Prostate, AJCC 8th Edition

- Clinical: Stage IVB (cT2c, cN1, cM1, PSA: 66.7, Grade Group: 4)

11/24/2020 - Imaging

IMPRESSION:

Intense radiotracer uptake within the prostate gland and multiple iliac chain, para-aortic, and retroperitoneal lymph nodes. Findings are consistent with biopsy proven prostate cancer and metastatic lymphadenopathy.

Cancer Staging

Prostate cancer (CMS-hcc)

Staging form: Prostate, AJCC 8th Edition

- Clinical: Stage IVB (cT2c, cN1, cM1, PSA: 66.7, Grade Group: 4) - Signed by Malik, Devin, MD on 12/2/2020

Gregory, Lilbert (MR # 63652892) Printed by [JGBL02203] at 12/8/20 8:00 AM

Case 2:22-cv-13119-GCS-KGA ECF No. 7-1, PageID.149 Filed 07/07/23 Page 52 of 277

PET axumin (for recurrent prostate camer)

Status: Final result

Patient Images

₹ Show patient images × ***



Henry Ford Health System Radiology HFMC WBH Radiology PET CT Imaging Result

Name:

DOB:

Sex:

Patient Class:

Gregory, Lilbert

7/24/1970

Male

Outpatient

Procedures Performed: Exam Time:

Reason for Exam:

Diagnosis:

PET axumin (for recurrent

prostate cancer)

11/24/2020 2:10

. Other Comments Carcinoma of prostate (CMS-hcc)
Carcinoma

in situ of prostate

57-205-1594 is to far alone Theres no cure

Patient MRN: 63652892

Patient Location: BLM:
Requesting Physician: OLIVER SHARON

Exam Description PACS Acc# 11/24/2020 2:10 PM PET AXUMIN (FOR RECURRENT PROS 037633055

EXAMINATION: PET AXUMIN (FOR RECURRENT PROSTATE CANCER)

DATE/TIME: 11/24/2020 2:10 PM

CLINICAL HISTORY: Prostate cancer.

COMPARISON: 9/11/2021 outside bone scan and CT

DOSAGE: 9.84 mCi 18-F fluciclovine administered intravenously.

TECHNIQUE/PROCEDURE INFORMATION: After an uptake period of 5-10 minutes, a PET/CT scan was performed from skull base to mid thigh. Attenuation corrected and non-attenuation corrected PET images were reconstructed. The PET images, CT images (non diagnostic CT performed only for attenuation correction and localization), and the fused PET/CT images were reviewed on a 3-D workstation.

PET FINDINGS:

NECK: No abnormal radiotracer uptake is identified in the neck.

Case 23-90086 Document 1664-3 Filed in TXSB on 08/14/24 Page 7 of 8 रेक्टरकारक, काक्स्यकि श्रीम हाली वृद्ध (विकास निकाल खें का किन कोर का भूतकात तावका कार्यकृतात्त्वता. स्थित द्वार्टाईट्सकार वारिट्टा the nonuneury को क्वेर्यवानिकार There is no bowel wall interenting or obstruction. There is mille uncompleteled desir colonic diversalisation. There is no newer wan interenting or obstruction. There is mucu uncompactation out a transmissional Normal appendix is visualized. There is no first field Lymph nodes are not enlarged. Programs is madly enlarged, incommenting in the west evaluated by CT. Bight ingular hands contains transportingly arterialized contains the backer. There are musicle enlarged tract chain lymph nodes, companion with materials dispesses, right process than left. Large right internal like node materials up to 2.7 x 2.0 cm amely (snege 67). Lett petric stress node massures 1.0 x 1.3 cm (Image 76). Staleton. There are no scute fractures. No suspicious borry lesions. IMPRESSION: 1 xXXIII Enlarged biliteral people lymph rockes, right greater than left, compatitio with meladastic 2. Xnarright inguinal bernie contains pupped compil of the night entercellent bledder. 10/28/2020 - -Cancer Staged Staging form: Prostate, AJCC 8th Edition - Clinical: Stage IVA (cT2c, cN1, cM0, PSA: 66.7, Grade Group: 4) Cancer Staging Prostate cancer (CMS-hcc) Staging form: Prostate, AJCC 8th Edition - Clinical: Stage IVA (cT2c, cN1, cM0, PSA: 66.7, Grade Group: 4) - Signed by Malik, Devin, MD on 10/28/2020 COUID HAVE gave me surgery took out lymphodes in pl BLIT YET ADAIN FAILED TO TREAT letting it spread into Review of Systems: My Imphnodes into my Stomach now it's teminal Constitutional: Negative for fever, chills, activity change and unexpected weight change. HENT: Negative for hearing loss. Eyes: Negative for visual disturbance. Respiratory: Negative for dyspriea, new cough Cardiovascular, Negative for chest pain and leg swelling Gastrointestinal: Negative for nausea, vomiting, abdominal pain, diarrhea and constipation. Genitourinary: as HPI Musculoskeletal: Negative for arthralgias. Neurological: Negative for dizziness and headaches.

Hematological: Negative for adenopathy.

ECOG Performance Status: 0

Pain level:4/10

PMH.SH. FH reviewed in appropriate section of EPIC

regory, Lilbert (MR # 63652892) Printed by [DS000487] at 10/28/20 11:07 AM

Case 3:22-cv-13119-GCS-KGA VECF No. 7-1, PageID.151 Filed 07/07/23 Page 54 of 277 acer uptake is identified in the thorax.

ABDOMEN/PELVIS: There is focal abnormal uptake in the prostate gland. There are multiple foci of abnormally increased radiotracer uptake in the right greater than left internal/external illac and common liac lymph nodes. There are multiple additional foci of abnormal radiotracer uptake in the retroperitoneal and para-aortic lymph nodes. The increased radiotracer uptake in the prostate gland and lymph nodes is greater in intensity than bone marrow.

NONDIAGNOSTIC CT: Non-diagnostic CT demonstrates an enlarged left greater than right lobe of the thyroid gland with calcification in the left lobe. There is redemonstration of a right inguinal hernia containing the anterolateral bladder.

IMPRESSION:

Intense radiotracer uptake within the prostate gland and multiple liac chain, para-aortic, and retroperitoneal lymph nodes. Findings are consistent with blopsy proven prostate cancer and metastatic lymphadenopathy.

Resident: LISA BETZ, MD

I have personally reviewed the images and corrected the report as necessary.

Report reviewed and signed: KASTYTIS KARVELIS, M.D. Date signed: .11/24/2020 3:20 PM

Signed By: Karvelis, Kastytis C, MD on 11/24/2020 3:20 PM

Order	· · · CPT	_ <u>, </u>
PET axumin (for recurrent prostate cancer)	78815	<u></u>
Exam Information		· · · · · · · · · · · · · · · · · · ·
	Exam	Exam
States	Begun	Ended
Final [99]	11/23/2020 07;23	11/24/2020 14:10

Case 23-90086 Claim 152-1 Filed 08/11/23 Desc Main Document Page 1 of 31 Claim #631 Date Filed: 8/11/2023

Fill in this information to identify the case:					
Debtor 1	Tehum Care Services, Inc.				
Debtor 2 (Spouse, if filing)					
United States Bankruptcy Court for the: Southern District of Texas					
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 of 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						
Who is the current creditor?		entity to be paid for this cl	,				
Has this claim been acquired from someone else?	☑ No ☐ Yes. From whor	n?					
3. Where should notices and payments to the creditor be sent? Federal Rule of Bankruptcy Procedure (FRBP) 2002(g)	Contact email fpeter	AZ State 24-8886 Esen@mcrazlar	85701 ZIP Code	Where should payments to the creditor be sent? (if different) Name Number Street City State ZIP Code Contact phone Contact email			
Does this claim amend one already filed?	— 110	ber on court claim	s registry (if known) _		Filed on) / YYYY	
5. Do you know if anyone else has filed a proof of claim for this claim?	☐ Ves Who made	the earlier filing?					

Official Form 410 Proof of Claim

Case 23-90086 Document 1664-4 Filed in TXSB on 08/14/24 Page 2 of 31 Case 23-90086 Claim 152-1 Filed 08/11/23 Desc Main Document Page 2 of 31

	debtor?	☐ Yes. Last 4 digits of the debtor's account or any number you use to identify the debtor:				
7.	How much is the claim?	\$ Does this amount include interest or other charges?				
		☐ Yes. Attach statement itemizing interest, fees, expenses, or other charges required by Bankruptcy Rule 3001(c)(2)(A).				
3.	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.				
		Wrongful death/vulnerable adult.				
9.	Is all or part of the claim secured?	✓ No ☐ Yes. The claim is secured by a lien on property.				
		Nature of property:				
		Real estate. If the claim is secured by the debtor's principal 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 amounts 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	☑ No				
	lease?	☐ Yes. Amount necessary to cure any default as of the date of the petition. \$				
11.	Is this claim subject to a	☑ No				
	right of setoff?	☐ Yes. Identify the property:				
		— 150. Identify the property.				

Case 23-90086 Document 1664-4 Filed in TXSB on 08/14/24 Page 3 of 31

Case 23-90086 Claim 152-1 Filed 08/11/23 Desc Main Document Page 3 of 31

2. Is all or part of the claim	☑ No				
entitled to priority under 11 U.S.C. § 507(a)?	☐ Yes. Check	one:			Parameter and A
A claim may be partly priority and partly	Domesti 11 U.S.C	ic support obligations (includ C. § 507(a)(1)(A) or (a)(1)(B)	ing alimony and child sup	port) under	Amount entitled to priority
nonpriority. For example, in some categories, the law limits the amount entitled to priority.	Up to \$3	3,350* of deposits toward pur il, family, or household use. 1	chase lease as a select	property or servi	ices for
* 4.4		salaries, or commissions (up toy petition is filed or the deb C. § 507(a)(4).	o to \$15,150*) earned with otor's business ends, which	hin 180 days befo shever is earlier.	ore the
	☐ Taxes o	or penalties owed to governm	ental units, 11 U.S.C. § 5	i07(a)(8),	\$
	☐ Contribu	utions to an employee benefi	t plan. 11 U.S.C. § 507(a)(5).	5
		Specify subsection of 11 U.S.			5
					n on or after the date of adjustment.
		121			TOTAL AND USE OF SUJUSUTIENT
Part 3: Sign Below		The Market Control			
he person completing	Check the appro	ppriate box:	Sala Service Control		
ign and date it.	I am the cre	editor.			
RBP 9011(b).	☐ I am the cre	editor's attorney or authorized	d agent.		
you file this claim ectronically, FRBP	I am the trustee, or the debtor, or their authorized agent. Bankruptcy Rule 3004.				
005(a)(2) authorizes courts	l lom a guarantes annotation to				
establish local rules pecifying what a signature					
s.	I understand tha	t an authorized signature on	this Proof of Claim serve	s as an acknowle	edgment that when calculating the
person who files a	amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.				
raudulent claim could be	I have examined the information in this <i>Proof of Claim</i> and have a reasonable belief that the information is true				
ned up to \$500,000, nprisoned for up to 5	and correct.				
ears, or both.	I declare under i	penalty of perjury that the for	regoing is true and corre		
8 U.S.C. §§ 152, 157, and 571.	racciare anacr	penalty of perjury that the for	egoing is true and correc	۸.	
	Executed on date	te			
	~ 1 .	Λ. Λ			
	signature	m. Walid	0		
	Print the name	of the person who is com	pleting and signing this	claim:	
	Name	Antoinette		V	Vindhurst
		First name	Middle name	La	ast name
	Title	Individually and as I	Personal Represent	ative of Estate	e of David Windhurst, decease
	Company				
		Identify the corporate service	er as the company if the auth	orized agent is a s	servicer.
	Address	16849 E. Alamosa /	Avenue, Unit B		
		Number Street			
		Fountain Hills		AZ	85268
		City		State 2	ZIP Code

In re Tehum Care Services, Inc.

In the United States Bankruptcy Court for the Southern District of Texas, Houston Division

Case No. 23-90086

Claim of Antoinette Windhurst, individually, and on behalf of the Estate of David Windhurst:

By filing this claim, Windhurst does not consent to the jurisdiction of this Bankruptcy Court to resolve, determine, or liquidate the wrongful death litigation pending in Arizona Superior Court. Windhurst also does not consent to this Court adjudicating claims pending by Windhurst against non-debtor third parties. Windhurst has a constitutional right to a jury trial, and the liquidation of wrongful death cases are explicitly not within the core jurisdiction of this bankruptcy court. 28 U.S.C. § 157(b)(2), (4), (5). Windhurst is filing this claim only to preserve her rights, and the filing should not be deemed a consent to jurisdiction, nor a waiver of the right for this claim to be determined in State Court.

Further, Windhurst does not acknowledge, in filing this claim, that the asserted "divisional merger" was appropriately completed, or that Tehum Care Services, Inc. is a proper, or the only proper, defendant in its case. Windhurst files this claim as an amount to be decided at trial. That is necessary because the claimed divisional merger was actively concealed from the parties and the Court in the pending Arizona action. Notably, counsel for Corizon Health appeared in Court and participated in a mediation, without disclosing that Corizon Health had undergone the claimed divisional merger. Windhurst reserves all rights to seek a determination, in the context of liquidation, the proper defendant(s), which may include Tehum Care Services, Inc., Yescare, CHS TX, or other related individuals or entities, in addition to the third-party defendants already named in the action. Disclosure by the Defendant(s), related discovery, and a determination by the Arizona Courts has been stayed by this Bankruptcy, so all rights are reserved until such determination is made.

1	Case 23-90086 Document 1664-4 Filed	in TXSB on 08/14/24	Page 5 of 31
Ca	se 23-90086 Claim 152-1 Filed 08/11/23	Desc Main Document	Page 5 of 31 FILED TONI L. HELLON CLERK, SUPERIOR COURT
			12/22/2017 1:57:29 PM
			BY: ALAN WALKER DEPUTY
1			Case No. C20175978 HON. LESLIE MILLER
	MESCH CLARK ROTHSCHILD		
2	259 North Meyer Avenue Tucson, Arizona 85701		
3	Phone: (520) 624-8886		
4	Fax: (520) 798-1037		
4	Email: mcrawford@mcrazlaw.com		
5	By: Michael J. Crawford, # 13802		
6	96126-1/lav Attorneys for Plaintiffs		
	Autorneys for Plaintiffs		
7	ARIZONA SU	PERIOR COURT	
8			
9	PIMA	COUNTY	
10	ANTOINETTE WINDHURST, a		
	single/widowed woman on behalf of	No.	
11 1	1		
11	herself and as Personal Representative of		
12	the Estate of her deceased husband,	COMPLA	
12	1	(Wrongful Deat	th; Medical
	the Estate of her deceased husband, DAVID WINDHURST,	(Wrongful Deat Malpractice; Adult P	th; Medical rotective Service
12	the Estate of her deceased husband,	(Wrongful Deat	th; Medical rotective Service
12 13	the Estate of her deceased husband, DAVID WINDHURST,	(Wrongful Deat Malpractice; Adult P	th; Medical Protective Service 451, et seq.)
12 13 14	the Estate of her deceased husband, DAVID WINDHURST, Plaintiffs,	(Wrongful Dead Malpractice; Adult P Act/A.R.S. §46-4 (Jury Trial R	th; Medical Protective Service 451, et seq.) equested)
12 13 14 15	the Estate of her deceased husband, DAVID WINDHURST, Plaintiffs, -vs- ARIZONA DEPARTMENT OF CORRECTIONS, a governmental entity;	(Wrongful Deat Malpractice; Adult P Act/A.R.S. §46-	th; Medical Protective Service 451, et seq.) equested)
12 13 14 15 16	the Estate of her deceased husband, DAVID WINDHURST, Plaintiffs, -vs- ARIZONA DEPARTMENT OF CORRECTIONS, a governmental entity; CHARLES RYAN, in his individual	(Wrongful Dead Malpractice; Adult P Act/A.R.S. §46-4 (Jury Trial R	th; Medical Protective Service 451, et seq.) equested)
12 13 14 15 16 17	the Estate of her deceased husband, DAVID WINDHURST, Plaintiffs, -vs- ARIZONA DEPARTMENT OF CORRECTIONS, a governmental entity; CHARLES RYAN, in his individual capacity as the Director of Arizona Department of Corrections; STATE OF	(Wrongful Dead Malpractice; Adult P Act/A.R.S. §46-4 (Jury Trial R	th; Medical Protective Service 451, et seq.) equested)
112 113 114 115 116 117 118 119	the Estate of her deceased husband, DAVID WINDHURST, Plaintiffs, -vs- ARIZONA DEPARTMENT OF CORRECTIONS, a governmental entity; CHARLES RYAN, in his individual capacity as the Director of Arizona Department of Corrections; STATE OF ARIZONA, a governmental entity;	(Wrongful Dead Malpractice; Adult P Act/A.R.S. §46-4 (Jury Trial R	th; Medical Protective Service 451, et seq.) equested)
12 13 14 15 16 17	the Estate of her deceased husband, DAVID WINDHURST, Plaintiffs, -vs- ARIZONA DEPARTMENT OF CORRECTIONS, a governmental entity; CHARLES RYAN, in his individual capacity as the Director of Arizona Department of Corrections; STATE OF ARIZONA, a governmental entity; CORIZON HEALTH, INC., a business	(Wrongful Dead Malpractice; Adult P Act/A.R.S. §46-4 (Jury Trial R	th; Medical Protective Service 451, et seq.) equested)
112 113 114 115 116 117 118 119	the Estate of her deceased husband, DAVID WINDHURST, Plaintiffs, -vs- ARIZONA DEPARTMENT OF CORRECTIONS, a governmental entity; CHARLES RYAN, in his individual capacity as the Director of Arizona Department of Corrections; STATE OF ARIZONA, a governmental entity; CORIZON HEALTH, INC., a business domiciled in Arizona; and JOHN DOES and JANE DOES 1-10, married couples;	(Wrongful Dead Malpractice; Adult P Act/A.R.S. §46-4 (Jury Trial R	th; Medical Protective Service 451, et seq.) equested)
12 13 14 15 16 17 18 19 20	the Estate of her deceased husband, DAVID WINDHURST, Plaintiffs, -vs- ARIZONA DEPARTMENT OF CORRECTIONS, a governmental entity; CHARLES RYAN, in his individual capacity as the Director of Arizona Department of Corrections; STATE OF ARIZONA, a governmental entity; CORIZON HEALTH, INC., a business domiciled in Arizona; and JOHN DOES and JANE DOES 1-10, married couples; ABC PARTNERSHIPS 11-20; and/or	(Wrongful Dead Malpractice; Adult P Act/A.R.S. §46-4 (Jury Trial R	th; Medical Protective Service 451, et seq.) equested)
12 13 14 15 16 17 18 19 20 21 22	the Estate of her deceased husband, DAVID WINDHURST, Plaintiffs, -vs- ARIZONA DEPARTMENT OF CORRECTIONS, a governmental entity; CHARLES RYAN, in his individual capacity as the Director of Arizona Department of Corrections; STATE OF ARIZONA, a governmental entity; CORIZON HEALTH, INC., a business domiciled in Arizona; and JOHN DOES and JANE DOES 1-10, married couples; ABC PARTNERSHIPS 11-20; and/or XYZ CORPORATIONS 21-30, fictitious	(Wrongful Dead Malpractice; Adult P Act/A.R.S. §46-4 (Jury Trial R	th; Medical Protective Service 451, et seq.) equested)
12 13 14 15 16 17 18 19 20 21 22 22	the Estate of her deceased husband, DAVID WINDHURST, Plaintiffs, -vs- ARIZONA DEPARTMENT OF CORRECTIONS, a governmental entity; CHARLES RYAN, in his individual capacity as the Director of Arizona Department of Corrections; STATE OF ARIZONA, a governmental entity; CORIZON HEALTH, INC., a business domiciled in Arizona; and JOHN DOES and JANE DOES 1-10, married couples; ABC PARTNERSHIPS 11-20; and/or	(Wrongful Dead Malpractice; Adult P Act/A.R.S. §46-4 (Jury Trial R	th; Medical Protective Service 451, et seq.) equested)
12 13 14 15 16 17 18 19 20 21 22 23 24	the Estate of her deceased husband, DAVID WINDHURST, Plaintiffs, -vs- ARIZONA DEPARTMENT OF CORRECTIONS, a governmental entity; CHARLES RYAN, in his individual capacity as the Director of Arizona Department of Corrections; STATE OF ARIZONA, a governmental entity; CORIZON HEALTH, INC., a business domiciled in Arizona; and JOHN DOES and JANE DOES 1-10, married couples; ABC PARTNERSHIPS 11-20; and/or XYZ CORPORATIONS 21-30, fictitious	(Wrongful Dead Malpractice; Adult P Act/A.R.S. §46-4 (Jury Trial R	th; Medical Protective Service 451, et seq.) equested)
12 13 14 15 16 17 18 19 20 21 22 22	the Estate of her deceased husband, DAVID WINDHURST, Plaintiffs, -vs- ARIZONA DEPARTMENT OF CORRECTIONS, a governmental entity; CHARLES RYAN, in his individual capacity as the Director of Arizona Department of Corrections; STATE OF ARIZONA, a governmental entity; CORIZON HEALTH, INC., a business domiciled in Arizona; and JOHN DOES and JANE DOES 1-10, married couples; ABC PARTNERSHIPS 11-20; and/or XYZ CORPORATIONS 21-30, fictitious entities,	(Wrongful Dead Malpractice; Adult P Act/A.R.S. §46-4 (Jury Trial R	th; Medical Protective Service 451, et seq.) equested)

1 THE PLAINTIFFS 2 1. David Windhurst ("David"), age 56 (DOB: 6/24/1960) died on December 25, 3 2016, in Pima County, Arizona. 4 2. Antoinette Budnick Windhurst was married to David Windhurst at the time of 5 David's death on December 25, 2016. On December 6, 2017, the Maricopa County Superior Court in Case No. 6 3. 7 PB2017-001475 appointed Antoinette Windhurst as Personal Representative of David 8 Windhurst's estate. 9 4. At the time of his death, David Windhurst was a resident of Pima County, 10 Arizona, residing in the Arizona State Prison Complex in Tucson ("ASPC-T"). 11 THE DEFENDANTS 12 5. Defendant Charles Ryan is the Director of the Arizona Department of 13 Corrections. 14 6. Defendant Charles Ryan is a resident of Maricopa County, Arizona. 7. 15 Defendants State of Arizona and the Arizona Department of Corrections are governmental entities that provided healthcare to David Windhurst either through direct 16 employment of medical clinical personnel and/or through its contract with Corizon Health, 17 18 Inc. and/or contracts with other healthcare providers. 19 8. Defendant Corizon Health, Inc., conducted business in Arizona and provided healthcare to David Windhurst through its agents and employees. 20 21 **JURISDICTION** 9. 22 The substantial majority of the events giving rise to this Complaint occurred in

Plaintiffs have a legal right to a jury trial if this case is not resolved or

This matter exceeds the applicable compulsory arbitration limits such that it is

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Pima County, Arizona.

not subject to compulsory arbitration.

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disposed of by motion.

- 12. This Court has personal and subject matter jurisdiction over this matter.
- 13. Venue is proper in this county.

GENERAL ALLEGATIONS

- 14. In 2016, David Windhurst was an inmate at the Arizona Department of Corrections ("ADOC"), Inmate #288503.
- 15. He was housed at the Arizona State Prison Complex in Florence ("ASPC-F) in the beginning of the year and ASPC-T in the latter part of the year.
- 16. At the time of his incarceration, David Windhurst was medically fragile, having a high thoracic spinal cord injury with bilateral above-the-knee limb amputation, with his left hip having been fully disarticulated (amputation through the hip joint).
- 17. At the time of his incarceration, David Windhurst had multiple complex medical issues including, but not limited to, pressure ulcer wound care/management with a history of chronic pressure ulcers in his perineum and sacral areas; suprapubic catheter care, infectious prevention and management; Type I diabetes mellitus (insulin dependent); anemia; hypertension; chronic kidney disease; chronic pan, neuropathy; alterations in bowel function due to multiple skin flap procedures resulting in the relocation of his rectum; muscle spasms; and hypothyroidism.
- 18. Consistent with the ADOC Department Manual, Chapter 1100, the ADOC assumed responsibility for the delivery of "appropriate and uninterrupted healthcare" for David Windhurst to manage these various complex chronic conditions.
- 19. On February 6, 2016, the ADOC received a Critical Urine Culture Result of David Windhurst, which was positive for MRSA, Methicillin Resistant Staphylococcus Aureus.
- 20. Despite this Critical Urine Culture result, Defendants' agents and/or employees ignored the signs and symptoms and denied and/or delayed David Windhurst

- 21. It was not until February 27, 2016, over 21 days later, when David Windhurst's medical condition was critical that Defendants' employees and/or agents addressed his acute medical condition.
- 22. It was at this time that he was transported to Mountain Vista Medical Center in Phoenix.
- 23. When David Windhurst arrived at Mountain Vista Medical Center on February 27, 2016, he was severely septic and in acute respiratory and renal failure from MRSA.
 - 24. At the time, he was intubated and placed on a ventilator.
- 25. David Windhurst remained at Mountain Vista Medical Center from February 27, 2016, to April 7, 2016, in the Intensive Care Unit for nearly his entire hospitalization.
- 26. Because he was so clinically deteriorated prior to the hospital transfer, he was unable to be weaned from the ventilator and had a tracheotomy tube placed on March 13, 2016.
- 27. Additionally, for similar reasons, the deterioration or tracheotomy affected his swallowing reflex and a feeding tube (PEG) was also placed.
- 28. On April 7, 2016, David Windhurst returned to the ADOC, and was placed in the ASPC-T unit.
- 29. Sometime in June 2016, his feeding tube was removed and in July 2016 the tracheotomy tube was removed.
- 30. In early September 2016, David Windhurst developed a rash on his chest and shoulders.
- 31. No specialist skilled in complex disease management was consulted nor were any labs ordered to assist in a differential diagnosis regarding the rash David Windhurst developed in early September 2016.

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- 32. By October 30, 2016, David Windhurst reported feeling that he had "bugs" below his skin.
 - 33. At this time, David Windhurst's urine was described as light brown.
- 34. On November 10, 2016, a "lump" on the side of David Windhurst's jaw was described as a "tumor like, hard raised, red and painful" area, and David's mental status was described as confused.
- 35. On November 11, 2016, David's urine tested positive via a urine dipstick for blood, white blood cells and protein from a sample described as cloudy, brown/pink urine, which was also described as dark-blood tinged urine.
 - 36. Also on that day, David's neck mass worsened.
- 37. Despite this, no lab studies to ascertain renal function or systemic infection status were ordered.
- 38. No connection was documented to suggest nurses were seeing symptoms consistent with renal failure and possible uremic pruritus.
 - 39. No request for kidney or infectious disease specialist support was made.
- 40. On November 12, 2016, David complained of right ear pain and a lump on the side of his jaw.
- 41. By November 14, 2016, David's eardrum ruptured with malodorous/purulent drainage and the lump was classified as lymphadenitis (swollen lymph node).
- 42. Despite the deterioration of David's condition, no appropriate diagnostic tests and/or referral to physician specialists were made or ordered.
- 43. Also on November 14, 2016, David was described as "very pale" with a "glassy glaze" and "delusional."
- 44. Despite David having an infected ear, infected lymph system, infected urine and unexplained body rash, no recommendation for physician diagnosis or intervention was made.

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- 45. The nursing staff merely continued to document David's decline without appropriate intervention or advocacy.
- 46. In the early morning hours of November 15, 2016, David Windhurst's further clinical decline was noted as having decreased urine output, tea colored urine with signs and symptoms of dehydration, low blood pressure and low sugar levels.
- 47. On the afternoon of November 15, 2016, David's urine culture result showed large amounts of particularly resistant bacteria named Pseudomonas Aeruginosa, often associated with facility-acquired infections.
- 48. Despite the changes in David's mental status, his chaotic blood sugars, his need for IV fluids for poor intake and low urine output, no lab chemistry studies were ordered, intake and output balances were not scrutinized, weights were not taken, and specialists were not consulted.
- 49. David's clinical presentation in November 2016 was nearly identical to that experienced in February 2016 when David was diagnosed with acute respiratory failure and severe sepsis.
- 50. On November 16, 2016, David's blood sugar was dangerously low at 52 mg/dl.
- 51. After intervention, repeat blood sugars remained low at 55 mg/dl and 67 mg/dl.
 - 52. Still no physician was called and no lab or other diagnostic tests were ordered.
- 53. At this time, David's right neck mass was now described as "greatly enlarged," his lips were documented as "very dry" and his nurses continued to describe David as "glassy eyed," and his urine output was described as "yellow with brown/pink clusters of tissue looking concretions."
- 54. Despite this, nursing staff continued to morbidly document David's clinical decline rather than intervene on his behalf as would be expected and required in their well-

- 55. By 12:55 a.m. on November 18, 2016, ADOC staff stated that David "was not doing well," "had a hard time swallowing," and was "confused" with a slow reaction.
- 56. By 2:53 a.m. on November 18, 2016, David's lungs were so full of fluid that the nurse documented "[w]et rales were noted from the doorway."
- 57. On November 18, 2016, between 12:55 a.m. and 5:34 a.m., nurses attempted to reach the on-call Advanced Practice Registered Nurse ("APRN") and physician six times, without response.
- 58. At 5:34 a.m., the doctor working for Defendants did not come in and assess David but merely ordered 40 mg of IVP Lasix for a patient whose last documented blood pressure was 86/47.
 - 59. On November 18, 2016, at 5:54 a.m. David coded.
- 60. At that time, he was transported to Banner University Medical Center South Campus ("BUMC").
- 61. Upon arrival at BUMC, David was diagnosed with uroseptic shock, renal failure, anemia and oropharyngeal (mouth and throat) ulcerations.
- 62. The cause of David's sepsis was documented as probable from infected urinary catheter or the decubitus ulcers. He was also diagnosed with bilateral pneumonia.
- 63. From November 18, 2016, to December 25, 016, David endured an extensive hospital course at BUMC that included multiple ICU stays.
- 64. David was deemed clinically unable to undergo conscious sedation anesthesia to have a feeding tube (PEG) tube placed again in his abdomen, thought to be related to his previous protracted hospital stay for respiratory failure and severe sepsis.
- 65. On December 25, 2016, while still at BUMC, David Windhurst died approximately one month before his scheduled release from the ADOC.

COUNT ONE

(WRONGFUL DEATH: A.R.S. §12-611, et seq.; MEDICAL MALPRACTICE: A.R.S. §12-561, et seq.)

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- 66. Antoinette Windhurst is a wrongful death claimant pursuant to A.R.S. §12-612(A).
- 67. Defendants have a non-delegable duty for the care, custody and control of inmates within the Arizona State Prison Complex system.
 - 68. Defendants' non-delegable duty includes adequate medical care.
- 69. Defendants also have a statutory duty to provide adequate medical care pursuant to A.R.S. §31-201.01.
- 70. Defendants were required to provide care to David Windhurst commensurate with what would be available in the community.
- 71. The standard of care required that David receive more than just monitoring of his decline into severe sepsis from systemic and persistent mismanagement of his diabetes, kidney disease, wound care, peptic ulcer disease and other chronic conditions.
- 72. Despite David's multiple and complex chronic conditions, Defendants consistently and improperly delegated his care to family practice nurse practitioners with limited oversight from family practice or necessary specialist physicians.
 - 73. Defendants engaged in systematic repetitive negligent care.
- 74. Defendants had a duty to David, breached their duty, and caused David's death by failing to provide appropriate assessment, intervention, and timely transfer to the acute-care setting.
- 75. Defendants also consistently violated the Nurse Practice Act and Arizona regulations requiring advanced practice registered nurses to refer a patient to a physician and consult with other healthcare providers when a condition is beyond the APRN's knowledge and experience in direct violation of A.R.S. §§32-1601 and 32-1606; and

- 76. Under A.R.S. §31-201.01, Charles Ryan was required to provide medical and health services to prisoners.
- 77. The ADOC, through Charles Ryan, further promulgated a policy stating that "the assistant director for ADC Health Services Contract Monitoring Bureau shall hold the contract providing health services accountable to ensure all inmates are provided access to scheduled and emergency (as needed) healthcare." The policy also required that "appropriate and uninterrupted healthcare be provided to inmates with chronic health conditions."
- 78. David Windhurst did not receive appropriate chronic healthcare commensurate with his complex medical management needs. His various chronic conditions collectively required consistent specialist oversight for safe management, which did not occur.
- 79. David Windhurst never received an infectious disease specialist consult even when experiencing a rash over 60% of his body, a ruptured eardrum and acute mass in the area of his parotid gland, purulent drainage from his decubitus wounds, and significant antibiotic resistant urine cultures.
- 80. David Windhurst was not even afforded regular face-to-face family practice physician visits. Instead, his complex care was entirely mismanaged by nurses and family nurse practitioners outside of the appropriate scope of practice.
- 81. Defendants failed to follow state law and its policies and procedures related to inmate healthcare to ensure adequate healthcare and access to emergency healthcare for David Windhurst. These failures fell below the standard of care.
- 82. Defendants are liable for the acts and omissions of their employees and/or agents acting within the course and scope of their employment or contract.
 - 83. Defendants, each of them, breached the applicable standard of care they owed

to David Windhurst by failing to provide adequate medical treatment to him.

- 84. Defendants, through their employees and/or agents, failed to exercise that degree of care, skill and learning that would be expected under similar circumstances of a reasonably prudent healthcare provider within this State in negligently monitoring, evaluating, and treating David Windhurst.
- 85. Defendants' breach of the applicable standard of care directly and proximately caused David Windhurst's death; and, thus, injury to Plaintiffs.

COUNT TWO

(ADULT PROTECTIVE SERVICE ACT ["APSA"]: A.R.S. §46-451 et seq.)

- 86. Plaintiffs allege and incorporate all prior paragraphs herein.
- 87. Defendants are each an enterprise, as defined by A.R.S. §46-455(Q), that assumed a legal duty to provide care to David Windhurst.
- 88. David Windhurst was a "vulnerable adult" as defined by A.R.S. §46-451(A)(9) when he was at the ASPC-F and ASPC-T in 2016.
 - 89. David Windhurst was injured by Defendants' negligent acts or omissions.
- 90. Defendants were independently negligent and also derivatively negligent for the acts of their employees and/or agents.
- 91. Injury to a vulnerable adult caused by negligent acts or omissions constitute "abuse" under A.R.S. §46-451(A)(1)(b).
- 92. Antoinette Windhurst has standing to bring this APSA claim, pursuant to A.R.S. §46-455(B) and A.R.S. §46-455(O).
- 93. Defendants' conduct here constitutes an "evil mind" pursuant to RAJI (Civil) Personal Injury Damages 4, such that Plaintiff is entitled to punitive damages. See A.R.S. §46-455(H)(4).

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COUNT THREE (PUNITIVE DAMAGES)

- 94. Plaintiffs allege and incorporate all prior paragraphs herein.
- 95. Defendant Ryan is an official policymaker responsible for promulgating appropriate policies and procedures at the ASPC-F and the ASPC-T.
- 96. Defendants operated the ASPC-F and the ASPC-T in a manner in which he knew or should have known that David Windhurst would suffer physical harm.
- 97. Defendants pursued a course of conduct knowing or having reason to know that it or they created a substantial risk of significant harm to David Windhurst so as to justify an award of punitive damages.
- 98. Defendants consciously and deliberately disregarded David Windhurst's interests and rights.
- 99. As a direct and proximate result of the aforementioned negligence, reckless and intentional acts, David Windhurst died.

WHEREFORE, Plaintiffs ask this Court to enter judgment in her favor and against Defendants as follows:

- a. For wrongful death damages recoverable by RAJI (Civil) 5th Personal Injury Damages 3, A.R.S. §§12-613, 46-455(H)(4), and applicable law;
- b. For all APSA damages recoverable by A.R.S. §46-455(H).
- c. For punitive damages pursuant to RAJI (Civil) 5th Personal Injury Damages 4, A.R.S. §46-455(H)(4), and applicable law.
- d. For costs in accordance with A.R.S. §§12-332 and 46-455(H)(4).
- e. For such other and further relief as the Court deems just and proper.

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5	By <u>s/Michael J. Crawford</u> Michael J. Crawford
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14	ARIZONA SUP	PERIOR COURT
15	ΡΙΜΔ (COUNTY
16	T HVI/Y C	
17	ANTOINETTE WINDHURST, a	No. C20175978
18	single/widowed woman on behalf of	
19	herself and as Personal Representative of the Estate of her deceased husband, David	PLAINTIFF'S 19 TH SUPPLEMENTAL DISCLOSURE
20	Windhurst,	STATEMENT
21	Plaintiff,	
22	V.	(Cymylativa additions are highlighted
23	ARIZONA DEPARTMENT OF	(Cumulative – additions are highlighted in yellow)
24	CORRECTIONS, a governmental entity; CHARLES RYAN, in his individual	(Honorable Brenden J. Griffin)
25	capacity as the Director of Arizona	()
26	Department of Corrections; STATE OF ARIZONA, a governmental entity;	

Case 23-90086 Document 1664-4 Filed in TXSB on 08/14/24 Page 17 of 31 Case 23-90086 Claim 152-1 Filed 08/11/23 Desc Main Document Page 17 of 31

CORIZON HEALTH, INC., a business domiciled in Arizona; and JOHN DOES and JANE DOES 1-10, married couples; ABC PARTNERSHIPS 11-20; and/or XYZ CORPORATIONS 21-30, fictitious entities,

Defendants.

Plaintiff, pursuant to Rule 26.1(b)(1), Arizona Rules of Civil Procedure, discloses the following information.

PRELIMINARY STATEMENT

This Disclosure Statement, and its contents, represents the product of the investigation to date. This matter is only in the initial phase of discovery, and further investigation and discovery may bring to light additional information that may have a bearing on Plaintiffs' claims. Accordingly, this Disclosure Statement is not now intended to represent Plaintiff's complete claims, but is merely a preliminary Disclosure Statement until further and final supplementation. Therefore, if any part of this Disclosure Statement is ever read to the jury, fairness would require that this Preliminary Statement also be read indicating that, at the time it was submitted, there was only limited access to information and the case had not yet been fully discovered.

I. <u>FACTUAL BASIS FOR EACH CLAIM:</u>

Plaintiff incorporates her Complaint and all of her disclosures and discovery, including the disclosed expert affidavits, in this case. A summary of the factual basis of the claims in this case (all supported by currently available medical, law enforcement, and administrative records) about the events at issue follows.

David Windhurst ("David") was an inmate at the Arizona Department of Corrections ("ADOC"), Inmate #288503. He died while in the ADOC custody from complications associated with medical mismanagement of his care that fell below established community standards.

David was arrested in February 2014 for a probation violation and was held in custody for approximately four months. He was indicted in March of 2014 for weapons misconduct, entering a plea in June 2015. After entering the plea, David was initially held in the Maricopa County Jail until December 2015, and then he was transferred to the Arizona State Prison Complex in Florence, AZ ("ASPC-F"). Later in his incarceration, from April through November 2016, David was cared for at the Arizona State Prison Complex in Tucson, AZ ("ASPC-T").

At David's August 11, 2015, sentencing hearing, there was much discussion regarding David's multiple, complex medical conditions, and concerns, particularly related to the ADOC's capacity to provide appropriate medical management in the correctional setting given David's medically fragile history and given his worsened condition in 2014 after only an approximate four month period of incarceration.

David was a chronically ill man with a history of paraplegia from high thoracic spinal cord injury in his late teens. He had both legs amputated above the knee, with the entire lower extremity removed through the hip joint on his left side. He had multiple, complex medical issues including chronic pressure ulcers, surgical reconstruction of his skin resulting in the surgical relocation of his rectum and altered bowel function, neurogenic bladder requiring a suprapubic catheter, osteopenia, insulin-dependent diabetes, anemia, hypertension, chronic kidney disease, chronic pain/neuropathy, muscle spasms, hypothyroidism, and repetitive infections, including a known history of complications from methicillin resistant staphylococcus aureus ("MRSA").

While David was held in custody for approximately four months in 2014, testimony was received that his stage IV bedsore doubled in size¹ and he had two ICU hospital stays,² and required dialysis while under the ADOC care.³ At David's August 2015 Sentencing Hearing, family appeared before the sentencing judge, including one family member who was a trained emergency room physician, expressing concern that further incarceration would likely result in David's death from sepsis.

The ADOC's General Counsel, Brad Keogh, provided assurances to the Hon. Warren Granville that the ADOC was "able to handle all medical conditions, including very serious ones" such that the ADOC's position was that there was "no illness or condition which could not be treated once a person [wa]s incarcerated." Further, ADOC's own Department Manual pledged to provide inmates with "appropriate and uninterrupted healthcare." Despite these assurances and pledges; however, the care the ADOC provided to David fell below the acceptable community standards leading to his death in the early morning hours of Christmas in 2016.

David's medical care was provided by Clinicians trained as advanced practice registered nurses, commonly called "nurse practitioners" ("NPs"), physician assistants ("PAs"), and physicians ("MDs") (collectively, "Clinicians"), including but not limited to:

- a) Deborah McGarry, NP license # AP4908
- b) Murray F. Young, MD license # 52177
- c) Lucy Burciaga, MD license # 35181
- d) Daniel Ross, NP license #AP5256

State of Arizona v. Windhurst, CR2014-408-001Sentencing Hearing Transcript dated August 11, 2015, p. 9:11-15 (hereinafter "Sentencing Transcript".)

² *Id.* at ll. 16-17.

³ Sentencing Transcript, p. 8:1-6.

⁴ Sentencing Transcript, Exhibit 7, Brad Keogh August 14, 2015, email, paragraph 1.

Arizona Department of Corrections, Department Order Manual Chapter 1100 Inmate Health Services 2 (effective December 19, 2012; unchanged effective October 22, 2016).

e) Andrea Roberts, NP-license #AP7654 1 2 f) Pinky R. Castillo, NP – license #AP8820 3 g) Bonnie Goodman, DO – license #1920 4 h) Elaine Walker, PA – license #5303 5 Tania Hogan, NP – license # AP2914 j) Nicole M. Lyons – license # AP5672 6 7 Additionally, psychiatric care support was provided by a team of NPs and physicians that 8 included: 9 a) Jawad Riaz, MD – license #46924 10 b) Stephen Jaffe, MD – license #41153 11 c) Claudia Carpio, NP – license #AP8372 12 d) Karen Lahr, NP – license #AP8711 While all the Clinicians were responsible, in part, for their role in the consistent, pervasive 13 14 medical mismanagement of David's care and treatment, Plaintiff recognized the more 15 significant role of Clinicians Castillo, Young, McGarry, Burciaga, and Lahr. 16 David's care in the medical infirmary units was provided by licensed nurses – (licensed practical nurses ("LPNs") and registered nurses ("RNs") – assisted by non-17 18 licensed assistant staff, largely noted to be certified nursing assistants ("CNAs"). Again, 19 while, as a group, the licensed nurses providing care to David failed to assess, timely report, 20 and advocate David's behalf regarding important clinical changes in David's condition, 21 some more regularly noted names in the care continuum included: 22 a) David Osier, RN 23 b) Peggy Dionne, RN 24 c) Michele Daemmer, RN 25 d) Carrie Hughes, RN e) Eva Olszewski, RN 26

f) Juliet Egbo, LPN

- g) Monica A. Flores, RN
- h) Nidia Salazar, LPN
- i) Patricia Barclay, RN
- j) Sheryl DeCasper, RN

The ADOC records produced thus far were lacking in progress note-type documentation from December 8, 2015, through February 18, 2016. Further, the 2014 ADOC records were not included in the initial ADOC documents received. While community standard would include a review of prior records on admission to the ADOC in December 2015, it is unclear whether Clinician or nursing staff did so. Certainly the sentencing hearing transcript made clear that David had significant challenges with infection and prior ICU stays during a much shorter incarceration period.

On February 6, 2016, the ADOC received a critical urine culture result that was positive for MRSA and started treatment with antibiotics. Between February 19, 2016, and David's acute transfer to Mountain Vista Medical Center ("MVMC") on February 27, 2016, the Clinician and nursing staff failed to assess, recognize, and intervene appropriately to David's worsening condition. Despite the nephrologist's February 22, 2016, admonition that David's blood pressure and blood sugar be tightly controlled, Clinician documentation appeared to be copied forward and lacked a lung assessment or an appreciation that David's blood pressure demonstrated relative hypotension that was atypical. Nursing assessments and vital sign monitoring did not increase in frequency despite changes documented as early as February 23, 2016.

When David arrived at MVMC, he was found to be hypotensive due to an infection. He required intubation, mechanical ventilation, a feeding tube, and dialysis. He had a tracheostomy procedure for breathing support (breathing tube) and a stomach tube (PEG

tube) placed for nutrition. His kidney injury was recorded as secondary to sepsis.⁶ David remained at MVMC from February 27, 2016, through April 7, 2016.

On April 7, 2016, David was returned to the ADOC and placed in the ASPC-T facility. Despite David's complex hospital course prior to admission to ASPC-T and his reported oxygen desaturations during transfer, the documented Clinician plan was not detailed; rather it simply described vital sign and wound care as per routine. Nursing documentation did not demonstrate or include assessment tools or care planning to manage David's wounds consistent with their severity or with pre-incarceration protocols. During April alone, at least three different nurses made at least five notations regarding potential symptoms of possible infection, yet no temperature was taken. Further, nursing notes lacked documentation of any effort to secure infection prevention supplies that were noted as unavailable such as a properly sized suprapubic Foley catheter or wound care solution, despite chart documentation that would have made clear to nursing staff that David had been critically ill when transferred out of the ADOC in February 2016 secondary to infection.

When David followed up with the nephrologist in April 2016, a return visit one month later was recommended along with an iron profile lab study in anticipation of needing additional anemia medication given David's treatment at MVMC. Yet, there was no evidence in the medical record that David saw the nephrologist as recommended and no iron profile was completed. While this is one of many examples of care falling below accepted standards, its impact cannot be understated. When David was admitted to Banner University South Campus Medical Center in November 2016, his anemia was profound,

⁶ "Sepsis is a potentially life-threatening complication of an infection. Sepsis occurs when chemicals released into the bloodstream to fight the infection trigger inflammatory responses throughout the body. This inflammation can trigger a cascade of changes that can damage multiple organ systems, causing them to fail." https://www.mayoclinic.org/diseases-conditions/sepsis/symptoms-causes/syc-20351214.

with a Hemoglobin lab value of 5.7 g/dL – dangerously below the normal limit of 14-18 g/dL.

Earlier than previously detailed in Plaintiff's complaint, nursing staff began documenting that David had a body rash in mid-July 2016. Yet, skin exams were rarely documented by supervising Clinicians. David's skin condition was not fully evaluated despite worsening symptoms over a span of months that did not respond to ointment/cream, antihistamine medication, and pain medication intervention. Instead of referring David to dermatology or ordering labs, Dr. Young's documentation included the assumptive diagnosis that David's condition was "idiopathic and self-mutilation." Similarly, nursing notes provided no documentation that Clinician orders were sought to address the itchiness as David's rash worsened. By late October, David reported feeling as though he had bugs crawling under his skin. Also, at this time, David's urine was described as light brown, without intervention.

By early November, David developed a lump on the side of his jaw and had a ruptured ear drum with malodorous drainage. Nursing documentation described David as pale and confused, yet no attempts to obtain further diagnostic orders are documented. On November 11, 2016, David's urine tested positive via a urine dipstick for blood, white blood cells and protein from a sample described as cloudy, brown/pink urine, which was also described as dark-blood tinged urine. No lab studies to ascertain renal function were ordered, despite Clinician documentation that antibiotics were being dosed according to renal function. When the nurse was unable to successfully draw the limited labs (CBC and c. difficile) that were ordered, David waited four additional days to have the labs drawn. And, when the limited labs results were available on November 16, 2016, there was no evidence in the medical record that the nursing staff reviewed the results or reported them to Clinician staff. Clinical staff documentation also provided no indication that they reviewed or acted upon the significantly abnormal results. At this point, David's Hemoglobin was 7.1

g/dL and would continue to fall before he was transferred to a tertiary care center on November 18, 2016, after coding.

In the early morning hours of November 15, 2016, David's further clinical decline was noted as having decreased urine output, tea colored urine with signs and symptoms of dehydration, low blood pressure and low sugar levels. On the afternoon of November 15, 2016, David's urine culture result showed large amounts of particularly resistant bacteria named Pseudomonas Aeruginosa, often associated with facility-acquired infections. Despite the changes in David's mental status, his chaotic blood sugars, his need for IV fluids for poor intake and low urine output, no lab chemistry studies were ordered, intake and output balances were not scrutinized, weights were not taken, specialists were not consulted, and a hospital transfer was not made. David's clinical presentation in November 2016 was nearly identical to that experienced in February 2016 when David was diagnosed with acute respiratory failure and severe sepsis, and consistent with the sepsis concerns mentioned in the August 2015 sentencing hearing.

On November 16, 2016, David's blood sugar was dangerously low at 52 mg/dl. After intervention, repeat blood sugars remained low at 55 mg/dl and 67 mg/dl. David's right neck mass was now described as "greatly enlarged," his lips were documented as "very dry" and his nurses continued to describe David as "glassy eyed," and his urine output was described as "yellow with brown/pink clusters of tissue looking concretions." Despite this, neither nursing staff nor NP Pinky Castillo appreciated the criticalness of David's medical condition.

On November 17, 2016, David's blood pressure was 88/57, significantly hypotensive for a man with a history of hypertension. This important vital sign was not rechecked for three hours. He was described by nursing as glassy-eyed, unable to maintain focus, yet no Clinician presented to directly evaluate these worsening symptoms and not transfer to an acute care setting occurred.

By 12:55 a.m. on November 18, 2016, ADOC staff stated that David "was not doing well," "had a hard time swallowing," and was "confused" with a slow reaction. By 2:53 a.m., the nurse documented "[w]et rales were noted from the doorway." Between 12:55 a.m. and 5:34 a.m., nurses attempted to reach NP and physician Clinicians, collectively, six times, without response. At 5:34 a.m., Dr. Murray Young did not come in and assess David but merely ordered 40 mg of IVP Lasix. After getting the Lasix, David's blood pressure plummeted to 60/30, and he coded.

Upon arrival at Banner University Medical Center – South Campus ("BUMC"), David was hypotensive and hypoxic. He was diagnosed with septic shock, acute-on - chronic kidney injury, and anemia. He was found to have multifocal pneumonia. He required emergent dialysis, intubation, and medications to maintain his blood pressure.

Ultimately, David was unable to fully recover from what was now a repetitive onslaught severe sepsis from medical neglect and mismanagement – just as was discussed at the sentencing hearing – from consequences related to being allowed to repeatedly go in to severe sepsis from the abject failure of the ADOC Clinicians and staff to recognize when "an illness or condition becomes so severe that actual hospitalization is medically necessary."

II. THE LEGAL THEORY UPON WHICH EACH CLAIM IS BASED:

A. Wrongful Death. Wrongful death is a statutory claim pursuant to A.R.S. §12-611 *et seq.* That statute states: "When death of a person is caused by wrongful act, neglect or default, and the act, neglect or default is such as would, if death had not ensued, have entitled the party injured to maintain an action to recover damages in respect thereof, then, and in every such case, the person who or the corporation which would have been liable if death had not ensued shall be liable to an action for damages, notwithstanding the death of

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the person injured, and although the death was caused under such circumstances as amount in law to murder in the first or second degree or manslaughter." A.R.S. §12-611. "An action for wrongful death shall be brought by and in the name of the surviving husband or wife, child, parent or guardian, or personal representative of the deceased person for and on behalf of the surviving husband or wife, children or parents, or if none of these survive, on behalf of the estate." A.R.S. §12-612(A). "In an action for wrongful death, the jury shall give such damages as it deems fair and just with reference to the injury resulting from the death to the surviving parties who may be entitled to recover, and also having regard to the mitigating or aggravating circumstances attending the wrongful act, neglect or default." A.R.S. §12-613. The wrongful death damages instruction at Personal Injury Damages 3, RAJI (Civil) 5th states: "If you find [name of defendant] liable to [name of plaintiff], you must then decide the full amount of money that will reasonably and fairly compensate [name of each survivor] [separately] for each of the following elements of damages proved by the evidence to have resulted from the death of [name of decedent]. 1. The loss of love, affection, companionship, care, protection, and guidance since the death and in the future. 2. The pain, grief, sorrow, anguish, stress, shock, and mental suffering already experienced, and reasonably probable to be experienced in the future. 3. The income and services that have already been lost as a result of the death, and that are reasonably probable to be lost in the future. 4. The reasonable expenses of funeral and burial. 5. The reasonable expenses of necessary medical care and services for the injury that resulted in the death."

B. Medical Negligence/Negligence Per Se. "Medical malpractice action' or 'cause of action for medical malpractice' means an action for injury or death against a licensed health care provider based upon such provider's alleged negligence, misconduct, errors or omissions, or breach of contract in the rendering of health care, medical services, nursing services or other health-related services or for the rendering of such health care, medical services, nursing services or other health-related services, without express or implied

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consent..." A.R.S. §12-561(2). "Both of the following shall be necessary elements of proof that injury resulted from the failure of a health care provider to follow the accepted standard of care: 1. The health care provider failed to exercise that degree of care, skill and learning expected of a reasonable, prudent health care provider in the profession or class to which he belongs within the state acting in the same or similar circumstances. 2. Such failure was a proximate cause of the injury." A.R.S §12-563. The jury instruction at Medical Negligence 1, RAJI (Civil) 5th, states the elements of a medical negligence claim as: "the failure to comply with the applicable standard of care. To comply with the applicable standard of care, a health care provider must exercise that degree of care, skill, and learning that would be expected under similar circumstances of a reasonably prudent health care provider within this state. Fault is medical negligence that was a cause of injury to [name of plaintiff]. Before you can find [name of defendant] at fault, you must find that [name of defendant]'s negligence was a cause of injury to [name of plaintiff]. Negligence causes an injury if it helps produce the injury, and if the injury would not have happened without the negligence. On the claim of fault for medical negligence, [name of plaintiff] has the burden of proving: 1. [Name of defendant] was negligent; 2. [Name of defendant]'s negligence was a cause of injury to [name of plaintiff]; and 3. [Name of plaintiff]'s damages."

"A person who violates a statute enacted for the protection and safety of the public is guilty of negligence per se." *Good v. City of Glendale*, 150 Ariz. 218, 221, 722 P.2d 386, 389 (Ct. App. 1986). Such laws, as explained in RAJI (Civil 5th), Negligence 1, include regulations.

The Restat. 2d of Torts, §323 states: "One who undertakes, gratuitously or for consideration, to render services to another which he should recognize as necessary for the protection of the other's person or things, is subject to liability to the other for physical harm resulting from his failure to exercise reasonable care to perform his undertaking if (a) his failure to exercise such care increases the risk of such harm..."). Arizona has adopted

Restat. 2d of Torts, §323. See, e.g., *Jeter v. Mayo Clinic*, 211 Ariz. 386, ¶72, 121 P.3d 1256, 1272-1273 (reversing trial court dismissal of negligence claim against health care provider that lost plaintiffs' frozen embryos, and stating "Arizona courts have adopted and applied Restatement §323 in the medical malpractice context"). This rule applies in "the limited class of cases in which defendant undertook to protect plaintiff from a particular harm and negligently interrupted the chain of events, thus increasing the risk of that harm." As stated in *Thompson v. Sun City Comm. Hosp.*, "[i]f the jury finds that defendant's failure to exercise reasonable care increased the risk of the harm he undertook to prevent it may from this fact find a 'probability' that defendant's negligence was the cause of the damage." 141 Ariz. 597, 608, 688 P.2d 605, 616 (1984).

C. APSA. Defendants are each an enterprise, as defined by A.R.S. §46-455(Q)("any corporation, partnership, association, labor union, or other legal entity, or any group of persons associated in fact although not a legal entity, that is involved with providing care to a vulnerable adult"), that assumed a legal duty to provide care to David.

"Care' is 'generally defined as charge, supervision, management: responsibility for or attention to safety and wellbeing." *Estate of Wyatt*, 232 Ariz. 506, ¶8, 307 P.3d at 75.

David was a "Vulnerable Adult" as defined by §46-451(A)(9) when he was in Defendants' care and custody. David's physical impairments were to a nature and extent that left him unable to protect himself from Defendants' neglect and mismanagement of his extensive medical needs.

In order to state a successful claim for abuse or neglect under APSA, a plaintiff must show that the alleged victim was a "vulnerable adult" who was "injured by neglect [or] abuse" by "any person or enterprise that has been employed to provide care . . . to such vulnerable adult." A.R.S. § 46-455(B); *see also Equihua v. Carondelet Health Network*, 235 Ariz. 504, ¶7, 334 P.3d at 196 (App. 2014). As it pertains here, "[a]buse' means: . . . [i]njury caused by negligent acts or omissions," while "[n]eglect' means a pattern of

conduct without the person's informed consent resulting in deprivation of food, water, medication, medical services . . . or other services necessary to maintain minimum physical or mental health." A.R.S. §46-451(A)(1)(b),(6).

"Person" is defined at A.R.S. §1-215 as "includes a corporation, company, partnership, firm, association or society, as well as a natural person...When the word 'person' is used to designate the violator or offender of any law, it includes corporation, partnership or any association of persons."

On 6/20/17, the Arizona Supreme Court expanded APSA and held that an APSA claim requires proof that: (1) a vulnerable adult, (2) has suffered an injury, (3) caused by abuse, (4) from a caregiver. *Delgado v. Manor Care of AZ, LLC*, 395 P.3d 698, ¶1, 19 (2017).

The monetary damages allowed under APSA are set forth in A.R.S. §46-455(H)(4) which states "After a determination of liability such orders may include, but are not limited to...Ordering the payment of actual and consequential damages, as well as costs of suit, to those persons injured by the conduct described in this section. The court or jury may order the payment of punitive damages under common law principles that are generally applicable to the award of punitive damages in other civil actions."

D. Punitive Damages. RAJI (Civil) 5th, Personal Injury Damages 4 states the punitive damages standard as: "To recover such damages, [name of plaintiff] has the burden of proving by clear and convincing evidence, either direct or circumstantial, that [name of defendant] acted with an evil mind. This required state of mind may be shown by any of the following: 1. Intent to cause injury; or 2. Wrongful conduct motivated by spite or ill will; or 3. [[Name of defendant] acted to serve his own interests, having reason to know and consciously disregarding a substantial risk that his conduct might significantly injure the rights of others.] [[Name of defendant] consciously pursued a course of conduct knowing that it created a substantial risk of significant harm to others.] To prove this required state of

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mind by clear and convincing evidence, [name of plaintiff] must persuade you that the punitive damages claim is highly probable. This burden of proof is more demanding than the standard of more probably true than not true, which applies to all other claims in this case, but it is less demanding than the standard of proof beyond a reasonable doubt, which is used in criminal cases. The law provides no fixed standard for the amount of punitive damages you may assess, if any, but leaves the amount to your discretion. [However, if you assess punitive damages, you may consider the character of [name of defendant]'s conduct or motive, the nature and extent of the harm to plaintiff that [name of defendant] caused, and the nature and extent of defendant's financial wealth.]"

Punitive damages are recoverable in an APSA claim pursuant to A.R.S. §46-455(H) and case law. See, e.g., Newman v. Select Specialty Hosp., 356 P.3d 345, ¶9-16, 2016 Ariz.App. LEXIS 55, 2016 WL 1377634 (App. 2016) (reversing dismissal of punitive damages instruction on APSA claim). Punitive damages are also recoverable against Corizon Health, Inc., based on their medical malpractice in this case and because they "consciously pursued a course of conduct knowing that it created a substantial risk of significant harm to others."

Remainder redacted.





POLICY NUMBER 4-100167

Renewal New Policy

DECLARATIONS PAGE Professional Liability Insurance Policy Claims-Made

NAMED INSURED: (including mailing address)

NAMED INSURED IS A(N): Group

Valitas Health Services, Inc. 103 Powell Court Brentwood, TN 37027 NOTICE: THIS POLICY IS ISSUED BY YOUR RISK RETENTION GROUP

Your risk retention group may not be subject to all of the insurance laws and regulations of your state. State insurance insolvency guaranty funds are not available for your risk retention group.

POLICY PERIOD: Effective Date: 03/04/2017

Expiration Date: 03/04/2018

Beginning and ending at 12:01 a.m.

Retroactive Date: 03/04/2013

SPECIALTY: See Schedule of Insureds

TOTAL PREMIUM:

<u>LIMITS OF LIABILITY</u>: Each *Claim* Limit: \$2,000,000

All Claims Limit: \$6,000,000 Total Policy Aggregate: \$6,000,000

SELF-INSURED Each Claim Limit: \$50,000

RETENTION:

MEDEFENSE: Aggregate for all insureds per policy period: \$250,000

This Declarations Page, along with the coverage forms and *endorsements* attached, completes the above numbered policy and is part of and subject to all terms, conditions and exclusions of the above numbered policy and any *endorsements* issued by the Corporation to the *Named Insured*.

Issue Date: 02/28/2017

JD

Counter Signed By:

Authorized Representative of
Lone Star Alliance Inc., A Risk Retention Group



ph 844 595 8866 www.lonestara.com P.O. Box 160140

Austin, Texas 78716-0140

Valitas Health Services, Inc. 103 Powell Court Brentwood, TN 37027 5-10229

We at Coverys thank you for selecting us for your insurance service needs. Backed by long term financial strength and stability, we have protected our policyholders and defended good medicine for over thirty years. Enclosed you will find your commercial liability policy which includes your declarations page along with policy coverage parts and endorsements that are applicable to this insurance policy.

For additional information regarding Coverys' services, please see the following enclosures:

COV 013 01/15	Patient Safety Organization Membership Fees Reimbursement
Risk Mgmt	Seize the Strategic Advantage with Coverys Risk Management
CO/MI-44	Facility Consultation
CO/MI-45	Physician Consultation
CO/MI-46	Facility Resources and Education
CO/MI-47	Physician Resources and Education

Further, Coverys takes its responsibilities to its policyholders, and their obligations under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), seriously. Accordingly, we have prepared and signed a business associate agreement that complies with all HIPAA requirements and describes how we will use and safeguard the protected health information that you provide to us. The agreement can be downloaded at www.coverys.com/CSICHIPAA.





COMMON POLICY DECLARATIONS Renewal Declarations

FIRST NAMED INSURED AND ADDRESS:

Valitas Health Services, Inc. 103 Powell Court Brentwood, TN 37027 PRODUCER:

John D. McCann JDM & Associates

1550-1 Village Square Blvd Tallahassee, FL 32309

DESCRIPTION OF BUSINESS:

POLICY PERIOD: 03/04/2017 to **03/04/2018** at 12:01 A.M.

Standard Time at Named Insured address

Correctional Healthcare

Above

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY, WE AGREE WITH YOU TO PROVIDE THE INSURANCE COVERAGE STATED IN THIS POLICY.

COMMERCIAL LIABILITY POLICY

Policy Number: 5-10229

Former Policy Number: 5-10038

THIS POLICY CONTAINS AGGREGATE LIMITS; REFER TO SECTION III. OUR LIMIT OF LIABILITY OF THE COVERAGE PART FOR DETAILS.

Coverage Parts	Coverage Type / Retroactive Date	Limits	Deductibles
Excess Medical Professional and Umbrella Liability			
A. Excess Medical Professional Liability	Coverage A Retroactive Date: 03/04/2013	\$8,000,000 Per Claim \$8,000,000 Annual Aggregate (ALAE is paid in addition to limits)	Not Applicable

FORMS AND ENDORSEMENTS

COM 003 CS 03/15 Amendment to the Definition of Insured

COM 004 CS 03/15 Service of Suit Endorsement

DEC 007A 07/14 Excess Medical Professional ad Umbrella Liability – Schedule of Underlying Coverages

EXC 001C CS 05/16 Excess Follow Form Coverage Part

TOTAL PREMIUM:

Pursuant to Arizona Revised Statutes Section 20-401.1, Sub-Section B, Paragraph 1, this policy is issued by an insurer that does not possess a certificate of authority from the Director of the Arizona Department of Insurance. If the insurer that issued this policy becomes insolvent, insureds or claimants will not be eligible for insurance guaranty fund protection pursuant to Arizona Revised Statutes Title 20

Sam Mezzich President Richard G. Hayes Treasurer

CPD 001 07/14 Page 1



AMENDMENT TO THE DEFINITION OF INSURED

Attached to and forming part of Policy Number:	First Named Insured:	Policy Period:
5-10038	Valitas Health Services, Inc.	03/04/2017 – 03/04/2018

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement modifies insurance provided under the following:

Entity Medical Professional Liability Coverage Part

SCHEDULE

Name of Person or Organization	Party ID (if applicable)	Retroactive Date (if applicable)	Activities
Corizon Health, Inc.		03/04/2013	Correctional Healthcare

Subject to all other terms and conditions of the POLICY, it is agreed and understood that Section II. Definition of Insured is amended to include as an INSURED the Person(s) or Organization(s) shown in the Schedule above, but only with respect to the activities indicated above.

This additional insured shall share in the Limits of Liability of the FIRST NAMED INSURED, and this extension of coverage shall not increase OUR Limit of Liability.

Nothing in this endorsement shall vary, alter, waive or extend any of the terms and conditions of the POLICY, other than as expressly stated above.

Sam Mezzich President

Same Mayer Richard Hayer

Richard G. Hayes Treasurer



SERVICE OF SUIT ENDORSEMENT

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

This endorsement modifies coverage provided under the following:

Entity Professional Liability Coverage Part
Provider Professional Liability Coverage Part
Sexual Misconduct Coverage Part
Professional Conduct Review Coverage Part
Commercial General Liability Coverage Part
Employee Benefits Liability Coverage Part
Excess Medical Professional & Umbrella Liability Coverage Part

Subject to all other terms and conditions of this POLICY, it is agreed and understood that:

In the event of OUR failure or alleged failure to pay any amount claimed under this POLICY, WE, at the request of the FIRST NAMED INSURED, will submit to the jurisdiction of any court of competent jurisdiction and proper venue within the United States and will comply with all requirements necessary to give such court jurisdiction and all matters arising hereunder shall be determined in accordance with the law and practice of such Court.

It is further agreed that service of process in such suit may be made upon state officer bearing the title 'Commissioner,' 'Director' or 'Superintendent' of Insurance of the state or commonwealth wherein the risk covered by this POLICY is located, and that in any suit instituted against it upon this POLICY WE will abide by the final decision of such Court or any Appellate Court in the event of an appeal. The state officer bearing the title 'Commissioner,' 'Director' or 'Superintendent' of Insurance of the state or commonwealth wherein the risk covered by this POLICY is located is hereby authorized and directed to accept service of process on behalf of US in any such suit and/or upon the FIRST NAMED INSURED'S request to give a written undertaking to the FIRST NAMED INSURED that they will enter a general appearance upon OUR behalf in the event such suit shall be instituted.

Nothing in this endorsement shall vary, alter, waive or extend any of the terms and conditions of the POLICY, other than as expressly stated above.

Sam Mezzich President Richard G. Hayes Treasurer

fame Megziel Richard Hayer



EXCESS MEDICAL PROFESSIONAL AND UMBRELLA LIABILITY Schedule of Underlying Insurance

Underlying Liability Insurance	Carrier Policy Number Policy Period	Underlying Limits
Coverage A: Excess Medical Profession	onal Liability	
Entity Medical Professional Liability	Lone Star Alliance 4-453898 03/04/2017 to 03/04/2018	\$2,000,000 Per Claim \$6,000,000 Aggregate

Sam Mezzich President Richard G. Hayes Treasurer



EXCESS LIABILITY COVERAGE – FOLLOWING FORM

Throughout this POLICY the words YOU and YOUR refer to the INSURED as defined in Section II. Definition of Insured. The words WE, US and OUR refer to the insurer named on the DECLARATIONS.

Capitalized words and phrases have special meaning as defined in this POLICY.

This POLICY is issued in return for the payment of premium and is subject to the DECLARATIONS and to all of the terms, conditions, definitions and exclusions. Read the entire POLICY and the UNDERLYING INSURANCE carefully to determine YOUR rights and duties and what is and is not covered.

IMPORTANT NOTICE

Where the CONTROLLING UNDERLYING INSURANCE is provided on a claims made basis, this POLICY also provides coverage on a claims made basis. Claims made coverage under this POLICY applies only to CLAIMS that are first made against the INSURED and reported to US during the POLICY PERIOD or an EXTENDED REPORTING PERIOD, if any, and that arise out of INCIDENTS taking place on or after the RETROACTIVE DATE stated in the DECLARATIONS. Please review this POLICY carefully and discuss the coverage with your insurance broker.

Section I. Excess Liability

A. Insuring Agreements

WE will pay on YOUR behalf those sums, in excess of the RETAINED LIMIT and up to the applicable Limit of Liability stated in the DECLARATIONS, that YOU become legally obligated to pay as DAMAGES because of a CLAIM for an EVENT to which this POLICY applies.

This POLICY applies only if the CONTROLLING UNDERLYING INSURANCE also applies, or would apply but for the exhaustion of its limits solely by the payment by the CONTROLLING UNDERLYING INSURER of DAMAGES covered by the CONTROLLING UNDERLYING INSURANCE in satisfaction of judgments or settlements of CLAIMS against INSUREDS and/or by DEFENSE COSTS when included in the limits of such CONTROLLING UNDERLYING INSURANCE, and the RETAINED LIMIT has been exhausted as set forth in Section VIII. H below. In addition:

- When the CONTROLLING UNDERLYING INSURANCE is designated as claims made in the DECLARATIONS, this POLICY applies only if:
 - The EVENT takes place on or after the RETROACTIVE DATE and before the end of the POLICY PERIOD and takes place in the Coverage Territory set forth in Section V. Coverage Territory;
 - b. A CLAIM for DAMAGES is first made against YOU and reported to US in writing during the POLICY PERIOD or, if applicable, any EXTENDED REPORTING PERIOD.
- When the CONTROLLING UNDERLYING INSURANCE is designated as occurrence-based in the DECLARATIONS, this POLICY applies only if the EVENT takes place during the POLICY PERIOD in the Coverage Territory set forth in Section V. Coverage Territory.
- 3. This POLICY is subject to all of the terms, conditions, definitions, and exclusions of the CONTROLLING UNDERLYING INSURANCE shown in the DECLARATIONS, except for the limits of liability and any other provisions to the contrary contained in this POLICY.

WE will not be obligated to defend any SUIT against an INSURED but WE have the right, in OUR sole discretion to defend, or to participate in the defense of, any CLAIM or SUIT seeking DAMAGES to which



this POLICY may apply, as set forth in Section IV. Defense, Settlement and Claim Expenses. WE have no obligation to perform acts or services or to pay any costs or expenses unless expressly provided for under Section IV. Defense, Settlement and Claim Expenses.

B. Reporting a Claim or Incident for Claims Made Coverage

The following apply whenever the CONTROLLING UNDERLYING INSURANCE is designated in the DECLARATIONS as providing coverage on a claims made basis:

- As a condition precedent to OUR obligations under this POLICY, YOU must give written notice to US of any CLAIM made against YOU as soon as practicable during the POLICY PERIOD or any applicable EXTENDED REPORTING PERIOD.
- 2. If during the POLICY PERIOD an INSURED becomes aware of any actual or alleged INCIDENT, EVENT or circumstance which may reasonably be expected to give rise to a CLAIM for DAMAGES potentially covered by this POLICY and gives written notice to US and the UNDERLYING INSURERS of such INCIDENT, EVENT or circumstance, then any such CLAIMS subsequently made and reported to US as soon as practicable that are based upon, result from or are related to such INCIDENTS, EVENTS or circumstances shall be considered first made and reported to US during the POLICY PERIOD but only if such CLAIMS are also considered first made and reported to the UNDERLYING INSURERS during the policy period of the UNDERLYING INSURANCE.
- 3. The following shall not be considered notice of a CLAIM, EVENT, INCIDENT or circumstance:
 - a. Reports made to US orally by or on behalf of any INSURED or any other person;
 - Reports, documents or surveys authored by or furnished to US in connection with any engineering, loss control, risk management, quality assurance services or any application for insurance; or
 - c. Notice given to any attorney retained to defend YOU in any CLAIM or SUIT.
- 4. This POLICY provides coverage for a CLAIM first made against YOU during the POLICY PERIOD or any applicable EXTENDED REPORTING PERIOD only if YOU have satisfied YOUR obligations pursuant to this POLICY and all UNDERLYING INSURANCE with respect to the reporting of CLAIMS, INCIDENTS, EVENTS, INJURIES or circumstances.

C. Reporting Period Option for Claims Made Coverage

If either WE or the FIRST NAMED INSURED cancels or non-renews this POLICY, the FIRST NAMED INSURED shall have the right to have issued an endorsement providing an EXTENDED REPORTING PERIOD during which CLAIMS otherwise covered by this POLICY may be first made against YOU and reported to US, if the FIRST NAMED INSURED:

- 1. Gives US written notice within thirty (30) days after such cancellation or non-renewal;
- Pays to US all premiums due for the POLICY, if any, and pays to US all premiums charged by US for the EXTENDED REPORTING PERIOD. Payment of premium for the POLICY and payment of the premium for the EXTENDED REPORTING PERIOD shall be made as invoiced by US, or the EXTENDED REPORTING PERIOD will terminate and will not be reinstated; and
- Obtains an endorsement extending, for a period as least as long as the EXTENDED REPORTING PERIOD provided by US, the time during which CLAIMS otherwise covered by the UNDERLYING INSURANCE may be first made and reported to the UNDERLYING INSURER

The EXTENDED REPORTING PERIOD applies only to EVENTS that are covered by any CONTROLLING UNDERLYING INSURANCE that is designated in the DECLARATIONS as claims made and that take place on or after the RETROACTIVE DATE stated in the DECLARATIONS and prior to the cancellation or non-renewal of this POLICY. The Limits of Liability stated in the DECLARATIONS shall not be increased by any EXTENDED REPORTING PERIOD.



Section II. Definition of Insured

- A. Each person who qualifies as an insured in the CONTROLLING UNDERLYING INSURANCE, qualifies as an INSURED under this POLICY.
- B. Any additional insured added by endorsement to the CONTROLLING UNDERLYING INSURANCE will automatically be an additional INSURED under this POLICY. However, if coverage provided to such additional INSURED is required by a contract or agreement with an INSURED, the most WE will pay on behalf of the additional INSURED is the amount of insurance required by the contract or agreement, less all amounts payable by the UNDERLYING INSURANCE and all OTHER INSURANCE available to the additional INSURED.

Coverage provided by this POLICY for any such additional INSURED will not be broader than the coverage provided by the CONTROLLING UNDERLYING INSURANCE to that additional INSURED.

Section III. Our Limit of Liability

- A. The Combined Aggregate Limit stated in the DECLARATIONS is the total amount that WE will pay in excess of the RETAINED LIMIT for all DAMAGES to which this POLICY applies, regardless of the number of INSUREDS, CLAIMS made, SUITS brought, INCIDENTS, EVENTS, number of autos or vehicles involved in an accident, persons injured or properties damaged, or persons asserting CLAIMS.
- B. Subject to Paragraph A., where an Each Incident Limit is stated in the DECLARATIONS:
 - 1. Regardless of the number of CLAIMS made, SUITS brought, the number of persons injured or persons asserting CLAIMS (including without limitation CLAIMS and SUITS for death or loss of consortium, society or services), the number of INCIDENTS, EVENTS, the number of properties damaged, the number of autos or vehicles involved in an accident, the number of INSUREDS involved or the number or nature of any INJURIES, the Each Incident Limit is the most WE will pay in excess of the RETAINED LIMIT for all DAMAGES to which this POLICY applies because of all INJURY arising out of any one INCIDENT or multiple related INCIDENTS.
 - 2. Regardless of the number of CLAIMS made, SUITS brought, the number of persons injured or persons asserting CLAIMS (including without limitation CLAIMS and SUITS for death or loss of consortium, society or services), the number of INCIDENTS, EVENTS, the number of properties damaged, the number of autos or vehicles involved in an accident, the number of INSUREDS involved or the number or nature of any INJURIES, multiple INCIDENTS shall be deemed to be related:
 - a. If they are based upon, arise out of, directly or indirectly result from, are in consequence
 of, or in any way involve or share one or more of the same PROFESSIONAL SERVICES,
 EVENTS, facts, circumstances, transactions, events, advice, decisions, courses of
 treatment or exposure to the same general conditions;
 - b. If they arise out of or in any way involve the performance of PROFESSIONAL SERVICES to, for or concerning a woman or her unborn child(ren) or both during the course of a pregnancy (including pre-natal and post-natal care), labor or delivery;
 - If they arise out of or in any way involve the performance of PROFESSIONAL SERVICES to, for or concerning a single patient; and
 - d. If they in any way involve alleged harm to a single person or organization.
 - Regardless of the number of CLAIMS made, SUITS brought, the number of persons injured or persons asserting CLAIMS (including without limitation CLAIMS and SUITS for death or loss of consortium, society or services), the number of INCIDENTS, EVENTS, the number of properties damaged, the number of autos or vehicles involved in an accident, the number of INSUREDS



involved or the number or nature of any INJURIES, in no event shall more than one Each Incident Limit of Liability of this POLICY or the Each Incident limit of liability of more than one policy or coverage part issued by US or by any of OUR affiliated insurance companies apply to any one INCIDENT or multiple related INCIDENTS.

- 4. If the CONTROLLING UNDERLYING INSURANCE provides coverage on an occurrence basis:
 - a. Where INJURY is required to take place during the policy period in order for the CONTROLLING UNDERLYING INSURANCE to provide coverage, if INJURY arising out of any one INCIDENT occurs, or INJURY arising out of multiple related INCIDENTS occurs, during the POLICY PERIOD and during the policy period of applicable excess or umbrella liability policy issued by US or any of OUR affiliated companies, then all such INJURY will be deemed to have occurred during the policy period of the first such policy and shall be subject to a single Each Incident Limit of Liability of the first such policy or coverage part when the first such INJURY or occurs;
 - b. Where an INCIDENT is required to take place during the policy period in order for the CONTROLLING UNDERLYING INSURANCE to provide coverage, if any one INCIDENT occurs, or multiple related INCIDENTS occur, during the POLICY PERIOD and during the policy period of any other an applicable excess or umbrella liability policy issued by US or by any of OUR affiliated companies, then all such INCIDENTS will be deemed to have occurred during the policy period of the first such policy and shall be subject to a single Each Incident Limit of Liability of the first such policy when the first such INCIDENT occurs.
- 5. If the CONTROLLING UNDERLYING INSURANCE provides coverage on a claims made basis, where any one INCIDENT gives rise, or multiple related INCIDENTS give rise, to CLAIMS made and reported to US during the POLICY PERIOD and claims made and reported during the policy period of an applicable excess or umbrella liability policy issued by US or by any of OUR affiliated companies, then, for purposes of the Limit of Liability, all such CLAIMS will be deemed to have been first made and reported during the effective period of the first such excess or umbrella policy when the first such CLAIM is first made and reported. Any and all CLAIMS shall be subject exclusively to one per claim limit of liability of that first policy.
- In no event shall more than one Each Incident Limit of Liability of this POLICY or the each incident limit of liability of more than one excess or umbrella policy or policy issued by US or by any of OUR affiliated insurance companies apply to any one INCIDENT, EVENT, CLAIM or SUIT or any series of related INCIDENTS, EVENTS, CLAIMS or SUITS.
- C. Subject to Paragraph A. above, where a Per Claim Limit is stated in the DECLARATIONS:
 - 1. Regardless of the number of CLAIMS made, SUITS brought, the number of persons injured or persons asserting CLAIMS (including without limitation CLAIMS and SUITS for death or loss of consortium, society or services), the number of INCIDENTS, EVENTS, the number of properties damaged, the number of autos or vehicles involved in an accident, the number of INSUREDS involved or the number or nature of any INJURIES, the Per Claim Limit is the most WE will pay in excess of the RETAINED LIMIT for all DAMAGES to which this POLICY applies because of all INJURY arising out of any one INCIDENT or multiple related INCIDENTS.
 - 2. Regardless of the number of CLAIMS made, SUITS brought, the number of persons injured or persons asserting CLAIMS (including without limitation CLAIMS and SUITS for death or loss of consortium, society or services), the number of INCIDENTS, EVENTS, the number of properties damaged, the number of autos or vehicles involved in an accident, the number of INSUREDS involved or the number or nature of any INJURIES, the following will be deemed to be a single CLAIM for purposes of determining OUR Limit of Liability:



- All CLAIMS based upon, arising out of, directly or indirectly resulting from, in consequence
 of or in any way involving or sharing one or more of the same or related INCIDENTS,
 PROFESSIONAL SERVICES, EVENTS, facts, circumstances, transactions, events,
 advice, decisions, courses of treatment or exposure to the same general conditions;
- All CLAIMS based upon or arising out of one or more INCIDENTS in the performance of PROFESSIONAL SERVICES to, for or concerning a woman or her unborn child(ren) or both during the course of a pregnancy (including pre-natal and post-natal care), labor or delivery;
- All CLAIMS based upon or arising out of one or more INCIDENTS in the performance of PROFESSIONAL SERVICES to, for or concerning a single patient; and
- d. All CLAIMS based upon or arising out of one or more INCIDENTS, EVENTS or circumstances brought by or in any way involving a single person or organization.
- 3. Where the CONTROLLING UNDERLYING INSURANCE provides coverage on a claims made basis, in each circumstance described in paragraphs C.2.a. through C.2.d. above, all such CLAIMS first made and reported to US during the POLICY PERIOD or any applicable EXTENDED REPORTING PERIOD, and all such claims made and reported during the effective period of an applicable excess or umbrella liability policy issued by US or by any of OUR affiliated insurance companies will, for purposes of the Limit of Liability, be deemed to have been first made and reported during the effective period of the first such excess or umbrella policy when the first such CLAIM is first made and reported. Any and all CLAIMS shall be subject exclusively to one per claim limit of liability of that first policy.
- 4. Where the CONTROLLING UNDERLYING INSURANCE provides coverage on an occurrence basis, in each circumstance described in paragraphs C.2.a through C.2.d above, all CLAIMS arising out of such circumstance, in whole or in part, shall be subject exclusively to the per claim limit of liability of the policy in effect when the EVENT giving rise to the CLAIM took place.
- 5. In no event shall more than one Per Claim Limit of Liability of this POLICY or the per claim limit of liability of more than one excess or umbrella policy or policy issued by US or by any of OUR affiliated insurance companies apply to any one INCIDENT, EVENT, CLAIM or SUIT or any series of related INCIDENTS, EVENTS, CLAIMS or SUITS.
- D. Where a Per Person or Organization Limit is stated in the Declarations, the Per Person or Organization Limit is the most WE will pay in excess of the RETAINED LIMIT for the sum of all DAMAGES awarded to any one person or organization, regardless of the number of INSUREDS, INCIDENTS, EVENTS, INJURIES, CLAIMS made, or SUITS brought.
- E. Where a Personal Injury and Advertising Injury Limit is stated in the DECLARATIONS, the Personal and Advertising Injury Limit is the most WE will pay in excess of the RETAINED LIMIT for the sum of all DAMAGES because of all PERSONAL AND ADVERTISING INJURY sustained by any one person or organization, regardless of the number of INSUREDS, INCIDENTS, EVENTS, INJURIES, CLAIMS made, or SUITS brought.
- F. Subject to paragraph C.3. above, if this POLICY and any other excess or umbrella policy or policy issued by US or by any of OUR affiliated insurance companies to an INSURED applies to the same INJURY, CLAIM, SUIT, INCIDENT, EVENT or any series of related INCIDENTS, EVENTS, CLAIMS or SUITS, regardless of whether or not such other policies have been issued for the same, a subsequent, prior or overlapping policy period and regardless of whether or not such other policies provide coverage on the same terms and conditions as this POLICY, then:
 - The amount WE will pay on behalf of the INSURED shall not exceed the highest applicable Limit of Liability under any one such policy; and



- The RETAINED LIMIT shall not be less than the highest applicable RETAINED LIMIT under any one such policy.
 - This condition does not apply to any policy issued by US or by any company affiliated with US, that was issued to specifically apply in excess of this POLICY, or as UNDERLYING INSURANCE.
- G. Multiple INCIDENTS, EVENTS, CLAIMS or SUITS shall be deemed to be related if they arise out of, directly or indirectly result from, or in any way involve or share, one or more of the same or related INCIDENTS, PROFESSIONAL SERVICES, facts, circumstances, transactions, events, advice, decisions, courses of treatment, claimants, or exposure to the same general conditions.
- H. With respect to those organizations newly acquired or formed by the NAMED INSURED after the effective date of this POLICY that qualify as an insured pursuant to the UNDERLYING INSURANCE, the RETAINED LIMIT shall be the total of:
 - 1. The limits of the UNDERLYING INSURANCE; and
 - 2. The limits of any other insurance separately available to the newly acquired or formed organization.

Section IV. Defense, Settlement and Claim Expenses

A. Defense of Suits

- WE do not have a duty to defend any CLAIM or SUIT. WE have the right, in OUR sole discretion, but not the obligation to defend any SUIT against an INSURED seeking DAMAGES to which this POLICY applies when no UNDERLYING INSURER has a duty to defend the SUIT because the limits of all UNDERLYING INSURANCE have been exhausted by payment by the UNDERLYING INSURER(S) of DAMAGES in satisfaction of judgments or settlements and/or by DEFENSE COSTS where DEFENSE COSTS are included within the limits of liability of the UNDERLYING INSURANCE.
- WE have the right in our sole discretion, but not the obligation, to participate in the defense of any SUIT that another insurer has a duty to defend if the SUIT seeks DAMAGES to which this POLICY may apply.
- 3. If no UNDERLYING INSURER has a duty to defend a SUIT seeking DAMAGES to which this POLICY applies, the FIRST NAMED INSURED shall defend the SUIT at the FIRST NAMED INSURED'S expense. WE have the right in our sole discretion, but not the obligation, to participate in the defense of any such SUIT that the FIRST NAMED INSURED or another insurer or person has a duty to defend.
- 4. If WE have elected to exercise OUR right to defend a SUIT brought against an INSURED, including but not limited to the right to appeal from a judgment against an INSURED, WE shall have the right, in our sole discretion, to withdraw from such defense but WE will provide that INSURED with thirty days' written advance notice if WE elect to withdraw from the defense of that SUIT.
- If no UNDERLYING INSURER appeals a judgment in excess of the RETAINED LIMIT, WE have the right in OUR sole discretion, but not the obligation, to do so. WE have the right in our sole discretion, but not the obligation, to join in any appeal by any UNDERLYING INSURER or by an INSURED.
- 6. If WE exercise OUR right to defend a SUIT or to appeal a judgment in excess of the RETAINED LIMIT, WE will pay the CLAIM EXPENSES that WE incur for such defense or appeal.
- 7. If WE elect to participate in the defense of a SUIT that an UNDERLYING INSURER or the FIRST NAMED INSURED has a duty to defend, we will pay only those CLAIM EXPENSES that WE incur for OUR participation in the defense of that SUIT.



8. In all instances where WE defend a SUIT against an INSURED, including but not limited to an appeal from a judgment against an INSURED, WE will do so with defense counsel selected by US.

B. Claim Expenses

- 1. WE will pay CLAIM EXPENSES for any SUIT against an INSURED seeking DAMAGES to which this POLICY applies only when:
 - WE have elected to exercise our right to defend a SUIT. In such instances, WE will pay only those CLAIM EXPENSES that WE incur in defending the SUIT; or
 - b. WE have elected to participate in the defense of a SUIT that an UNDERLYING INSURER has a duty to defend. In such instances, WE will pay only those CLAIM EXPENSES that WE incur for OUR participation in the defense of the SUIT.
- 2. Subject to paragraph 1. above, WE will pay CLAIM EXPENSES in addition to the applicable Limit of Liability. CLAIM EXPENSES mean only the following:
 - Defense costs and expenses incurred by US in defending or participating in the defense of a SUIT;
 - Costs taxed against YOU in any SUIT that WE defend, to the extent not covered by UNDERLYING INSURANCE; and
 - c. Where WE have defended a SUIT against YOU, prejudgment interest and post-judgment interest on that portion of any judgment covered by this POLICY:
 - i. That is in excess of the RETAINED LIMIT and which does not exceed the applicable Limit of Liability; and
 - ii. That accrues through the date that WE pay, offer to pay, or deposit into court that portion of such judgment.

CLAIM EXPENSES do not include any form of attorneys' fees or attorneys' expenses taxed or awarded against YOU.

C. Settlement

- 1. No coverage will be available under this POLICY for any settlement made or any obligation assumed without OUR prior written consent.
- 2. WE have the right in our sole discretion, but not the obligation, to investigate and settle any CLAIM (including any CLAIM for DAMAGES wholly or partially within the RETAINED LIMIT) to which this POLICY may apply. WE may also pay all or any portion of any judgment against YOU even if such payment does not settle the CLAIM against YOU and YOUR appellate rights have not been exhausted.

Section V. Coverage Territory

The Coverage Territory shall be the same as that stated in the CONTROLLING UNDERLYING INSURANCE whether referred to in the CONTROLLING UNDERLYING INSURANCE as the "coverage territory," "policy territory," or other similar term.

Section VI. Exclusions

A. This POLICY incorporates and is subject to all exclusions applicable to the CONTROLLING UNDERLYING INSURANCE.



B. This POLICY also does not apply to any liability of an INSURED or to any DAMAGES, EVENT, INCIDENT, INJURY, medical expense, act, error, omission, CLAIM, or SUIT:

1. Access or Disclosure of Confidential or Personal Information and Data-Related Liability

- Arising out of any actual or potential access to or disclosure of any person's or organization's confidential or personal information, including but not limited to patents, trade secrets, processing methods, customer lists, financial information, credit card information, health information or any other type of nonpublic information; or
- Arising out of any actual or potential loss of, loss of use of, damage to, corruption of, inability to access, or inability to manipulate ELECTRONIC DATA that does not result from physical injury to tangible property.

This exclusion applies even if DAMAGES are claimed for notification costs, credit monitoring expenses, forensic expenses, public relations expenses or any other loss, cost or expense incurred by the NAMED INSURED or others arising out of that which is described in paragraphs a. or b. above.

This exclusion does not apply to DAMAGES because of BODILY INJURY if such BODILY INJURY is covered by the CONTROLLING UNDERLYING INSURANCE, unless paragraph a. above applies.

2. Directors & Officers

- Arising directly or indirectly from any DIRECTORS AND OFFICERS WRONGFUL ACT by YOUR DIRECTOR or OFFICERS in the performance of their duties as such; or
- Arising from any CLAIM against an INSURED for defense or indemnification of any CLAIM or SUIT against a DIRECTOR or OFFICER for a DIRECTORS AND OFFICERS WRONGFUL ACT.

As used in this exclusion, DIRECTORS AND OFFICERS WRONGFUL ACT means any actual or alleged act, error, omission, misstatement, misleading statement, neglect, or breach of duty while acting in the capacity of a DIRECTOR or OFFICER.

As used in this exclusion, DIRECTOR, unless otherwise defined in the CONTROLLING UNDERLYING INSURANCE, means any past or present duly elected or appointed director of any INSURED.

As used in this exclusion, OFFICER, unless otherwise defined in the CONTROLLING UNDERLYING INSURANCE, means any past or present duly elected or appointed officer of any INSURED.

This exclusion does not apply to DAMAGES because of BODILY INJURY due to an INCIDENT in the performance of PROFESSIONAL SERVICES if such BODILY INJURY is covered by the CONTROLLING UNDERLYING INSURANCE.

3. Electronic Chatrooms or Bulletin Boards

Arising out of any information in electronic form on a website the INSURED hosts, owns, or over which the INSURED exercises control, including but not limited to words, sounds, numbers, images, graphics, advertising, video, streaming content, web-casting, online forum, bulletin board or chat room content.

4. Electronic Data

Arising out of the loss of, loss of use of, damage to, corruption of, inability to access, or inability to manipulate ELECTRONIC DATA.



However, this exclusion does not apply to liability for DAMAGES because of BODILY INJURY if such BODILY INJURY is covered by the CONTROLLING UNDERLYING INSURANCE.

5. Fungus, Mold or Other Contaminant

Arising out of or in any way related, directly or indirectly, in whole or in part, to FUNGUS, MOLD or OTHER CONTAMINANT.

This exclusion does not apply to DAMAGES for BODILY INJURY to a patient of an INSURED because of an INCIDENT in the performance of PROFESSIONAL SERVICES.

FUNGUS, MOLD OR OTHER CONTAMINANT means any:

- Airborne particles, microorganisms (living or dead), microbes, fragments, mycotoxins, toxins, allergens or particulate waste products generated by living organisms;
- b. Fungi, including mold or mildew, any mycotoxins, toxins, allergens, spores, scents, vapors, gases or by-products produced or released by fungi; or
- Solid, semi-solid or liquid irritants or contaminants, including biologic and etiologic agents or materials, or any infectious bioaerosols, solids or gases.

6. Known Claims and Circumstances (Claims Made Coverage)

The following applies if the CONTROLLING UNDERLYING INSURANCE provides coverage on a claims made basis:

- a. For, or in any way involving or arising out of, any actual or alleged INCIDENT, EVENT, act, error, omission, facts, circumstances or situation that were known or reasonably should have been known by the INSURED, or by any EMPLOYEE authorized by the NAMED INSURED to give or receive notice of an INCIDENT or CLAIM, before the RETROACTIVE DATE, to have the potential to give rise to a CLAIM that otherwise would be covered by this POLICY or involving or arising out of any INJURY that the INSURED or by any EMPLOYEE authorized by the NAMED INSURED to give or receive notice of an INCIDENT or CLAIM, knew had commenced, in whole or in part before the RETROACTIVE DATE; or
- b. For, or in any way arising out of, or in any way involving in whole or in part any actual or alleged INCIDENT, EVENT, act, error, omission, fact, circumstance or situation:
 - Underlying, or alleged in any CLAIM, SUIT or administrative or regulatory proceeding initiated prior to the RETROACTIVE DATE;
 - ii Which has been the subject of any notice to any insurer or indemnitor given before the effective date of this POLICY or under any other policy of insurance; or
 - iii. That was not disclosed to US in the POLICY APPLICATION or in any application submitted to US for prior acts or retroactive coverage and that a NAMED INSURED, or any EMPLOYEE authorized by the NAMED INSURED to give or receive notice of an INCIDENT or CLAIM, knew or should have known had the potential to give rise to a CLAIM or SUIT covered by this POLICY.

7. Known Injuries or Circumstances (Occurrence-Based Coverage)

The following applies if the CONTROLLING UNDERLYING INSURANCE provides coverage on an occurrence basis:

For, or arising out of BODILY INJURY or PROPERTY DAMAGE if, prior to the POLICY PERIOD, any INSURED or any EMPLOYEE authorized by the NAMED INSURED to give or receive notice of an INCIDENT or CLAIM, knew that the BODILY INJURY or PROPERTY DAMAGE had occurred, in whole or in part. If any such INSURED or authorized EMPLOYEE knew prior to the POLICY PERIOD that the BODILY INJURY or PROPERTY DAMAGE occurred, then any continuation,



change or resumption of such BODILY INJURY or PROPERTY DAMAGE during or after the POLICY PERIOD will be deemed to have been known prior to the POLICY PERIOD.

BODILY INJURY or PROPERTY DAMAGE will be deemed to have been known to have occurred at the earliest time when any INSURED or any EMPLOYEE authorized by YOU to give or receive notice of an INCIDENT or CLAIM:

- Reports all, or any part, of the BODILY INJURY or PROPERTY DAMAGE to US or to any other insurer;
- Receives a verbal demand or CLAIM for DAMAGES because of the BODILY INJURY or PROPERTY DAMAGE; or
- c. Becomes aware by any other means that BODILY INJURY or PROPERTY DAMAGE has occurred or has begun to occur.

This exclusion does not apply to DAMAGES for BODILY INJURY to a patient of an INSURED because of an INCIDENT in the performance of PROFESSIONAL SERVICES during the POLICY PERIOD.

8. Pollution

- a. Which would not have occurred, in whole or in part, but for the actual, alleged or threatened discharge, dispersal, seepage, migration, handling, storage, disposal, treatment, processing, release or escape of or exposure to any POLLUTANTS at any time and in, at or from any premises or location; or
- b. Arising out of:
 - Any request, demand or order or statutory or regulatory requirement that any INSURED or others test for, monitor, remediate, clean up, remove, contain, treat, detoxify or neutralize or in any way respond to, or assess the effects of POLLUTANTS; or
 - ii. Any CLAIM, SUIT or proceeding by or on behalf of any person or governmental entity or authority for DAMAGES because of, or any loss, cost or expense for, testing for, monitoring, cleaning up, removing, containing, treating, detoxifying, neutralizing, or in any way responding to, or assessing the effects of POLLUTANTS.

As used in this exclusion, POLLUTANTS means any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, fumes, asbestos, acids, alkalis, chemicals, oil, gasoline or any other petroleum products or derivatives, waste or material to be recycled, reconditioned or reclaimed, regardless of where located.

9. Unauthorized Disclosure of Information

Arising out of any actual or potential breach of privacy or confidentiality, including without limitation the actual or potential unauthorized access to, use, theft, loss, disclosure, disposal, transmission, collection or recording of information contained in or accessed with or by any computer or data processing or storage systems or any electronic device or of any medical, personal, financial or other confidential or protected information concerning any person or entity.



Section VII. Defined Terms

Terms that are not otherwise defined in this POLICY shall have the same definition as in the CONTROLLING UNDERLYING INSURANCE. The capitalized words and phrases used in this POLICY have special meaning, and the following definitions apply:

- A. BODILY INJURY, unless otherwise defined in the CONTROLLING UNDERLYING INSURANCE, BODILY INJURY means physical injury, sickness, disease or death sustained by any person or persons.
- B. CLAIM means a written demand made or SUIT brought against an INSURED for DAMAGES as a result of an INCIDENT or EVENT.
- C. CONTROLLING UNDERLYING INSURANCE means the UNDERLYING INSURANCE designated as such in the DECLARATIONS for each type of coverage provided by UNDERLYING INSURANCE.
- D. CONTROLLING UNDERLYING INSURER means the insurer that issued the CONTROLLING UNDERLYING INSURANCE.
- E. DAMAGES means all forms of compensatory sums which the INSURED is legally obligated to pay as damages including judgments, judicial awards and settlements entered into with OUR prior written consent. DAMAGES also includes:
 - Any attorney's fees awarded against an INSURED attributable to DAMAGES covered by this POLICY; and
 - 2. Common law punitive or exemplary damages, but only if and to the extend that they are insurable under governing state law.

DAMAGES does not include CLAIM EXPENSES, DEFENSE COSTS, government, civil or criminal fines, sanctions, penalties or taxes, doubled, trebled or multiplied DAMAGES awarded under any statute, regulation or ordinance, restitution, the refund or disgorgement of sums paid to or earned by the INSURED, or the cost of complying with any order or injunction.

- F. DECLARATIONS means the section of this POLICY entitled "Common Policy Declarations" that sets forth certain important information about the FIRST NAMED INSURED and this POLICY. The DECLARATIONS shall also include, if applicable, the Schedule of Insureds, Schedule of Underlying Insurance and any other attached Schedules.
- G. DEFENSE COSTS means all of the following, but only to the extent covered by and within the limits of liability of the UNDERLYING INSURANCE: attorney's fees, costs and expenses incurred for the investigation or defense of a CLAIM or SUIT against an INSURED, in addition to other expenses as defined by the UNDERLYING INSURANCE when such DEFENSE COSTS are included in the limits of such UNDERLYING INSURANCE.
- H. ELECTRONIC DATA means information, facts or programs stored as or on, created or used on, or transmitted by any electronic device, computer software, including systems and applications software, hard or floppy disks, CD-ROMs, tapes, drives, cells, data processing devices or any other media which are used with electronic or electronically controlled equipment.
- I. EVENT means either:
 - The INCIDENT giving rise to YOUR liability if the INCIDENT or other conduct is required to take place during the policy period of the CONTROLLING UNDERLYING INSURANCE for the CONTROLLING UNDERLYING INSURANCE to apply; or
 - The INJURY giving rise to YOUR liability if the INJURY is required to take place during the policy period of the CONTROLLING UNDERLYING INSURANCE for the CONTROLLING UNDERLYING INSURANCE to apply.



- J. EXTENDED REPORTING PERIOD means the time after the cancellation or non-renewal of this POLICY during which CLAIMS that otherwise are covered by this POLICY may be first made and reported to US, but only if set forth in an endorsement to this POLICY.
- K. FIRST NAMED INSURED means the individual or entity listed as such in the DECLARATIONS.
- L. INCIDENT means:
 - 1. Any negligent act, negligent error or negligent omission including repeated exposure to substantially the same or related negligent acts, negligent errors, or negligent omissions;
 - 2. If the CONTROLLING UNDERLYING INSURANCE defines the term "occurrence," and provides coverage for an "occurrence," an "occurrence" as defined in the CONTROLLING UNDERLYING INSURANCE;
 - If the CONTROLLING UNDERLYING INSURANCE defines the term "accident" and provides coverage for an "accident," an "accident" as defined in the CONTROLLING UNDERLYING INSURANCE:
 - 4. If the CONTROLLING UNDERLYING INSURANCE provides coverage for "Personal Injury, "Advertising Injury," or "Personal and Advertising Injury" caused by an OFFENSE; or
 - Such other type of conduct, if any, that is covered by the CONTROLLING UNDERLYING INSURANCE.
- M. INJURY means only BODILY INJURY, PROPERTY DAMAGE, or such other type of harm that will be covered by the CONTROLLING UNDERLYING INSURANCE only if such harm takes place during the policy period of the CONTROLLING UNDERLYING INSURANCE.
- N. NAMED INSURED means the FIRST NAMED INSURED and any individual or entity designated as a NAMED INSURED in the DECLARATIONS.
- O. OFFENSE, unless otherwise defined in the CONTROLLING UNDERLYING INSURANCE, means any of the offenses listed in the definition of PERSONAL AND ADVERTISING INJURY.
- P. OTHER INSURANCE means all other valid and collectible insurance, whether primary, excess, contingent or written on any other basis, including without limitation any captive insurance or self-insurance program or any risk retention group, whether or not subject to a deductible, co-payment or self-insured retention and whether or not an INSURED is specifically named as an insured on such OTHER INSURANCE.
- Q. PERSONAL AND ADVERTISING INJURY, unless otherwise defined in the CONTROLLING UNDERLYING INSURANCE, means injury, including consequential BODILY INJURY, arising out of one or more of the following offenses:
 - 1. False arrest, detention or imprisonment;
 - 2. Malicious prosecution;
 - The wrongful eviction from, wrongful entry into, or invasion of the right of private occupancy of a room, dwelling or premises that a person occupies, committed by or on behalf of its owner, landlord or lessor:
 - 4. Oral or written publication, in any manner, of material that slanders or libels a person or organization or disparages a person's or organization's goods, products or services;
 - 5. Oral or written publication, in any manner, of material that violates a person's right of privacy;
 - 6. The use of another's advertising idea in a NAMED INSURED'S ADVERTISEMENT; or
 - 7. Infringing upon another's copyright, trade dress or slogan in YOUR ADVERTISEMENT.



If the CONTROLLING UNDERLYING INSURANCE has separate definitions for both "Personal Injury" and "Advertising Injury," PERSONAL AND ADVERTISING INJURY for purposes of this POLICY shall include both "Personal Injury" and "Advertising Injury" as defined in the CONTROLLING UNDERLYING INSURANCE.

- R. POLICY means this insurance contract issued by US to the FIRST NAMED INSURED including the DECLARATIONS, Endorsements and POLICY APPLICATIONS.
- S. POLICY APPLICATION means each application, together with all attachments and other documents submitted to US by or on behalf of the FIRST NAMED INSURED in connection with the underwriting or issuance of this POLICY or any POLICY endorsements. POLICY APPLICATION includes any application submitted to another insurer if also submitted to US in connection with the underwriting or issuance of this POLICY or any POLICY endorsements. If no application was submitted for this POLICY, then POLICY APPLICATION shall mean the most recent application, together with all attachments and other documents submitted to US, in connection with the underwriting or issuance of any previous POLICY issued by US to the FIRST NAMED INSURED for which this POLICY is a renewal or replacement.
- T. POLICY PERIOD means, with respect to this POLICY, the period from the effective date of this POLICY to the expiration date of this POLICY as set forth in the DECLARATIONS or the cancellation date of the POLICY, if applicable, whichever occurs first. With respect to each INSURED whose coverage begins after the effective date of the POLICY or whose coverage is cancelled before the end of the POLICY, POLICY PERIOD means the period from the effective date of that INSURED'S coverage through the termination or cancellation of that INSURED'S coverage.
- U. PROFESSIONAL SERVICES, unless otherwise defined in the CONTROLLING UNDERLYING INSURANCE, means only the following:
 - 1. Medical, surgical, dental, chiropractic, osteopathic or nursing treatment including the furnishing of food or beverages in connection therewith;
 - 2. Furnishing or dispensing of medical, dental or surgical supplies or appliances;
 - 3. Handling of or performing postmortem examinations on human bodies;
 - 4. Furnishing mental health or other professional counseling services; or
 - 5. Authorized activities of a formal accreditation, peer review or credentialing committee or board of a NAMED INSURED, including service by any person on behalf of the NAMED INSURED, as:
 - a. A member of such committee or board of the NAMED INSURED;
 - A member of formal accreditation, peer review or credentialing committee or board of a medical professional society; provided such service is at the specific written request or instruction of the NAMED INSURED; or
 - c. A person charged with the duty of executing directives of a formal accreditation, peer review or credentialing committee or board of a NAMED INSURED.
- V. PROPERTY DAMAGE, unless otherwise defined in the CONTROLLING UNDERLYING INSURANCE, means:
 - 1. Physical injury to tangible property, including all resulting loss of use of that property. All such loss of use shall be deemed to occur at the time of the physical injury that caused it; or
 - 2. Loss of use of tangible property that is not physically injured. All such loss of use shall be deemed to occur at the time of the INCIDENT that caused it.
 - For the purposes of this POLICY, ELECTRONIC DATA is not tangible property.
- W. RETAINED LIMIT means the total limits scheduled in the DECLARATIONS for all applicable UNDERLYING INSURANCE, including any self-insured retention applicable to any UNDERLYING INSURANCE and any



deductible applicable to any UNDERLYING INSURANCE if such deductible is in addition to the limits of the UNDERLYING INSURANCE. If the limits of the applicable UNDERLYING INSURANCE have been reduced or exhausted solely by the payment by the UNDERLYING INSURER(s) of DAMAGES covered by the applicable UNDERLYING INSURANCE in satisfaction of judgments or settlement of CLAIMS or SUITS against an INSURED and/or by DEFENSE COSTS or expenses or other expenses when included in the limits of such UNDERLYING INSURANCE, then the RETAINED LIMIT shall be such reduced or exhausted limit.

- X. RETROACTIVE DATE means the date stated as the Retroactive Date with respect to each NAMED INSURED listed in the DECLARATIONS. With respect to each NAMED INSURED, such date shall be the RETROACTIVE DATE with respect to that NAMED INSURED, and any other INSURED who shares in that NAMED INSURED'S Limit of Liability.
- Y. SUIT means:
 - 1. A civil lawsuit filed in a court of law;
 - An arbitration proceeding to which the INSURED must submit or submits with OUR written consent;
 - 3. Any other alternative dispute resolution proceeding to which WE consent in writing.

SUIT shall not include an arbitration to which the INSURED must submit pursuant to a contract or agreement entered into by an INSURED without OUR consent.

- Z. UNDERLYING INSURANCE means the policy(ies) scheduled in the DECLARATIONS, including any renewal(s) of such policy(ies) that provide coverage at least as broad as the UNDERLYING INSURANCE policy(ies) being replaced.
- AA. UNDERLYING INSURER(S) means the provider(s) of any UNDERLYING INSURANCE.

Section VIII. Conditions

The insurance provided by this POLICY is subject to the following conditions:

- A. **Assignment.** Assignment of any INSURED'S interest under this POLICY will not bind US unless OUR consent is endorsed hereon.
- B. Authority of the First Named Insured. The FIRST NAMED INSURED is authorized to act on behalf of all INSUREDS with respect to acceptance of this POLICY and any endorsements, the giving of notice of CLAIMS or circumstances that may give rise to a CLAIM, the giving or receiving of notice of cancellation or non-renewal, invoices for premiums, receiving unearned premium or dividends, agreeing to any changes in this POLICY, and exercising or declining the right to purchase an EXTENDED REPORTING PERIOD.
- C. **Bankruptcy or Insolvency of an Insured.** Bankruptcy or insolvency of the INSURED or of the INSURED'S estate will not relieve US of OUR obligations under this POLICY.
- D. **Bankruptcy of an Underlying Insurer.** Bankruptcy of any UNDERLYING INSURER will not relieve US of OUR obligations under this POLICY. However, this POLICY will not replace any UNDERLYING INSURANCE in the event of bankruptcy or insolvency of any UNDERLYING INSURER. In such event, this POLICY will apply as if the UNDERLYING INSURANCE were in full effect and remained valid and collectible.
- E. Cancellation or Non-Renewal. The FIRST NAMED INSURED may cancel this POLICY by returning it to US or by giving US advance written notice of when the cancellation is to take effect. WE may cancel or non-renew this POLICY by mailing to the FIRST NAMED INSURED at the FIRST NAMED INSURED'S last address as known by US, at least thirty (30) days advance notice of OUR intent to cancel or non-renew



unless such cancellation is for non-payment of premium or cancellation of or failure to maintain any UNDERLYING INSURANCE.

In the event any NAMED INSURED fails to pay any premium or reimburse any deductible or expense amounts owed to US or fails to maintain any UNDERLYING INSURANCE or if any of the UNDERLYING INSURANCE is cancelled, WE may cancel this POLICY by mailing notice to the FIRST NAMED INSURED at least ten (10) days in advance of the effective date of the cancellation. Proof of mailing will constitute proof of notice for purposes of this provision.

The effective date and hour of cancellation stated in the notice or the time of surrender of the POLICY will become the end of the POLICY PERIOD.

If this POLICY is cancelled, the FIRST NAMED INSURED may be entitled to a premium refund. However, WE are not required to make or offer any refund for any cancellation to be effective. If the FIRST NAMED INSURED cancels, the FIRST NAMED INSURED shall be responsible for payment of any earned premium calculated on a pro rata basis based on the period the POLICY was in effect plus 10% of the unearned premium for the original POLICY PERIOD stated in the DECLARATIONS. If the FIRST NAMED INSURED is due a refund the refund will be equal to any unearned premium calculated on a pro rata basis based on the period the POLICY was in effect, less 10% of any unearned premium for the original POLICY PERIOD stated in the DECLARATIONS. If WE cancel, WE will refund any unearned premium for the original POLICY PERIOD stated in the DECLARATIONS calculated on a pro rata basis.

Bankruptcy or insolvency of any NAMED INSURED will not preclude US from asserting OUR right to cancel or non-renew this POLICY.

- F. Changes. Notice to or knowledge of any agent or other person acting on OUR behalf will not effect a waiver or change to any terms or conditions of this POLICY or estop US from asserting any right under this POLICY. The terms and conditions of this POLICY can be waived or changed only by written endorsement signed by US.
- G. Declarations and Applications. By accepting this POLICY, the FIRST NAMED INSURED represents and agrees on behalf of all INSUREDS that:
 - 1. The statements in the DECLARATIONS and POLICY APPLICATION are accurate and complete;
 - The statements in the POLICY APPLICATION are their representations, such statements are
 material to the risk assumed by US and OUR decision to issue this POLICY, this POLICY is issued
 in reliance upon the truth and completeness of such statements and such statements are deemed
 to be incorporated into this POLICY;
 - This POLICY embodies all agreements between YOU and US or any of OUR agents relating to this POLICY; and
 - 4. Misrepresentations made by any INSURED in the POLICY APPLICATION shall invalidate this POLICY as to all INSUREDS.
- H. **Exhaustion of the Retained Limit**. The RETAINED LIMIT may only be exhausted or satisfied by the actual payment by all UNDERLYING INSURERS (and by one or more INSUREDS, where the RETAINED LIMIT includes any self-insured retention or deductible) of:
 - DAMAGES paid to settle one or more CLAIMS against an INSURED;
 - 2. DAMAGES paid to satisfy a judgment against an INSURED; and/or
 - DEFENSE COSTS when included in the limits of the UNDERLYING INSURANCE.

Payments by any OTHER INSURANCE that is not UNDERLYING INSURANCE, or by any indemnitor or any other person or entity will not apply toward exhaustion or satisfaction of the RETAINED LIMIT.



- I. Government Access to Records. In accordance with the requirements of Section 952 of the Omnibus Reconciliation Act of 1980, upon written request, WE will allow the Secretary of Health and Human Services and the Comptroller General of the United States access to the POLICY and necessary books, documents and records to verify the cost of this POLICY, to the extent required by law. Access will also be allowed to subcontracts between US and any related organization of OURS and to its books, documents and records. Such access will be provided for up to four (4) years after the services furnished under this POLICY end.
- J. Insured's Duties in the Event of an Incident, Offense, Event, Injury, Claim or Suit.

In addition to YOUR obligations under Section I.B., and, if applicable Section I.C. above, and Section VIII. R. below:

- 1. YOU must notify US in writing as soon as practicable of any actual or alleged EVENT to which this POLICY may apply regardless of the amount of DAMAGES incurred or anticipated when the EVENT involves any of the following circumstances or outcomes:
 - a. Death;
 - b. Brain damage or neurological deficit;
 - c. Spinal injuries resulting in partial or total paralysis;
 - d. Severe burn injuries;
 - e. Severe internal injuries;
 - f. Birth related injuries;
 - g. Impairment or loss of hearing, smell, sight, taste or touch;
 - h. Failure to diagnose cancer, or other failure to diagnose that results in continuing treatment;
 - Invasive procedures or surgical intervention performed on the wrong organ, extremity or body part;
 - j. Human Immune Deficiency Virus (HIV), Acquired Immune Deficiency Related Complex (ARC), Acquired Immune Deficiency Syndrome (AIDS) or any related virus, complex or syndrome;
 - k. Nerve injuries;
 - Multiple fractures involving more than one body part;
 - m. Amputation or permanent loss of use of an upper or lower extremity;
 - n. All other injuries likely to result in a permanent disability of 50% or more; or
 - o. A class action filed against any INSURED.
- 2. To the extent possible, the written notice required by paragraph 1. above shall include:
 - a. How, when and where the EVENT took place;
 - b. The names and addresses of any injured persons and witnesses; and
 - c. The nature of any harm or DAMAGES arising out of the INCIDENT, EVENT, or INJURY.
- 3. For any EVENT involving any of the circumstances or outcomes identified in 1. above, and for each other circumstance, EVENT that presents a reasonable potential that the injured person has incurred or will incur losses equal to or exceeding 50% of the RETAINED LIMIT or the injured person alleges DAMAGES equal to or exceeding 50% of the RETAINED LIMIT, YOU must:
 - a. Immediately forward to US notification of the EVENT.



- Immediately forward to US copies of every demand, notice, summons or other process received by YOU or YOUR representatives;
- c. Give immediate notice of the EVENT and of any CLAIM arising therefrom, to each UNDERLYING INSURER whose coverage potentially applies to such EVENT; to all insurers providing OTHER INSURANCE; and to all other persons who may be obligated to defend or indemnify YOU in connection with any CLAIM arising from such EVENT.
- d. Cooperate with the UNDERLYING INSURERS in the investigation and defense of any CLAIM and in the settlement of any CLAIM. At the request of an UNDERLYING INSURER, YOU must attend hearings, depositions and trials and assist in securing and giving evidence, obtaining records and other information, and obtaining the attendance of witnesses.
- e. Comply with the terms of all UNDERLYING INSURANCE; and
- f. Pursue all rights of contribution or indemnity against any person or organization who may be liable to YOU because of INJURY or DAMAGES with respect to which insurance is provided under this POLICY or any UNDERLYING INSURANCE.
- In the event of any INCIDENT, EVENT, INJURY or CLAIM to which this POLICY may apply, YOU
 must:
 - Keep US informed and respond promptly to any inquiries WE make in regards to any EVENT or CLAIM.
 - b. Authorize US to obtain all records and other information WE request;
 - c. Cooperate with US in the investigation and/or defense of any CLAIM against YOU that WE elect to investigate and/or defend, and in the settlement of any such CLAIM. Upon OUR request, YOU must attend hearings, depositions and trials and assist in securing and giving evidence, obtaining records and other information, and obtaining the attendance of witnesses. YOU may not, except at YOUR own cost, voluntarily make any payment or assume any obligation. YOU shall not do anything before or after an INCIDENT or EVENT or circumstances indicating that a CLAIM may be asserted against YOU to prejudice the defense of any CLAIM insured under this POLICY or jeopardize OUR rights. YOU shall not enter into any oral or written contracts or agreements which in any way impair or waive OUR right of defense.
- K. Legal Action Against Us. No legal action may be brought against US until there has been full compliance with all of the terms of this POLICY. In addition, no legal action may be brought against US until the amount of the INSURED'S obligation to pay has been finally determined either by judgment after trial and exhaustion of all appeals or expiration of the time for appealing from such a judgment or by a written settlement agreement between the claimant and US settling the CLAIM against the INSURED and releasing the INSURED from liability. No person or organization has any right under this POLICY to join US as a party or otherwise bring US into a SUIT asking for DAMAGES from an INSURED or to determine the INSURED'S liability.

Any disputes between the INSURED, any assignee of the INSURED or any person who is subrogated to the rights of the INSURED and US as to whether there is coverage under this POLICY must be filed in the courts of the United States of America.

L. **Maintenance of Compulsory Insurance.** All INSUREDS must fully maintain all insurance required by law, regulation or other governmental authority during the POLICY PERIOD.

Failure to maintain such insurance required by law, regulation or other governmental authority will not invalidate this POLICY. However, this POLICY will apply as if such insurance had been maintained and was in full effect.



M. Maintenance of Underlying Insurance. The FIRST NAMED INSURED is required to maintain the UNDERLYING INSURANCE throughout the POLICY PERIOD as in effect on the first day of the POLICY PERIOD and shall do nothing during or after the POLICY PERIOD to waive or release any coverage provided by any UNDERLYING INSURANCE. If the FIRST NAMED INSURED fails to maintain the UNDERLYING INSURANCE due to non-renewal, expiration, termination, cancellation or endorsement or amendment of the UNDERLYING INSURANCE, this POLICY will apply as if the UNDERLYING INSURANCE had been maintained and was in full effect.

The FIRST NAMED INSURED must immediately give US written notice when:

- The limits of the UNDERLYING INSURANCE have been reduced and/or exhausted by the payment
 of DAMAGES in satisfaction of judgments or settlements of CLAIMS against INSUREDS, and/or
 by DEFENSE COSTS or other expenses where DEFENSE COSTS or such other expenses are
 included within the limits of liability of the UNDERLYING INSURANCE;
- 2. During the POLICY PERIOD, any of the UNDERLYING INSURANCE is cancelled, terminated, or is not renewed on the same terms and conditions as in effect at the inception of this POLICY; or
- 3. Any of the provisions or limits of the UNDERLYING INSURANCE are amended.

With respect to paragraph 3., WE shall not be bound by such amendments unless and until thirty (30) days have passed since such notice was received by US.

If the FIRST NAMED INSURED fails to comply with this notice requirement, this POLICY is not invalidated. However, this POLICY will apply as if the UNDERLYING INSURANCE were in full effect as it was at the inception of this POLICY.

- N. Other Insurance. This POLICY is excess over, and shall not contribute with, any OTHER INSURANCE. This condition will not apply to insurance specifically written as excess over the specific limits of this POLICY and that specifically refers to this POLICY.
- O. Payment of Retained Limit. WE will have no liability under this POLICY unless and until the UNDERLYING INSURERS have paid the full RETAINED LIMIT in settlement of a CLAIM or satisfaction of a judgment covered by the UNDERLYING INSURANCE, or if the FIRST NAMED INSURED has failed to maintain the UNDERLYING INSURANCE, the FIRST NAMED INSURED has paid the full RETAINED LIMIT, in settlement of a CLAIM or satisfaction of a judgment covered by the UNDERLYING INSURANCE or that would have been covered by the UNDERLYING INSURANCE if it had been maintained.
- P. **Policy Headings.** The headings used in this POLICY are for convenience only and shall not limit or otherwise affect the terms and conditions of the POLICY.
- Q. Premiums. The premium is due on the first day of the POLICY PERIOD or as invoiced by US. The POLICY shall not be effective unless the first installment payment is received on or before the due date stated on the invoice for the initial policy premium. If any subsequent premium is not paid when due, this POLICY, if not previously cancelled, will be terminated in accordance with the provisions of paragraph E. above.
- R. Submission of Loss Runs or Bordereau Reports. Starting ninety days after the effective date of the POLICY, and every ninety-days thereafter until the Limits of Liability of this POLICY have been exhausted or five years after the end of the POLICY PERIOD, whichever is earlier, the FIRST NAMED INSURED shall submit to US a report that provides, for each CLAIM that would be covered by this POLICY upon exhaustion of the RETAINED LIMIT, the following information:
 - The date on which the CLAIM was reported to the INSURED against whom the CLAIM is asserted;
 - 2. The date of each INCIDENT, OFFENSE and INJURY alleged in the CLAIM;
 - 3. Where each INCIDENT, OFFENSE and INJURY alleged in the CLAIM took place;
 - 4. The amount of loss reserves established for the CLAIM;



- 5. The amount of DAMAGES paid by any INSURED or UNDERLYING INSURER for the CLAIM, and, if DEFENSE COSTS are included in the Limit of Liability for any UNDERLYING INSURANCE, the amount of DEFENSE COSTS paid for the CLAIM;
- 6. Whether the CLAIM is open or closed;
- 7. Whether a SUIT has been filed on the CLAIM; and
- 8. A brief description of the CLAIM and status.
- S. **Terms Conformed to Statute.** If any term of this POLICY is in conflict with the statutes and regulations of the state where the POLICY is issued, that term shall be deemed to be amended to conform to such statutes and regulations but only if and to the extent that such statutes and regulations apply to this POLICY.

In witness whereof, WE have caused this POLICY to be executed and attested.

Sam Mezzich President Richard G. Hayes Treasurer

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