

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

In re:  TEHUM CARE SERVICES, INC., <sup>1</sup>  Debtor.	Chapter 11  Case No. 23-90086 (CML)
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**EIGHTH FEE STATEMENT OF BERRY RIDDELL LLC FOR COMPENSATION FOR SERVICES RENDERED AND REIMBURSEMENT OF EXPENSES AS CO-COUNSEL TO THE OFFICIAL COMMITTEE OF TORT CLAIMANTS FOR THE PERIOD FROM AUGUST 1, 2024 THROUGH AUGUST 31, 2024**

**In accordance with the Amended Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Professionals [ECF No. 1646], each Application Recipient receiving notice of this monthly fee statement shall have until 4:00 p.m. (CT), 14 days after service of this monthly fee statement to object to the fees and expenses requested herein. Upon the expiration of such 14-day period, the Debtor is authorized and directed to pay 80% of the fees and 100% of the expenses requested in this monthly fee statement that are not subject to an objection.**

Name of Professional:	Berry Riddell LLC
Authorized to Provide Professional Services to:	Official Committee of Tort Claimants
Date Order of Employment Signed:	January 24, 2024, as of November 21, 2023 [ECF No. 1293]
Time Period Covered:	August 1, 2024 through August 31, 2024
Total Fees Sought:	\$24,120.00
Amount of retainer received in case:	N/A
Total professional fees covered by this statement:	\$30,150.00
Total professional hours covered by this statement:	60.3
Average hourly rate for professionals:	\$500.00
Reimbursable expenses sought in this statement:	\$0.00

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



Payment requested:	
80% Fees	\$24,120.00
100% Expenses	\$0.00
Total:	\$24,120.00

Pursuant to sections 330 and 331 of title 11 of the United States Code (the “Bankruptcy Code”), Rule 2016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”), Rule 2016-1 of the Bankruptcy Local Rules of the United States Bankruptcy Court for the Southern District of Texas (the “Bankruptcy Local Rules”), the Amended Order Establishing Procedures for Interim Compensation and Reimbursement of Expenses for Retained Professionals [ECF No. 1646], (the “Interim Compensation Order”), and the Order Authorizing the Employment and Retention of Berry Riddell LLC as Co-Counsel for the Official Committee of Tort Claimants as of November 21, 2023 [ECF No. 1293], the law firm of Berry Riddell LLC (“Berry Riddell”), as co-counsel to the Official Committee of Tort Claimants (the “Committee”) appointed in this chapter 11 case, hereby submits this Eighth Monthly Fee Statement of Berry Riddell LLC for Compensation for Services Rendered and Reimbursement of Expenses as Co-Counsel to the Official Committee of Tort Claimants for the Period from August 1, 2024 through August 31, 2024 (the “Eighth Monthly Fee Statement”).

By the Eighth Fee Statement and pursuant to the Interim Compensation Order, Berry Riddell seeks interim payment of (i) \$24,120.00 (80% of \$30,150.00) as compensation for professional services rendered to the Committee, and (ii) \$0.00 for reimbursement of actual and necessary expenses, for a total of \$24,120.00 for the period August 1, 2024 through and including August 31, 2024 (the “Fee Period”). Pursuant to the Interim Compensation Order, the Application Recipients have until 4:00 p.m. (CT) on the fourteenth day following service of this Eighth Fee Statement to object to the requested fees and expenses.

**Itemization of Services Rendered and Expenses Incurred**

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

**Exhibit A** is a schedule of the number of hours expended and fees incurred (on an aggregate basis) by Berry Riddell partners, counsel, associates, consultants and paraprofessionals during the Fee Period with respect to each of the subject matter categories Berry Riddell established in accordance with its internal billing procedures. As reflected in Exhibit A, Berry Riddell incurred \$30,150.00 in fees during the Fee Period. Pursuant to this Eighth Fee Statement, Berry Riddell seeks compensation in the amount of \$24,120.00 or 80% of such fees.

**Exhibit B** is a schedule providing certain information regarding the Berry Riddell attorneys and paraprofessionals for whose work on this chapter 11 case compensation is sought in this Eighth Monthly Fee Statement. Attorneys and paraprofessionals of Berry Riddell expended a total of 60.3 hours in connection with this chapter 11 case during the Fee Period.

**Exhibit C** is a schedule setting forth the amount sought with respect to each category of expenses for which reimbursement is sought in this Eighth Fee Statement. This Eighth Fee Statement seeks reimbursement of expenses in the aggregate total amount of \$0.00.

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

**Representations**

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

WHEREFORE, Berry Riddell respectfully requests compensation and reimbursement of its expenses incurred during the Fee Period in the total amount of \$24,120.00 consisting of (i) \$24,120.00, which is 80% of the fees incurred by the Debtors for reasonable and necessary professional services rendered by Berry Riddell, and (ii) \$0.00, which is 100% of actual necessary costs and expenses incurred, in accordance with the procedures set forth in the Interim Compensation Order.

Dated: September 10, 2024

Respectfully submitted,

**BERRY RIDDELL LLC**

/s/ Michael W. Zimmerman

Michael W. Zimmerman (*pro hac vice*)

Martin A. Aronson (*pro hac vice*)

Jeffrey D. Gross (*pro hac vice*)

6750 E. Camelback Road, Suite 100

Scottsdale, AZ 85251

Email: [mz@berryriddell.com](mailto:mz@berryriddell.com)

[ma@berryriddell.com](mailto:ma@berryriddell.com)

[jg@berryriddell.com](mailto:jg@berryriddell.com)

*CO-COUNSEL FOR THE COMMITTEE*

**CERTIFICATE OF SERVICE**

I certify that on September 10, 2024, I caused a true and correct copy of the foregoing document to be served by the Court's CM/ECF notification system, which will send notice of electronic filing to all counsel of record.

/s/ Lynda Kogutkiewicz

EXHIBIT A

Summary of Hours Expended and Fees Incurred by Matter Category

Compensation by Category		Base Hrs	Base Amount	Billed Hrs	Billed Amount
Category	Employee				
Case Administration/Disbursements	Michael Zimmerman	0.3	\$150.00	0.3	\$ 150.00
Meetings of and Communications with Committee/Creditors	Michael Zimmerman	21.5	\$ 10,750.00	21.5	\$ 10,750.00
Meetings of and Communications with Co-Counsel	Michael Zimmerman	6	\$ 3,000.00	6	\$ 3,000.00
Fee/Employment Applications	Michael Zimmerman	3.5	\$ 1,750.00	3.5	\$ 1,750.00
Contested Matters/Litigation (General)	Michael Zimmerman	9.9	\$ 4,950.00	9.9	\$ 4,950.00
Plan and disclosure Statement	Michael Zimmerman	15.2	\$ 7,600.00	15.2	\$ 7,600.00
Mediation/Settlement	Michael Zimmerman	1.4	\$ 700.00	1.4	\$ 700.00
Court Attendance	Michael Zimmerman	2.5	\$ 1,250.00	2.5	\$ 1,250.00
		<b>60.3</b>	<b>\$30,150.00</b>	<b>60.3</b>	<b>\$30,150.00</b>

**EXHIBIT B**

**Summary of Hours Expended and Fees Incurred by Professional**

**Compensation by Professional**

Name of Attorney	Position; Admission Date	Hourly Billing Rate	Total Hours	Total Compensation
Michael Zimmerman	Partner; Admitted AZ 2009	\$ 500.00	60.3 \$	30,150.00
Professional Blended Rate		\$500.00	\$	30,150.00



EXHIBIT C

Record of Expenses

Date	Quantity	Billed Disbursements Description	Rate (\$)	Billable (\$) \$0
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**EXHIBIT D**

**Detailed Record of Time Entries**



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

## INVOICE

Invoice # 8925  
Date: 09/01/2024  
Due Upon Receipt

Committee of Tort Claimants

### Committee of Tort Claimants/Tehum Care Services, Inc.

Date	Timekeeper	Notes	Quantity	Rate	Total
08/01/2024	MWZ	Prepare for call with counsel for the UST;	0.30	\$500.00	\$150.00
08/01/2024	MWZ	Telephone conference with counsel for the UST and co-counsel E. Goodman re: case status;	1.00	\$500.00	\$500.00
08/01/2024	MWZ	Confer with E. Goodman re: strategy for disclosure statement and plan;	0.50	\$500.00	\$250.00
08/01/2024	MWZ	Work on revisions to TCC's objection to Harrington motion;	1.00	\$500.00	\$500.00
08/01/2024	MWZ	Research re: issues pending before Judge Lopez re: third-party releases and plan solicitation;	2.40	\$500.00	\$1,200.00
08/01/2024	MWZ	Work on monthly fee application;	0.60	\$500.00	\$300.00
08/02/2024	MWZ	Analyze UST's objection to third-party releases in light of Harrington v. Purdue;	2.80	\$500.00	\$1,400.00
08/02/2024	MWZ	Emails with co-counsel, E. Goodman, re: third-party release issues;	0.20	\$500.00	\$100.00
08/04/2024	MWZ	Review revisions to interim DIP Order proposed by counsel for M2Loan Co.;	0.40	\$500.00	\$200.00
08/04/2024	MWZ	Confer with co-counsel, E. Goodman, re: proposed revisions and discuss coordinating mediation meeting;	0.30	\$500.00	\$150.00
08/05/2024	MWZ	Attend mediation meeting with Judge Sontchi, and counsel for the Debtor, UCC and M2Loan Co.;	0.80	\$500.00	\$400.00
08/05/2024	MWZ	Telephone call with counsel for TCC members re: UST's objection to third-party releases;	0.60	\$500.00	\$300.00
08/06/2024	MWZ	Analyze proposed revisions to trust distribution procedures provided by counsel for Tort Claimant Committee members;	1.20	\$500.00	\$600.00
08/06/2024	MWZ	Confer with E. Goodman re: revisions to the trust distribution procedures;	1.00	\$500.00	\$500.00
08/06/2024	MWZ	Emails with TCC members re: UST's objection to third-party releases;	0.30	\$500.00	\$150.00
08/06/2024	MWZ	Prepare for meeting with counsel for TCC members re: UST's objection to third-party releases;	0.60	\$500.00	\$300.00
08/06/2024	MWZ	Attend meeting with TCC members re: UST's objection to third-party releases;	2.50	\$500.00	\$1,250.00
08/06/2024	MWZ	Emails with TCC members re: UST's objection to third-party releases;	0.20	\$500.00	\$100.00
08/06/2024	MWZ	Emails with counsel for the TCC members coordinating a follow-up meeting re: UST's objection to third-party releases;	0.20	\$500.00	\$100.00
08/07/2024	MWZ	Emails with TCC members and their counsel re: TCC re: UST's objection to third-party releases;	0.20	\$500.00	\$100.00

08/07/2024	MWZ	Work on revisions to Berry Riddell's monthly fee application;	0.30	\$500.00	\$150.00
08/07/2024	MWZ	Review case docket;	0.30	\$500.00	\$150.00
08/08/2024	MWZ	Emails with TCC members re:	0.30	\$500.00	\$150.00
08/09/2024	MWZ	Emails with Judge Sontchi re: mediation issues;	0.40	\$500.00	\$200.00
08/10/2024	MWZ	Confer with coordinating counsel re: mediation issues and plan structure;	0.50	\$500.00	\$250.00
08/12/2024	MWZ	Review proposed revisions to the trust distribution procedures;	0.40	\$500.00	\$200.00
08/12/2024	MWZ	Telephone conference with E. Goodman re: mediation issues;	0.50	\$500.00	\$250.00
08/12/2024	MWZ	Email TCC members re:	0.30	\$500.00	\$150.00
08/12/2024	MWZ	Work on objection to Harrington motion;	1.20	\$500.00	\$600.00
08/12/2024	MWZ	Review Debtor's fee applications;	0.40	\$500.00	\$200.00
08/13/2024	MWZ	Work on revisions to the objection to the Harrington Motion;	0.30	\$500.00	\$150.00
08/13/2024	MWZ	Prepare for TCC meeting;	0.50	\$500.00	\$250.00
08/13/2024	MWZ	Review fee statements submitted by the Debtor and Ankura;	0.30	\$500.00	\$150.00
08/13/2024	MWZ	Analyze proposed updates and revisions to the trust distribution procedures;	0.80	\$500.00	\$400.00
08/13/2024	MWZ	Attend meeting with counsel for the TCC re:	0.80	\$500.00	\$400.00
08/13/2024	MWZ	Attend TCC meeting;	1.00	\$500.00	\$500.00
08/13/2024	MWZ	Telephone conference with counsel for a member of the TCC;	0.40	\$500.00	\$200.00
08/13/2024	MWZ	Emails and telephone conference with counsel for TCC members re:	0.60	\$500.00	\$300.00
08/13/2024	MWZ	Confer with co-counsel, E. Goodman, re: mediation issues;	0.30	\$500.00	\$150.00
08/14/2024	MWZ	Emails with counsel for TCC members re:	0.30	\$500.00	\$150.00
08/14/2024	MWZ	Confer with co-counsel E. Goodman re: settlement term sheet;	0.20	\$500.00	\$100.00
08/15/2024	MWZ	Emails with opposing counsel re: coordinating a status conference;	0.20	\$500.00	\$100.00
08/15/2024	MWZ	Work on monthly fee statement for July 2024;	0.60	\$500.00	\$300.00
08/15/2024	MWZ	Review signed DIP order;	0.20	\$500.00	\$100.00
08/15/2024	MWZ	Emails to TCC members re:	0.30	\$500.00	\$150.00
08/15/2024	MWZ	Telephone conference with E. Goodman re: plan issues and status conference strategy;	0.50	\$500.00	\$250.00
08/15/2024	MWZ	Telephone conference with counsel for tort claimant, ' re: hearing on the motion to lift stay;	0.20	\$500.00	\$100.00
08/15/2024	MWZ	Work on analysis of pending motions to lift the automatic stay and related briefs;	1.10	\$500.00	\$550.00
08/16/2024	MWZ	Work on issues re: fifth interim DIP order and allocation issues;	0.40	\$500.00	\$200.00
08/16/2024	MWZ	Emails and telephone conference with TCC members re:	0.30	\$500.00	\$150.00
08/16/2024	MWZ	Finalize and file July monthly fee statements for Berry Riddell and Province;	0.20	\$500.00	\$100.00
08/16/2024	MWZ	Review proposed revisions to settlement term sheet and follow-up re: same;	0.20	\$500.00	\$100.00

08/16/2024	MWZ	Prepare for status update and hearing on motions to lift the automatic stay;	0.30	\$500.00	\$150.00
08/16/2024	MWZ	Attend hearing on A. Windhursts' final hearing on the motion to lift the automatic stay;	0.80	\$500.00	\$400.00
08/16/2024	MWZ	Work on plan issues;	0.50	\$500.00	\$250.00
08/16/2024	MWZ	Telephone conference with counsel for tort claimant, , re: motion to lift the automatic stay;	0.50	\$500.00	\$250.00
08/19/2024	MWZ	Review and respond to emails re: status conference;	0.20	\$500.00	\$100.00
08/19/2024	MWZ	Telephone conference with pro se claimant, , re: case;	0.90	\$500.00	\$450.00
08/19/2024	MWZ	Emails with , , counsel for Public Justice, re: coordinating a meeting;	0.20	\$500.00	\$100.00
08/19/2024	MWZ	Emails with TCC members re:	0.20	\$500.00	\$100.00
08/19/2024	MWZ	Work on joint plan;	1.60	\$500.00	\$800.00
08/20/2024	MWZ	Prepare for TCC meeting;	0.50	\$500.00	\$250.00
08/20/2024	MWZ	Emails with TCC members re:	0.20	\$500.00	\$100.00
08/20/2024	MWZ	Work on joint plan;	1.20	\$500.00	\$600.00
08/20/2024	MWZ	Emails with TCC members re:	0.20	\$500.00	\$100.00
08/20/2024	MWZ	Emails with counsel for tort claimant, re: motion to lift stay;	0.20	\$500.00	\$100.00
08/20/2024	MWZ	Attend TCC meeting;	0.60	\$500.00	\$300.00
08/20/2024	MWZ	Confer with co-counsel, E. Goodman, re: plan issues and status conference;	0.50	\$500.00	\$250.00
08/20/2024	MWZ	Telephone conference with counsel for TCC members re:	0.90	\$500.00	\$450.00
08/20/2024	MWZ	Review proposed order lifting the automatic stay for	0.20	\$500.00	\$100.00
08/20/2024	MWZ	Attend to issues re: LEDES format billing statements required by fifth interim DIP order;	0.60	\$500.00	\$300.00
08/20/2024	MWZ	Emails to notice parties re: monthly fee statement and LEDES formatted bills;	0.20	\$500.00	\$100.00
08/21/2024	MWZ	Coordinate with co-counsel, E. Goodman, re: mediation issues and prepare for status conference;	0.30	\$500.00	\$150.00
08/21/2024	MWZ	Work on joint plan;	2.30	\$500.00	\$1,150.00
08/22/2024	MWZ	Emails with , counsel for the Arizona Department of Corrections, re: coordinating a meeting re: settlement terms;	0.20	\$500.00	\$100.00
08/22/2024	MWZ	Confer with co-counsel, E. Goodman, re: plan issues;	0.50	\$500.00	\$250.00
08/22/2024	MWZ	Work on town hall preparation;	0.50	\$500.00	\$250.00
08/22/2024	MWZ	Prepare for call with counsel for Public Justice;	0.40	\$500.00	\$200.00
08/22/2024	MWZ	Conference call with counsel for Public Justice;	0.90	\$500.00	\$450.00
08/22/2024	MWZ	Review proposed changes to the trust distribution procedures;	0.40	\$500.00	\$200.00
08/22/2024	MWZ	Emails with TCC members and their counsel re:	0.30	\$500.00	\$150.00
08/22/2024	MWZ	Review and respond to emails from TCC counsel re:	0.50	\$500.00	\$250.00

08/23/2024	MWZ	Prepare for call with counsel for the Arizona Department of Corrections;	0.30	\$500.00	\$150.00
08/23/2024	MWZ	Telephone conference with Department of Corrections;	0.80	\$500.00	\$400.00
08/23/2024	MWZ	Review decision by Judge Lopez;	0.20	\$500.00	\$100.00
08/24/2024	MWZ	Work on issues re: status hearing;	0.30	\$500.00	\$150.00
08/26/2024	MWZ	Review and analyze email from Lexington Insurance;	0.20	\$500.00	\$100.00
08/26/2024	MWZ	Attend virtual status conference re: plan and disclosure statement;	0.90	\$500.00	\$450.00
08/26/2024	MWZ	Follow-up conference with co-counsel, E. Goodman;	0.40	\$500.00	\$200.00
08/26/2024	MWZ	Review notice from A. Rubenstein and related emails;	0.20	\$500.00	\$100.00
08/27/2024	MWZ	Review revisions to joint plan and follow-up re: same;	0.50	\$500.00	\$250.00
08/27/2024	MWZ	Prepare for TCC meeting;	0.50	\$500.00	\$250.00
08/27/2024	MWZ	Work on cover email to counsel for the UCC transmitting the draft plan and trust distribution procedures;	0.80	\$500.00	\$400.00
08/27/2024	MWZ	Attend TCC meeting;	1.00	\$500.00	\$500.00
08/27/2024	MWZ	Emails with TCC members re:	0.40	\$500.00	\$200.00
08/27/2024	MWZ	Telephone conference with counsel with Tort Claimants Committee	0.50	\$500.00	\$250.00
08/27/2024	MWZ	Review monthly fee statements for UCC's counsel and interim fee application for the UCC's financial advisor	0.30	\$500.00	\$150.00
08/28/2024	MWZ	Telephone conference with TCC member, , re: trust distribution procedures;	0.30	\$500.00	\$150.00
08/29/2024	MWZ	Review and respond to email re: requested stipulation to lift the automatic stay;	0.20	\$500.00	\$100.00
08/29/2024	MWZ	Research re: tort claimant, , and status of District case litigation against non-debtors;	1.20	\$500.00	\$600.00
08/29/2024	MWZ	Emails with co-counsel, E. Goodman, re: proposed stipulation re: R. Gomez;	0.30	\$500.00	\$150.00
08/30/2024	MWZ	Confer with co-counsel, E. Goodman, re: trust agreement and plan issues;	1.00	\$500.00	\$500.00
08/30/2024	MWZ	Review emails with and counsel for TCC re:	0.20	\$500.00	\$100.00
08/30/2024	MWZ	Work on the personal injury trust agreement;	1.60	\$500.00	\$800.00
				<b>Subtotal</b>	<b>\$30,150.00</b>
				<b>Total for Current Invoice</b>	<b>\$30,150.00</b>

## Detailed Statement of Account

### Prior Invoices

Invoice Number	Invoice Date	Amount Due	Payments Received	Balance Due
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8887	08/26/2024	\$320,621.00	\$130,071.29	\$190,549.71
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**Current Invoice**

Invoice Number	Invoice Date	Amount Due	Payments Received	Balance Due
8925	09/01/2024	\$30,150.00	\$0.00	\$30,150.00
			<b>Outstanding Balance</b>	<b>\$220,699.71</b>
			<b>Total Amount Outstanding</b>	<b>\$220,699.71</b>

Please make all amounts payable to: Berry Riddell LLC

Payment is due upon receipt.