

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

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

**STIPULATION AND AGREED ORDER
REGARDING (I) DEBTOR’S MOTION TO EXTEND AND ENFORCE THE
AUTOMATIC STAY AND (II) AGREEMENT TO MODIFY THE AUTOMATIC STAY**

Tehum Care Services, Inc., the above-captioned debtor, and debtor in possession (the “Debtor”), and Robert Gamez, Jr., by and through his undersigned counsel, hereby enter into this Stipulation and Agreed Order as follows:

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

WHEREAS, on February 17, 2023, the Debtor filed the *Debtor’s Emergency Motion to Extend and Enforce the Automatic Stay* [Docket No. 7] (the “Stay Motion”);

WHEREAS, on March 3, 2023, the Court entered its *Order Regarding Debtor’s Emergency Motion to Extend and Enforce the Automatic Stay* [Docket No. 118] (the “Stay Order”), temporarily extending the automatic stay to certain litigation listed therein, including the case styled *Gamez v. United States*, No. 17-02044 (D. Ariz. 2017) (the “Gamez Lawsuit”);

WHEREAS, the Gamez Lawsuit is founded on claims against, among others, the Debtor, “Unknown” Elijah, Charles L. Ryan, Richard Pratt, Stacey Crabtree, and Kamal Rastogi;

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



WHEREAS, in the Gamez lawsuit, Mr. Gamez alleged that Corizon was deliberately indifferent to his medical needs when Corizon medical professionals refused to provide him with certain necessary and prescribed medications. Mr. Gamez also alleged that the Arizona Department of Corrections, Rehabilitation, and Reentry (“ADCRR”) and its employees violated his Eighth Amendment right to be free from cruel and unusual punishment by keeping him in prolonged and unjustified solitary confinement. The Eighth Amendment claim does not implicate the Debtor.

WHEREAS, the Gamez Lawsuit is currently stayed with respect to the Debtor by operation of section 362(a)(1) of the Bankruptcy Code;

WHEREAS, on July 1, 2024, Mr. Gamez filed an unopposed motion to sever his solitary-confinement claim from his deliberate-indifference claim in the U.S. District Court for the District of Arizona (the “District Court”), so that he could proceed with his Eighth Amendment claim against non-Debtor defendants.

WHEREAS, the District Court denied this motion, explaining that it lacked authority to modify the scope of the Bankruptcy Court’s stay.

WHEREAS, without waiving any of their respective rights or defenses in any way, the Debtor and Mr. Gamez agree as follows:

The automatic stay imposed by section 362(a) of the Bankruptcy Code may be modified to allow the Gamez Lawsuit to proceed for the sole purpose of permitting the District Court to sever the claims. This will allow the Gamez Lawsuit to proceed on the Eighth Amendment claim against only non-Debtor defendants. The automatic stay is not, and shall not be deemed to be, modified for any other purpose whatsoever.

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

1. The (a) automatic stay imposed by section 362 of the Bankruptcy Code is hereby modified solely to allow the District Court to sever the claims in the Gamez Lawsuit so that Gamez

may proceed with his Eighth Amendment claim against non-Debtor defendants. The automatic stay is not, and shall not be deemed to be, modified for any other purpose whatsoever.

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

Signed: _____, 2024

Christopher M. Lopez
United States Bankruptcy Judge

AGREED AS TO FORM AND CONTENT:

SNELL & WILMER L.L.P.

GRAY REED

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By: /s/ Jason S. Brookner

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