

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

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

**MOTION BY CREDITOR SIDNEY LUMPKINS
FOR LEAVE TO FILE UNTIMELY PROOF OF CLAIM**

Creditor, Sidney Lumpkins (“hereinafter Creditor”), by her undersigned attorney, hereby moves this Court to grant leave for Creditor to file an untimely proof of claim in the bankruptcy proceeding filed by debtor Tehum Care Services, Inc. (“Debtor”). Creditor was not provided with any notice of the bankruptcy filing. The claims bar date was August 14, 2023, but Creditor has not received notices from Debtor’s bankruptcy proceeding including notice of the deadline to file a proof of claim. Creditor is not listed as a creditor in Debtor’s schedules of assets and liabilities nor is Creditor listed on Debtor’s mailing matrix for purposes of notification.

Pursuant to Federal Rule of Bankruptcy procedure 3002(c)(6) and Local Rule 3003-1(c)(4), this Court may extend the time in which a creditor may file a claim by not more than sixty days from the date of the order granting the motion if the court determines either (1) notice of commencement of the bankruptcy case was insufficient under the circumstances to give creditor a reasonable time to file a proof of claim because the debtor failed to timely list the creditor’s name and address as required by Rule 1007(a); or (2) notice was insufficient under the circumstances to give creditor a reasonable time to file a proof of claim.

In April 2024, Creditor filed a medical malpractice claim (*Sidney Lumpkins v. Jessup Correctional Institute*, et al., Case No.: 2024-172) alleged to have provided healthcare to Creditor’s



while Creditor's Decedent was incarcerated at the Jessup Correctional Institute in Jessup, Maryland. Creditor's claims arise out of the failure to timely refer and failed to timely approve of the surgical repair to Creditor's torn tendon, a claim to which the Creditor has secured an expert willing to sign a certificate of qualified expert. Based upon creditor's research, it was uncovered that Cerizon was a part of these proceedings. Creditor promptly sought admission to this Court *pro hac vice* to proceed with this Motion. Accordingly, Creditor requests leave to file the proof of claim attached hereto as Exhibit A (the "Proof of Claim.")

WHEREFORE, Creditor respectfully requests that this Court enter an Order granting Creditor an extension of time to file Proof of Claim on or before sixty days from the date of entry of the Order.

/s/ Mark E. Herman, Esquire

Mark E. Herman, Esquire
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14 W. Madison Street
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443-286-1426 (c)
410-469-

IT IS HEREBY CERTIFIED that a copy of the foregoing Motion by Creditor Sidney Lumpkins for Leave to File Untimely Proof of Claim was electronically filed with the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ Mark E. Herman, Esquire

Mark E. Herman, Esquire

CERTIFICATE OF SERVICE

The undersigned certifies that on the 25th day of September, 2024, the foregoing instrument was electronically filed with the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas and the following:

R. Alexander Carlson, Esquire
1301 York Road, Suite 300
Lutherville, Maryland 21093, attorney for UMMS

Jessup Correctional Institution
State of Maryland
780 House of Corrections Rd.
Jessup, MD 20794
Health Care Provider

Al Naff, MD
Jessup Correctional Institution
780 House of Corrections Rd.
Jessup, MD 20794
Health Care Provider

Corizon Health of Maryland, LLC
7240 Parkway Drive, Suite 350
Hanover, MD 21076
Health Care Provider

p/s/ Mark E. Herman, Esquire
Mark E. Herman, Esquire