

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

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

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**APPELLANT YESCARE’S DESIGNATION OF RECORD  
AND STATEMENT OF ISSUES ON APPEAL**

Appellant CHS TX, Inc. d/b/a YesCare (“YesCare”) hereby submits its Designation of the Record on Appeal and Statement of Issues pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure in the above-captioned appeal from the Decision and Order of the Bankruptcy Court, Honorable Christopher M. Lopez, denying in part YesCare’s Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties. This appeal specifically concerns the “Exhibit C” claimants to the Bankruptcy Court’s Order.

**I. DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

In addition to the docket entries kept by the bankruptcy clerk in Case No. 23-90086 (CML), Appellants specifically designate the following docket entries, pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure, which include



all exhibits, addenda, or other attachments thereto, and all documents incorporated by reference therein:

<b>Item No.</b>	<b>Doc. Number (Case 23-90086)</b>	<b>Document</b>
<b>1</b>	Doc. 609	Certificate of Service re: 1) Proof of Claim Form; and 2) Notice of Deadlines for the Filing of Proofs of Claim
<b>2</b>	Doc. 610	Affidavit of Publication of the Notice of Deadlines for the Filing of Proofs of Claim in The New York Times and The Wall Street Journal
<b>3</b>	Doc. 658	Affidavit of Publication of the Notice of Deadlines for the Filing of Proofs of Claim in the Prison Legal News
<b>4</b>	Doc. 1813	Order Approving Disclosure Statement and Form and Manner of Notices
<b>5</b>	Doc. 1852	Certificate of Service of Solicitation Materials
<b>6</b>	Doc. 1993	Solicitation and Tabulation of Votes on the Joint Chapter 11 Plan
<b>7</b>	Doc. 2014	Order Confirming the First Modified Joint Chapter 11 Plan of Reorganization of the Tort Claimants' Committee, Official Committee of Unsecured Creditors and Debtor (the "Bankruptcy Plan")
<b>8</b>	Doc. 2160	YesCare's Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties
<b>9</b>	Doc. 2160-1	Exhibit A to YesCare's Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties
<b>10</b>	Doc. 2187	YesCare's Notice of Limited Withdraw as to Certain Plaintiffs
<b>11</b>	Doc. 2231	Brief in Opposition filed by Claimant Dustin Hefley

<b>Item No.</b>	<b>Doc. Number (Case 23-90086)</b>	<b>Document</b>
<b>12</b>	Doc. 2255	Brief in Opposition filed by Claimant Ardra Young
<b>13</b>	Doc. 2256	Brief in Opposition filed by Claimant Ardra Young
<b>14</b>	Doc. 2262	YesCare's Reply to the Objection of Claimant Dustin Hefley
<b>15</b>	Doc. 2281	YesCare's Reply to the Objection of Claimant Ardra Young
<b>16</b>	Doc. 2285	Brief in Opposition by Claimants Howe, Fletcher, Akinola, Gilliam, Holland and Grey
<b>17</b>	Doc. 2293	YesCare's Notice of Limited Withdraw as to Certain Plaintiffs and Revised Exhibit A
<b>18</b>	Doc. 2296	Trustee's Response to YesCare's Omnibus Motion to Enjoin
<b>19</b>	Doc. 2311	YesCare's Reply in support of Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties
<b>20</b>	Doc. 2325	YesCare's Reply to the Objection of Howe, Fletcher, Akinola, Gilliam, Holland and Grey
<b>21</b>	Doc. 2332	Courtroom Minutes from Hearing on Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties
<b>22</b>	Doc. 2336	Revised Exhibit A to Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties
<b>23</b>	Doc. 2360	YesCare's Notice of Limited Withdraw as to Certain Plaintiffs
<b>24</b>	Doc. 2374	Decision and Order on YesCare's Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties
<b>25</b>	Doc. 2401	Transcript of 7/2/2025 Hearing on Motion to Enjoin
<b>26</b>	Doc. 2425	YesCare's Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against

Item No.	Doc. Number (Case 23-90086)	Document
		Released Parties Relating to “Exhibit C” Parties
27	Doc. 2464	Brief in Opposition filed by Claimant Ardra Young
28	Doc. 2471	Brief in Opposition filed by Claimant Keith Darnell Kelly
29	Doc. 2472	Brief in Opposition filed by Claimant Rilwan Akinola
30	Doc. 2473	Courtroom Minutes from Hearing on Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties Relating to “Exhibit C” Parties
31	Doc. 2476	Brief in Opposition filed by Claimant Dustin Hefley
32	Doc. 2478	Supplemental brief in Opposition filed by Claimant Ardra Young
33	Doc. 2506	Transcript of 9/22/2025 Hearing on Motion to Enjoin
34	Doc. 2521	Decision and Order on YesCare’s Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties Relating to “Exhibit C” Parties
35	Doc. 2528	Notice of Appeal
36	Doc. 2529	Election to Appeal to District Court

## II. STATEMENT OF ISSUES TO BE PRESENTED ON APPEAL

1. Whether the Bankruptcy Court erred in denying YesCare’s Omnibus Motion to Enjoin with respect to claimants Rilwan Akinola, Dustin Hefley, Keith Kelly, and Ardra Young (the “Claimants”) listed on Exhibit C of the Court’s Order when (i) these Claimants were asserting Causes of Action against Released Parties,

(ii) the Plan enjoined plaintiffs from asserting Causes of Action against Released Parties, (iii) these Claimants did not receive the Opt-Out Release Form, but (iv) the Claimants either had actual knowledge and actual court-approved notice, or constructive court-approved notice, of the bankruptcy proceeding and the Plan's Consensual Claimant Release, and (v) the Claimants did not opt out of the Consensual Claimant Release or otherwise assert their rights in the bankruptcy proceeding despite their knowledge and/or notice.

2. Whether the Bankruptcy Court erred in denying YesCare's Omnibus Motion to Enjoin as to the foregoing Claimants on the basis that the Claimants' asserted claims are not subject to the Consensual Claimant Release approved under Tehum's confirmed Joint Chapter 11 Plan.

3. Whether the Bankruptcy Court erred in denying YesCare's Omnibus Motion to Enjoin as to Exhibit C claimants who did not assert a lack of notice objection, or any objection at all, to YesCare's Omnibus Motion.

Respectfully submitted,

By: /s/ Trevor W. Carolan

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**CHS TX, INC. d/b/a YESCARE**

### **CERTIFICATE OF SERVICE**

I do hereby certify that on the 24th day of November 2025, a true and correct copy of the foregoing was electronically filed with the Clerk of Court and served using the CM/ECF system. In addition, a true and correct copy has been electronically mailed or mailed via first-class US mail to the following:

Rilwan Akinola, by and through his attorneys of record Martin S. Himeles, Jr. Kirk E. MacKinnon Morrow ZUCKERMAN SPAEDER LLP 100 East Pratt St., Suite 2440 Baltimore, MD 21202-1031 <a href="mailto:MHimeles@zuckerman.com">MHimeles@zuckerman.com</a> <a href="mailto:KMacKinnonMorrow@zuckerman.com">KMacKinnonMorrow@zuckerman.com</a>	Dustin Hefley, by and through his attorney of record Nathan A. Duncan PECK BASTER WATKINS & BAILEY, LLC 399 N. Main St., Suite 300 Logan, UT 84321 <a href="mailto:nduncan@peckbaxter.com">nduncan@peckbaxter.com</a>
Keith Darnell Kelly, pro se Claimant #449315 SID #4050880 Western Correctional Institution 13800 McMullen Highway, SW Cumberland, MD 21502	Ardra Young, pro se Claimant #260575 Richard A. Handlon Correctional Facility 1728 Bluewater Highway Ionia, MI 48846

/s/ Trevor W. Carolan