

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

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

**NOTICE OF SETTLING PARTIES’  
FAILURE TO COMPLY WITH PLAN OBLIGATIONS**

**PLEASE TAKE NOTICE** that on March 3, 2025, the Court entered its *Order Confirming the First Modified Joint Chapter 11 Plan of Reorganization of the Tort Claimants’ Committee, Official Committee of Unsecured Creditors, and Debtor* [Docket No. 2014] (the “Confirmation Order”), confirming the *First Modified Joint Chapter 11 Plan of the Tort Claimants’ Committee, Official Committee of Unsecured Creditors, and Debtor* (the “Plan”), attached to the Confirmation Order as Exhibit B.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Article IV.B.1 of the Plan, to the extent Allowed Professional Fee Claims (as such term is defined in the Plan) exceed \$14.5 million, the Settling Parties are required to pay and transfer to the Professional Fee Escrow Accounts (as such term is defined in the Plan) the lesser of (i) such amount as is necessary to satisfy all Professional Fee Claims in full and (ii) \$1 million (the “Fee Backstop”).

**PLEASE TAKE FURTHER NOTICE** that, the amount of Allowed Professional Fee Claims exceeded \$14.5 million by approximately \$741,400, as reflected on **Schedule 1** attached hereto (such amounts being referred to as the “Fee Backstop Amounts”).

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<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. Capitalized terms used but not defined herein have the meanings set forth in the Plan or Confirmation Order, as appropriate.



**PLEASE TAKE FURTHER NOTICE** that, despite multiple requests and demands, the Settling Parties have failed, and steadfastly refused, to honor their obligation to fund the Fee Backstop Amounts.

**PLEASE TAKE FURTHER NOTICE** that, in addition to refusing to fund the Fee Backstop Amounts, upon information and belief, the Settling Parties are also in default of their other settlement payment obligations under Article IV.B.1 of the Plan.<sup>2</sup>

**PLEASE TAKE FURTHER NOTICE** that, if the Fee Backstop Amounts are not funded in full within five (5) days of the date hereof, some or all of the Fee Parties may take such action as may be necessary or appropriate, including but not limited to a motion to compel compliance with the Plan, sanctions for willful failure to abide by the Plan settlement and the Plan terms, as well as seeking an award of fees and costs incurred with the preparation and filing of this Notice and any further motions or other pleadings that may be filed.

All rights are reserved in every regard.

Respectfully submitted this 2nd day of December 2025.

**GRAY REED**

By: /s/ Jason S. Brookner

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*Counsel to Gray Reed*

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<sup>2</sup> Upon information and belief, the Settling Parties and the GUC Trustee appear to be attempting to work out a payment plan to “cure” the default.

**CERTIFICATE OF SERVICE**

I certify that on December 2, 2025, 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 to all parties authorized to receive electronic notice in this case. Separately, I provided a copy of this pleading directly to the Settling Parties in care of Isaac Lefkowitz, and the Settling Parties' various counsel, Melissa Hayward and Kristian Gluck.

/s/ Jason S. Brookner

Jason S. Brookner

**Schedule 1****Unpaid and Outstanding Fee Backstop Amounts****Tehum Care Services, Inc.  
Backstop Fee Schedule**

(\$ in thousands)		Total Filed (Approved) Fees & Expenses	Voluntary Discounts	Total Approved Net of Discount	Total Paid (Allowed) Fees	Total Remaining Unpaid Fees
1	Gray Reed	\$ 5,927.8	\$ (345.4)	\$ 5,582.4	\$ (5,304.6)	\$ 277.8
2	Ankura Consulting	4,456.8	(263.8)	4,193.1	(3,875.9)	317.2
3	Bradley Arant	58.9	-	58.9	-	58.9
4	KCC	1,611.3	(161.1)	1,450.2	(1,362.6)	87.6
5	<b>Total</b>	<b>\$ 12,054.8</b>	<b>\$ (770.3)</b>	<b>\$ 11,284.5</b>	<b>\$ (10,543.1)</b>	<b>\$ 741.4</b>