

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

In re:

TEHUM CARE SERVICES, INC.,

Debtor.

Chapter 11

Case No. 23-90086 (CML)

**KEITH DARNELL KELLY'S  
RESPONSE TO NOTICE OF APPEAL AND, IN THE ALTERNATIVE, COUNTER-  
DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL**

(Related to Dkt. Nos. 2528, 2541)

Keith D. Kelly submits this response to the notice of appeal filed by CHS TX, Inc. d/b/a YesCare (“YesCare”) on November 11, 2025 (Dkt. No. 2525) (the “Notice of Appeal”). The appeal was docketed at in the United States District Court as Case No. 25-5414 (the “Appeal”).

The Notice of Appeal states that it is appealing 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 (Order at Doc. 2374).” Exhibit A to the Notice of Appeal is the order at Docket No. 2347, which was entered on August 7, 2025 (“Appealed Order”). The Notice of Appeal identified Mr. Kelly as a *pro se* party to the appeal.<sup>1</sup>

Because the Appealed Order was entered on August 7, 2025, any appeal therefrom is untimely under Rule 8002 of the Federal Rules of Bankruptcy Procedure. Moreover, the Appealed Order did not provide any relief with respect to Mr. Kelly. The Appealed Order

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<sup>1</sup> While Mr. Kelly was appearing in this case *pro se* at the time the Appealed Order was entered, he has been represented by counsel in this case since September 12, 2025. See Doc. 2450, 2451, 2452.



provided that, with respect to “parties ... identified on Exhibit C to this Order[,] [t]he Court will set a separate hearing for these parties to consider additional legal considerations. The Court makes no finding or ruling on these parties in this Order.” Dkt. No. 2347 at 5. Mr. Kelly was listed on Exhibit C to that Order. Dkt. No. 2347 at Ex. C. Mr. Kelly reserves all rights with respect to the Appeal, including the right to argue that he is not a proper party and that the appeal is untimely.

To the extent that YesCare intends to appeal from the Second Decision and Order on YesCare’s Omnibus Motion to Enjoin Plaintiffs From Prosecuting Cases Against Released Parties entered on October 30, 2025 (Dkt. No. 2521), no such appeal has been filed, and any such appeal would now be untimely under Rule 8002 of the Federal Rules of Bankruptcy Procedure. Mr. Kelly reserves all rights in connection with any appeal from that order, including the right to seek dismissal of the appeal as untimely.

Out of an abundance of caution, in the event that the Appeal is not dismissed and is deemed to be an appeal from the order entered at Dkt. No. 2521, then pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure, Mr. Kelly submits this counter-designation of additional items to be included in the record. In addition to the docket entries designated by YesCare (Dkt. No. 2541), Mr. Kelly specifically designates the following docket entries, which include all exhibits, addenda, or other attachments thereto, and all documents incorporated by reference therein:

<b>Item No.</b>	<b>Docket Number (Case No. 23-90086)</b>	<b>Document</b>
<b>1</b>	Dkt. No. 481	Schedules of Assets and Liabilities for Tehum Care Services, Inc.
<b>2</b>	Dkt. No. 499	Order (I) Setting Bar Dates for Filing Proofs of Claim, (II) Establishing Amended Schedules Bar Date and Rejection Damages Bar Date, (III) Approving the

		Form of and Manner for Filing Proofs of Claim, (IV) Approving Notice of Bar Dates, and (V) Granting Related Relief
<b>3</b>	Dkt. No. 677	Amended Statement of Financial Affairs for Non-Individual
<b>4</b>	Dkt. No. 1952	Motion to “Not” Opt Out filed by Keith D Kelly
<b>5</b>	Dkt. No. 2284	Motion to Object to Yescare’s Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties filed by Keith D Kelly
<b>6</b>	Dkt. No. 2321	Reply to the Objection of Keith Kelly to Yescare’s Omnibus Motion to Enjoin filed by YesCare Corp.

Mr. Kelly reserves the right to supplement the record of the appeal.

Respectfully submitted,

Dated: December 8, 2025  
Washington, DC

/s/ Isley M. Gostin

**WILMER CUTLER PICKERING HALE  
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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas on all parties registered to receive such service in the above captioned case.

/s/ Isley M. Gostin

Isley M. Gostin