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

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

THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS' LIMITED OBJECTION TO THE DEBTOR'S MOTION TO EXTEND THE EXCLUSIVE PERIODS TO FILE A CHAPTER 11 PLAN AND SOLICIT ACCEPTANCES THEREOF

The Official Committee of Unsecured Creditors of Tehum Care Services, Inc. (the "Committee") files this limited objection to the *Debtor's Motion to Extend the Exclusive Periods to File a Chapter 11 Plan and Solicit Acceptances Thereof* [Dkt. No. 664] (the "Motion"). In support of this limited objection, the Committee states as follows:

1. In its various pleadings and appearances before the Court in the case, the Debtor has asserted that following its divisional merger in May 2022, it spent more than six months attempting to settle and satisfy its allocated liabilities, and only filed these Cases when ongoing litigation costs became impractical. However, in the more than four months since the Petition Date, even as the automatic stay has been in place to massively reduce and, in some cases, eliminate those litigation costs, the Debtor has not made any further progress in settling or satisfying its liabilities. Instead, the Motion focuses on the process the Debtor says it has made to "analyze and stay certain litigation." Motion at ¶ 15.[2]

[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.

[2] Because litigation against the Debtor is encompassed in the automatic stay, the Committee assumes this statement is intended to reference the Debtor's success in obtaining extensions of that stay that apply to affiliated entities.

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2. The Committee remains concerned that this bankruptcy process is serving to benefit insider individuals and affiliated entities of the Debtor, and that the presence of these individuals in decision-making positions is serving to hinder progress, particularly as to the third-party releases the Debtor's affiliates and principals seek. To date, and despite the parties' efforts to work toward a global mediation to bring these third-parties into the fold, the Committee has been met with hostility and withholding of information by numerous third parties, including entities which, like the Debtor, are led by Isaac Lefkowitz.[3] While some progress has been made in this regard,[4] the degree of opposition the Committee has faced from these key parties and their failure to timely provide documents and information requested has engendered concerns as to the anticipated timing and effectiveness of the planned mediation.

3. Due to the foregoing, while the Committee does not object to the Debtor's request to extend the exclusivity period in this instance, the Committee expects that significant progress should be made as to all parties to the mediation, including insiders and affiliated entities, if the extension is granted.

4. The Committee requests that if the Court grant the Motion, that any future requests to extend the exclusivity periods be denied absent the express consent of the Committee. This relief will help ensure that all the relevant participants in the mediations, including insiders and affiliated entities, will provide disclosures sufficient for the Committee to conduct a full and fair investigation and will participate in the mediation fully and in good faith as ordered by this Court.

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[3] *See, e.g.* Motion to Compel against M2; Motion to Compel against Geneva; Motion to Compel against FTI. [Dkt. Nos. 630, 668, 705].

[4] For example, both entities have produced documents immediately prior to scheduled hearings on motions to compel in order to avoid facing the Court on these issues.

CONCLUSION

WHEREFORE, the Committee respectfully request that the Court enter an order: (1) granting the Debtor's Motion; (2) requiring the consent of the Committee for any further extensions of the exclusivity period; and (3) granting them such other relief as may be appropriate and just.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 29, 2023 the foregoing document was electronically filed with the court using the CM/DKT. system, which sent notification to all parties of interest participating in the CM/DKT. System.

/s/ Paul B. Lackey
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Counsel for the Committee