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.	

OBJECTION BY THE PI/WD TRUSTEE TO THE MOTION BY JONATHAN K. LEWIS FOR LEAVE TO FILE A LATE PROOF OF CLAIM

Michael Zimmerman (the "PI/WD Trustee"), the trustee for the Tehum Personal Injury Settlement Trust (the "PI/WD Trust"), by and through his undersigned counsel, hereby submits this Objection ("Objection") to the Motion by Jonathan K. Lewis for Leave to File a Late Proof of Claim [ECF No. 2714] (the "Motion").

PRELIMINARY STATEMENT

Jonathan K. Lewis ("Lewis" or "Movant") seeks an Order from the Court granting him leave to file a late proof of claim arising from medical care he alleges he received while incarcerated in Florida. The proposed proof of claim attached to the Motion asserts a claim of $203,000 for "personal injury related to medical neglect." Lewis alleges that his pancreas condition was identified between 2010 and 2013, that Corizon provided medical services at Santa Rosa Correctional Institution from 2013 until his February 4, 2015 release, and that Corizon ignored the condition despite notice and grievances.

The PI/WD Trustee submits this Objection opposing Movant's request. Lewis previously

[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.

pursued claims concerning the same medical care in the United States District Court for the Northern District of Florida. That action was dismissed with prejudice under Federal Rule of Civil Procedure 41(b), and the Eleventh Circuit affirmed the dismissal. For claim-preclusion purposes, that dismissal operates as an adjudication on the merits. Accordingly, to the extent Lewis seeks to assert the same claims here, those claims are unenforceable against the Debtor or the PI/WD Trust under 11 U.S.C. § 502(b)(1).

Even if Lewis could identify a claim arising after the filing of the Florida Action that was not encompassed by the prior judgment, the Motion alleges that the Corizon treatment at issue ended no later than February 4, 2015. Lewis' own allegations further show that he knew of the allegedly untreated condition and Corizon's alleged deliberate indifference by 2014, when he filed grievances and commenced the Florida Action. Any federal civil-rights claim arising from that treatment therefore accrued no later than February 4, 2015 and expired no later than February 4, 2019, approximately four years before the Petition Date. Likewise, a Florida medical-malpractice claim was time barred no later than February 4, 2022, approximately one year before the Petition Date. Finally, Lewis failed to file a proof of claim by the Claims Bar Date and has not demonstrated excusable neglect or the compelling circumstances required to permit a late claim after confirmation.

RELEVANT BACKGROUND

1. On August 18, 2014, Lewis commenced Jonathan Kyle Lewis v. Florida Department of Corrections, et al., Case No. 3:14-cv-00383-MCR-CJK, in the United States District Court for the Northern District of Florida (the "Florida Action").

2. The Florida Action sought relief under 42 U.S.C. § 1983 based on allegations that correctional medical providers failed to provide Lewis with adequate medical care. In later

proceedings, the Magistrate Judge described the action as asserting deliberate-indifference claims against various medical personnel and Corizon.

3. In the Motion, Lewis alleges that his pancreas condition was identified between 2010 and 2013 while he was in FDOC custody, before Corizon became the medical provider. He alleges that Corizon became the provider at Santa Rosa Correctional Institution in 2013 and, from that time until his February 4, 2015 release, ignored the condition despite grievances and other notices. To the extent Lewis seeks damages for treatment occurring before Corizon became the provider, those allegations do not state a claim against the Debtor.

4. Lewis further states in the Motion that, before August 8, 2014, he pursued complaints concerning the same condition against FDOC and Corizon. The Motion identifies the same medical condition as a principal basis for the proposed bankruptcy claim.

5. The District Court repeatedly directed Lewis to file an amended complaint that complied with the Northern District of Florida's page limitations and warned him that failure to comply could result in dismissal.

6. According to the Motion, Lewis was released from custody on February 4, 2015.

7. On April 6, 2015, the District Court ordered Lewis to file a compliant amended complaint within fourteen days and warned that failure to do so would result in a recommendation that the action be dismissed for failure to prosecute and/or failure to comply with a court order. Lewis did not file the required amended complaint.

8. On April 23, 2015, the Magistrate Judge recommended dismissal of the Florida Action for failure to prosecute and/or failure to comply with an order of the court.

9. On May 27, 2015, the District Court adopted the recommendation, dismissed the Florida Action, and directed the Clerk to close the case. Judgment was entered on May 28, 2015.

10. Lewis appealed. On September 28, 2018, the Eleventh Circuit affirmed, expressly describing the District Court's disposition as a dismissal "with prejudice" and recognizing that, under Federal Rule of Civil Procedure 41(b), such a dismissal operates as an adjudication on the merits unless the dismissal order states otherwise. *Lewis v. Fla. Dep't of Corr.*, No. 15-12929 (11th Cir. Sept. 28, 2018).

11. The Eleventh Circuit issued its mandate on October 29, 2018.

12. Lewis later sought reconsideration of the judgment. The District Court denied that relief and, on December 10, 2020, ordered that the case was closed and that no further documents would be accepted for filing.

13. Lewis alleges that he was later incarcerated again and remained in custody until March 1, 2024. He states that restrictions on his mail and lack of access to information prevented him from learning of the Bankruptcy Case while incarcerated and that he first learned of the Bankruptcy Case through an internet search on June 21, 2026.

14. On February 13, 2023 (the "Petition Date"), Tehum Care Services, Inc. f/k/a Corizon Health Services (the "Debtor") filed its voluntary petition for relief under Chapter 11 of the Bankruptcy Code (the "Bankruptcy Case").

15. By Order dated May 2, 2023, the Court established August 14, 2023 (the "Claims Bar Date" or, when referencing the Order, the "Claims Bar Date Order") as the last date to file proofs of claim in this case [ECF No. 499].

16. The Claims Bar Date Order allowed for notice of the Claims Bar Date to unknown creditors through publication in "the national edition of the Wall Street Journal, the New York Times, Prison Legal News, and any such other publications that the Debtor deem(s) appropriate and disclose(s) in its Affidavit of Service." Id. at ¶ 11, Page 7 of 25.

17. The Claims Bar Date Order provided that "the Publication Notice . . . constitutes adequate and sufficient notice of each of the Bar Dates and satisfies the requirements of the Bankruptcy Code, the Bankruptcy Rules, and the Bankruptcy Local Rules." Id. at ¶ 12, Pages 7-8 of 25.

18. Lewis did not file a proof of claim in the Bankruptcy Case by the Claims Bar Date.

19. On November 13, 2024, the Court entered its Order approving the Disclosure Statement and solicitation procedures [ECF No. 1813]. The Disclosure Statement provided information concerning estimated recoveries based on the then-known creditor pool, which did not include Lewis.

20. On March 3, 2025, the Bankruptcy Court entered the Order Confirming the First Modified Joint Chapter 11 Plan of Reorganization of the Tort Claimants' Committee, Official Committee of Unsecured Creditors, and Debtor (the "Plan" or the "Confirmation Order") [ECF No. 2014]. The Plan became effective on March 31, 2025 [ECF No. 2088].

21. On February 25, 2026, the PI/WD Trust and the GUC Trust filed the Notice of Settlement Payment Default and Settlement Payment Default Cure Notice [ECF No. 2612] (the "Default Notice"), stating that the Settling Parties had failed to make the installment payment due February 17, 2026 in the amount of $2,012,022.75 and had not cured the payment default within the applicable grace period.

22. The Default Notice further provided, consistent with Articles IV.B.2 and IX.I of the Plan and the Confirmation Order, that if the Settlement Payment Default was not timely cured or waived, the Plan injunctions, stays, and releases in favor of the Released Parties would terminate automatically and the applicable limitations periods for claims against Released Parties would be tolled and extended for ninety days after termination of the Channeling Injunction.

23. The Settlement Payment Default was not cured so on March 4, 2026, the Trusts filed the *Notice of Failure to Cure Settlement Payment Default; Automatic Termination of Channeling Injunction; and Deadline to Commence Causes of Action Against Released Parties* (the "Termination Notice") [Dkt. 2617].

24. To the extent Lewis otherwise held a viable claim against a Released Party, that claim was not released by the Plan. However, the termination of the Plan releases did not revive claims that had already been adjudicated or had become time-barred before the Petition Date.

25. Lewis did not separately pursue any claims after the Trusts filed the Default Notice or the Termination Notice.

26. On August 21, 2026, more than three years after the Claims Bar Date and more than one year after confirmation of the Plan, Lewis filed the Motion requesting leave to file a late proof of claim [ECF No. 2714]. The Motion includes a proposed proof of claim asserting $203,000 in damages for "personal injury related to medical neglect."

ARGUMENT

I. MOVANT'S UNDERLYING CLAIMS WERE RESOLVED IN THE FLORIDA ACTION AND ARE UNENFORCEABLE AGAINST THE DEBTOR OR THE PI/WD TRUST

Section 502(b)(1) of the Bankruptcy Code requires disallowance of a claim to the extent it is unenforceable against the debtor under applicable law. 11 U.S.C. § 502(b)(1). Federal claim-preclusion principles bar claims that were raised or could have been raised in a prior action when there is a final judgment on the merits by a court of competent jurisdiction involving the same parties or their privies and the same cause of action. *Ragsdale v. Rubbermaid, Inc.*, 193 F.3d 1235, 1238 (11th Cir. 1999). Claim preclusion extends not only to the legal theory actually asserted, but to all theories arising from the same operative nucleus of fact. *Manning v. City of Auburn*, 953 F.2d 1355, 1358-59 (11th Cir. 1992).

Lewis' Florida Action arose from the same correctional medical care on which his proposed bankruptcy claim is based. The 2020 Magistrate Judge expressly described that action as asserting deliberate-indifference claims against various medical personnel and Corizon. Lewis' Motion alleges that he initiated a claim in the Northern District of Florida against FDOC and its medical provider at the time, Corizon. The District Court dismissed that action after Lewis failed to comply with repeated orders requiring a compliant amended complaint. On appeal, the Eleventh Circuit expressly affirmed the dismissal with prejudice. According to the Eleventh Circuit, under Rule 41(b) the dismissal of Lewis' Florida Action operates as an adjudication on the merits for claim-preclusion purposes. Lewis may not use the bankruptcy claims process to relitigate claims arising from the same alleged failure to diagnose or treat his condition during the same period of Corizon care. To the extent the proposed claim is based on the same medical treatment and conduct at issue in the Florida Action, it is unenforceable and should be disallowed under section 502(b)(1).

II. ANY CLAIM NOT PRECLUDED BY THE FLORIDA JUDGMENT EXPIRED PRIOR TO THE PETITION DATE

Even if Lewis could identify a separate claim that arose after he filed the Florida Action and therefore was not encompassed by the prior judgment, the limitations period expired years before the Petition Date. Section 1983 claims arising in Florida are governed by Florida's four-year personal-injury limitations period. *Chappell v. Rich*, 340 F.3d 1279, 1283 (11th Cir. 2003). Federal law determines accrual, and a section 1983 claim accrues when the plaintiff knows or should know of the injury and its alleged cause. *See Rozar v. Mullis*, 85 F.3d 556, 561-62 (11th Cir. 1996).

Lewis' Motion alleges that his pancreas condition existed from 2010 to 2013 and that Corizon ignored the condition after it became the provider in 2013 despite his grievances and other notices. Indeed, Lewis commenced the Florida Action in August 2014. Lewis' filed Florida Action establishes that Lewis knew of both the asserted injury and the alleged wrongdoing years before the Petition Date. In any event, the Corizon treatment identified in the Motion ended no later than Lewis' February 4, 2015 release. Accordingly, any section 1983 claim concerning that treatment accrued

no later than February 4, 2015 and, absent applicable tolling, expired no later than February 4, 2019. Any later discovery by Lewis of additional information concerning his pancreas or liver does not restart the limitations period for the alleged constitutional injury he already knew of and litigated.

The result is the same if Lewis attempts to characterize his claim as medical malpractice under Florida law. At the time of the alleged treatment, Florida law generally required a medical-malpractice action must commence within two years of discovery and a four-year statute of repose after the incident. *See* Fla. Stat. § 95.11(4)(b) (2015). The Florida statute further provided that where fraud, concealment, or intentional misrepresentation prevented discovery of the injury, the limitations period could be extended, but in no event beyond seven years from the incident giving rise to the injury. *Id*.

Lewis' Motion alleges that medical records were falsified and information was withheld. Even accepting Lewis' allegations for purposes of the Motion, the Motion alleges that Corizon's treatment ended no later than February 4, 2015. So, the maximum seven-year outside deadline to pursue claims expired on February 4, 2022 - more than a year before the February 13, 2023 Petition Date. Thus, even assuming a claim based on treatment through Lewis' February 4, 2015 release was not barred by the prior judgment, it was time-barred more than a year before the Petition Date. A claim that was already unenforceable under applicable nonbankruptcy law on the Petition Date cannot be revived by filing a late proof of claim.

III. THE SETTLEMENT PAYMENT DEFAULT DID NOT REVIVE CLAIMS THAT WERE ALREADY ADJUDICATED OR TIME-BARRED

The Default Notice does not provide Lewis with a basis to assert an otherwise unenforceable claim. The Plan and Confirmation Order provided that an uncured Settlement Payment Default would terminate Plan injunctions, stays, and releases in favor of the Released Parties and would toll and extend applicable limitations periods. [ECF Nos. 2014, 2612]. Because the Settlement Payment Default was not cured, any claim Lewis otherwise possessed against a Released Party was not released by the Plan. But neither the Plan nor the Default Notice purports to create a new cause of action, vacate the final judgment entered in the Florida Action, or revive a claim for which the

limitations period had already expired before the Petition Date. The default provisions toll and extend limitations periods; they do not resurrect Lewis' claim that was already unenforceable before the Petition Date. Accordingly, the absence of a Plan release does not establish that Lewis holds an allowable claim.

IV. PUBLICATION NOTICE WAS ADEQUATE, AND MOVANT HAS NOT DEMONSTRATED EXCUSABLE NEGLECT OR COMPELLING CIRCUMSTANCES

The standard for allowing a late filed proof of claim is "excusable neglect." *See Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P'ship*, 507 U.S. 380, 395, 113 S.Ct. 1489, 123 L.Ed.2d 74 (1993). After a plan of reorganization is confirmed, a creditor must meet the higher standard of demonstrating "compelling circumstances" to allow a late filed proof of claim. *See Matter of Highland Cap. Mgmt., L.P.*, 102 F.4th 286, 291 (5th Cir. 2024). The circumstances to consider when evaluating excusable neglect are: (1) danger of prejudice to the debtor; (2) the length of delay and potential impact on judicial proceedings; (3) the reason for delay; and (4) whether movant acted in good faith. *Id*. The party seeking the extension carries the burden of proof. *In re Enron Corp.*, 419 F.3d 115, 121 (2d Cir. 2005). A debtor must provide actual notice to a known creditor, but publication notice is sufficient for an unknown creditor. *In re Crystal Oil Co.*, 158 F.3d 291, 297-98 (5th Cir. 1998). A creditor is "known" only if the debtor possesses specific information that reasonably suggests both the claim for which the debtor may be liable and the identity of the claimant. *Id*.

Lewis did not file a proof of claim by the Claims Bar Date. Long before the Petition Date, the Florida Action was dismissed with prejudice. Nearly eight years before the Petition Date, the Eleventh Circuit affirmed dismissal of the Florida Action. More than four years before the Petition Date, and the District Court closed the Florida Action.. Lewis identifies no pending action, demand, or other unresolved claim against the Debtor as of the Petition Date. On this record, Lewis has not shown that the Debtor possessed specific information reasonably suggesting that he still held an existing claim for which the Debtor could be liable. Publication notice was therefore sufficient. *See*

id.; *In re Eagle Bus Mfg., Inc.*, 62 F.3d 735, 737-38 (5th Cir. 1995). In any event, even if Lewis could establish a defect in bar-date notice, that would not make an otherwise unenforceable claim allowable under section 502(b)(1).

Lewis also has not demonstrated excusable neglect or compelling circumstances. The Motion alleges that Lewis was incarcerated when the Bankruptcy Case was filed, that he experienced restrictions and problems with his mail, and that he did not learn of the Bankruptcy Case until an internet search on June 21, 2026. But Lewis also states that he was released from custody on March 1, 2024. He does not explain what efforts he made after that release to investigate Corizon or the status of any claim, or why he did not discover the Bankruptcy Case until more than two years later. The Motion was not filed until August 21, 2026, more than three years after the Claims Bar Date and more than one year after Plan confirmation. Lewis' allegations do not establish circumstances sufficient to excuse that substantial delay, much less the compelling circumstances required after confirmation.

Moreover, allowing Lewis' untimely claim at this point would prejudice the beneficiaries who timely filed proofs of claim. The Plan and the PI/WD Trust were formulated based on the known creditor pool and the limited assets available for distribution. The PI/WD Trust's primary asset for distribution among creditors is a finite settlement fund. Given the Settling Parties' default, the funds available in the PI/WD Trust are far less than expected. Adding an untimely claim would dilute recoveries available to timely claimants and disrupt the Trust's administration and distribution process. These circumstances weigh strongly against permitting Lewis to file a late proof of claim.

Lewis has failed to establish that he holds an enforceable claim against the Debtor or the PI/WD Trust and has independently failed to satisfy the standard for filing a late proof of claim. The Motion should therefore be denied.

CONCLUSION

Lewis' proposed claim is based on correctional medical treatment that was the subject of the Florida Action that he commenced in 2014. The Florida Action was dismissed with prejudice,

and the dismissal was affirmed by the Eleventh Circuit, which was an adjudication on the merits for claim-preclusion purposes. Even assuming Lewis could identify a separate claim arising after the filing of the Florida Action, the Corizon treatment identified in the Motion ended no later than February 4, 2015. Lewis' section 1983 claim was therefore time-barred years before the February 13, 2023 Petition Date, and any Florida medical-malpractice claim was likewise barred before the Petition Date. The uncured Settlement Payment Default did not release any otherwise viable claim Lewis may have held against Released Parties, but it likewise did not revive claims already barred by final judgment or statutes of limitations. Lewis also failed to file a proof of claim by the Claims Bar Date and has not shown that he was entitled to actual notice or demonstrated excusable neglect or compelling circumstances sufficient to permit a late claim after confirmation. For all of these reasons, the Court should deny the Motion.

Dated: September 2, 2026
Phoenix, AZ

Respectfully submitted,

NACH, RODGERS, HILKERT & SANTILLI

/s/ Paul M. Hilkert

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CERTIFICATE OF SERVICE

I certify that on September 2, 2026, I caused a true and correct copy of the foregoing document to be served by the Court's CM/ECF notification system, which will send notice of electronic filing to all counsel of record and to be served by U.S. Mail and email as follows:

Jonathan Lewis
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/s/ Becca Casteel