Docket #2762 Date Filed: 11/04/2026

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.	

RESPONSE BY THE PI/WD TRUSTEE TO OBJECTION OF TIER DESIGNATION AND NOTICE OF DISPUTE

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 Response ("Response") to the *Objection of Tier Designation* [ECF No. 2697] (the "Tier Objection") and *Notice of Dispute* [ECF No. 2747] (the "Dispute Notice," and together with the Tier Objection, the "Filings") filed by Darren Johnson ("Johnson" or "Claimant").

PRELIMINARY STATEMENT

Johnson asks the Court and the PI/WD Trustee to reconsider the tier designation and valuation of his PI/WD Trust Claim, relying on alleged medical conditions and loss of mobility. The Plan and PI/WD Trust Documents, however, provide the exclusive process for resolving disputes over PI/WD Trust Claims, including valuation disputes, by reconsideration through the PI/WD Trust's ADR Procedures. The PI/WD Trustee submitted Johnson's tier dispute for arbitration pursuant to the procedures established by the Plan and the PI/WD Trust Documents. A pre-arbitration conference was scheduled for September 14, 2026, but Johnson did not appear and did not request to reschedule. Participation in the pre-arbitration conference was not required and

[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.

Johnson's Arbitration is scheduled for November 9, 2026. Since arbitration is the exclusive process for resolving disputes over PI/WD Trust Claims, the Court need not independently reconsider the merits of Johnson's Claim, and the relief requested in the Filings should be denied.

RELEVANT BACKGROUND

1. 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 in this Court (the "Bankruptcy Case").

2. On February 28, 2025, the Debtor, the Tort Claimants' Committee, and the Official Committee of Unsecured Creditors filed the First Modified Joint Chapter 11 Plan of Reorganization [ECF No. 2010-1] (the "Plan").

3. On March 3, 2025, the Court entered the Order Confirming the First Modified Joint Chapter 11 Plan of Reorganization [ECF No. 2014] (the "Confirmation Order"). The Confirmation Order approved the PI/WD Trust Agreement and authorized establishment of the PI/WD Trust to administer, process, settle, resolve, liquidate, satisfy, and pay Allowed Channeled PI/WD Trust Claims in accordance with the Plan and the PI/WD Trust Documents. *See* Confirmation Order ¶¶ 25–26; Plan art. IV.F.2(d), (f)–(g).

4. The Confirmation Order further provided that, on the Effective Date, the TDPs became effective and authorized the PI/WD Trustee to implement the TDPs in accordance with the PI/WD Trust Documents to reach fair, reasonable, and equitable settlements with holders of Allowed Channeled PI/WD Trust Claims. Confirmation Order ¶ 26.

5. The Plan became effective on March 31, 2025 [ECF No. 2088] (the "Effective Date"). As of that date, the PI/WD Trust and the TDPs became operative in accordance with the Plan, Confirmation Order, and PI/WD Trust Agreement.

6. The PI/WD Trust Agreement identifies the Confirmation Order, the Plan, the PI/WD Trust Agreement, and its exhibits, including the Trust Distributions Procedures for Personal Injury Claims (the "TDPs"), as the governing "Trust Documents." PI/WD Trust Agreement §§ 1.1–1.2.

7. On April 10, 2026, the PI/WD Trust Claims Administrator mailed Johnson a a Notice of Designated Tier and Interim Distribution (the "Tier Notice") and a Settlement Agreement and Release.

8. Johnson states that although the Tier Notice was dated April 10, 2026, he did not receive it until July 15, 2026. *See* Tier Objection at 1–2 [ECF No. 2697].

9. The Trustee mailed multiple copies of the Tier notice to Johnson to ensure his receipt.

10. On July 21, 2026, Johnson filed the Tier Objection, requesting reassignment to Tier 2 or Tier 3 and citing alleged medical evidence, pain, and loss of mobility. On October 14, 2026, Johnson filed the Dispute Notice, asserting bad faith in the tier determination, requesting reconsideration of the valuation and suggesting that Tier 4 may be warranted. See ECF Nos. 2697, 2747.

11. The PI/WD Trustee submitted Johnson's tier dispute for arbitration pursuant to the procedures established by the PI/WD Trust Agreement and the TDPs. **A pre-arbitration conference was scheduled for September 14, 2026, but Johnson did not appear and did not request to reschedule**. Participation in the pre-arbitration conference was not mandatory. **Johnson's Arbitration is scheduled for November 9, 2026.** *See* Correspondence dated September 17, 2026, attached as Exhibit A.

12. Johnson returned his signed Agreement to Submit to Non-Binding Arbitration and

Authorization for Arbitrator Access to Claim File and Medical Records, dated August 25, 2026 (the "Agreement to Arbitrate"). Johnson's signed Agreement to Arbitrate is attached as Exhibit B.

RESPONSE

The Plan and PI/WD Trust Documents establish the exclusive procedures for the administration and resolution of PI/WD Trust Claims. The PI/WD Trust Agreement requires claims asserted against the Debtor that are administered by the PI/WD Trust to be resolved exclusively in accordance with the TDPs. PI/WD Trust Agreement § 1.2. The Plan likewise gives the PI/WD Trustee and his designees or representatives the exclusive right, on and after the Effective Date, to object to, allow, or otherwise resolve PI/WD Trust Claims administered by the PI/WD Trust, subject to the Plan and PI/WD Trust Documents. Plan art. IV.F.2(f).

The TDPs identify the threshold and evidentiary requirements for a PI/WD Trust Claim. Article IV.C requires, among other things, a timely and personally verified Proof of Claim that is free of material defect such that the PI/WD Trustee can determine that the claim is prima facie valid and is not barred by an applicable statute of limitations or repose. TDPs art. IV.C. For a Personal Injury Claim, Article VI.A further requires that the claim be valid under applicable state or federal law and not subject to disallowance or subordination under applicable law. TDPs art. VI.A. The claimant must also provide medical records or other medical evidence sufficient to support a diagnosis or treatment of the alleged injury, a description and timeline of the injury or treatment, and evidence of incarceration at a facility where the Debtor or its predecessor provided medical services and the approximate dates of incarceration. TDPs art. VI.B. Where a submission lacks presumptively reliable evidence or additional evidence is reasonably required to establish validity or amount, the PI/WD Trust may issue a deficiency notice, and failure to provide requested information is grounds for disallowance. TDPs arts. IV.F–G.

The TDPs specifically prescribe the procedure for reconsideration. Johnson acknowledged these procedures in his signed Agreement to Arbitrate. *See* Ex. B. A claimant may request reconsideration of either a determination that a Submitted Claim is ineligible for compensation or the valuation of the Submitted Claim. TDPs art. IV.K. The claimant may submit additional evidence in the ADR process, and the PI/WD Trustee retains authority to accept or reject the arbitrator's recommendation. *Id.*; PI/WD Trust Agreement § 4.1(b).

The PI/WD Trustee submitted Johnson's tier dispute for arbitration under the ADR Procedures. *See* Ex. A. Submitting Johnson's tier dispute for arbitration does not constitute an allowance of his requested tier, an increase in the Proposed Allowed Claim Amount, or a concession concerning the sufficiency of his medical evidence. Rather, the PI/WD Trustee is adhering to the procedures dictated by the confirmed Plan and PI/WD Trust Documents. Johnson's request will be considered through the reconsideration process established by the Trust Documents.

The Filings should not create a parallel avenue for review by the Court. The confirmed Plan and PI/WD Trust Documents require PI/WD Trust Claims to be resolved exclusively through the TDPs, and Article IV.K establishes the specific mechanism for reconsidering eligibility and valuation determinations. At the conclusion of the ADR Procedures, the Allowed Claim Amount, if any, set by the PI/WD Trustee constitutes a "Final Determination," and the TDPs provide that a PI/WD Trust Claim that is subjected to the reconsideration process is not subject to further reconsideration. TDPs art. IV.K.

Johnson's references to 11 U.S.C. § 347(b), alleged fraudulent transfers, and the dispute-resolution provisions of the PI/WD Trust Agreement are procedurally improper, unsupported, and do not alter the procedures for reconsideration of his tier designation. Section 347(b) and

PI/WD Trust Agreement § 4.5(a) address unclaimed distributions, not the valuation of a pending claim. The PI/WD Trustee disputes Johnson's allegations of bad faith, which are baseless and are not established by the Filings.

The PI/WD Trustee submitted Johnson's tier dispute for arbitration under the reconsideration procedures established by the Plan and PI/WD Trust Documents. The Trustee and the Arbitrator were available to discuss his Claim during the September 14, 2026 pre-arbitration conference, but Johnson did not call-in. Johnson's arbitration is scheduled for November 9, 2026. Therefore, the Court should deny Johnson's Tier Objection and Dispute Notice to the extent they seek separate judicial reconsideration or other relief outside the procedures dictated by the confirmed Plan and PI/WD Trust Documents.

CONCLUSION

For the foregoing reasons, the PI/WD Trustee respectfully requests that the Court deny the relief requested in the Filings and grant such other and further relief as the Court deems appropriate.

Dated: November 4, 2026
Phoenix, AZ

Respectfully submitted,

NACH, RODGERS, HILKERT & SANTILLI

/s/ Paul M. Hilkert

Paul M. Hilkert (SDTX Bar No. 3912203)
1220 E. Osborn Rd., Suite 101
Phoenix, AZ 85014
Telephone: (602) 258-6000
paul.hilkert@nrhslaw.com

COUNSEL FOR THE PI/WD TRUST

CERTIFICATE OF SERVICE

I certify that on November 4, 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. I further caused a true and correct copy of the foregoing document to be served on November 4, 2026 by U.S. Mail to the following address:

Darren Johnson #753595
St. Louis Correctional Facility
8585 N. Croswell Road
St. Louis, MI 48880

/s/ Becca Casteel

EXHIBIT A

Law offices of Berry Riddell LLC
6750 E. Camelback Rd., Suite 100
Scottsdale, AZ 85251



LEGAL MAIL

Darren Johnson #753595
St. Louis Correctional Facility
8585 N. Croswell Road
St. Louis, MI 48880



Darren Johnson #753595
St. Louis Correctional Facility
8585 N. Croswell Road
St. Louis, MI 48880



Trustee of the PI/WD Trust
c/o Law offices of Berry Riddell LLC
6750 E. Camelback Road, Suite 100
Scottsdale, AZ 85251

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TEHUM PERSONAL INJURY TRUST

NON-BINDING ALTERNATIVE DISPUTE RESOLUTION PACKET

You are receiving this packet because you have submitted a Reconsideration Request pursuant to the Trust Distribution Procedures.

INSTRUCTIONS:

Please read the Tehum Personal Injury Trust Non-Binding Alternative Dispute Resolution Procedures fully and carefully.

You must attend the Pre-Hearing Conference on the date and at the time set forth on Page 2.

You must complete and mail the Affidavit of Complete Trust Claim Submission (Page 3) and the Agreement to Submit to Non-binding Arbitration (Page 4) to the PI/WD Trust on or before the Submission Date.

The ADR Forms (Page 3 and Page 4) shall be mailed to:

Trustee of the PI/WD Trust
6750 E. Camelback Road
Suite 100
Scottsdale, AZ 85251

A pre-paid envelope is enclosed for returning the signed ADR Forms.

Failure to timely return the ADR Forms (Page 3 and Page 4) may result in the denial of a Claimant's Reconsideration Request.

PRE-HEARING CONFERENCE NOTICE

Pursuant to Section II.A. of the ADR Procedures

Claimant Name: **Darren Johnson**

Date and Time of Pre-Hearing Conference: **September 14, 2026 at 2:20PM Eastern Time**

Telephone Number: **(480) 682-3914**

This Pre-Hearing Conference is a preliminary meeting between the Arbitrator, Claimant/Claimant's counsel, and PI/WD Trust Counsel to discuss the procedures for the Arbitration Hearing, schedule the Arbitration Hearing, and narrow any issues to be addressed at the Arbitration Hearing. The Arbitrator will not hear substantive arguments at the Pre-Hearing Conference.

Claimant must call the above number at the time listed. If Claimant is incarcerated, Claimant must make advance arrangements to be permitted to call the above number. Claimant may request a different date, time, or method for conducting the Pre-Hearing Conference, in writing, sent to the Arbitrator at least ten (10) days before the Pre-Hearing Conference.

Failure to attend the Pre-Hearing Conference may result in the denial of a Claimant's Reconsideration Request.

Berry Riddell LLC
6750 E. Camelback Road
Suite 100
Scottsdale, AZ 85251



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Darren Johnson #753595
St. Louis Correctional Facility
8585 N. Croswell Road
St. Louis, MI 48880

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September 17, 2026

Darren Johnson #753595
St. Louis Correctional Facility
8585 N. Croswell Road
St. Louis, MI 48880

Mr. Johnson,

You requested reconsideration of your claim in the Tehum Personal Injury Trust. On August 19, 2026, we mailed you an ADR Packet and the ADR Procedures, including a Pre-Hearing Conference Notice.

You did not attend the Pre-Hearing Conference set for September 14, 2026.

Accordingly, the Arbitrator has scheduled your Arbitration Hearing for November 9, 2026. Please find enclosed the Arbitration Hearing Notice and an additional copy of the ADR Packet.

Sincerely,

Abigail Knox McCullom

Abigail Knox McCullom on behalf of
Michael Zimmerman
Trustee of the Tehum Personal Injury Trust

ARBITRATION HEARING NOTICE

Claimant Name: **Darren Johnson**

Date and Time of Arbitration Hearing: **November 9, 2026 at 11:00AM EST**

Telephone Number: **(480) 682-3914**

You are receiving this notice because your Reconsideration Request has been submitted for Arbitration in accordance with the ADR Procedures of the Tehum Personal Injury Trust.

The Arbitration Hearing will be held at the date and time listed above. The Arbitration Hearing may proceed in the absence of any party or representative who chooses not to or fails to be present. The Arbitration Hearing will not be rescheduled due to a party's failure to appear. A decision shall not be made against a party solely due to such party's failure to appear at the Arbitration Hearing.

To participate in the Arbitration Hearing, you must call the above number at the time listed. If you are incarcerated, you must make advance arrangements to be permitted to call the above number, including pre-payment if necessary.

Submission Date: **October 26, 2026**

Pursuant to Section III.A.1. of the ADR Procedures, you must submit the completed and signed ADR Forms prior to the Submission Date. If you have already submitted the completed and signed ADR Forms, please disregard.

On or before the Submission Date, you may submit to the Arbitrator a Pre-Hearing Statement, not to exceed 10 double-spaced pages, containing your positions and arguments in support of your Reconsideration Request. You may also submit any additional supporting documentation or evidence to the Arbitrator on or before the Submission Date.

EXHIBIT B

I have submitted Affidavit of complete trust claim submission and Agreement to Submit to Non-Binding arbitration and Authorization for Arbitrator access to claim file and medical records as Instructed. I have submitted the Pre-hearing statement to the arbitrator and requested for him to furnish you a copy due to my indigence and lack of Paper.

AGREEMENT TO SUBMIT TO NON-BINDING ARBITRATION AND AUTHORIZATION FOR ARBITRATOR ACCESS TO CLAIM FILE AND MEDICAL RECORDS

Pursuant to Section I of the ADR Procedures

I, the undersigned, hereby acknowledge and agree as follows:

1. I have received from the PI/WD Trust either: (i) a determination that my Submitted Claim is ineligible for compensation, or (ii) a valuation of my Submitted Claim including a Proposed Allowed Claim Amount.

2. I have requested a reconsideration of the Trust's determination pursuant to Article IV.K. of the Trust Distribution Procedures.

3. I agree to submit my Reconsideration Request to resolution through non-binding arbitration, as set forth in Article IV.K. of the Trust Distribution Procedures.

4. I understand that the Trustee is not bound by the arbitrator's determination and may accept or reject the arbitrator's recommendation.

5. I understand that at the conclusion of the arbitration process, whether the Trustee rejects or accepts the arbitrator's recommendation, my Claim will not be subject to any further reconsideration.

6. I authorize the arbitrator to access any and all documents, records, information, and other materials relating to my Claim that have been uploaded to the Tehum Claimant Portal or otherwise provided to the PI/WD Trust, including, without limitation, medical records, medical reports, medical bills, and any other documents or information contained in the PI/WD Trust's claim file. I expressly authorize the PI/WD Trust to provide such materials to the arbitrator for purposes of conducting the non-binding arbitration and resolving my Reconsideration Request.

7. I agree that I am responsible for all of my own costs and attorneys' fees.

Claimant Name:* Darren Johnson
(please print clearly)

Claimant Signature:* _____ Date 8/25/26

Attorney/Agent Name:** _____
(please print clearly)

Attorney/Agent Signature:** _____ Date _____

* If Claimant is incapacitated, incompetent, or deceased, and an attorney or agent has been designated legally to act on Claimant's behalf, such attorney or agent may sign this Affidavit of Complete Trust Claim Submission on Claimant's behalf. Please attach legal documentation evidencing such designation.

** If Claimant is represented by an attorney or agent, such attorney or agent must sign this Affidavit of Complete Trust Claim Submission along with Claimant.

AFFIDAVIT OF COMPLETE TRUST CLAIM SUBMISSION

Pursuant to Section I of the ADR Procedures

I, the undersigned, hereby state that I submitted a complete Trust Claim Submission Form to the Tehum Care Services, Inc. Personal Injury Settlement Trust Claims Administrator, in accordance with Article VI.B. of the Trust Distribution Procedures, including the following:

(i) Medical Records: Medical records or other medical evidence that contain information sufficient to support a diagnosis or treatment of any alleged injury for which Claimant seeks compensation.

(ii) Description of Injury: A written narrative or audio or video recording detailing Claimant's injury or treatment, including a timeline of such injury or treatment.

(iii) Location of Incarceration: Evidence sufficient to show that Claimant was incarcerated at one or more facilities which the Debtor (or its predecessor) operated and provided medical services and the approximate starting and ending dates (where applicable) of incarceration at each facility.

(iv) Wrongful Death: To the extent that the submission involves a Claimant who is deceased, the decedent's death certificate or a medical record providing proof of death.

Claimant Name:* Darrell Johnson
(please print clearly)

Claimant Signature:*

Date: 8/25/26

*If Claimant is incapacitated, incompetent, or deceased, and an attorney or agent has been designated legally to act on Claimant's behalf, such attorney or agent may sign this Affidavit of Complete Trust Claim Submission on Claimant's behalf. Please attach legal documentation evidencing such designation.

State of Michigan
Department of Corrections
"Committed to Protect, Dedicated to Success"

Darrell Johnson

St. Louis Correctional Facility
8585 N. Croswell Road
St. Louis Michigan 4880

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Johnson
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Law office of Berry Riddell LLC
ATTN: Trustee of the
PEIWO trust
6750 E. Camelback Rd.
Suite 100
Scottsdale, AZ 85251

85251-202025

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