

United States Courts
Southern District of Texas
FILED

FEB 18 2026

Nathan Ochsner, Clerk of Court

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

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	:
In re:	: Chapter 11
	:
MODIVCARE INC., <i>et al.</i> ,	: Case No. 25-90309 (ARP)
	:
Debtors. ¹	: (Jointly Administered)
	:
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REPLY OF CLAIMANT ALEA R. KENNEDY TO DEBTORS' OBJECTION TO CLAIM NOS. 1678 AND 1679

Claimant Alea R. Kennedy ("Claimant") respectfully submits this Reply in response to the Debtors' objection (the "Objection") to Claim Nos. 1678 and 1679 (the "Claims"). The Objection misstates the record, mischaracterizes the nature of the Claims, and fails to meet the evidentiary burden required to overcome prima facie validity under Bankruptcy Rule 3001(f). For the reasons set forth below, the Objection should be overruled.

I. INTRODUCTION

Under Bankruptcy Rule 3001(f), a properly executed and filed proof of claim "constitutes prima facie evidence of the validity and amount of the claim." The prima facie effect of an allowed proof of claim continues unless and until the objecting party produces evidence rebutting at least one essential allegation of the claim. *In re Fidelity Holding Co.*, 837 F.2d 696, 698 (5th Cir. 1988). In the Fifth Circuit, once such a claim is filed, the burden shifts to the objecting party to produce evidence sufficient to rebut at least one essential allegation of the claim. *In re Fidelity Holding Co., Ltd.* An objection that relies on mere assertions, characterizations, or mislabelings is insufficient to overcome prima facie validity. *Id.* The



objecting party must produce evidence demonstrating the claim lacks validity. *Id.* Mere assertions, recharacterizations, or conclusory statements that the debtor's "books and records" do not reflect liability are insufficient to rebut prima facie validity. The Objection here relies on precisely such conclusory assertions and fails to produce competent evidence negating the substance of either Claim.

As provided in Claimant's Reply to Debtors' (Omnibus) Objection to Claim Nos. 1678 and 1679, the debtors and debtors-in-possession, hereafter known as "Debtors", have failed to properly administer the claim. In its initial iteration, Claimant submitted a claim for \$10,500,000 secured by a \$500,000 priority amount. The Debtors received this Proof of Claim, ignored the information named on the form and submitted as Exhibit D in the aforementioned filing (all attachments previously filed are deemed part of the record for these claims). They instead misattributed a claim of just \$7,500,000 to Claimant as 1678, and ignored the information attached; including a 213-page attachment in substantiation of a cause of action including claims which have their basis in employment, and as substantiated by Equal Employment Opportunity Commission interest, including their confidence in the viability of Claimant's recovery.

Claim No. 1678 was electronically filed on October 1, 2025 at 10:47:51 a.m. Pacific Time. At the time of submission, the claims agent system confirmed: "You have uploaded your supporting documentation so there is nothing for you to mail to Verita (KCC)." See **Exhibit A**. The Debtors' assertion that the Claims "do not attach or include any supporting documentation" is inconsistent with the electronic confirmation generated at filing. Claim No. 1678 was filed with approximately 212–213 pages of supporting materials substantiating employment-related violations and EEOC-backed claims. The supporting materials were uploaded contemporaneously with the proof of claim and further referenced in subsequent filings.

Accordingly, Claim No. 1678 complies with Bankruptcy Rule 3001(c) and is entitled to prima facie validity under Rule 3001(f). The Debtors have produced no evidence addressing the substance of the uploaded materials, nor any affidavit refuting the factual allegations underlying the Claim. A bare statement that internal records do not reflect liability does not overcome the Rule 3001(f) presumption. *In re Gilbreath*, 395 B.R. 356, 362 (Bankr. S.D. Tex. 2008).

The Claims include a well-supported case that concern themselves with employment law. The Claimant was entitled to long-term disability payments through Modivcare. In September 2024, the Claimant identified interference by an agent of the Debtor, which delayed and impaired the receipt of those benefits. The Debtor's agent took possession of a diagnostic evaluation relevant to the Claimant's disability appeal and influenced the evaluation in a manner adverse to the Claimant. The Claimant experienced improper handling of medical and employment procedures by the Debtor's agent, including unauthorized interventions by unlicensed personnel. The Claimant asserts that any characterization of these claims as personal injury, rather than employment-related, is incorrect and attributable solely to the Debtor.

Claimant originally intended to assert damages totaling \$10,500,000, including priority components as indicated in the original submission, which occurred by mailing. The claims register currently reflects two claims in the amount of \$7,500,000 each. Claimant does not waive any rights regarding the originally asserted amount and reserves all rights to clarify or amend the amount as permitted under the Rules. For purposes of this Objection, the issue is not ultimate liquidation of damages but whether the Claims are entitled to prima facie validity and to proceed. They are.

Debtors admit to receiving the attachments to the claim, which were properly executed and filed. On page 9 of 14 in their Objection, paragraph 32; Debtors acknowledge having received the properly filed Proof of Claim and attachments on October 1, 2025. They state “Although the Reply filed by the Claimant contains an extensive number of attachments, upon the Reorganized Debtors' review of these materials, none of the attachments set forth a valid legal or factual basis for the allowance of the Disputed Claims. The attachments consist primarily of general correspondence and extraneous documents, but fail to articulate any valid theory of liability against the Reorganized Debtors or to provide substantiating documentation demonstrating entitlement to the amounts asserted.” Objection 32 (Dkt. 1256 at 9). By the Debtors’ own recognition, they provide that Claimant's Claim 1678 summary page shows: “Has Supporting Documentation: Yes, supporting documentation successfully uploaded.” A screenshot acknowledging the uploading of the 213-pages of supporting documentation attached to the claim is also attached to this filing as Exhibit A. The documentation itself contained the legal theories in support of Claimant's recovery, which is couched in employment law, and which concerns the EEOC. As they were properly filed and supported, Debtors should proceed to pay Claimant’s claims.

The Objector's attempt to reframe the claim as sounding in personal injury and then object on that basis fails as a matter of procedure. An objector may not manufacture a legal theory not asserted by the claimant and then object to that invented theory. The objector's attempt to recharacterize the claim as one 'of the nature of personal injury' is unsupported by the submission itself and appears designed to avoid the merits. The claim is grounded in employment-related violations substantiated by the EEOC filing, as recognized by Debtors in the reply, who

mentioned their awareness of the EEOC's stated projection of Claimant's successful recovery against Debtors.

Upon receipt of Claim 1678, the Debtors dissociated both the amount of the claim, originally intended to be \$10,500,000, and the prioritized amount; naming a number in the range of \$217,000. The Claimant was told by customer service that she could only upload her documentation in substantiation of the claim as a second claim, which the Debtor then submitted as Claim 1678; and neglected to attach the information that Creditor had submitted when she made the digital Proof of Claim on October 1, 2025 at 10:47:51 a.m. Pacific Time. This submission was mischaracterized by Debtors as being an independent claim for \$7,500,000, and with no information attached. Since that date, Debtors have attributed two \$7,500,000 claims to Claimant; the Claimant and Debtors have made reliances on that sum of \$15,000,000, which is characterized in the Debtors' schedule, and which is so valid to the Debtors that they bothered setting aside and prioritizing a value of \$217,000 for the Claimant's convenience. That figure is very real in both the minds of the Claimant and the Debtors. The Debtors have made no attempt to clarify the record; nor contest the nature of Claimant's attribution to claims amounting to \$15,000,000; and here advance the same argument as they abandoned in their Omnibus Objection, thus unnecessarily delaying Creditor's recovery as they bill for their own effort.

A proof of claim executed and filed in accordance with the Federal Rules of Bankruptcy Procedure constitutes prima facie evidence of the validity and amount of the claim. Fed. R. Bankr. P. 3001(f). The burden therefore initially rests with the objector to produce substantial evidence rebutting the claim. If-and only if-that burden is met does the burden shift back to the claimant. *In re Fidelity Holding Co., Ltd.*, 837 F.2d 696, 698 (5th Cir. 1988);

In re O'Connor, 153 F.3d 258, 260 (5th Cir. 1998). Conclusory statements, internal inconsistencies, or objections based on mischaracterizations of the claim do not satisfy the objector's burden. *In re Allegheny Intl, Inc.*, 954 F.2d 167, 173-74 (3d Cir. 1992). The Debtors have failed to meet the burden of rebutting the claim, and both claims should proceed as characterized by Debtors, who attribute debts of over \$15,000,000 to Claimant.

Here, Debtor's own schedules or court records may constitute admissions against interest and are recognized as evidence supporting the validity and amount of a claim. *In re Gertsch*, 237 B.R. 160, 170 (B.A.P. 9th Cir. 1999). A claim appearing on the claims register, even if duplicated, reflects the Debtors' acknowledgment that the underlying obligation exists. *In re Relford*, 323 B.R. 669, 676 (Bankr. S.D. Ind. 2005). A creditor's properly scheduled debt correlates to prima facie validity of proof of claim. *Id.* Debtors have made absolutely no attempt at rectifying or clarifying the amounts and attachments relevant to Claims No. 1678 and 1679; only to deny their acknowledgment of the claims' validity, and of Debtors' inadequate records-keeping practices as they affect the facilitation of these claims.

Once a claim attains prima facie validity, the objecting party bears the initial burden of producing evidence that the claim is invalid or insufficient. Only after that burden is met does the burden shift back to the claimant to prove the claim by a preponderance of the evidence. *Id.* An objection based solely on a claim's description, label, or priority designation, without addressing the underlying claim's validity, does not meet Debtors' burden. That \$217,000 amount was an arbitrary fabrication on the part of Debtors, and helps foment the characterization of that money. The Creditor did not name a priority amount of \$217,000 as attached to Claim 1678, and only attached 213 pages of supporting documentation, which was lost by the Debtors. When they doubled that claim, they continued to have lost the documentation, and misattributed to Claim

1679 a personal injury designation, which was never advanced by the Creditor. In their prima facie recognition of Claims Nos. 1678 and 1679, the Debtors proceeded to hold out to the court the false premise of the Claims' being unsupported, which could not be further from the truth. Both the Debtors' own Objection and the screenshot of the submitted filing validate the nature of the claims' submission with attachments, which include the Claimant's 213-page EEOC case, and letter from the agency in support of the eventuality of her recovery.

II. JURISDICTION AND VENUE

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334.
2. This is a core proceeding under 28 U.S.C. § 157(b) (2), and the Court may enter a final order consistent with Article III of the Constitution.
3. Venue is proper under 28 U.S.C. §§ 1408 and 1409.
4. The statutory predicates for this Reply include 11 U.S.C. §§ 105(a) and 502, Fed. R. Bankr. P. 3001, 3007, and applicable Local Rules.

III. BACKGROUND

5. Claimant filed Claim 1678 as an EEOC-based action for \$10,500,000. Debtors mischaracterized it as \$7,500,000, attached a priority amount of \$217,000, removed the supporting documentation, and misattributed Claim 1679 to Claimant, labeling it a "personal injury" claim for \$7,500,000.
6. Both entries on the Debtors' schedule constitute admissions against interest regarding the existence and validity of Claimant's Claims. *In re Gertsch*, 237 B.R. 160, 170 (B.A.P. 9th Cir. 1999)).

7. Claimant complied fully with the Bar Date Order, filing timely, substantiated Claims. All documentation necessary to support these Claims is already on the record; no further attachments are required.

8. These Claims are agency-backed EEOC actions asserting federal civil rights violations, including retaliation, discrimination, and conspiracy to interfere with civil rights; not personal injury claims. (*EEOC V. Waffle House*, 534 U.S. 279 (2002); 42 U.S.C. § 1985(3); 42 U.S.C. § 12102).

IV. BASIS FOR RELIEF

Claims Nos. 1678 and 1679 have prima facie validity under Bankruptcy Rule 3001(f). A proof of claim properly filed under Rule 3001(t) is prima facie valid, requiring an objecting party to overcome the presumption with clear evidence. *In re Fidelity Holding Co., Ltd.*, 837 F.2d 696, 698 (5th Cir. 1988); *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991)). Claimant filed Claim 1678 with all necessary supporting documentation and referenced the EEOC agency action on the record. Claim 1679 was misattributed, but its entry on the claims register further evidences Debtors' acknowledgment of the underlying obligation. Debtors' Objection provides no evidence sufficient to rebut the prima facie validity of either Claim. Mere assertions that documentation was missing or mischaracterized are insufficient under controlling precedent. The Claims' supporting documentation was further included in the submission of Claimant's *Reply to Debtors' (Omnibus) Objection*. Bankruptcy Rule 3001(f) provides that "A proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim." *In re Fidelity Holding Co., Ltd.*, 837 F.2d 696, 698 (5th Cir. 1988). The objecting party must produce evidence to rebut the prima facie validity of a proof of

claim. *In re Gilbreath*, 395 B.R. 356, 362 (Bankr. S.D. Tex. 2008). The Debtors have failed to provide any rebuttal to the prima facie validity of Claimant's proofs of claims, and have unnecessarily delayed settlement.

Claims 1678 and 1679 should be considered properly filed. Claims filed without required documentation or explanation fail to attain prima facie status, but a properly filed claim is prima facie valid until the objector produces evidence, and Debtors have produced no such evidence. "Under Bankruptcy Rule 3001(f), a properly filed proof of claim constitutes prima facie evidence of the validity and amount of the claim. In the Fifth Circuit, the objecting party must produce evidence sufficient to rebut that prima facie validity; mere assertions or mischaracterizations are insufficient." *In re Fidelity Holding Co., Ltd.*, 837 F.2d 696, 698 (5th Cir. 1988). In this District, courts have reaffirmed that unless an objecting party produces evidence undermining the substance of a claim's allegations, the prima facie effect stands. *In re Gilbreath*, 395 B.R. 356, 362 (Bankr. S.D. Tex. 2008)." The claims were filed with attached documentation in support, as both recognized by the Debtors in their Objection and in the screenshot of the submission, attached as Exhibit A. Objection 32 (Dkt. 1256 at 9). The Claims should therefore proceed.

Rule 3001(c)(1) requires that when a claim is based on a writing, the writing must be filed with the proof of claim. Claim No. 1678 was filed electronically with uploaded supporting documentation, and the claims agent confirmed receipt. Courts recognize that substantial compliance with Rule 3001(c) is sufficient to invoke prima facie validity. *In re Heath*, 331 B.R. 424, 426–27 (B.A.P. 9th Cir. 2005). Even where documentation is disputed or incomplete, the remedy is not automatic disallowance. *In re Cluff*, 313 B.R. 323, 331–32 (Bankr. D. Utah 2004). Thus, even assuming arguendo a documentation dispute, disallowance would be improper absent substantive evidentiary rebuttal.

Bankruptcy Rule 3001(f) provides: “A proof of claim executed and filed in accordance with these rules shall constitute prima facie evidence of the validity and amount of the claim.” The Fifth Circuit has long held that once a proof of claim satisfies Rule 3001, it is sufficient to shift the burden to the objector. *In re Fidelity Holding Co., Ltd.*, 837 F.2d 696, 698 (5th Cir. 1988). The burden-shifting framework is well established: 1. Claimant files a proof of claim compliant with Rule 3001. 2. Claim is prima facie valid. 3. Objector must produce evidence equal in probative force. 4. If objector meets that burden, ultimate burden returns to claimant. *In re Armstrong*, 347 B.R. 581, 583 (Bankr. N.D. Tex. 2006); *McGee v. O’Connor (In re O’Connor)*, 153 F.3d 258, 260 (5th Cir. 1998). A debtor’s mere statement that its internal records do not reflect liability is insufficient. *In re Gilbreath*, 395 B.R. 356, 362 (Bankr. S.D. Tex. 2008). Similarly, courts routinely reject objections that rely solely on conclusory declarations. *In re Allegheny Int’l, Inc.*, 954 F.2d 167, 173–74 (3d Cir. 1992). The Debtors here have not produced contrary documentary evidence; addressed the uploaded materials; refuted any specific factual allegation; or provided testimony negating the asserted statutory violations. Accordingly, Rule 3001(f)’s presumption remains intact.

The Debtors have not met their burden under Rule 3001(f). Under *In re Fidelity Holding Co., Ltd.*, 837 F.2d 696, 698 (5th Cir. 1988), once a claim is properly filed and supported, the objector must produce evidence rebutting at least one essential element of the claim. The Debtors offer only a statement that their books and records do not reflect liability; and a characterization dispute regarding documentation. They do not refute the factual allegations; submit contrary evidence addressing the uploaded materials; challenge the authenticity of the filing confirmation; or provide substantive rebuttal of the employment-based allegations. Conclusory denials do not satisfy the evidentiary burden required to defeat prima facie validity.

Under 11 U.S.C. § 502(b), a claim is allowed unless a party in interest objects and establishes a statutory ground for disallowance. Section 502(b) does not permit disallowance merely because the debtor disputes liability internally. The objector must establish one of the enumerated grounds under § 502(b)(1)–(9). *In re Taylor*, 289 B.R. 379, 384 (Bankr. N.D. Ind. 2003). The Debtors have not identified a statutory disallowance ground under § 502(b). They assert only a lack of documentation, which is factually disputed, and alleged duplication, which is unsupported. Neither, standing alone, satisfies § 502(b).

The Debtors' duplication of Claim 1678 serves as admission of its validity, and the Claim should be paid. By listing Claim 1678 and duplicating it as Claim 1679, Debtors acknowledged the debt. Bankruptcy schedules may serve as evidentiary admissions (*In re Gertsch*, 237 B.R. at 170). The duplication should not be construed as a defect; instead, it constitutes judicial admission and evidentiary estoppel, confirming the claims' validity. *In re Gertsch*, 237 B.R. 160, 170 (B.A.P. 9th Cir. 1999). Debtor's own schedules and entries can constitute judicial admissions supporting a claim. *In re Relford*, 323 B.R. 669, 676 (Bankr. S.D. Ind. 2005) Inclusion of a scheduled debt in a claims register supports the validity of a proof of claim.

Where a bankruptcy court's claims register lists a claim, even if misattributed or duplicated, that entry may serve as a judicial admission that an underlying obligation is recognized by the Debtor. *In re Gertsch*, 237 B.R. 160, 170 (B.A.P. 9th Cir. 1999). Similarly, inclusion of a scheduled debt on the claims register may corroborate the prima facie validity of a proof of claim. *In re Relford*, 323 B.R. 669, 676 (Bankr. S.D. Ind. 2005). Claimant's case is so significant in having directly contributed to the eventuality of the Debtors' bankruptcy that Debtors have listed it not once, but twice; attaching an admission of its viability in personal injury, rather than the agency-backed case submitted by Claimant, and both claims should proceed, as scheduled.

Claim No. 1679 is not established to be duplicative. The Objection characterizes Claim Nos. 1678 and 1679 as “identical” and duplicative. That characterization is unsupported by evidence. The claims agent assigned separate claim numbers. The Objection does not establish that Claim No. 1679 was administratively created in error; that it lacks supporting materials; or that it is legally indistinguishable in theory and basis from Claim No. 1678. A conclusory assertion of duplication is insufficient to warrant disallowance. To disallow a claim as duplicative, the Debtors must demonstrate that both claims seek recovery for the same injury under the same legal theory and factual predicate, with no independent basis for separate allowance. The Objection provides no such analysis. Absent competent evidence establishing duplication as a matter of law, summary disallowance of Claim No. 1679 would be improper.

Courts disallow duplicative claims only where the objector demonstrates that the claims seek recovery for the same liability under the same theory without independent basis. See *In re Gorman* (duplicate claim disallowed where clearly identical and redundant). However, courts require evidentiary demonstration of duplication. Conclusory assertion is insufficient. *In re Adelphia Commc’ns Corp.*, 02-41729 (Bankr. S.D.N.Y. Jan. 11, 2007). Here, the Debtors have not provided side-by-side comparison; established identical legal theory and injury; demonstrated administrative error; or shown absence of independent factual basis. Separate claim numbers were issued. Absent evidentiary proof, summary disallowance is improper.

The Claims sound in Employment and Federal Civil Rights law, and not personal injury; as misrepresented by Debtors. Courts have consistently recognized that agency-backed claims carry significant evidentiary weight and cannot be dismissed lightly. *EEOC v. Waffle House*, 534 U.S. 279). Mislabeling Claim 1679 as a personal injury claim is legally irrelevant. Both Claims are EEOC-based and should proceed as such. The Debtors attempt to recharacterize the Claims as

sounding in personal injury. Claimant has consistently characterized the Claims as grounded in employment-related violations, including EEOC-backed allegations of discrimination, retaliation, and interference with federally protected rights. An objector may not manufacture a legal characterization not asserted by the claimant and then object based on that manufactured label. The Claims arise from employment conduct and federal statutory protections. They are not framed by Claimant as personal injury tort claims.

Debtors had an opportunity to correct the misattribution or challenge the Claims but failed to do so. Under the doctrines of equitable estoppel and waiver, Debtors cannot now dispute the validity or amount of the Claims. *New Hampshire v. Maine*, 532 U.S. 742, 749). Claimant reasonably relied on the Debtors' schedule entries. Dismissing or reducing the Claims now would prejudice Claimant and contradict equitable principles. While there is less Fifth Circuit precedent specifically on EEOC claims in bankruptcy, authority supports that administrative actions interests are valid bases for claims, and that bankruptcy courts treat contingent or unliquidated administrative claims as proper proofs of claim. *In re Wright*, 294 B.R. 819, 824 (Bankr. D. Kan. 2003). Administrative claims arising from governmental or quasi-governmental agency actions may be allowed if supported by a prima facie factual basis. *In re McCrary*, 254 B.R. 365, 368 (Bankr. N.D. III. 2000) EEOC claims given prima facie validity where adequately documented, even if final administrative determination is pending. *Id.* EEOC-based claims arising from federal agency action are recognized as prima facie valid proofs of claim in bankruptcy where supported by documentation. *In re McCrary*, 254 B.R. 365, 368 (Bankr. N.D. III. 2000); *In re Wright*, 294 B.R. 819, 824 (Bankr. D. Kan. 2003). A bankruptcy court should not disallow or recharacterize an EEOC claim on the basis of label alone when the underlying factual basis appears on the record, as it does in this case. *New Hampshire v. Maine*, 532 U.S. 742, 749

(2001). Judicial admission and estoppel prevent taking inconsistent positions. *In re Craig's Stores of Tex., Inc.*, 266 B.R. 778, 788 (Bankr. N.D. Tex. 2001) Waiver and equitable estoppel can apply in bankruptcy where a party fails to timely object or correct its position. Under governing equitable principles, a party is estopped from taking a position inconsistent with one previously taken when the other party reasonably relies on it. *New Hampshire V. Maine*, 532 U.S. 742, 749 (2001). In bankruptcy, waiver and estoppel may prevent a debtor from denying the validity or amount of a claim after failing to timely object or correct a misattribution. *In re Craig's Stores of Tex., Inc.*, 266 B.R. 778, 788 (Bankr. N.D. Tex. 2001). The court should allow both Claims to proceed, having recognized the nature of the EEOC-backing of these claims in their own reply, and with all parties having made reliances on Claims totalling to a combined amount of \$15,000,000.

No prejudice would be engendered in allowing both timely submitted and properly supported claims to proceed. Allowing both Claims to proceed does not prejudice the estate, as all supporting documentation is already part of the record. Claimant complied with the Bar Date Order; Claims were timely filed and substantiated. Any delay or mischaracterization by Debtors should not be grounds for dismissal. *In re Slimick*, 928 F.2d 304, 307 (5th Cir. 1991). Administrative errors (including mislabeling) do not defeat a valid proof of claim if the underlying obligation is recognizable. *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991). Debtor's assertions of "insufficient documentation" are not enough to rebut a prima facie valid proof of claim; they must produce evidence. Even administrative errors or mischaracterizations, including mislabeling a claim, do not defeat a properly filed proof of claim where the underlying valid obligation appears on the record. *In re Slimick*, 928 F.2d 304, 307 (5th Cir. 1991). Likewise, a debtor's bare assertions of 'insufficient documentation' cannot rebut a prima facie claim without

evidence, especially where these claims have such extensive support attached. *In re Holm*, 931 F.2d 620, 623 (9th Cir. 1991).

Claims grounded in federal employment statutes are routinely asserted and allowed in bankruptcy proceedings subject to liquidation. *Jeffrey Glen Brown v. UAL Corporation (related to In re UAL Corp.)*, 585 F.3d (former 7th Cir. panel order) (7th Cir. Dec. 31, 2015). The mere fact that damages may be unliquidated or disputed does not render a claim invalid. *In re Davis*, 607 B.R. 522 (Bankr. D.S.C. 2019). Thus, the existence of EEOC-backed employment allegations does not strip the Claims of prima facie validity. If the Court determines that liquidation is required, the appropriate remedy is estimation under 11 U.S.C. § 502(c), not disallowance. *In re Brints Cotton Marketing, Inc.*, 737 F.2d 1338 (5th Cir. 1984).

IV. RELIEF REQUESTED

For the foregoing reasons, Claimant respectfully requests that the Court:

- a. Overrule the Objection as to Claim Nos. 1678 and 1679;
- b. Recognize that Claim No. 1678 was filed with supporting documentation and is entitled to prima facie validity under Rule 3001(f);
- c. Decline to disallow Claim No. 1679 absent competent evidentiary proof of duplication;
and
- d. Grant such other and further relief as the Court deems just and proper.

V. CONCLUSION

For the reasons set forth above, Claimant has demonstrated that the Claims are valid, substantiated, and timely. Debtors' attempt to dismiss or reclassify the Claims is without legal merit and should be denied. The Court should allow both Claim Nos. 1678 and 1679 to proceed as EEOC-backed claims, without requiring further attachment of exhibits already on the record.

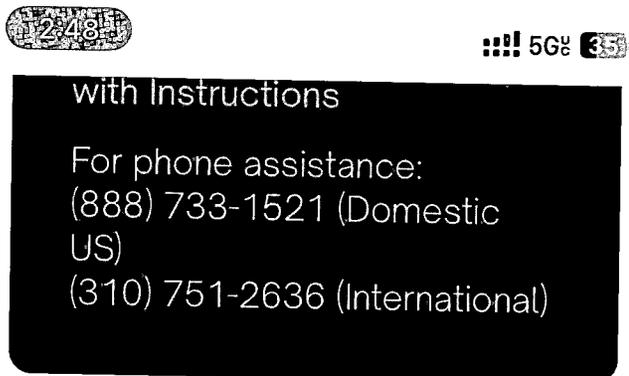
Respectfully submitted,



/s/ _____

Alea Kennedy, Claimant Claim Nos. 1678 and 1679
1101 Tropicana #2121
Las Vegas, NV 89119
aleamoore@gmail.com
(234) 650-1977

Exhibit A



This claim was successfully submitted for \$ 7,500,000 against ModivCare Inc. on 01-Oct-2025 10:47:51 a.m. Pacific Time.

You can download a copy of the Claim Filing Summary here.

If you would like to make any changes to your claim, please request a new PIN and file an amended claim.

You have uploaded your supporting documentation so there is nothing for you to mail to Verita (KCC).



PROPOSED ORDER ALLOWING CLAIM NOS. 1678 AND 1679 TO PROCEED

Upon consideration of the Claimant's Reply to Debtors' Omnibus Objection to Proofs of Claim Nos. 1678 and 1679 (the "Reply"), and the Court having reviewed the record, including the claims register and all filings in this case, and having jurisdiction pursuant to 28 U.S.C. §§ 1334 and 157, and it appearing that proper notice has been given and that no further notice is required; and after due deliberation, the Court finds that the legal and factual bases set forth in the Reply establish just cause for the relief granted herein; it is hereby:

ORDERED THAT:

1. The Debtors' Objection to Proofs of Claim Nos. 1678 and 1679 is overruled in its entirety.
2. Claim No. 1678 is recognized as having been properly filed with supporting documentation and is entitled to prima facie validity under Bankruptcy Rule 3001(f).
3. Claim No. 1679 is not disallowed on the basis of duplication, absent competent evidentiary proof from the Debtors; both Claims are authorized to proceed as separate EEOC-backed claims.
4. The Claims shall be allowed to remain on the claims register and may proceed through any necessary adjudication or estimation under 11 U.S.C. § 502(c) without further attachment of exhibits already filed.

5. The Court retains jurisdiction to resolve any disputes or issues arising from the administration, estimation, or liquidation of these Claims and to enforce the terms of this Order.

IT IS SO ORDERED.

Dated: _____, 2026

UNITED STATES BANKRUPTCY JUDGE

CERTIFICATE OF SERVICE

I certify that on February 14, 2026, a true and correct copy of the foregoing document was sent via FedEx to the United States Bankruptcy Court for the Southern District of Texas at Clerk of Court, ATTN: 25-90309, 515 Rusk St, Houston, TX 77002, and emailed to those parties registered to receive electronic notices, at taddavidson@hunton.com; catherinerankin@hunton.com; bell@hunton.com; ray.schrock@lw.com; keith.simon@lw.com; keith.simon@lw.com; george.klidonas@lw.com; and jon.weichselbaum@lw.com.

Respectfully submitted,



/s/ _____

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