

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

United States Courts
Southern District of Texas
FILED

APR 27 2026

Nathan Ochsner, Clerk of Court

In re:
MODIVCARE INC., et al.,
Reorganized Debtors.

Chapter 11
Case No. 25-90309 (ARP)

RESPONSE TO REORGANIZED DEBTORS' SEVENTH OMNIBUS CLAIM OBJECTION

Claimant, Waldron & Company, Inc. dba SparkEffect, by and through its undersigned representative, files this Response to the Reorganized Debtors' Seventh Omnibus Claim Objection and respectfully states as follows:

1. Claimant is the holder of Claim No. 2033 filed in the above-captioned case.
2. Claimant is also the holder of Claim No. 2304 filed in the above-captioned case.
3. Claimant erroneously filed Claim No. 2304 thinking it needed to refile the earlier claim 2033 for a second time as an Administrative Claim in accordance with the February 2, 2026 bar date and wishes to withdraw Claim No. 2304 as a duplicate of the earlier filed Claim No. 2033.
4. Claimant attempted to file this response online with the Court prior to 4:00PM CST Saturday April 25, 2026 but could not obtain online access to do so, and will send the response by overnight mail on April 24, 2026 to arrive the next business day and humbly asks for your consideration of this response given the special circumstances below.
5. Claimant wishes to pursue satisfaction of Claim 2033.
6. Claimant opposes the objection to Claim 2033 on the grounds that the late filing was the result of excusable neglect and should be permitted.
7. In late September 2025, Claimant made a collections inquiry to ModivCare regarding outstanding invoices owed to Claimant. In response, Claimant received an email from ModivCare's Accounts Payable Department providing a link to the third-party claims website for filing a proof of claim.
8. The communication from ModivCare did not include any reference to the applicable bar date or deadline for filing a claim.
9. Claimant had no prior experience with bankruptcy proceedings and reasonably relied on this communication as assurance that a claims process was available, without any indication that immediate action was required.
10. At or around the same time, Claimant's Collections and Receivables Manager departed the company, resulting in a temporary disruption in Claimant's collections processes and internal transition of responsibilities.
11. Upon later review of outstanding receivables and accessing the claims website, Claimant discovered that the bar date of October 1, 2025 had already passed and promptly filed its claim thereafter.
12. The Supreme Court has held that late-filed claims may be permitted where the failure to timely file was the result of "excusable neglect." *Pioneer Inv. Servs. Co. v. Brunswick*



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Assoc. Ltd. P'ship, 507 U.S. 380 (1993). Under Pioneer, courts consider all relevant circumstances, including (i) the danger of prejudice to the debtor, (ii) the length of the delay, (iii) the reason for the delay and whether it was within the reasonable control of the claimant, and (iv) whether the claimant acted in good faith.

13. Each of these factors weighs in favor of allowing Claimant's claim:
 - a. Reason for the Delay. The delay resulted from Claimant's reasonable reliance on a direct communication from the Debtors' Accounts Payable department in late September 2025. In response to a collections inquiry regarding outstanding invoices, the Debtors provided Claimant with a link to the claims agent website but did not disclose the existence of, or imminence of, the October 1, 2025 bar date. Given Claimant's lack of prior experience with bankruptcy proceedings, it was reasonable to interpret this communication as an invitation to participate in the claims process without urgency. This omission by the Debtors is a critical factor supporting a finding of excusable neglect. A true and correct copy of this email is attached as Exhibit A.
 - b. Additional Circumstances. At the same time, Claimant's Collections and Receivables Manager departed the company, creating a temporary disruption in Claimant's ability to immediately act on the information provided. Responsibility for receivables transitioned during this period, contributing to the short delay.
 - c. Length of Delay. The delay was not prolonged. Upon reviewing its receivables and accessing the claims website, Claimant discovered that the bar date had passed and promptly filed its claim.
 - d. Good Faith. Claimant acted in good faith at all times. Claimant initiated contact with the Debtors prior to the bar date, sought to resolve outstanding invoices, and filed its claim promptly once aware of the deadline.
 - e. Prejudice. Allowing the claim will not materially prejudice the Reorganized Debtors. In contrast, disallowance would significantly prejudice Claimant, a small business, by extinguishing its right to recover on legitimate outstanding invoices.
14. Courts within the Fifth Circuit apply the Pioneer standard in evaluating late-filed claims. See, e.g., *In re CJ Holding Co.* Here, unlike cases where late filings result from mere inadvertence or disregard of known deadlines, Claimant's delay was caused by reasonable reliance on incomplete information provided by the Debtors themselves, combined with a contemporaneous staffing transition.
15. Under these circumstances, the equities strongly favor a finding of excusable neglect and allowance of Claimant's claim. Claimant respectfully requests that the Court overrule the objection as to Claim No. 2033 and allow the claim, and grant relief.

Dated: April 24, 2026

Respectfully submitted,
Yvonne York, Controller
Waldron & Company, Inc. dba SparkEffect
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Email: yvonne.york@sparkeffect.com

Exhibit A

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SparkEffect



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Do you really need to print this email?

From: AP Invoices <AP.Invoices@modivcare.com>
Sent: Thursday, September 25, 2025 11:33 AM
To: Kristie Winchester <kristie.winchester@sparkeffect.com>
Subject: Fw: Follow up on outstanding Invoices

Hi Kristie,

Thank you for your email and inquiry.

On August 20th, we announced Modivcare has reached an agreement with a significant majority of our lenders on a financial restructuring plan. As part of this plan, we have filed for voluntary Chapter 11 protection in the U.S. Bankruptcy Court for the Southern District of Texas. This is a deliberate, strategic move to strengthen our financial foundation so we can continue delivering on our mission: providing access to the care that matters for those who need it most.

Please know that we are committed to paying you for goods and services delivered to Modivcare. However, the Bankruptcy Court has specific rules governing how vendors are paid.

ZAB

Exhibit A
Case 25-90309
Claim # 2033 2nd of 2, Exh A

In light of this, any outstanding invoices for goods and services delivered *prior* to August 20, the date of our Chapter 11 filing, are considered “pre-petition” claims and will need to be addressed as part of the Chapter 11 process.

Any Post-Petition expenses will be paid in the normal course in accordance with the relevant agreement.

If you delivered goods or services to the Company before August 20 and have not received payment, you may have a pre-petition claim that needs to be filed with the Bankruptcy Court. Proof-of-claim forms are available online at <https://www.veritaglobal.net/ModivCare> and will be mailed.

As part of this process, we will be working with a third-party claims agent, Verita, who will manage all claims. If you have any questions about the claims process, you can reach out to them here: <https://www.veritaglobal.net/ModivCare> or call them at +1 (888) 733-1521 for U.S. and Canada or +1 (310) 751-2636 for international.

We are encouraged to have a supportive group of lenders who understand the value of our business and have agreed to fully support the company throughout this process and beyond. We expect to complete the Chapter 11 process early in the fourth quarter and emerge even stronger with the stability, resources, and focus to deliver consistent, high-quality service to our clients and members for years to come.

We value our relationship with you and look forward to working with you for many years to come. We appreciate your ongoing understanding and support of Modivcare.

Best Regards,

Sabrina Vasquez
Accounts Payable Specialist III

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Upcoming PTO/Days Off: 9/12, 9/19
Upcoming Holiday:

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