Docket #2367 Date Filed: 07/18/2025

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

IN RE: Chapter 11

TEHUM CARE SERVICES, INC., **Case No. 23-90086 (CML)**

Debtor.

_____/

PLAINTIFF'S RESPONSE AND OBJECTION TO DEFENDANT RON APPLEBEY'S MOTION TO STAY THIS ACTION UNLESS THE U.S. BANKRUPTCY COURT FOR THE SOUTHERN DISTRICT OF TEXAS IN *In Re Tehum Care Services, Inc.* ISSUE AN ORDER PERMITTING THE PLAINTIFF TO FURTHER PROSECUTE THE ACTION

FACTS

1. In 2023 the government facility that I was incarcerated in was a county jail and not the MDOC. So I never would have received the prison legal news. The Calhoun County Jail where I was incarcerated only allowed and provided inmates with the "USA Today" which clearly the publishing of the bankruptcy wasn't mentioned there.
2. I filed my claim in May of 2024. Having no knowledge of Corizon's bankruptcy.
3. The language of the letter directed to Mr. Dennison is that. It could be confirmed that I had knowledge of the bankruptcy before the expiration date of the "Plan" and its voting deadline dates. Dating March 3, 2025, being the date that the confirmation order had been released, and February 21, 2025. As one date of the voters' deadline at 5:00 p.m. Central time; and that with this knowledge that I had simply acted negligent in not responding within the appropriate time allowed to be able to "opt-out" of the proposed plan. Because of the facts listed it was conveyed on me that I automatically consented to a "channeling injunction". As a "P1/WD Claim holder". In which the language spoken in the letter is not true. The Plaintiff is urging the application of the "bad-faith" doctrine. Under the circumstances that defendant Ron Applebey's legal counsel knowingly and intentionally attempted to mislead the courts in order to avoid prosecution.
4. In fact, in April of 2025, I had my aunt after receiving a letter requesting for a summons to the court, with the business letterhead "FBMJ". Google the law firm's information so she could call them and figure out whom the law firm was actually representing. Where they then disclosed to my aunt, that they were representing Ron Applebey and that they would be entering a motion in with the court's to dismiss the claim.

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5. Following the denial of the dismissal of the claim, that the defendant's attorney was pursuing. In a last ditch effort to protect their client, defendant Ron Applebey. They scrambled to compose the false claims. Then made this proposal to a Mr. Dennison in an email.
   The plaintiff would like to add that he has no knowledge of whom the attorney's at "Bowman and Brooke" are representing, or their interest within his pro se suit against the defendant(s). and that my knowledge of any of the forthcoming I learned upon receiving the letter from the law offices of Bowman and Brooke on June 17, 2025.
6. On June 24, 2025, the plaintiff received a motion requesting for a stay on the prosecution of the case; case no. 1:24-cv-00530-RJJ-PJG The motion has been filed with the courts. I am respectfully requesting that it not be granted and for the above stated reasons as well as the following reasons that it be denied.
7. In assessing the damage that was created by the defendant, PA Ron Applebey. In argument 3 of the defendant's amended motion requesting a stay on the action; "The Channeling Injunction prohibits continued prosecution of plaintiff's claims against released parties". Page 4 second Paragraph, the defendant's attorney's stand within his opening statement reads as such, "claims against former Corizon employees are inherently derivative of claims against Corizon because the Corizon employees would not have been in a position to act in relation to a plaintiff's healthcare but for their employment by Corizon". That's a bold statement to make and position to take. Being that the Corizon, yescare employee's both currently are released work in certifiable positions only. These are not entry level positions that consist of limited education and training. These are skilled jobs that require the employee be as skilled as the job requires in order to fill that position. This wasn't a game of chance by the employer of the employee when they chose to collaborate and conduct business with one another. I firmly believe that Corizon-Yescare as an employer believed that PA Ron Applebey was able to adequately fill his position as Physician Assistant, based on skills that he said that he possessed. Special skills as a physician assistant that could have landed him a job in any healthcare facility. Bringing him or any employee of Corizon in the presence of people that require medical attention. Regardless of if that place be in a government facility or the local hospital.
   The truth and the fact of the matter are that Corizon-Yescare hired competent people. That made competent decisions to have disregard for the medical needs and care for people that could not administer the care for themselves. When both the employer and employee made commitments to an occupation that required then to undoubtedly be able to administer the adequate care to those in need, and specifically under their care. Statements contained in PA Ron Applebey's medical notes concerning my injuries. He states that "I did x-ray imaging of both the left hand and right wrist. The imaging of the left hand showed that there was a fracture behind the first knuckle of the pinky finger. In which I place that in a cast. The imaging of the right wrist showed that there was no damage sustained there. Because there was no bleeding or serious trauma, after casting the left hand. I determined that Mr. Estelle's injuries was not a medical emergency which would have required that he be transported to the local hospital to be treated for."

Again it's the language and the use of the pronoun "I". Which not only shows that PA Ron Applebey was making what he deemed to be a competent decision concerning my medical needs. But it also provides sufficient evidence that he was making a detached and independent decision to do so, and that there was no presence of a chain-of-commands indoingso. There wasn't a chain-of-command then and there shouldn't be one now.
It's obvious that the defense counsel's seeking refuge within the security of Corizon's bankruptcy plan. It's because of complex legal matters, such as those that are currently at hand. Is why I asking that the courts graciously assign me an attorney to help with these matters.

Response to Defendant's Motion to Stay

B. The Consensual Claimant Release Applies to Former Corizon Employees

Response I- Section B. states in pertinent part; "All plaintiffs received a confirmation order and the courts entered the confirmation order as a final order on March 3, 2025. Which set the time for appeal".
Plaintiff never received a confirmation order. So therefore, the courts never entered a confirmation order on plaintiff's behalf.

Response II- Section B. states in pertinent part; "Upon the effective date (03/25/25) the confirmation order became binding on 'all entities that are parties to or are subject to the settlements, compromises, releases, and injunctions desired in the plan.'"

According to the defendant's motion requesting a stay on the prosecution of the claim, in the case at bar. The "plan" became effective on march 25, 2025. Upon that date the confirmation order became binding on all parties. So either the bankruptcy court didn't consider me to be one of these parties, which would explain the reason I never received a copy of the "plan" and the confirmation order; or simply the courts failed at providing me with the adequate documents or notice. But for the bankruptcy court's lack of diligence in providing me with the information needed; I failed at meeting these deadlines, that is if they apply to the case at bar. Also in March, defendant Ron Applebey's attorney FBMJ were pursuing dismissal of the complaint that was filed in the case at bar. It had not been until the court's residing over the case at bar denied defendant Ron Applebey's motion to dismiss. That the matters concerning the bankruptcy court and the stay had become an issue. The Plaintiff is urging the application of USCS Fed. Rule of Evid. 24(b)(B)(3).

C. Lawsuits Against Former Corizon Employees By Plaintiffs Who Did Not Opt Out Of The Bankruptcy Plan

Response I- Lawsuits against former Corizon Employees by Plaintiffs who did not opt out of the Bankruptcy Plan;

"Claims against former Corizon employees are inherently derivative of claims against Corizon because the Corizon employees would not have been in a position to act in relation to a plaintiff's healthcare but for their employment by Corizon". That's a bold statement to make and position to take. Being that the Corizon, yescare employee's both currently are released work in certifiable positions only. These are not entry level positions that consist of limited education and training. These are skilled jobs that require the employee be as skilled as the job requires in order to fill that position. This wasn't a game of chance by the employer of the employee when they chose to collaborate and conduct business with one another. I firmly believe that Corizon-Yescare as an employer believed that PA Ron Applebey was able to adequately fill his position as Physician Assistant, based on skills that he said that he possessed. Special skills as a physician assistant that could have landed him a job in any healthcare facility. Bringing him or any employee of Corizon in the presence of people that require medical attention. Regardless of if that place be in a government facility or the local hospital.
The truth and the fact of the matter are that Corizon-Yescare hired competent people. That made competent decisions to have disregard for the medical needs and care for people that could not administer the care for themselves. When both the employer and employee made commitments to an occupation that required then to undoubtedly be able to administer the adequate care to those in need, and specifically under their care.
Statements contained in PA Ron Applebey's medical notes concerning my injuries. He states that "I did x-ray imaging of both the left hand and right wrist. The imaging of the left hand showed that there was a fracture behind the first knuckle of the pinky finger. In which I place that in a cast. The imaging of the right wrist showed that there was no damage sustained there. Because there was no bleeding or serious trauma, after casting the left hand. I determined that Mr. Estelle's injuries was not a medical emergency which would have required that he be transported to the local hospital to be treated for."
Again it's the language and the use of the pronoun "I". Which not only shows that PA Ron Applebey was making what he deemed to be a competent decision concerning my medical needs.

D. Plaintiffs Refuse To Stipulate To Stay Their Lawsuits Against Former Corizon Employees and Other Released Parties

The language of the letter directed to Mr. Dennison is that. It could be confirmed that I had knowledge of the bankruptcy before the expiration date of the "Plan" and its voting deadline dates. Dating March 3, 2025, being the date that the confirmation order had been released, and February 21, 2025. As one date of the voters' deadline at 5:00 p.m. Central time; and that with this knowledge that I had simply acted negligent in not responding within the appropriate time allowed to be able to "opt-out" of the proposed plan. Because of the facts listed it was conveyed on me that I automatically consented to a "channeling injunction". As a "P1/WD Claim holder". In which the language spoken in the letter is not true. The Plaintiff is urging the application of the "bad-faith" doctrine. Under the circumstances that defendant Ron Applebey's legal counsel knowingly and intentionally attempted to mislead the courts in order to avoid prosecution.

The hearing that was scheduled for July 2, 2025 at 9:00am; the prison wouldn't allow me to attend because the U.S. Bankruptcy Court for Southern Texas District Houston Division, had not scheduled with the prison for me to be present there.

The Plaintiff further alleges how their due process was violated because after the Bankruptcy Plan sent letters to each plaintiff requesting that they agree to a stipulation to be filed in their respective case staying their action, never happened in case at bar. Plaintiffs who refuse to stipulate to stay their lawsuits against former Corizon Employees and other released parties; "after the plan became effective, counsel for CHS TX, Inc., a 'released party' under the Bankruptcy plan, sent letters to each plaintiff requesting that they agree to a stipulation to be filed in their respective case staying their action. So for this to not occur when Plaintiff was never properly notified is a due process violation.

In Kelly v. Corizon Health Inc., 2022 U.S. Dist. Lexis 198725 it shows that equitable doctrines for corporate law and corporate form would allow for stays and stipulations where they were properly exercised. In *Kelly v. Corizon Health Inc.*, the purposes were to permit injured tort and contract plaintiffs to circumvent corporate form where that form has been abused. *Kelly v. Corizon Health Inc.*, 2022 U.S. Dist. Lexis 198725 citing *Craig v. Oakwood Hospital*, 471 Mich. 67. Here, Plaintiff has established time and time again where the defendant has consistently and blatantly abused the corporate form.

In conclusion, there should be no issue of law regarding the Stay of proceedings. Plaintiff is a pro per litigant and since the hybrid action and final hearing to be held on the matter was on July 2, 2025, in which the plaintiff was not afforded the opportunity to be there; no longer is there a matter to be adjudicated. In *Harp v. Hallett*, 2025 U.S. Dist. Lexis 7164 the question was whether there should be an indefinite stay the court granted a stay but it was a conditional one and one that would only be for 90 days to allow litigants the opportunity to adjudicate claims. The case at bar showing that the pro per litigant was not afforded the opportunity to adjudicate his position in the court and the courts should not stay the proceedings. The law states that the courts shall favor the non-moving party.

Relief Requested

The plaintiff prays that this Honorable court would deny the defendant's motion requesting for a stay on the prosecution for the above stated reasons

Respectfully Submitted,

Michael Estelle Jr. # 721653
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1727 W. Bluewater Hwy.
Ionia, MI 48846

Dated July 15, 2025