

United States Courts
Southern District of Texas
FILED

JUL 22 2025

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

IN RE:

Chapter 11 Nathan Ochsner, Clerk of Court

TEHUM CARE SERVICE INC. et al

Case No. 23 -90086 (CML)

SEAN MICHAEL RYANS REQUEST FOR THE COURT TO ORDER
TEHUM CARE SERVICE TO EXTEND THE TIME FOR HIM TO OPT OUT OF
THE BANKRUPTCY PROCEEDINGS DUE TO TEHUM'S FAILURE TO TIMELY
SERVE THE OPT OUT PAPERS ON MR. RYAN AND FAILURE TO NOTIFY MR. RYAN OF THE
DEADLINE FOR OPTING OUT.

UNDER USCS BANKRUPTCY R 9006 (B)(1)(b) AND/OR Rule 2002 (a)

~~Sean Michael Ryan Currently Has a Lawsuit against Various Tehum Employees See~~
Sean Michael Ryan 787263 V State of Michigan et al 2:22 -cv- 13002.

This Being So Mr. Ryan is a "creditor" In Tehums Bankruptcy proceedings and was
suposed to be served a Copy or the Documents filed in the proceedings a
responsibility of Tehum which Was not complied with.

Mr. Ryan has recieved no communication at all regarding the Bankruptcy
proceedings. Effectively sabatoging Mr. Ryans ability to participate in any
meaningful way in the Bankruptcy Proceedings.

This has effectively prevented Mr, Ryan from Opting out and continuing with
His Lawsuit against Employees of TEHUM CARE SERVICE INC.

Thus Mr. Ryan's Time to Opt out of the Bankruptcy proceedings should be
extended Under clearly established law and Bankruptcy Rules and the Court should
order Tehums Attornies To Provide Mr. Ryan with the Opt out paperwork at his
Current address which Tehum has been aware of at all times through Mr. Ryans
notice of change of address filed in Case # 2:22 -cv- 13002 when he was transfered
to the Current correctional Facility. Mr. Ryand notes that the Only time He
recieved any notice or document concerning This Bankruptcy litigation was on or
about May 23 2025 when Mr. Ryan was served a letter notifying Mr. Ryan of the
channeling injunction and allegeing that Mr. Ryan failed to opt out in a



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different case from 2:22 -cv- 13002 then on June 4, 2025 Mr. Ryan recieved a copy of the "Plan" from The Defendants In Case Number 22 -cv- 13002's Defense attorney and all the while Mr. Ryan was waiting for the paper work to file a claim and opt out.

BANKRUPTCY RULE 9006 (B)(1)(b)

USCS Bankruptcy Rule 9006 (B)(1)(b) states "In general this paragraph (1) applies when these rules , a notice is given under these rules, or a court order requires or allows an act to be Performed at or within a specified period. except as provided in (2) and (3) The Court at any time and for cause extend the time to act if ... (b) On motion made after the specified Period expires, the failure to act within that period resulted in excusable neglect".

Under this rule the Court should Extend Mr. Ryans time to opt out because it is excusable neglect when TEHUM CARE SERVICE failed to provide him with the correct paperwork and notice of the deadline to opt out.

USUS BANKRUPTCY RULE 2002

USCS BANKRUPTCY RULE 2002 (a) Requires that Mr. Ryan be provided 21 days notice by mail of the opt out procedures and documents. Tehum Holdins Inc through their attornies failed to do so despite being fully aware of Mr. Ryans current address through his notice of change of address filed in Case Number 2:22 -cv- 13002.

This again is excusable neglect and Mr. Ryans time to opt out should be extended and Tehum should be ordered to provide The necessary paperwork.

arguement

"A creditors claim can be barred for untimeliness only upon a showing that it recieved reasonable notice. Determining whether a creditor recieved adequate

notice depends on the facts and circumstances of each case. Due process requires notice that is reasonably calculated to reach all interested parties, reasonably conveys all of the required information and permits a reasonable amount of time for response. A claimant may therefore file a late proof of Claim if he can show that a failure to allow the filing would be violative of Due Process. In addition to the Due Process concerns Fed. R. Bankr P 2002 (a) (7) requires that Known creditors be given at least 21 days notice by mail of the Proofs of claim Bar date." In RE Wallace, Rush, schmidt, INC. 2018 Bankr. Lexis 2431.

This being said, Mr. Ryan argues that The same should apply to the chance to opt out as is applied to filing a proof of claim. Namely that Mr. Ryan should have been served a copy of any necessary paperwork and notice at least 21 days Prior to The daedline for filing the opt out decision.

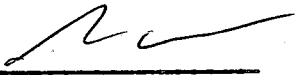
TEHUM CARE SERVICE Inc has continiously been aware of Mr. Ryans address through Mr. Ryans Litigation in Sean Michael Ryan 787263 v State of Michigan et. al. 2:22 -cv- 13002 and thus cannot claim that it was unaware of where to serve Mr. Ryan.

Thus Mr. Ryan should Be provided the oppertunity to opt out of the TEHUM CARE SERVICE Bankruptcy proceedings.

Wherefore Mr. Ryan requests that this honorable Court order Tehum holdings to extend the time for filing Mr. Ryans opt out notice and the necessary Documents to do so At Mr. Ryans current address as shown below. Mr. Ryans claims should not be allowed to be sabatoged by Tehums deliberate attempt to keep the information necessary for Mr. Ryan to opt out a secret as this would violate due process and cause Mr. Ryans litigation in Sean Michael Ryan 787263 V State of Michigan et, al to be dismissed.

Date 7/18/25

Respectfully,


SEAN MICHAEL RYAN # 787263
TCF
3225 John Conley Dr.
Lapeer, MI. 48446.

PROOF OF SERVICE

I Sean Michael Ryan hereby swear Under penalty of perjury that I served a true
Copy of the enclosed document upon:

Tehum Care Services inc attorneys

Bowman and Brooke

at:

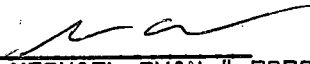
5850 Granite Parkway ste 900

Plano, TX 75024

VIA the Prisons Expedited legal mail service with First Class Postage.

Date 7/18/25

Respectfully,


SEAN MICHAEL RYAN # 787263
TCF
3225 John Conley Dr.
Lapeer, MI. 48446

Prisoner Name: Sean Ryan
Prisoner Number: 787263
THUMB CORRECTIONAL FACILITY
3225 John Conley Drive
Capeer, MI 48446

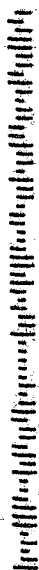
UNITED STATES BANKRUPTCY COURT - CLERK
515 Rusk Street
HOUSTON, TX. 77002

Nathan Ochisner, Clerk of Court

JUL 22 2025

United States Courts
Southern District of Texas
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