

**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.

**YESCARE’S MOTION FOR RECONSIDERATION OF THE COURT’S “DECISION
AND ORDER ON YESCARE’S OMNIBUS MOTION TO ENJOIN PLAINTIFFS FROM
PROSECUTING CASES AGAINST RELEASED PARTIES” AS TO THE
MICHAEL ANDERSON CASE LISTED ON EXHIBIT B OF THE ORDER**

**IF YOU OBJECT TO THE RELIEF REQUESTED, YOU MUST
RESPOND IN WRITING. UNLESS OTHERWISE DIRECTED BY THE
COURT, YOU MUST FILE YOUR RESPONSE ELECTRONICALLY AT
[HTTPS://ECF.TXSB.USCOURTS.GOV/](https://ecf.txsb.uscourts.gov/) WITHIN TWENTY-ONE DAYS
FROM THE DATE THIS MOTION WAS FILED. IF YOU DO NOT HAVE
ELECTRONIC FILING PRIVILEGES, YOU MUST FILE A WRITTEN
OBJECTION THAT IS ACTUALLY RECEIVED BY THE CLERK
WITHIN TWENTY-ONE DAYS FROM THE DATE THIS MOTION WAS
FILED. OTHERWISE, THE COURT MAY TREAT THE PLEADING AS
UNOPPOSED AND GRANT THE RELIEF REQUESTED.**

CHS TX, Inc. d/b/a YesCare (“YesCare”) respectfully files this Motion for Reconsideration of the Court’s August 7, 2025, “Decision and Order on YesCare’s Omnibus Motion to Enjoin Plaintiffs From Prosecuting Cases Against Released Parties” (Doc. 2374) (the “Order”) specifically as to the “Michael Anderson” case listed on Exhibit B of the Order. This case, 21-cv-03226 (U.S. District Court for the Western District of Missouri), should have been listed in the group of enjoined cases on Exhibit A because the representative of Mr. Anderson’s



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Estate, Cassandra Oliver, did in fact *receive* and *return* an Opt-Out Release Form and did not opt out. (*See* Doc. 1993, Ex. B at 34).

Cassandra Oliver is listed on the Creditor Matrix and is listed as having received notice of the Claims Bar Date. (Doc. 609, Ex. D, at 25). In the Certificate of Service related to the Disclosure Statement notices, “Cassandra Oliver for Estate of Michael Anderson” is listed on Exhibit R under the address for her attorney, Zachary Poole, as having received the Confirmation Hearing Notice. (Doc. 1852 at 135). Presumably, that was the basis for the Court’s incorrect belief that an Opt-Out Release Form was not served. But Ms. Oliver also appears in Doc. 1852 on Exhibit K in care of her other attorney, Stephen Gorny, and on Exhibit E (which includes the Solicitation Package, a Class 4 and 5 Ballot, Opt-Out Release Form, and other documents) for her other attorney, Sharon Stolte of Sandberg Phoenix & von Gontard P.C. (*See* Doc. 1852 at 26, 87). Cassandra Oliver is also listed on the Opt-Out Summary that is Exhibit B to Doc. 1993 under “Opt-Out Form Returned and Did Not Elect to Opt-Out” even though, as the footnote in that document states, “Debtors provided Claimant with an extended deadline.” (Doc. 1993 at 34). Exhibit B indicates that Oliver received Ballot No. 361 on February 24, 2025. (*Id.*)

As confirmed by the email from her counsel dated February 5, 2025, attached hereto as **Exhibit A**, Ms. Oliver had actual, adequate notice of her ability to opt-out and, as Exhibit B to Doc. 1993 shows, chose not to. Accordingly, the Court should have included this case on the list of enjoined cases in Exhibit A.

CONCLUSION

YesCare therefore respectfully requests that the Court reconsider the Order for purposes of the Michael Anderson case, and for the reasons stated herein, issue an Amended Order identifying the Michael Anderson case, 21-cv-03226 (U.S. District Court for the Western District of Missouri) on the Exhibit A enjoined list.

Respectfully submitted,

By: /s/ Trevor W. Carolan

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CERTIFICATE OF SERVICE

I do hereby certify that on the 20th day of August 2025, a true and correct copy of the foregoing was electronically filed with the Clerk of Court and served using the CM/ECF system.

In addition, a true and correct copy has been electronically mailed to the following:

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/s/ Trevor W. Carolan

Exhibit A

From: Connor Curran <ccurran@zdplaw.com>

Sent: Wednesday, February 05, 2025 4:53 PM

To: Anthony Box <abox@grayreed.com>; Jason S. Brookner <jbrookner@grayreed.com>; Aaron Kaufman <akaufman@grayreed.com>; Lydia Webb <lwebb@grayreed.com>; Amber M. Carson <acarson@grayreed.com>; twarburton@bradley.com; pcantwell@dowdbennett.com

Cc: Steve Gorny <steve@gornylawfirm.com>; Chris Dandurand <chris@gornylawfirm.com>; Zachary D. Poole <zpoole@zdplaw.com>

Subject: [EXTERNAL] Oliver v. Corizon, LLC, et al. (WDMo Case No. 6:21-cv-03226-MDH)

Counsel,

There are several of you in the "To" line, and I apologize about the shotgun approach. I found your email addresses after conducting a Missouri state court "CaseNet" docket search, and seeing that each of you has entered your appearance before on behalf of Corizon, Tehum, CHS TX and/or YesCare. Those "Cc'ed" are co-counsel for the Plaintiff, Ms. Oliver. Attached, you'll see the file-stamped Third Amended Complaint in the above-referenced lawsuit as well as the signed summonses for YesCare and CHS, TX, both of which were added to this lawsuit yesterday after being given Judge Harpool's leave to do so. I'm trying to identify who will end up being retained to represent CHS TX and/or YesCare in this medical malpractice/wrongful death tort suit.

The reason I'd like to do that is because the Plaintiff, Ms. Oliver, has a February 21 deadline to either opt-out of the Tehum bankruptcy liquidation or to participate. If we don't hear anything back, then she intends to opt-out and to pursue YesCare and CHS TX as Corizon's successors in liability, both for economic and punitive damages. If, however, I can identify counsel for the added defendants, then maybe we can implement a rapid round of negotiations prior to the February 21 deadline. I suggest this only because I think it may serve both the Plaintiff and the added Defendants by taking any uncertainty out. Without eliminating said uncertainty, this case seems, to me, to be a prime candidate for a winner-take-all judgment: either a defense verdict or a plaintiff's verdict with an astronomical punitive damages award.

If any of you believes that you might be retained by either or both of the added defendants (YesCare and CHS TX), maybe reach out to them and put this on their radar. Alternatively, if none of you fit that bill, but you know of someone else who might, please pass along their contact information.

With gratitude,

Connor G. Curran
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improperly accessing your computer or my computer or even some computer unconnected to either of us which the e-mail passed through. I am communicating to you via e-mail because you have consented to receive communications via this medium. If you change your mind and want future communications to be sent in a different fashion, please let me know AT ONCE. The information contained in this e-mail transmission is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this transmission is strictly prohibited. If you have received this transmission in error, please call (816) 226-7299.

**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.

**ORDER GRANTING YESCARE’S MOTION FOR RECONSIDERATION AND
ENJOINING CLAIMANT MICHAEL ANDERSON FROM
PROSECUTING CASES AGAINST RELEASED PARTIES**

THIS CAUSE coming before the Court upon Defendant YesCare’s Motion for Reconsideration of the Court’s “Decision and Order on YesCare’s Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties” as to the Michael Anderson Case (the “Motion”), and the Court having reviewed the Motion, and being otherwise fully advised in the premises, hereby finds that:

IT IS HEREBY ORDERED that the Court’s August 7, 2025 Decision and Order (the “Order”) is modified to include Cassandra Oliver, plaintiff in the case proceeding on behalf of Michael Anderson in the United States District Court for the Western District of Missouri and captioned *Oliver v. South Central Correctional Center et al*, No. 6:21-cv-03226-MDH, in **Exhibit A** to the Order. Oliver is restrained and enjoined from taking any action to prosecute any causes of action for the purpose of directly, indirectly, or derivatively collecting, recovering, or receiving payment, satisfaction, or recovery from any Released Party based on released Causes of Action (as such terms are defined in the Plan).

Hon. Christopher M. Lopez
United States Bankruptcy Judge