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.	

MOTION FOR RELIEF FROM FINAL ORDER CONFIRMING PLAN PURSUANT TO FED. R. BANKR. P. 9024 AND FED. R. CIV. P. 60(b)

NOW COMES Deon Glenn, a party in interest, and respectfully moves for relief from the Court's Decision and Order on YesCare's Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties (Doc. No. 2374), entered on August 7, 2025 under Federal Rule of Bankruptcy Procedure 9024 and Federal Rule of Civil Procedure 60(b), and in support states as follows:

I. JURISDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. §§ 157 and 1334. This matter is a core proceeding under 28 U.S.C. § 157(b)(2).
2. Venue is proper under 28 U.S.C. §§ 1408 and 1409.

II. BACKGROUND

3. On August 7, 2025, the Court entered its Decision and Order regarding the above noted motion (Doc. No. 2160) by the debtor.
4. The procedural history of this case long and torturous. The relevant part is that Deon Glenn filed objections (Doc. No. 2210) to the Omnibus motion (Doc. No. 2160) of the debtor. The debtor filed a response to Glenn's objections. (Doc. No. 2249) In Glenn's

objections it was indicated that the he had no notice of the bankruptcy proceedings and never received any documentation from the debtor regarding his rights. Nor, did his counsel. The debtor argued that Glenn had notice of the bankruptcy when counsel for the debtor, then Corizon, withdrew and notified the court of the pending bankruptcy. At that time, it was clear that the debtor was not providing a defense to its employees nor indemnification. Basically, it left the employees hanging in the wind. The former Corizon employee in the Glenn case hired new counsel and never was it disclosed that the former employees would be included as released parties in this case.

The Court's Decision and Order (Doc. No. 2374) has listed the Glenn case on exhibit C for the reason that it is alleged that Glenn was served with an Opt-Out Release form and a Notice of Non-Voting Status. He claims that he never received either of the documents. His counsel did not receive the two documents. Since he was represented at the time of the bankruptcy filing and Glenn was a known creditor, counsel for Glenn should have received the two documents.

III. LEGAL STANDARD

5. Rule 9024 incorporates Federal Rule of Civil Procedure 60(b), which allows relief from a judgment or order for mistake (FRCP 60(b)(1) and for any other reason that justifies relief. (FRCP 60(b)(6).

IV. ARGUMENT

6. Glenn is entitled to relief under FRCP 60(b)(1). The Court listed the Glenn case on exhibit C finding that he received the Opt-Out Release and Notice of Non-Voting Status. Glenn never received the two forms: the Opt-Out Release form and the Notice of Non-Voting Status. Nor did his counsel. The debtor in its reply to Glenn's objections to the

motion never stated that Glenn received the two documents. Glenn's counsel is unaware of any attempt to send the documents to Glenn. There is no proof of service or any other evidence of service of the two documents. Glenn was a known creditor and should have had actual notice as the Court held on page 5 of its Decision and Order. (Doc. No. 2374)

7. In *Hill v McDermott, Inc*., 827 F2d 1040 (5th Cir. 1987) the court held that FRCP 60(b)(1) is available when a court makes a substantive mistake of law or fact.
8. In *Liljeberg v. Health Svcs. Acq. Corp*., 486 U.S. 847 (1988) the court held that FRCP 60(b)(6) is not available if the grounds include mistake. However, if the mistake provision only applies to mistakes of law, clause 6 is applicable. Rule 60(b)(6) relief is accordingly neither categorically available nor categorically unavailable. *Id*. *Liljeberg, Id,* was a case involving the relief from a decision issued by a judge who clearly had a conflict of interest in that case. In considering the relief under clause 6, in that case, the court looked at the risk of injustice to the parties in the particular case, the risk that the denial of relief will produce injustice in other cases, and the risk of undermining the public's confidence in the judicial process. Here, there is no injustice to the debtor, only to Glenn. Neither of the other two factors are applicable to this matter.

V. RELIEF REQUESTED

9. For the foregoing reasons, Movant respectfully requests that the Court:
    a. revise the August 7, 2025 decision and order placing movant, Glenn's case on exhibit C;
    b. revise the August 7, 2025 Decision and Order and place Glenn's case on exhibit B; and
    c. Grant such other and further relief as is just and proper.

Respectfully submitted,

Law Office of Daniel Randazzo

/s/Daniel Randazzo_______________
DANIEL RANDAZZO (P39935)
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248-853-1003

Dated: August 28, 2025

CERTIFICATE OF SERVICE

I do hereby certify that on the 28th 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.

/s/Daniel Randazzo_______________
DANIEL RANDAZZO

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ORDER FOR RELIEF FROM FINAL ORDER CONFIRMING PLAN

THIS CAUSE coming before the Court upon Interested Party Deon Glenn's Motion for Relief from Final Order Confirming Plan Pursuant to Fed. R. Bankr. P. 9024 and Fed R. Civ. 60(b) (the "Motion"), and the Court having review the Motion, and being otherwise fully advised in the premises, hereby finds that:

IT IS HEREBY ORDERED that the August 7, 2025 Decision and Order be revised to remove Deon Glenn's case from Exhibit C to Exhibit B.

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Hon. Christopher M. Lopez
United States Bankruptcy Judge