

**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.

**APPELLANT YESCARE’S DESIGNATION OF RECORD
AND STATEMENT OF ISSUES ON APPEAL**

Appellant CHS TX, Inc. d/b/a YesCare (“YesCare”) hereby submits its Designation of the Record on Appeal and Statement of Issues pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure in the above-captioned appeal from the Decision and Order of the Bankruptcy Court, Honorable Christopher M. Lopez, denying in part YesCare’s Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties

I. DESIGNATION OF ITEMS TO BE INCLUDED IN THE RECORD ON APPEAL

In addition to the docket entries kept by the bankruptcy clerk in Case No. 23-90086 (CML), Appellants specifically designate the following docket entries, pursuant to Rule 8009 of the Federal Rules of Bankruptcy Procedure, which include all exhibits, addenda, or other attachments thereto, and all documents incorporated by reference therein:



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Item No.	Doc. Number (Case 23-90086)	Document
1	Doc. 609	Certificate of Service re: 1) Proof of Claim Form; and 2) Notice of Deadlines for the Filing of Proofs of Claim
2	Doc. 610	Affidavit of Publication of the Notice of Deadlines for the Filing of Proofs of Claim in The New York Times and The Wall Street Journal
3	Doc. 658	Affidavit of Publication of the Notice of Deadlines for the Filing of Proofs of Claim in the Prison Legal News
4	Doc. 1813	Order Approving Disclosure Statement and Form and Manner of Notices
5	Doc. 1852	Certificate of Service of Solicitation Materials
6	Doc. 1993	Solicitation and Tabulation of Votes on the Joint Chapter 11 Plan
7	Doc. 2014	Order Confirming the First Modified Joint Chapter 11 Plan of Reorganization of the Tort Claimants' Committee, Official Committee of Unsecured Creditors and Debtor (the "Bankruptcy Plan")
8	Doc. 2160	YesCare's Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties
9	Doc. 2160-1	Exhibit A to YesCare's Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties
10	Doc. 2178	Motion and Concurrence in YesCare's Omnibus Motion from Creditors Bomber, Coleman, Jamsen, Jindal, Lacy, and Rohrs
11	Doc. 2187	YesCare's Notice of Limited Withdraw as to Certain Plaintiffs
12	Doc. 2232	Brief in Opposition filed by Andrew Dicks
13	Doc. 2261	Brief in Opposition filed by Claimant Jesse Dean

Item No.	Doc. Number (Case 23-90086)	Document
14	Doc. 2263	YesCare's Reply to the Objection of Andrew Dicks
15	Doc. 2272	Objection filed by Claimant DeAndre Ballard
16	Doc. 2282	Brief in Opposition filed by Claimant Lisa Brown
17	Doc. 2283	YesCare's Reply to the Objection of Jesse Dean
18	Doc. 2285	Brief in Opposition by Claimants Howe, Fletcher, Akinola, Gilliam, Holland and Grey
19	Doc. 2289	Brief in Opposition filed by Claimant DeAndre Ballard
20	Doc. 2290	Brief in Opposition filed by Claimant Marcus Walker
21	Doc. 2293	YesCare's Notice of Limited Withdraw as to Certain Plaintiffs and Revised Exhibit A
22	Doc. 2295	Brief in Opposition filed by Claimant Hammel Clark-El
23	Doc. 2296	Trustee's Response to YesCare's Omnibus Motion to Enjoin
24	Doc. 2301	YesCare's Reply to the Objection of Lisa Brown
25	Doc. 2303	Affidavit of Andrew Dicks, Sr. in Support of Response to Motion to Enjoin
26	Doc. 2311	YesCare's Reply in support of Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties
27	Doc. 2324	YesCare's Reply to the Objection of Hammel Clark-El
28	Doc. 2325	YesCare's Reply to the Objection of Howe, Fletcher, Akinola, Gilliam, Holland and Grey
29	Doc. 2328	Brief in Opposition filed by Claimant Shelton Wood

Item No.	Doc. Number (Case 23-90086)	Document
30	Doc. 2332	Courtroom Minutes from Hearing on Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties
31	Doc. 2336	Revised Exhibit A to Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties
32	Doc. 2360	YesCare's Notice of Limited Withdraw as to Certain Plaintiffs
33	Doc. 2365	Brief in Opposition filed by Claimant Thurman Watson
34	Doc. 2372	Brief in Opposition filed by Claimant Thurman Watson
35	Doc. 2374	Decision and Order on YesCare's Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties
36	Doc. 2401	Transcript of 7/2/2025 Hearing on Motion to Enjoin
37	Doc. 2414	Notice of Appeal
38	Doc. 2415	Election to Appeal to District Court

II. STATEMENT OF ISSUES TO BE PRESENTED ON APPEAL

1. Whether the Bankruptcy Court erred in denying YesCare's Omnibus Motion to Enjoin with respect to the Claimants listed on Exhibit B of the Court's Order when (i) the Exhibit B claimants were asserting Causes of Action against Released Parties, (ii) the Plan enjoined plaintiffs from asserting Causes of Action against Released Parties, (iii) the Exhibit B Plaintiffs did not receive the opt Out Release Form, but (iv) the Exhibit B claimants either had actual knowledge and

actual court-approved notice, or constructive court-approved notice, of the bankruptcy proceeding and the Plan's Consensual Claimant Release, and (v) the Exhibit B claimants did not opt out of the Consensual Claimant Release or otherwise assert their rights in the bankruptcy proceeding despite their knowledge and/or notice.

2. Whether the Bankruptcy Court erred in denying YesCare's Omnibus Motion to Enjoin as to Exhibit B claimants who did not assert a lack of notice objection, or any objection at all, to YesCare's Omnibus Motion.

Respectfully submitted,

By: /s/ Trevor W. Carolan

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CERTIFICATE OF SERVICE

I do hereby certify that on the 4th day of September, 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 or mailed via first-class US mail to the following:

Pedro Amaro, pro se Claimant 44726 Northeast New Mexico Detention Facility 185 Dr. Michael Jenkins Road Clayton, NM 88415	DeAndre Ballard, pro se Claimant #437484 30420 Revells Neck Rd Westover, MD 21890
Lisa Brown, by and through her attorney of record Todd Schroeder McKeen and Associates 645 Griswold Street Ste 4200 Detroit, MI 48226 fmills@mckeenassociates.com	Jeffrey Bryant, by and through his attorney of record Bayan Mohamad Jaber Pitt McGehee Palmer Bonanni & Rivers 117 W 4th St Ste #200 Royal Oak, MI 48067 bjaber@pittlawpc.com
Christi Buoncristiano, by and through her attorney of record Paul J. Hetznecker 1420 Walnut St Ste 911 Philadelphia, PA 19102 phetznecker@aol.com	James Calhoun-El, pro se Claimant #160083 Jessup Correctional Institution P.O. Box 534 Jessup, MD 20794
David Carlton, pro se Claimant 253627-963216 Western Correctional Institution 13800 McMullen Highway, South West Cumberland, MD 21502	Hammel Clark, by and through his attorney of record Stacey VanBelleghem Latham and Watkins LLP 555 11th St NW Ste 1000 Washington, DC 20004 stacey.vanbelleghem@lw.com

Edward Conaway, pro se Claimant #2817-238 #480829 NBCI 14100 McMullen Highway, S.W. Cumberland, MD 21502	Hassan Davis, pro se Claimant 1008 Lake Front Drive Edgewood, MD 21040
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Brandon Eisenbach, by and through his attorney of record Jonathan Walter Doss Roberts Wooten LLC 10438 Business 21 P.O. Box 888 Hillsboro, MO 63050 jonathandoss@rwzlaw.com	Michael Estelle, pro se Claimant Michael Tyrome Estelle #721653, Jr. Bellamy Creek (MSP) Bellamy Creek Correctional Facility 1727 W Bluewater Hwy. Ionia, MI 48846
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Gregory Holden, pro se Claimant #430914 #1217368 North Branch Correctional Inst. 14100 McMullen Hwy, S.W. Cumberland, MD 21502	Kennedy Holland, by and through his attorney of record Eve Lynne Hill Brown Goldstein & Levy, LLP 120 East Baltimore St. Ste. 2500 Baltimore, MD 21202 ehill@browngold.com
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