

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

In re: TEHUM CARE SERVICES, INC., Debtor.	Chapter 11 Case No. 23-90086 (CML)
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**AFFIDAVIT OF NATHAN A. DUNCAN IN SUPPORT OF CREDITOR/PLAINTIFF,
DUSTIN HEFLEY'S, MEMORANDUM IN OPPOSITION TO DEBTOR'S OMNIBUS
MOTION TO ENJOIN PLAINTIFFS FROM PROSECUTING CASES AGAINST
RELEASED PARTIES AND MOTION FOR RELIEF FROM CLAIMS BAR DATE AND
OPT-OUT DEADLINE**

1. I am a resident of Utah.
2. I am over the age of 21.
3. I am competent to make this affidavit.
4. This affidavit is based on my personal knowledge.
5. I am an attorney licensed to practice law in the States of Utah and Missouri.
6. Dustin Hefley retained me and my firm in connection with a civil rights matter against Corizon Health, Inc. ("Corizon") and other defendants.
7. Mr. Hefley (pro se) brought suit against Corizon and other defendants on June 18, 2021 (Hefley v. Redington, et al., No. 2:21-cv-00041-HEA) in the U.S. District Court, Eastern District of Missouri¹.
8. On February 28, 2022, I entered my appearance on behalf of Mr. Hefley in his action against Corizon.

¹ Mr. Hefley initially filed his case in state court, but Debtor and other defendants removed the action to federal court on June 18, 2021.



9. My entry of appearance and all other pleadings I filed in Mr. Hefley's case contains the following contact information for me:

Nathan A. Duncan
399 N. Main, Suite 300
Logan, UT 84321
(435) 787-9700
nduncan@peckbaxter.com²

10. My contact information has not changed since the time I entered my appearance.
11. At all times since I filed my entry of appearance, Corizon, through its legal counsel, has had actual knowledge of my current contact information and has communicated with me through these means.
12. Corizon and the other defendants connected to Corizon in Mr. Hefley's civil case have, at all times, been represented by J. Thaddeus Eckenrode at Eckenrode-Bauman, LLC. During the course of Mr. Hefley's case against Corizon, I have corresponded with Mr. Eckenrode. All of my correspondence to Mr. Eckenrode has contained my contact information contained in paragraph 9 above.
13. Debtor's Omnibus Motion itself acknowledges that Mr. Hefley was listed on the creditor matrix and that a Suggestion of Bankruptcy was filed in his civil rights case.
14. In the Omnibus Motion, Debtor claims that Mr. Hefley "received notice of the Claims Bar Date and Solicitation Materials related to the Plan, including the Opt-Out Release Form" citing to SDTX Doc. 609, Ex. D and SDTX Doc. 1852, Ex. H. The relevant portions of the referenced documents are included below.

² My email address did change after my firm's name changed from Peck, Hadfield, Baxter, & Moore to Peck, Baxter, Watkins & Bailey. However, my former email address, nduncan@peckhadfield.com, automatically redirects emails sent to my old email address to my current email address.

Durand, Danielle M.	Address on File			
DURHAM TRAINING CENTER	785 SUTTON ROAD		CORNWALLVILLE	NY 12418
Durham, Ashley	Address on File			
Durham, Johnna	Address on File			
Durk, Nancy K.	Address on File			
Durning, Patricia D.	Address on File			
Duru, Ngozi A.	Address on File			
Dustin Hefley	Atty Nathan Duncan	103 E. Broadway St.	Bolivar	MO 65613

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Exhibit D
Creditor Matrix
Served via First Class Mail

Doyel, Kasey K.	Address on File			
Dr. Ashok Krishnaswamy M.D.	1412 N Crain Highway Unit 1A		Glen Burnie	MD 21061
	3599 UNIVERSITY BLVD			
DRS. MORI, BEAN & BROOKS, PA	SOUTH BUILDING 300		JACKSONVILLE	FL 32216
DuBerry, Lee A.	Address on File			
Dustin Hefley	Atty Nathan Duncan	103 E. Broadway St.	Bolivar	MO 65613

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Exhibit H
Non-Voting Parties
Served via First Class Mail

15. I never received any notice related to any bar dates, opt-out dates, opt-out release forms, or any other solicitation materials Debtor was required to provide to its creditors.
16. Debtor correctly identifies me as Mr. Hefley's attorney, but uses the wrong mailing address.
17. Debtor lists my mailing address as 103 E. Broadway St. Bolivar, MO 65613. This address is the current address for my former law firm, Douglas, Haun & Heidemann, P.C.
18. I left Douglas, Haun & Heidemann in June 2019. When I left Douglas, Haun Heidemann, the firm was located at an address different from the one used by Debtor³.
19. I never worked at or received mail at 103 E. Broadway St., Bolivar, MO 65613.

³The firm's address at the time of my departure was 111 W. Broadway Bolivar, MO 65613.

20. Even if Debtor sent notices to the 103 E. Broadway St. address, my former law firm never forwarded the notices to me after they received them.
21. I did receive April 22, 2025 correspondence from Debtor's bankruptcy counsel, Adam Masin, at Bowman and Brooke, LLP related to the Omnibus motion. I received the April 22, 2025 correspondence via email. That correspondence used the 103 E. Broadway address as my mailing address, but also included my current email address, which provided me with the first notice from Debtor regarding the opt-out release form and other matters relevant to the Omnibus motion.
22. I do not know why Debtor was able to email me correspondence relevant to the Omnibus motion at my current email address, but was unable to serve the notice of claim bar date and solicitation materials to my current mailing address.
23. Mr. Eckenrode was cc'ed on the April 22, 2025 correspondence.

I solemnly declare under the penalties of perjury that the contents of this document are true to the best of my knowledge, information and belief.

DATED this 22nd day of September 2025.



Nathan A. Duncan