

**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 TO INCLUDE ARSENIO MASCARENAS AS PART OF EXHIBIT B
CLAIMANTS TO THIS COURT’S AUGUST 7, 2025 ORDER (DOCUMENT 2374)**

COMES NOW Arsenio Mascarenas, by and through counsel of record Smith Templeman Law Firm, LLC (Christopher J. Templeman), and for his Motion states as follows:

1. Arsenio Mascarenas was an inmate in the Bernalillo County Metropolitan Detention Center in New Mexico.
2. Mr. Mascarenas filed a Complaint for Damages on August 21, 2024, in which CHS TX, Inc. was a named Defendant. This case was filed in the Second Judicial District of New Mexico as case number D-202-CV-2024-06729.
3. Mr. Mascarenas amended his complaint and filed a First Amended Complaint for Damages on September 17, 2024, in which CHS TX, Inc. was again a named Defendant.
4. After conferring with opposing counsel, Mr. Mascarenas amended his complaint by interlineation to change the appropriate name of CHS TX to Corizon Health New Mexico, LLC d/b/a YESCARE Corp. (“Defendant Corizon”) on November 27, 2024.
5. Mr. Mascarenas has been represented by current counsel at all times following his filing of his initial Complaint for Damages on August 21, 2024.



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6. At no time has Mr. Mascarenas or his counsel been notified by counsel representing Defendant Corizon of the instant bankruptcy.

7. The actions and omissions underlying Mr. Mascarenas' claim for damages against Defendant Corizon took place over a period of time from October, 2022 through April, 2023.

8. On February 13, 2023, Tehum Care Services, Inc. filed notice of Chapter 11 bankruptcy in the Southern District of Texas.

9. On December 3, 2024, Verita Global, noticing agent for the Debtor, filed a Certificate of Service in connection with the service of solicitation materials for the Joint Chapter 11 Plan of the Tort Claimants' Committee, Official Committee of Unsecured Creditors, and Debtor (ECF No. 1739) (the "Plan") and the Disclosure Statement Regarding Joint Chapter 11 Plan of the Tort Claimants' Committee, Official Committee of Unsecured Creditors, and Debtor (ECF No. 1740) (the "Disclosure Statement"). Document No. 1852

10. In this Certificate of Service, agent of Verita Global Darlene Calderon attested that she had directed Verita Global employees to serve notice upon the service list reflected , in pertinent part, in Exhibit R.

11. Arsenio Mascarenas is on the service list, with service purported to have been given at his place of incarceration at the Bernalillo Metropolitan Detention Center, 100 Deputy Dean Miera Dr. SW, Albuquerque, New Mexico, 87151.

12. Mr. Mascarenas never received the documents alleged to have been served upon him as reflected in Document No. 1852. As such, he never responded to the alleged mailing.

13. On August 7, 2025, this Court filed its Decision and Order on YesCare's Omnibus Motion to Enjoin Plaintiffs from Prosecuting Cases Against Released Parties. Document No. 2374. In this Order, the Court established several categories of Plaintiffs based upon the service

of an opt-out release form. In pertinent part, the Court established a group of parties listed in Exhibit B who were not served an opt-out release form, stating that publication notice was insufficient for “parties (who) are known creditors (who are) constitutionally entitled to actual notice - and not publication notice - because their litigation claims could not be released under the Plan.” Document No. 2374

14. Since Arsenio Mascarenas, like the Plaintiffs referenced in 2374 and placed in Exhibit B, did not receive actual notice, he should be added to the list of those included in Exhibit B to Document 2374.

WHEREFORE Plaintiff Arsenio Mascarenas respectfully requests this Court add him to those who were not properly served with actual notice, as reflected in Exhibit B of Document 2374 of Case No. 23-90086 (CML).

Respectfully submitted,

SMITH TEMPLEMAN LAW FIRM

/s/ Christopher J. Templeman

Christopher J. Templeman

Admitted Pro Hac Vice

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CERTIFICATE OF SERVICE

I do hereby certify that on the 1st day of October, 2025, a true and correct copy of the foregoing was electronically filed with the Court Clerk and served through the CM/ECF system.

By:

/s/ Christopher J. Templeman

Christopher J. Templeman