Docket #0039 Date Filed: 6/12/2023

IN THE UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF TEXAS

In re:

TEHUM CARE SERVICES, INC.,

Debtor.

ANANT KUMAR TRIPATI,

Plaintiff,

v.

SARA TIRSCHWELL, et al.

Defendants.

Adversary Proceeding: 23-03072

Assigned to: Bankruptcy Judge Christopher M. Lopez

United States Courts
Southern District of Texas
FILED
JUN 12 2023
Nathan Ochsner, Clerk of Court

NOTICE OF SPECIAL APPEARANCE AND JOINDER IN STATE OF ARIZONA DEFENDANTS' MOTION TO SCREEN PLAINTIFF'S PRO SE INMATE ADVERSARY COMPLAINT AND REQUEST FOR AN EXTENSION OF TIME TO FILE A RESPONSIVE PLEADING

Defendants Quintairos Prieto Wood & Boyer, P.A., Anthony Fernandez, Lori Metcalf, and Nichole Rowey (collectively, "QPWB Defendants"), through counsel, join and adopt as their own the State of Arizona Defendants' Motion to Screen Plaintiff's Pro Se Inmate Adversary Complaint and Request for an Extension of Time to File a Responsive Pleading dated June 5, 2023 (Doc. 25).

Factual and Procedural Background

1. Plaintiff's Summons was issued on May 4, 2023.

2. Defendants Fernandez and Metcalf did not receive their Summons until May 30, 2023 via United States Postal Service.

3. Defendant Nichole Rowey no longer works for Quintairos, Prieto, Wood & Boyer, P.C., therefore, she was not served.

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4. Quintairos, Prieto, Wood, and Boyer, P.A., the law firm, was not served with a copy of the summons.[1]

5. On March 5, 2022, the United States District Court for the Western District of Pennsylvania dismissed a similar complaint that Plaintiff filed against the same Defendants. As he does here in the Adversary Complaint, Plaintiff made conclusory allegations that all defendants were alter egos of Corizon (and numerous other named defendants) and participated in a nationwide fraudulent scheme, claiming among other things that they violated the Arizona civil racketeering statute. The district court dismissed the claims against the QPBW Defendants for lack of personal jurisdiction and failure to state a claim, and it denied him leave to amend the complaint. *Id.*, 2022 WL 1013446 *3 (W.D. Pa. Apr. 5, 2022); *see also* (Doc. 25, p. 6).

11. The Third Circuit affirmed, finding that "Tripati is a convicted fraudster who, over the past few decades, has inundated the federal courts with scores of lawsuits." *Tripati v. Wexford Health Sources Inc.*, No. 22-1861, 2022 WL 17690156, at *1 (3d Cir. Dec. 15, 2022). It noted that, "in light of his vexatious litigation history, Tripati has been subject to filing restrictions in the United States District Court for the District of Arizona, the United States Court of Appeals for the Ninth Circuit, and the United States Supreme Court." *Id.* at n.2 (internal citations omitted). It found that the SAC failed to state a claim. *Id.* at *1–2 (internal record citations omitted); *see also* (Doc. 25, p. 6-7).

12. Tripati filed a petition for writ of certiorari to the United States Supreme Court, but the United States Supreme Court has not docketed the case. (Doc. 25, p. 6-7).

No Prior Request

13. No prior motion for the relief requested herein has been made to this or any other court.

[1] The QPWB Defendants reserve their right to raise in a responsive pleading all defenses that may apply to claims, if any, that survive a screening order, including but not limited to the defensed available under the Federal Rules of Bankruptcy Proceedings 7004 and 7012, and Federal Rules or Civil Procedure 4 and 12(b).

Conclusion

For the reasons above, the QPWB Defendants respectfully request that this Court screen Plaintiff's Adversary Compliant Pursuant to § 1915A. Further, they request that the Court extend the time period for them to file a response until 30 days after the Court issues a screening order if the Adversary Complaint is not dismissed.

RESPECTFULLY SUBMITTED this 5th day of June, 2023.

QUINTAIROS, PRIETO, WOOD & BOYER, P.A.

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Attorneys for Defendants Quintairos Prieto Wood & Boyer, P.A., Anthony J. Fernandez, Lori A. Metcalf, and Nichole Rowey

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of June, 2023, I electronically transmitted the foregoing with the Clerk of the Court using the CM/ECF system for filing, with copies submitted by U.S. mail and/or electronically to the following recipients:

I also certify that on the same date the attached document was served by mail to the following, who is not registered participant of the CM/ECF System:

Anant K. Tripati (#102081)
P.O. Box 8909
Yuma, AZ 85349
Plaintiff

By: /s/ Tina Cummings