Docket #0069 Date Filed: 7/17/2023

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

IN RE: TEHUM CARE SERVICES, INC. Debtor.	§ § § § § § §	 CASE NO. 4:23-BK-90086 (CML) CHAPTER 11
ANANT KUMAR TRIPATI Plaintiff, vs. Sarah Tirschwell, et al.	§ § § § § § § §	Adversary No. 23-03072

ARIZONA DEPARTMENT OF CORRECTIONS, REHABILITATION, AND REENTRY JOINDER IN 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 ON BEHALF OF PAUL CARTER

Arizona Department of Corrections, Rehabilitation, and Reentry ("ADCRR") on behalf of its former employee and purported defendant in this adversary Paul Carter ("Defendant"), by and through its counsel, hereby files this Joinder In Support of 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 and respectfully and respectfully states as follows:

INTRODUCTION

1. On or about May 1, 2023, Plaintiff Anant Kumar Tripati ("Plaintiff") filed his Verified Adversary Complaint [Doc. 1] ("Complaint") in the Bankruptcy Court for

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the Southern District of Texas, thereby commencing the above referenced adversary proceeding.

2. It does not appear that any summons was ever issued to Paul Carter, nor does ADCRR have any indication that Mr. Carter has been actually served with the Complaint. ADCRR files this joinder prophylactically – anticipating that Plaintiff will eventually remedy these defects in service.

3. On June 5, 2023, Defendants Struck Love Bojanowski and Acedo, PL, Daniel P. Struck, Michael Gottfried, Betty Ulibarri, and Diane Bohuszewicz ("State of Arizona Defendants") filed their Motion to Screen Plaintiff's Pro Se Inmate Adversary Complaint and Request for an Extension of Time to File a Responsive Pleading [Doc. 25] (the "Motion").

4. Defendant wishes to join the Motion filed by the State of Arizona Defendants.

BACKGROUND AND ALLEGATIONS

5. Plaintiff is a pro se inmate currently serving in an Arizona state prison. *See* State v. Tripati, Maricopa County Superior Court Nos CR 1992-008576-A, CR 1992-00960.

6. Plaintiff maintains that Defendant has participated in a scheme to commit fraud in violation of Arizona's civil racketeering statute. *See, e.g.* Complaint, ¶¶ 441, 450, 451. Specifically, Plaintiff contends Defendant interfered "in the administration of justice" by concealing evidence and making false statements (the "Allegations"). Complaint, ¶¶ 11-13.

7. The same Allegations against Defendant were previously dismissed in The United States District Court for the District of Pennsylvania due to lack of personal

jurisdiction and Plaintiff's inability to properly state a claim for relief. Tripati v. Wexford Health Sources, Inc., No. 2:20-CV-00427, 2022 WL 1516780 (W.D. Pa. Feb 14, 2022).

8. Plaintiff's vexatious nature has been recognized by various courts including 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. *Tripati v. Wexford Health Sources Inc.*, No. 22-1861, 2022 WL 17690156, at *1 n.2 (3d Cir. Dec. 15, 2022).

ARGUMENT

9. Defendant hereby incorporates and joins in the arguments made in the Motion, and all papers filed in support thereof.

WHEREFORE, Defendant respectfully requests the Court i) screen Plaintiff Anant Kumar Tripati's pro se inmate Complaint pursuant to 28 U.S.C. § 1915A, ii) extend the time for Defendants to answer or otherwise respond to the Complaint 30 days after the Court issues a screening order, and iii) for such other and further relief as the court deems proper.

DATED this 17th day of July, 2023.

OSBORN MALEDON, PA

By: /s/ Warren J. Stapleton

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Certificate of Service

I hereby certify that on July 17, 2023 I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

/s/ Peggy Nieto