Docket #0085 Date Filed: 7/19/2023

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**
	§	
Debtor.	§	
	§	
	§	
ANANT KUMAR TRIPATI,	§	**Adv. No. 23-03072**
	§	
v.	§	
	§	
SARA TIRSCHWELL, et al,	§	
	§	
Defendants.	§	

WEXFORD HEALTH SOURCES, INC.'S RESPONSE IN OPPOSITION TO PLAINTIFF'S APPLICATION TO THE CLERK FOR ENTRY OF DEFAULT AGAINST WEXFORD HEALTH SOURCES INC FOR FAILURE TO PLEAD OR RESPOND OTHERWIS. DECLARATION OF MILITARY SERVICE

Defendant, Wexford Health Sources, Inc. ("Wexford"), by and through its counsel, hereby files this *Response in Opposition* (the "Response") to Plaintiff Anant Kumar Tripati's ("Plaintiff") *Application to the Clerk for Entry of Default Against Wexford Health Sources, Inc for Failure to Plead or Respond Otherwis. Declaration of Military Service* (the "Application") and respectfully states as follows:

BACKGROUND

1. On May 1, 2023, Plaintiff Anant Kumar Tripati ("Plaintiff") filed his *Verified Adversary Complaint* [Doc.1] (the "Complaint") in the U.S. Bankruptcy Court for the Southern District of Texas on May 1, 2023 commencing this action.

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2. Plaintiff's Complaint asserts various claims asserts claims for (1) Violation of 18 U.S.C. 1962(c); ARS 13- 2314.04 and (2) Violation of 18 U.S.C. 1962(d); ARS 13-2314.04 by Conspiracy to Violate 18 USC 1962(c) and ARS 132314.04 against 42 defendants that seeks to revisit his prior litigation that was dismissed by the United States District Court for the Western District of Pennsylvania in *Tripati v. Wexford Health Sources, et al.*, Case No. 20-cv-00427 (W.D.Pa. Feb 14, 2022) and affirmed on appeal by the Third Circuit Court of Appeals. *Tripati v. Wexford Health Sources, Inc.*, 2022 U.S. Dist. Lexis 24617 at *7, 2022 WL 17690156 (3d Cir. Dec. 15, 2022). Wexford is unsure of how the Plaintiff's claims relate to the above-captioned bankruptcy case.

3. On June 19, 2023, Wexford filed its *Notice of Special Appearance and Joinder in Support 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* [Doc.45] (the "Joinder") whereby Wexford incorporated and joined in the arguments made by Defendants Struck Love Bojanowski and Acedo, PL, Daniel P. Struck, Michael Gottfried, Betty Ulibarri, and Diane Bohuszewicz ("Arizona Defendants") in 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] ("Motion"). To date, a hearing on the relief requested in the Joinder and the Motion has not been set nor has an order been entered.

4. Plaintiff filed the Application on July 17, 2023. In the Application, Plaintiff requests an entry of default against Wexford alleging the following: (i) that Wexford has neither responded nor pled otherwise; (ii) even if Wexford has responded, Wexford failed to serve a copy of the Joinder to the Plaintiff via mail; (iii) Wexford is neither a minor, incompetent, nor in

military duty. Included in the Application is a Declaration of the Plaintiff in support of the Plaintiff's request for entry of default.

RESPONSE

5. Plaintiff's Application is premature. In the Joinder, Wexford requested a 30-day extension of their time to respond to the Complaint after the Court issues a screening order and such other relief as this Court deems proper. As previously mentioned, a hearing has not been set nor has an order been entered related to the relief requested in the Joinder and the Motion. Until such time as a hearing has been set and the Joinder heard, an entry of default is not available.

6. Out of abundance of caution, a copy of this Response, as well as a copy of the Joinder, will be served on Plaintiff.

WHEREFORE, based on the foregoing, Defendant Wexford Health Sources, Inc., respectfully requests that Plaintiff's Application be denied and that Wexford obtain such other and further relief to which they may show themselves justly entitled.

DATED: July 19, 2023

Respectfully submitted,

/s/Michael P. Ridulfo
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ATTORNEYS FOR WEXFORD HEALTH SOURCES, INC.

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on July 19, 2023, a true and correct copy of the foregoing Response in Opposition to Plaintiff's Application to the Clerk for Entry of Default Against Wexford Health Sources, Inc. for Failure to Plead or Respond Otherwise. Declaration of Military Service was served upon all counsel of record via the Court's ECF and by mailing the same via U.S. Mail, first-class, postage pre-paid and by certified mail, return receipt requested to:

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/s/Michael P. Ridulfo
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