Docket #0134 Date Filed: 8/30/2023

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

In Re: Tehum Care Services, Inc. *Debtor*	Case No.: 23-90086 (CML) CHAPTER 11
Anant Kumar Tripati *Plaintiff*, v. Sarah Tirschwell, et al., *Defendants*.	Adv. Pro. No. 23-03072 (CML)

DEFENDANT COLUMBIA CASUALTY COMPANY'S
MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT

Defendant Columbia Casualty Company ("Columbia") files this Motion for Extension of Time to Respond to Complaint, and in support thereof would respectfully show as follows:

1. Plaintiff Anant Kumar Tripati initiated this adversary proceeding against multiple defendants, including Columbia, on May 1, 2023 by filing Plaintiff's Complaint. (*See* Doc. 01).

2. The court's docket indicates that a summons was issued for Columbia and several other named defendants on May 19, 2023. (*See* Doc. 05). But Columbia was not served with the summons or a copy of Plaintiff's Complaint as required by Fed. R. Civ. P. 4(c). (*See* Exhibit A, Declaration of Barbara Hyman). The case docket shows no certificate of service reflecting execution of the May 19, 2023 summons on Columbia.

3. Columbia first became aware of this adversary proceeding on August 22, 2023, when it first received a copy of Plaintiff's Application for Default. (*See* Exhibit A, Declaration of Barbara Hyman). While Plaintiff's Application for Default asserts that service on Columbia

"is evidenced by the proof of service on file," the case docket reflects no such evidence.

4. Having received the Application for Entry of Default, Columbia seeks to waive service of process and respectfully requests a 60-day extension from the date of this filing to file a responsive pleading to Plaintiff's Complaint pursuant to Federal Rule of Civil Procedure 4(d)(3).

WHEREFORE, Defendant Columbia Casualty Company respectfully requests that the Court GRANT this Motion and give Columbia Casualty Company 60 days from the date of the filing of this Motion to respond to Plaintiff's Complaint.

Respectfully submitted,

HUSCH BLACKWELL LLP

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ATTORNEYS FOR DEFENDANT COLUMBIA CASUALTY COMPANY

CERTIFICATE OF SERVICE

I certify that on the 30th day of August, 2023, a true and correct copy of the foregoing document was served upon all counsel of record electronically via the Court's CM/ECF system, and has been served on the Plaintiff by first class U.S. mail at the following address:

Anant K. Tripati
Inmate #102081
P.O. Box 8909
Yuma, AZ 85349

/s/ Ben Stephens
Ben Stephens

Ex. A

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DECLARATION OF BARBARA HYMAN IN SUPPORT OF COLUMBIA CASUALTY COMPANY'S RESPONSE TO PLAINTIFF'S APPLICATION FOR ENTRY OF DEFAULT

STATE OF ILLINOIS §
§
COUNTY OF COOK §

1. My name is Barbara Hyman. I am over eighteen years of age and am competent to make this Declaration. The facts stated in this Declaration are based on my personal knowledge, including my review of the document entitled "The Application to the Clerk for Entry of Default Against Columbia Casualty Company" (the "Application for Default") in the above-referenced lawsuit.

2. I am a Senior Paralegal in the CNA Law Department, which oversees claims asserted against Columbia Casualty Company ("Columbia") and other affiliated companies that use the "CNA" service mark. In that capacity, I am familiar with Columbia's procedures for the receipt and handling of summons, complaints and other documents that are served upon Columbia, and those procedures are within the normal course and scope of my duties and

responsibilities.

3. On August 22, 2023, Columbia first received the Application for Default in the above-referenced lawsuit. Upon receipt of the Application for Default, I searched for any evidence that Columbia may have received the summons and complaint in the above-referenced lawsuit, and I was unable to find any such evidence. To the best of my knowledge, August 22, 2023 was Columbia's first notice that Plaintiff Anant Kumar Tripati had asserted claims against Columbia in the lawsuit. At no time prior to receiving the Application for Default did Columbia receive any Summons and/or Complaint for the above-referenced lawsuit.

4. If Columbia had received the Summons and/or Complaint, or any other documents pertaining to service of process in this lawsuit, Columbia would have made a contemporaneous record of its receipt of the documents. Columbia has no such record of having received such documents. Accordingly, Columbia's first notice of Plaintiff's claim is the receipt of the Application for Default on August 22, 2023.

5. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 29 day of August, 2023.

Barbara Hyman