Docket #0173 Date Filed: 11/6/2023

United States Courts
Southern District of Texas
FILED

NOV 06 2023

Nathan Ochsner, Clerk of Court

IN THE UNITED STATES BANKRUPTCY COURT

FOR THE SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

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

Motion For Inherent Power And Rule 11 Sanctions Against THOMAS O. BEAN ESQ, NATHANIEL R. HULL ESQ ADMITTED PRO HAC VICE OF VERRILL DANA LLP

This motion seeks an order that may adversely affect you. If you oppose the motion, you should immediately contact the moving party to resolve the dispute. If you and the moving party cannot agree, you must file a response and send a copy to the moving party. You must file and serve your response within 21 days of the date this was served on you. Your response must state why the motion should not be granted. If you do not file a timely response, the relief may be granted without further notice to you. If you oppose the motion and have not reached an agreement, you must attend the hearing. Unless the parties agree otherwise, the court may consider evidence at the hearing and may decide the motion at the hearing. Represented parties should act through counsel.

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Plaintiff asks this court for an order imposing inherent power and Rule 11 Sanctions against counsel and Defendants. In support thereof he submits.

PROOF OF COMPLIANCE

¶ I served this motion on counsel, waited 30 days and then filed it. *In re Rollings 2008 Bankr. Lexis 993 (Bankr. SD Tx March 31, 2008)*

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MEET AND CONFER

¶ I sent counsel this motion and asked them to withdraw their pleadings. I gave them through October 25, 2023 to take corrective action and they failed to.

THE SANCTIONABLE CONDUCT

FIRST SANCTIONABLE CONDUCT

¶ Thomas O. Bean Esq, Nathaniel R. Hull Esq admitted Pro Hac Vice of Verrill Dana LLP made substantive blatant misrepresentations to the United States Bankruptcy Court in the adversary proceedings.

¶Specifically in ECF 143, 144 they impugned the integrity of the Court's process by stating that the court did not issue summons.

¶A notation appears on May 19, 2023 in the docket sheet that the Clerk did issue summons.

¶I provided counsel with a copy of the envelope sent by the Clerk showing that on May 19, 2023 the Clerk did issue and mail me the summons, received by me on May 30, 2023. The Clerk placed $2.22 in postage.

¶However, instead of asking the Clerk to check the physical returns to the summons with the summons, they, relying on a notation dated June 28, 2023, represented that no summons were issued.

SECOND SANCTIONABLE CONDUCT

¶ Attorneys Michael C Whalen Esq of Paul Hastings, 71 S Wacker, 45th Floor, Chicago, IL 60606 joined in the motion by Thomas O. Bean Esq, Nathaniel R. Hull Esq

¶Ben Stephens Esq, Husch Blackwell LLP, 600 Travis, Suite 2350, Houston, Texas 77002 joined in the motion by Thomas O. Bean Esq, Nathaniel R. Hull Esq

¶Buffy E. Klein Esq, Husch Blackwell LLP, 1900 Pearl St # 1800, Dallas, Texas 75210 joined in the motion by Thomas O. Bean Esq, Nathaniel R. Hull Esq

¶Patrick L Kemp Esq, Segal McCambridge, 100 Congress # 800, Austin, Texas 78701 joined in the motion by Thomas O. Bean Esq, Nathaniel R. Hull Esq

¶Phillip A. Bagett Esq, Stephen E. Hart Esq, Jackson & Lewis PC, 717 Texas St # 1700 Houston, Texas 77002 joined in the motion by Thomas O. Bean Esq, Nathaniel R. Hull Esq

COUNSEL HAD THE OBLIGATION TO ASK THE CLERK TO PHYSICALLY EXAMINE THE COURT FILES BEFORE MAKING FALSE STATEMENTS AS TO THE CORE OF THEIR APPLICATION

¶ As I provided counsel with a copy of the envelope from the Clerk and confirmation from prison officials that they did serve the summons, before making these material false representations, counsel had the duty to ask the Clerk to check the records. Reliance on the docket entries does not constitute reasonable inquiry under these circumstances.

THESE LAWYERS AND DEFENDANTS MUST BE SANCTIONED

¶Bankruptcy courts have the inherent power to impose sanctions for bad faith conduct. *Cadle Co. v Pratt (In re Pratt) 2008 Bankr. Lexis 2103 (Bankr. N.D.Tex. July 30, 2008)*

¶ In this case joint liability is appropriate as Defendants and counsel are sophisticated, acted in bad faith. *In re Midwest Donut Inc 1998 Bankr. Lexis 1333 (Bankr. ND Tex 1988)*

¶ Thomas O. Bean Esq, Nathaniel R. Hull Esq and the Verrill Law firm encouraged the other lawyers to make material false arguments. Meyers v Textron Fin Corp, 2015 US App. Lexis 5736 (5th Cir. 2015)

¶ These lawyers made this material false arguments willfully, maliciously and in bad faith Ball v AO Smith Corp, 2005 USDist Lexis 1471 (ND NY 2005) affd 451 F3d 66 (2nd Cir. 2006)

¶ Their motions .

- Were filed to manipulate the bankruptcy process and asssit in the perpetration of the biggest fraud in United States Bankruptcy history. *Armstrong v Davis, 2012 USD 135389 (ED Tex 2012)*
- They are not well grounded in fact and law. *In re French Gardens Ltd, 1986 Bankr. Lexis 6894 (SD Tex 1986)*
- They were filed without counsel performing their duty to investigate. *In re Phillips, 2008 Bankr.Lexis 412 (SD Tx 2008)*
- These were filed to harass and delay these proceedings. *In re R0gers 2002 Bankr. Lexis 1963 (ND Tx 2002)*
- The pleadings, arguments, all contain falsehoods and are not privileged. In re Legrand, 2022 Bankr. Lexis 894 (Bank. EDCA 2022) In re French, 162 BR 541(Bankr. D.SD. 1994)

CONCLUSION

¶ These lawyers and Defendants should be sanctioned for misleading this court, as to the issue, core to this case and their defenses. Their conduct was intentional.

Respectfully submitted,

Anant Kumar Tripati 102081
P.O.Box 8909
San Luis, AZ 85349

The Plaintiff hereby certifies that a true and correct copy of the foregoing document was served by the Court's CM/ECF system on all parties requesting notice/ all parties who have entered appearance.

Inmate [illegible]
ADC # 102087
Arizona State Prison Complex Yuma
Unit Cibola
[illegible]
Somerton AZ 85350

United States Courts
Southern District of Texas
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Nathan Ochsner, Clerk of Court

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515 Rusk
Houston, TX 77002