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Counsel for Defendants Corizon, LLC and Scott Eliason

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

ADREE EDMO,

Plaintiff,

v.

IDAHO DEPARTMENT OF
CORRECTION, et al.,

Defendants.

CIVIL ACTION FILE

NO. 1:17-cv-151-BLW

**SUGGESTION OF BANKRUPTCY AND
NOTICE OF AUTOMATIC STAY**

Corizon, LLC¹, one of the named defendants herein, files this *Suggestion of Bankruptcy and Notice of Automatic Stay* and respectfully submits the following:

¹ Corizon, Inc. was an improper party and the parties stipulated to this defendant's name being changed to Corizon, LLC, which was granted by the District Court. *E.g.*, See District Court Docket No. 301, fn. 4, and Dkt. 307.

On February 13, 2023 (the “Petition Date”), a voluntary bankruptcy petition, to which Defendant Corizon, LLC was added², was filed pursuant to chapter 11 of title 11 of the United States Code, 11 U.S.C. §§ 101-1532 (the “Bankruptcy Code”). The case is pending in the United States Bankruptcy Court for the Southern District of Texas, Houston Division, under Case No. 23-90086 (CML) (the “Chapter 11 Case”).

As a result of the commencement of the Chapter 11 Case, section 362 of the Bankruptcy Code operates as a stay, applicable to all entities, of (i) commencement or continuation of a judicial, administrative or other action or proceeding against the Debtor that was or could have been commenced before the commencement of the Chapter 11 Case, or to recover a claim against the Debtor that arose before the commencement of the Chapter 11 Case; (ii) the enforcement, against the Debtor or against the property of their bankruptcy estates, of a judgment obtained before the commencement of the Chapter 11 Case; (iii) any act to obtain possession of property of the estate or of property from the estates or to exercise control over property of the Debtor’s estate; and (iv) any act to create, perfect, or enforce a lien against property of the Debtors’ estate.

It is the undersigned counsel’s understanding that Debtor has or will be filing a motion to extend the stay to cover some or all co-defendants, especially as may relate to Debtor’s indemnification obligations.

The stay set forth in 11 U.S.C. § 362(a) became effective automatically upon the commencement of the Chapter 11 Case. If any party violates the stay, the Debtor may seek to have such actions deemed void, move for sanctions in the Bankruptcy Court and recover actual

² The original bankruptcy petition filed on February 13, 2023 was filed by Tehum Care Services, Inc. d/b/a Corizon Health Services, Inc. An amended bankruptcy petition was filed on February 15, 2023, clarifying the d/b/a name as Corizon Health, Inc. and adding Corizon, LLC. A copy of the filed Amended Petition for bankruptcy is attached hereto as **Exhibit A**.

damages, including costs and attorneys' fees, arising from the violation of the stay.

DATED this 21st day of February, 2023.

PARSONS BEHLE & LATIMER

By: /s/ Dylan A. Eaton

Dylan A. Eaton
Counsel for Defendants Corizon, LLC
and Scott Eliason, M.D.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 21st day of February, 2023, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Lori E. Rifkin
RIFKIN LAW OFFICE
lrifkin@rifkinlawoffice.com
(Counsel for Plaintiff)

Amy Whelan
National Center for Lesbian Rights
awhelan@nclrights.org
(Counsel for Plaintiff)

Craig H. Durham
Deborah A. Ferguson
FERGUSON DURHAM, PLLC
chd@fergusondurham.com
daf@fergusondurham.com
(Counsel for Plaintiff)

Dan Stormer
HADSELL STORMER RENICK & DAI,
LLP
dstormer@hadsellstormer.com
(Counsel for Plaintiff)

Steven R. Kraft
Peter R. Thomas
MOORE ELIA & KRAFT, LLP
steve@melawfirm.net
peter@melawfirm.net
*(Counsel for Defendants Idaho Department
of Correction, Henry Atencio, Jeff Zmuda,
Howard Keith Yordy, Richard Craig, and
Rona Siegert)*

By: /s/ Dylan A. Eaton
Dylan A. Eaton

EXHIBIT A

Fill in this information to identify the case:

United States Bankruptcy Court for the:

Southern District of Texas
(State)

Case number (if known): 23-90086 Chapter 11

Check if this is an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

06/22

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Tehum Care Services, Inc.

2. All other names debtor used in the last 8 years Corizon Health, Inc. and Corizon, LLC

Include any assumed names, trade names, and *doing business* as names

3. Debtor's federal Employer Identification Number (EIN) 23-2108853

4. Debtor's address	Principal place of business	Mailing address, if different from principal place of business
	205 Powell Place <small>Number Street</small> Suite 104 Brentwood TN 37027 <small>City State ZIP Code</small> Williamson <small>County</small>	 <small>Number Street</small> P.O. Box <small>City State ZIP Code</small> Location of principal assets, if different from principal place of business <small>Number Street</small> <small>City State ZIP Code</small>

5. Debtor's website (URL) _____

Debtor Tehum Care Services, Inc.
NameCase number (if known) 23-90086**6. Type of debtor**

- Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
 Partnership (excluding LLP)
 Other. Specify: _____

7. Describe debtor's business

A. Check one:

- Health Care Business (as defined in 11 U.S.C. § 101(27A))
 Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
 Railroad (as defined in 11 U.S.C. § 101(44))
 Stockbroker (as defined in 11 U.S.C. § 101(53A))
 Commodity Broker (as defined in 11 U.S.C. § 101(6))
 Clearing Bank (as defined in 11 U.S.C. § 781(3))
 None of the above

B. Check all that apply:

- Tax-exempt entity (as described in 26 U.S.C. § 501)
 Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)
 Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.8129**8. Under which chapter of the Bankruptcy Code is the debtor filing?**

Check one:

- Chapter 7
 Chapter 9
 Chapter 11. Check all that apply:

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

- The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$3,024,725. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, and it chooses to proceed under Subchapter V of Chapter 11. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- A plan is being filed with this petition.
- Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

- Chapter 12

Debtor Tehum Care Services, Inc.
Name

Case number (if known) 23-90086

9. **Were prior bankruptcy cases filed by or against the debtor within the last 8 years?** No
 Yes. District _____ When _____ Case number _____
MM / DD / YYYY
 If more than 2 cases, attach a separate list. District _____ When _____ Case number _____
MM / DD / YYYY

10. **Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?** No
 Yes. Debtor _____ Relationship _____
 District _____ When _____
MM / DD / YYYY
 List all cases. If more than 1, attach a separate list. Case number, if known _____

11. **Why is the case filed in this district?** *Check all that apply:*
 Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
 A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. **Does the debtor own or have possession of any real property or personal property that needs immediate attention?** No
 Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? *(Check all that apply.)*

- It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.
What is the hazard? _____
- It needs to be physically secured or protected from the weather.
- It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).
- Other _____

Where is the property?

Number _____ Street _____

 City _____ State ZIP Code _____

Is the property insured?

No
 Yes. Insurance agency _____
 Contact name _____
 Phone _____

Statistical and administrative information

Debtor Tehum Care Services, Inc.
Name

Case number (if known) 23-90086

13. Debtor's estimation of available funds

Check one:

- Funds will be available for distribution to unsecured creditors.
 After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

14. Estimated number of creditors

- | | | |
|---|--|--|
| <input type="checkbox"/> 1-49 | <input type="checkbox"/> 1,000-5,000 | <input type="checkbox"/> 25,001-50,000 |
| <input type="checkbox"/> 50-99 | <input type="checkbox"/> 5,001-10,000 | <input type="checkbox"/> 50,001-100,000 |
| <input type="checkbox"/> 100-199 | <input type="checkbox"/> 10,001-25,000 | <input type="checkbox"/> More than 100,000 |
| <input checked="" type="checkbox"/> 200-999 | | |

15. Estimated assets

- | | | |
|--|--|--|
| <input type="checkbox"/> \$0-\$50,000 | <input checked="" type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion |
| <input type="checkbox"/> \$50,001-\$100,000 | <input type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion |
| <input type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion |

16. Estimated liabilities

- | | | |
|--|---|--|
| <input type="checkbox"/> \$0-\$50,000 | <input type="checkbox"/> \$1,000,001-\$10 million | <input type="checkbox"/> \$500,000,001-\$1 billion |
| <input type="checkbox"/> \$50,001-\$100,000 | <input checked="" type="checkbox"/> \$10,000,001-\$50 million | <input type="checkbox"/> \$1,000,000,001-\$10 billion |
| <input type="checkbox"/> \$100,001-\$500,000 | <input type="checkbox"/> \$50,000,001-\$100 million | <input type="checkbox"/> \$10,000,000,001-\$50 billion |
| <input type="checkbox"/> \$500,001-\$1 million | <input type="checkbox"/> \$100,000,001-\$500 million | <input type="checkbox"/> More than \$50 billion |

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 02/15/2023
MM / DD / YYYY

X /s/ Russell A. Perry

Signature of authorized representative of debtor

Russell A. Perry

Printed name

Title Chief Restructuring Officer

Debtor Tehum Care Services, Inc.
Name

Case number (if known) 23-90086

18. Signature of attorney

X /s/ Jason S. Brookner
Signature of attorney for debtor

Date 02/15/2023
MM / DD / YYYY

Jason S. Brookner

Printed name

Gray Reed

Firm name

1300 Post Oak Blvd., Suite 2000

Number Street

Houston

TX

77056

City

State

ZIP Code

469.320.6132

jbrookner@grayreed.com

Contact phone

Email address

24033684

TX

Bar number

State

Fill in this information to identify the case:

Debtor name Tehum Care Services, Inc.

United States Bankruptcy Court for the: Southern District District of Texas
(State)

Case number (if known): 23-90086

Check if this is an amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an *insider*, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
1	St. Alphonsus 1055 North Curtis Road Boise, ID 83706-1309	Keely Duke ked@dukeevett.com 208-342-3310	Medical Services	C, D, U			Unknown
2	St. Lukes 190 E. Bannock Boise, ID 83712-6241	Wendy Olson - Stoel Rives LLP Wendy.olson@stoelrives.com	Medical Services	C, D, U			Unknown
3	Capital Region Medical Center / Curators of the University of MO 1125 Madison Street Jefferson City, MO 65102-1128	Patrick Stueve stueve@stuevesiegel.com 816-714-7100	Medical Services	C, D, U			\$12,000,000
4	Maxim Healthcare 12558 Collections Center Drive Chicago, IL 60693	Erno Lindner elindner@bakerdonelson.com 423-209-4206	Staffing Services	C, D, U			\$5,000,000
5	Blue Cross Blue Shield of MI 600 East Lafayette Boulevard Detroit, MI 48226-2996	Paul Wilk, Jr. Paul.wilk@kitch.com 313-965-7848	Medical Services	C, D, U			\$3,500,000
6	GHR General Healthcare Resources 2250 Hickory Road, Ste. 240 Plymouth Meeting, PA 19462	Jessica Glatzer Mason jmason@foley.com 713-276-5793	Staffing Services	C, D, U			\$3,400,000
7	Rifkin Law Office 3630 High Str. Ste. 18917 Oakland, CA 94619	Lori Rifkin lrifkin@rifkinlawoffice.com 510-414-4132	Litigation	C, D, U			\$2,631,593
8	Arizona DOC Struck Love Bojanski & Acedo, PLC 3100 W. Ray Rd, Ste 300 Chandler, AZ 85226	Tim Bojanowski bojanowski@strucklove.com 480-420-1604	Indemnification	C, D, U			\$2,615,496

Debtor Tehum Care Services, Inc.
Name

Case number (if known) 23-90086

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
9	Highwoods Properties P.O. Box 409355 Atlanta, GA 30384	Ronn Steen Ronn.steen@thompsonburton.com 615-465-6010	Commercial Lease	C, D, U			\$2,000,000
10	Cameron Regional Medical Center 1600 East Evergreen Cameron, MO 64429	Mark Cole mcole@spencerfane.com 913-345-8100	Medical Services	C, D, U			\$1,500,000
11	Mercy Hospital (MO) 1400 US Highway 61 Festus, MO 63028-4100	Lisa Manziel info@manziel.com 214-369-5500	Staffing Services	C, D, U			\$1,250,000
12	HCA Health Services of FL 2020 59th Street West Bradenton, FL 34209-4604	David Tassa dtassa@kslaw.com 213 -443- 4335	Medical Services	C, D, U			\$986,000
13	New York State Nurses Association Pension Plan Bldg. 3, Pinewest Plaza Albany, New York 12205	Jonathan M. Cerrito Cohen Weiss and Simon jcerrito@cwsny.com 212-356-0211	Pension Obligation				\$500,000
14	Capitol Eye Class Action 1705 Christy Drive, #101 Jefferson City, MO 65101	Blake Marcus Blake.m@carsoncoil.com 573-636-2177	Medical Services	C, D, U			\$450,000
15	Microsoft P. O. Box 844510 Dallas, TX 75284-4510	Amy Scoville amdevi@microsoft.com 701-492-3529	Trade Vendor				\$390,000
16	Supplemental Healthcare P.O. Box 27124 Salt Lake City, UT 84127-0124	Fariha Haider fhaider@shccares.com 832-404-6708	Trade Vendor				\$360,045
17	Alight P.O. Box 95135 Chicago, IL 60694-5135	Jessica Lazenby Jessica.lazenby@alight.com	Trade Vendor				\$345,000
18	Halo Branded Solutions 3182 Momentum Place Chicago, IL 60689-5331	Scott Schaefer Scott@schaeferlaw.com	Trade Vendor				\$172,000
19	BDO P.O. Box 642743 Pittsburgh, PA 15264-2743	Randy Wise Randy.wise@abc-amega.com 716-885-4444	Professional Services	C, D, U			\$163,000

20	Truman Medical University Health Office of General Counsel 2301 Holmes Street Kansas City, MO 64108	Claire Hillman 816-404-3628	Litigation	C, D, U			\$150,000
21	Cell Staff 1715 N Westshore Boulevard Tampa, FL 33607	Mike Landon mlandon@cellstaff.com 813-977-0648	Trade Vendor	C, D, U			\$149,767
22	Vang, Ka et al c/o Webb Law Group 466 W. Fallbrook Ave., #102 Fresno, CA 93711	Lenden Webb lwebb@webblawgroup.com 559-431-4888	Agreement				\$147,314
23	Dell Financial Services, LLC P.O. BOX 6547 Carol Stream, IL 60197-6547	Richard Villa collections@slolp.com 512-236-9903	Trade Vendor				\$140,000
24	WhiteGlove Placement 89 Bartlett Street Brooklyn, NY 11206	Linda Markowitz lmarkowitz@whiteglovecare.net 718-387-8181 x 133	Trade Vendor				\$119,809
25	Liftforward / Hitachi / Mitsubishi P.O. BOX 1880 Minneapolis, MN 55480-1880	Mark Magnozzi mmagnozzi@magnozzilaw.com 631-923-2858	Trade Vendor	C, D, U			\$101,000
26	Nephrology and Hypertension Associates L.L.P. 1205 West Broadway Columbia, MO 65203	Thomas Riley triley@rsb.com 573-642-7661	Medical Services	C, D, U			\$82,000
27	Canon Financial 14904 Collections Drive Chicago, IL 60693-0149	Brian Fleischer bfleischer@fleischerlaw.com 856-489-8977	Trade Vendor	C, D, U			\$78,000
28	Newman, Kathleen c/o TGH Litigation LLC 28 N. 8th Street, Suite 317 Columbia, MO 65201	J. Andrew Hirth andy@tghlitigation.com 573-256-2850	Agreement				\$75,000
29	Willis Towers Watson 29754 Network Place Chicago, IL 60673-1297	RMS LLC 888-545-4170	Professional Services	C, D, U			\$70,727
30	Bio-Rad Laboratories, Inc. 1000 Alfred Nobel Drive Hercules, CA 94547	Thomas Burg thomas@bbslaw.com 650-857-9500	Trade Vendor	C, D, U			\$62,000