

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

In re:

WELLPATH HOLDINGS, INC., *et al.*,¹

Debtors.

Chapter 11

Case No. 24-90533 (ARP)

(Jointly Administered)

**OBJECTION TO STIPULATION AND ENTRY OF AN AGREED ORDER
REGARDING THE DEPUTIES LIFT STAY MOTION**

JENNIFER O’NEAL, individually as the Surviving Spouse of JOSHUA CAIN CAPES and ADEL TILLMAN CAPES, as Administrator of the Estate of JOSHUA CAIN CAPES, deceased, (collectively “Movants” or “Capes”) and files this their Objection Stipulation and Agreed Order Regarding The Deputies Lift Stay Motion (Docket No. 723) filed on December 31, 2024, wherein those parties agreed that the Automatic Stay does not apply in the Capes State Court Action as to the Deputies litigating Official Immunity Issue. Bluntly such an Order prejudices Capes as there is no way to address what the deputies did and didn’t do and what they were and were not required or expected to do without involving Wellpath witnesses.²

¹A complete list of the Debtors in these chapter 11 cases can be obtained on the website of the Debtors’ claims and noticing agent at <https://dm.epiq11.com/Wellpath>. The Debtors’ service address for these chapter 11 cases is 3340 Perimeter Hill Drive, Nashville, Tennessee 37211.

² Capes will file their Motion for Relief from Stay, with a hearing to be set for February 14, 2025.

Capes' State Court Action

1.

On November 11, 2024 (the "Petition Date"), WellPath Holdings, LLC, *et al.*, filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the "Bankruptcy Code").

2.

The Debtor WellPath, LLC, contracted with the Cobb County Adult Detention Center ("CCADC") which is operated by Sheriff Craig D. Owens of Cobb County, Georgia. Wellpath, LLC provided medical services at CCADC, including medical treatment, staffing, supplies and pharmaceuticals to inmates and at the on-site infirmary at CCADC, managing and administering the operations of said Infirmary, and conducting a mental health screening during the Receiving Screening, and making and documenting referrals for Mental Health Services.

3.

Joshua Cain Capes was held at the CCADC between April 24, 2022, and May 2, 2022.

4.

On May 2, 2022, Joshua Cain Capes died in an ambulance in transport to Wellstar Cobb Hospital, after a suicide by hanging attempt in his cells at CCADC.

5.

On April 25, 2024, JENNIFER O'NEAL, individually as the Surviving Spouse of JOSHUA CAIN CAPES and ADEL TILLMAN CAPES, as Administrator of the Estate of JOSHUA CAIN CAPES, deceased, filed a Complaint against the Debtor seeking damages for medical malpractice, negligence, wrongful death and demand for jury trial (the "Complaint") captioned styled: JENNIFER O'NEAL, individually as the Surviving Spouse of JOSHUA CAIN CAPES and ADEL

TILLMAN CAPES, as Administrator of the Estate of JOSHUA CAIN CAPES, deceased, v. WellPath, LLC; Johnnetta M. Collins; Dodou M. Jones and Andelson Maximin, State Court of Cobb County, State of Georgia, Civil Action File No. 24-A-2129 (the “State Court Action”). Defendants Dodou M. Jones and Andelson Maximin are not related to the Debtor, and are employees of Cobb County, Georgia Sheriff’s Office.

6.

Prior to the Petition Date, the State Court Action was active. Some Defendant’s Answers have been filed. Discovery commenced. Plaintiffs First Interrogatories and First Requests for Production of documents were served to Defendants and Non-Parties, and some of them were already answered. Depositions of parties and Non-Parties were about to be taken when the Chapter 11 Bankruptcy case was filed.

7.

The State Court Action has not advanced since Debtor’s Petition Date.

8.

On December 31, Debtors and Cobb County Sheriff’s Deputies Adelson Maximin and Dodou Jones filed a Stipulation and Agreed Order Regarding The Deputies Lift Stay Motion (docket no. 723) wherein those parties agreed that the Automatic Stay does not apply in the Capes State Court Action as to the Deputies litigating Official Immunity Issue. However, such an agreed order prejudices O’Neal and Capes as the Plaintiffs, as there is no way to address what the deputies did and didn’t do and what they were and were not required or expected to do without involving Wellpath witnesses.

Relief Requested

Movant requests this Court modify the proposed Agreed Order to allow the Plaintiffs in the State Court Action to allow them to take discovery, including depositions, of the Sheriff's employees and Wellpath employees and agents.

Respectfully submitted,

McBRYAN, LLC

/s/Louis G. McBryan

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Attorneys for Movant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 1, 2025, I electronically filed the foregoing Objection To Stipulation and Agreed Order Regarding The Deputies Lift Stay Motion with the Clerk of the Court using CM/ECF, and that the foregoing document is being served this day on all counsel of record or pro se parties authorized manner for those counsel or parties who are authorized to receive electronically Notices of Electronic Filing.

Respectfully submitted,

McBRYAN, LLC

/s/Louis G. McBryan

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