

Definition of Terms

Capitalized terms used but not defined in this document have the meanings ascribed to them in the Plan or the Trust Agreement and such definitions are incorporated in these instructions by reference. The following terms have the respective meanings set forth below:

“Acceptance and Release” means that for an Allowed Trust Claim to receive payment from the Trust, the Claimant must submit, as a precondition to receiving such payment from the Trust, an executed acceptance and release, which shall include a release of the Trust, the Trustee, the TAC, and each of their respective Representatives

“Allowed Claim Amount” means allowed liability amount for each Allowed Trust Claim.

“Allowed Trust Claim” means a creditor’s claim that has been formally approved for payment.

“Allowed Personal Injury Claim” If a Personal Injury Claimant has satisfied 11 U.S.C. § 502 and the Personal Injury Claim Criteria and has submitted the required Trust Claims Submission, then it shall have an Allowed Personal Injury Claim.

“Basic Claim Submission” shall mean the submission of Identifying Information to the Trust and the election to make or not make the Expedited Distribution Election.

“Channeled PI/WD Claim” means a PI/WD Claim asserted by a PI/WD Claimant (a) who does not opt out of the Consensual Claimant Release or (b) who does not opt out to pursue his or her PI/WD Claims in the Civil Justice System for the purpose of pursuing a recovery from one or more PI/WD Insurance Companies, provided, however, that an Opt-Out Insured PI/WD Claim shall become a Channeled PI/WD Claim if the Holder of the Opt-Out Insured PI/WD Claim elects or is deemed to elect to return to the PI/WD Trust under and in accordance with the PI/WD Trust Distribution Procedures. A PI/WD Claim asserted by the Holder of an Opt-Out PI/WD Claim shall not be a Channeled PI/WD Claim.

“Claims Matrix” shall mean (as specifically defined and described in ARTICLE VI.C and ARTICLE VI.D of the Trust Distribution Procedures) a table scheduling the five tiers of Personal Injury Types, and identifying the Base Matrix Value, and Maximum Matrix Value for each tier.

“Claimant” means the holder of a Personal Injury Claim or the holder of an Indirect Claim.

“Exigent Claim” shall mean an Exigent Health Claim or an Exigent Hardship Claim.

“Exigent Hardship Claim” shall mean a Personal Injury Claim that is compensable hereunder, for which the Trustee, in his or her sole discretion, determines that the claimant needs immediate financial assistance based on the claimant’s expenses and all sources of available income.

“Exigent Health Claim” shall mean a Personal Injury Claim for which the Personal Injury Claimant has provided a declaration or affidavit made under penalty of perjury by a physician who has examined the Personal Injury Claimant within one hundred and twenty (120) days of the declaration or affidavit in which the physician states that there is substantial medical doubt that the Personal Injury Claimant will survive beyond six (6) months from the date of the declaration or affidavit.

“Expediated Distribution” means a one-time payment of \$5,000, less any medical liens, in exchange for full satisfaction of a Personal Injury Claim, as provided in Article V.A of the Trust Distribution Procedures.

“FIFO” means shall mean “first-in-first-out” and refers to the impartial basis for establishing a sequence pursuant to which Personal Injury Claims shall be initially reviewed by the Trust.

“Holder” means any Person or Entity holding a Claim or an Interest.

“Lien” or “Liens” means (i) any statutory lien of a Governmental Payor or Medicare Part C or Part D Program sponsor, or (ii) any mortgage, lien, pledge, charge, security interest, or legal encumbrance, of any nature whatsoever, held by any other payer or provider, where there is a legal obligation to withhold payment of an Award, or some portion thereof, to a Personal Injury Claimant under applicable federal or state law or for the Personal Injury Claimant to reimburse the Government Payor, other payer or provider for amounts paid on the Personal Injury Claimant’s behalf in connection with the Claimant’s Personal Injury Claim.

“Personal Injury Claim” means a Personal Injury Claim asserted by an individual (or an individual’s estate) against the Debtor for alleged personal injury, wrongful death, or other similar Claim or Cause of Action arising out of or relating to an injury or death allegedly caused by the Debtor.

“Personal Injury Claimant” means the holder of a Personal Injury Claim who (a) has satisfied the eligibility criteria section forth in the Trust Distribution Procedures, (b) has had his or her Personal Injury Claim assumed by the Trust for evaluation, resolution, and payment pursuant to the Plan, and (c) is signing and executing this Release (or on whose behalf this Release is being signed and executed by a Legal Representative).

“PI/WD Claim” means any unsecured Claim against the Debtor that is attributable to, arises from, is based upon, relates to, or results from an alleged personal injury tort or wrongful death claim within the meaning of 28 U.S.C. § 157(b)(2)(B), including any PI/WD Claim against the Debtor regardless of whether such Claim is alleged to have been allocated to CHS TX, Inc. or YesCare Corp. under the Plan of Divisional Merger. The term PI/WD Claim does not include Indirect PI/WD Claims.

“PI/WD Trust Assets” means all Assets and Estate Assets allocated to the PI/WD Trust, formally titled the Tehum Personal Injury Settlement Trust, pursuant to the PI/WD Trust Agreement and the Plan, as applicable, and in each case, as amended, supplemented, restated, or otherwise modified from time to time, including: (a) 50% of the Settlement Payments; (b) 50% of the ERC Fund; (c) 50% interest in the Retained Causes of Action and the proceeds thereof; (d) Retained PI/WD Trust Causes of Action; (e) the PI/WD Insurance Assignment; (f) the PI/WD Data Transfer; (g) 50% of the Debtor’s remaining Assets, including Cash, (h) any other funds or Assets allocated to the PI/WD Trust under the Plan; and (h) any income, profits, gains, and proceeds realized, received, or derived from PI/WD Trust Assets.

“Plan” means the First Modified Joint Chapter 11 Plan of Reorganization of the Tort Claimants’ Committee, Official Committee of Unsecured Creditors, and Debtor, Docket No. 1739.

“Proof of Claim” means the bankruptcy document *Official Form 410: Proof of Claim*.

“Proposed Allowed Claim Amount” means If the Trustee determines that a Submitted Claim is an Allowed Trust Claim, the Trustee shall utilize the procedures described in ARTICLE VI.C of the Trust Distribution Procedures to determine the value of Personal Injury Claims and the procedures described in ARTICLE VII.C of the Trust Distribution Procedures to determine the value for Indirect Claims

“TAC” means the Trust Advisory Committee appointed to oversee the Trust in accordance with the Chapter 11 Plan and the Trust Agreement.

“TDP” means the Trust Distribution Procedures of Personal Injury Claims. The TDPs are designed to provide fair, equitable, and substantially similar treatment for Allowed Trust Claims. The TDPs provide the means for resolving all Trust Claims that were assumed by the Trust and for which the Debtor had or is alleged to have legal responsibility.

“Threshold Criteria” means to be eligible to potentially receive compensation from the Trust on account of a Trust Claim, each Claimant must:

- (1) have timely filed, or have been deemed to have timely filed, a Proof of Claim with the Bankruptcy Court;
- (2) have personally signed his or her Proof of Claim attesting to the truth of its contents under penalty of perjury, or supplements his or her Proof of Claim to so provide such verification;
- (3) have filed a Proof of Claim that is free of material defect such that the Trustee is able to determine from the Proof of Claim that Trust Claim is prima facie valid and is not barred by any applicable federal or state statute of limitations or repose; and
- (4) have not previously had his or her Trust Claim dismissed on the merits or have received payments on his or her Trust Claim so that no recovery from the Trust would be permissible under the TDP, including ARTICLE X of the Trust Distribution Procedures.

Trust Claims asserted by Claimants who do not satisfy this threshold eligibility criteria (the “Threshold Criteria”) shall be deemed by the Trustee to be Disallowed Claims after a Disallowed Claim Notice has been delivered in accordance with ARTICLE IV.H of the Trust Distribution Procedures, and shall not be paid by the Trust.

“Trust” means – The Tehum Personal Injury Settlement Trust. The purpose of the Personal Injury Settlement Trust (or the “Trust”) is to, among other things, (i) assume legal liability for Channeled PI/WD Trust Claims—i.e., Channeled PI/WD Claim, which are referred to herein as “Personal Injury Claims” and Channeled Indirect PI/WD Claims, which are referred to herein as “Indirect Claims”—pursuant to the terms of the Plan, (ii) prosecute and assert the Retained Trust Causes of Action and the PI/WD Retained Trust Causes of Action, (iii) to hold, preserve, maximize, liquidate, and administer the PI/WD Trust Assets (the “Trust Assets”) for the benefit of the beneficiaries of the Trust, (iv) liquidate the Trust Assets, (v) employ procedures to allow valid Trust Claims (as further set forth herein) in accordance with section 502 of the Bankruptcy Code and/or applicable law (each, an “Allowed Personal Injury Claim” or an “Allowed Indirect Claim”), (vi) determine an allowed liability amount for each Allowed Trust Claim (the “Allowed Claim Amount”), and (vii) process and direct payment of all Allowed Trust Claims. These Trust Distribution Procedures (the “TDPs”) are adopted pursuant to the PI/WD Trust Agreement (the “Trust Agreement”) and have been approved as fair, equitable, and reasonable by the United States Bankruptcy Court for the Southern District of Texas (the “Bankruptcy Court”).

“Trust Claim” means a Channeled PI/WD Trust Claim or a Channeled Indirect PI/WD Claim.

“Trust Claim Submission Form” is the document prepared to collect Trust Claims. Note: the Trust Claim Submission Form does not replace a Proof of Claim, and in no way modifies or changes the Order

Confirming the First Modified Joint Chapter 11 Plan of Reorganization of the Tort Claimants' Committee, Official Committee of Unsecured Creditors, and Debtor in Case. No. 23-90086, Dkt. No. 2014 in the United States Bankruptcy Court for the Southern District of Texas.

"Trustee" means Michael W. Zimmerman, a partner at the law firm, Berry Riddell LLC. Michael W. Zimmerman was co-counsel for the Tort Claimants Committee in the bankruptcy case of Tehum Care Services, Inc., filed in the Southern District of Texas, Case No. 23-90086. As set forth in the Trust Agreement, the PI/WD Trustee (the "Trustee") will implement and administer the TDPs, with the goals of securing the just, speedy, fair, reasonable, and cost-efficient determination of every Trust Claim, providing substantially similar treatment to holders of similar, legally valid and supported Allowed Trust Claims as set forth herein, and obtaining and maximizing the benefits of the Trust Assets.

"Trust Claims Administrator" means NextClaim Solutions. As provided in the Trust Agreement, the PI/WD Trustee (the "Trustee") engaged NextClaim Solutions to assist the Trustee in the administration of all Channeled PI/WD Trust Claims on an independent basis and in accordance with the PI/WD Trust Documents, the Plan and Confirmation Order and in accordance with applicable ethical rules.

"Token" is a unique code issued to Personal Injury Claimants or their Legal Representation so that they can submit a Trust Claim Submission electronically.