

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

REBECCA SMITH, ELLEN LARSON;
JUSTINE LUND; and JAIME AND
JARED BEARD, individually and on
behalf of all others similarly situated,

Plaintiffs - Appellees,

V.

THE ALIERA COMPANIES, INC., a Delaware corporation, f/k/a Alieria Healthcare, Inc., TRINITY HEALTHSHARE INC., a Delaware corporation, ONESHARE HEALTH LLC, f/k/a Unity Healthshare LLC and as Kingdom Healthshare Ministries, LLC, a Virginia limited liability corporation,

Defendants – Appellants.

Case Nos. 21-1185, 21-1186,
21-1187

(D.C. No. 1:20-CV-02130-RBJ)
(D. Colo.)

JOINT STATUS REPORT

Pursuant to the Court’s Order of May 10, 2022, Plaintiffs-Appellees (“Plaintiffs”) and Defendant-Appellant OneShare Health, LLC (“OneShare”) submit this status report.¹

Plaintiffs' Position

¹ Appellant The Aliera Companies, Inc. has no counsel in this Court. Plaintiffs-Appellees and OneShare Health have served Aliera's bankruptcy counsel with a copy of this status report, so that Aliera may provide any response necessary.

1. As described in the prior Joint Status Reports, Trinity, also known as Sharity Ministries, Inc., was dissolved as a matter of law under the Court-approved Liquidation Plan. See <http://www.symslaw.com/aliera-1> (last visited 8/5/22). Appellees' claims against Trinity will not be litigated further in this proceeding.

2. Alieria and its affiliated entities are also in bankruptcy before the same Court that is overseeing the Trinity/Sharity Liquidating Trust. Alieria's counsel has represented in bankruptcy court that a plan of liquidation will be filed and that it will no longer be a going concern.

3. As neither Trinity nor Alieria will survive and emerge from bankruptcy, Plaintiffs believe that this matter should now proceed against the remaining solvent defendant, OneShare. The automatic stay applicable to Trinity and Alieria does not stay this action against OneShare, and given that neither Trinity nor Alieria will emerge from bankruptcy, there is no reason to further delay Plaintiffs' claims against OneShare.

OneShare's Position

Plaintiffs are correct that Sharity is liquidated. Plaintiffs are also correct that Alieria appears to be headed toward liquidation, but that is not yet determined. Alieria sought—and the bankruptcy court granted—an extension of the exclusivity period to propose a plan, including a plan of reorganization through September 14, 2022. Until a liquidating plan is proposed and confirmed, there remains the possibility that

Alieria will emerge from bankruptcy and proceed in this litigation. There are reasons for staying this appeal and litigation until Alieria proceeds with a liquidating plan, or at least waiting to see whether a liquidation plan is filed on or before September 14, 2022. Awaiting confirmation of Alieria's fate would promote judicial efficiency and avoid any possible prejudice. At the same time, OneShare recognizes that Alieria could seek further extensions of the time to file a plan in the bankruptcy court. OneShare leaves it to the discretion of this Court as to whether to lift the stay at this time or extend the stay for another 45 or 60 days to see if Alieria files the liquidation plan.

Dated: August 8, 2022.

Respectfully submitted,

/s/ Richard E. Spoonemore

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served by ECF on this 8th day of August, upon all counsel of record.

I also certify that I have mailed the document to Alieria at its last known business address, via U.S. First Class Mail, as well as electronically mailed to the Assignee and Bankruptcy Counsel for The Alieria Companies, Inc.:

- **The Alieria Companies Inc.**
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DATED: August 8, 2022, at Seattle, Washington.

/s/ Richard E. Spoonemore
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