

CAUSE NO. D-1-GN-19-000723

THE STATE OF TEXAS	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
CAPSON PHYSICIANS INSURANCE	§	
COMPANY,	§	
<i>Defendant.</i>	§	250 <sup>TH</sup> JUDICIAL DISTRICT

**SPECIAL DEPUTY RECEIVER'S APPLICATION FOR  
APPROVAL OF SECOND REPORT OF CLAIMS**

**TO THE HONORABLE JUDGE OF SAID COURT:**

CANTILO & BENNETT, L.L.P., solely in its capacity as Special Deputy Receiver of Capson Physicians Insurance Company (the “SDR” and “CPIC,” respectively) files this Application for Approval of Second Report of Claims (the “Application”).

**I. INTRODUCTION**

1.1 The SDR files this Application to obtain approval of its second report of claims settled or determined under TEX. INS. CODE § 443.253.

**II. AUTHORITY**

2.1 CPIC was placed into receivership for rehabilitation in this proceeding on February 11, 2019, and the Texas Commissioner of Insurance was appointed as Receiver of CPIC. The Receiver designated CANTILO & BENNET, L.L.P. as SDR on that same date. Subsequently, on June 28, 2019, the Court entered its *Order Appointing Liquidator and Permanent Injunction* (the “Permanent Injunction”). The SDR is authorized to file this Application pursuant to TEX. INS. CODE § 443.258.

2.2 On November 25, 2019, the Receivership Court entered its *Order Granting Special Deputy Receiver's Application for Approval of Claims Filing Deadline, Guidelines for Providing*

*Notice, and Procedures for Processing Claims* (the “POC Order”). The order established December 28, 2020 as the deadline to file POCs. On February 9, 2023, the SDR filed the *Special Deputy Receiver’s Application for Approval of First Report of Claims* (the “First Report Application”). After the SDR amended the First Report Application (on February 17, 2023), the Receivership Court entered its *Granting Special Deputy Receiver’s Amended Application for Approval of First Report of Claims* on March 29, 2023.

2.3 This Court has jurisdiction over the subject matter of this Application and the parties herein pursuant to TEX. INS. CODE § 443.005. The Court has exclusive jurisdiction over property of the estate pursuant to TEX. INS. CODE § 443.005(c) and personal jurisdiction over all parties affected herein because this is a civil proceeding arising under and related to a delinquency proceeding under the Texas Insurer Receivership Act, Chapter 443 of the Texas Insurance Code.

2.4 Travis County is the mandatory, sole, and exclusive venue for this proceeding. TEX. INS. CODE § 443.005.

2.5 The subject matter of this Application has been referred to the Special Master appointed in this proceeding in accordance with Paragraph II of the *Supplemental Order of Reference to Master*.

### III. SECOND REPORT OF CLAIMS

3.1 TEX. INS. CODE § 443.258 provides that the SDR shall, from time to time, present to the receivership court a report of claims settled or determined by the SDR under TEX. INS. CODE § 443.253. Attached as **Exhibit A** is a report of Proofs of Claim (“POCs”) filed against CPIC, which were determined between January 31, 2023 and March 31, 2025 by the SDR pursuant to TEX. INS. CODE § 443.253. **Exhibit A** identifies the POC number, the classification of the POC, and the amount allowed (if any), or other action taken on the POC. No timely written objections

to the SDR's determinations of these POCs were submitted under TEX. INS. CODE § 443.253(c) or, if any timely objection was filed, it has been resolved; therefore, the determinations are now final. The SDR submits **Exhibit A** as its Second Report of Claims and requests the Court approve its actions on these POCs pursuant to TEX. INS. CODE § 443.258.

3.2 The SDR has not completed the processing of all POCs and anticipates filing one or more additional Reports of Claims in the future.

#### **IV. NOTICE**

4.1 Pursuant to TEX. INS. CODE § 443.007(d), this Application has been served on the entire service list for this proceeding, including applicable guaranty associations, in the manner shown on the Certificate of Service.

#### **V. OFFER OF PROOF AND VERIFICATION**

5.1 This Application is verified by the affidavit and certification pursuant to TEX. INS. CODE § 443.017(b) of Joseph N. West, designated representative of CANTILO & BENNETT, L.L.P., solely in its capacity as Special Deputy Receiver of Capson Physicians Insurance Company.

#### **VI. NOTICE OF ELECTRONIC SERVICE REQUIREMENT**

6.1 All pleadings filed in response to this Application shall be served by e-mail on the undersigned counsel and all parties shown in the attached Certificate of Service.

#### **PRAYER**

WHEREFORE PREMISES CONSIDERED, CANTILO & BENNETT, L.L.P., solely in its capacity as Special Deputy Receiver of Capson Physicians Insurance Company respectfully requests this Court to set a hearing on the Application and upon such hearing,

- a. Grant the Application;
- b. Approve the SDR's Second Report of Claims;

- c. Find that the subject matter of the Application, the hearing by submission, and the hearing of objections to the Application, if any, have been referred to the Master in the Order of Reference;
- d. Accept **Exhibit A** and the Affidavit of Joseph N. West into evidence;
- e. Approve the SDR's determination of the claims on **Exhibit A**, submitted as the Second Report of Claims for the CPIC estate;
- f. Find that, based on the pleadings and evidence submitted, the SDR's discretionary decisions detailed in the Application and **Exhibit A** are reasonable and not an abuse of discretion;
- g. Find that the notice of the hearing was in accordance with the notice requirements of TEX. INS. CODE § 443.007(a) and (d), § 443.004(a)(17), and the Order of Reference;
- h. Find that the Order approving this Application constitutes a final judgment resolving all issues relating to the Application;
- i. Authorize the SDR to execute any documents as necessary to effectuate the purposes of this Application; and
- j. Grant the SDR such further relief to which it is justly entitled.

Respectfully submitted,

/s/ Greg Pierce  
Gregory A. Pierce  
State Bar No. 15994250  
P.O. Box 40  
Austin, Texas 78767  
Tel: (512) 474-2154  
[gpierce@gpiercelaw.com](mailto:gpierce@gpiercelaw.com)

**Attorneys for CANTILO & BENNETT, LLP,  
Special Deputy Receiver of  
Capson Physicians Insurance Company**

### **APPLICANT'S NOTICE OF SUBMISSION**

Pursuant to the terms of the Supplemental Order of Reference to Master entered by the District Court in this cause, the *Special Deputy Receiver's Application for Approval of Second Report of Claims* is hereby set for written submission before the Special Master, Tom Collins, on **August 11, 2025**.

The Special Master has asked that the following rules be provided you:

1. Any objection must be filed with the Travis County District Clerk at least three (3) calendar days before the submission date.
2. A copy of any objection shall be served by e-mail by such date on:
  - (a) The Special Master's Docket Clerk, at [specialmasterclerk@tdi.texas.gov](mailto:specialmasterclerk@tdi.texas.gov);
  - (b) The undersigned counsel, Greg Pierce at [gpierce@gpiercelaw.com](mailto:gpierce@gpiercelaw.com); and
  - (c) All interested parties, including those listed on the SDR's Certificate of Service.
3. The objecting party shall coordinate with the SDR's counsel and the Docket Clerk [(512) 676-6915]] to obtain an oral hearing setting for argument on the Application and Objection, and complete and attach an "Objecting Party's Notice of Oral Hearing" to the objection.
4. The written objection must specifically list all reasons for objection with supporting references to and discussion of statutory and case authorities. Reasons not stated in writing will not be considered orally.
5. **Please note that if an objection is not filed as described in the Notice of Submission, the Master may consider the Application without a hearing.**
6. **Failure to file timely a written objection before the Special Master constitutes a waiver of the right to object to the Special Master's recommendation to the District Court.**
7. Any Acknowledgment of Notice and Waiver to be filed by the Guaranty Association or other interested party should be filed at least three (3) calendar days before the submission or hearing date.

/s/ Greg Pierce  
Gregory A. Pierce

## **CERTIFICATE OF SERVICE**

I certify that on July 24, 2025, a true and correct copy of the foregoing *Special Deputy Receiver's Application for Approval of Second Report of Claims* was served pursuant to the Supplemental Order of Reference to Master, the Texas Rules of Civil Procedure and TEX. INS. CODE 443.007(d) on the following by email, except as specifically otherwise noted.

*Via Email:* [specialmasterclerk@tdi.texas.gov](mailto:specialmasterclerk@tdi.texas.gov)

Tom Collins, Receivership Master  
c/o Special Master's Clerk  
RLO MC-FRD  
PO Box 12030  
Austin, TX 78711-2030

*Via Email:* [John.Walker@tdi.texas.gov](mailto:John.Walker@tdi.texas.gov)

John Walker  
TEXAS DEPARTMENT OF INSURANCE  
RLO MC-FRD  
PO Box 12030  
Austin, TX 78711-2030

*Via Email:* [David.Ashton@tdi.texas.gov](mailto:David.Ashton@tdi.texas.gov)

David Ashton  
TEXAS DEPARTMENT OF INSURANCE  
P.O. Box 149104  
Austin, TX 78714-9104

*Via e-Service:* [Edwin.Hartsfield@tdi.texas.gov](mailto:Edwin.Hartsfield@tdi.texas.gov)

Edwin Hartsfield  
TEXAS DEPARTMENT OF INSURANCE  
PO Box 149104  
Austin, TX 78714-9104

*Via Email:* [Vane.Hugo@tdi.texas.gov](mailto:Vane.Hugo@tdi.texas.gov)

Vane Hugo  
TEXAS DEPARTMENT OF INSURANCE  
P.O. Box 149104  
Austin, TX 78714-9104

*Via e-Service:* [Zachary.Rhines@oag.texas.gov](mailto:Zachary.Rhines@oag.texas.gov)

Zachary L. Rhines  
Assistant Attorney General  
General Litigation Division  
OFFICE OF THE TEXAS ATTORNEY GENERAL  
P.O. Box 12548, Mail Stop 01901  
Austin, TX 78711-2548  
*Counsel for Texas Department of Insurance*

*Via e-Service:* [jthompson@thompsoncoe.com](mailto:jthompson@thompsoncoe.com)

Jay A. Thompson  
THOMPSON, COE, COUSINS & IRONS, LLP  
2801 Via Fortuna, Ste 300  
Austin, Texas 78746

*Via e-Service:* [eburbach@foley.com](mailto:eburbach@foley.com)

*Via e-Service:* [jsepheri@foley.com](mailto:jsepheri@foley.com)

*Via e-Service:* [nbeaird@foley.com](mailto:nbeaird@foley.com)

Edward D. Burbach  
Kimberly A. Yelkin  
FOLEY LARDNER LLP  
600 Congress Avenue, Ste 3000  
Austin, TX 78701  
*Counsel for Granite State Insurance Company*

*Via e-Service:* [marcus.doran@aig.com](mailto:marcus.doran@aig.com)

*Via e-Service:* [todd.abalos@aig.com](mailto:todd.abalos@aig.com)

Marcus Doran & Todd Abalos  
AIG  
Reinsurance | AIG Property Casualty  
1271 Avenue of the Americas, 35th Floor  
New York, NY 10020

*Via Email:*

[Ryan.Donaldson@insurance.alabama.gov](mailto:Ryan.Donaldson@insurance.alabama.gov)

Ryan Donaldson

Chief Receiver

ALABAMA DEPARTMENT OF INSURANCE

P.O. Box 303353

Montgomery, AL 36130-3353

*Via Email:* [david.phifer@alaska.gov](mailto:david.phifer@alaska.gov)

David Phifer

Chief Financial Examiner

ALASKA DIVISION OF INSURANCE

Robert B. Atwood Building

550 W. 7th Ave., Ste 1560

Anchorage, AK 99501-3567

*Via Email:* [LNestor@azinsurance.gov](mailto:LNestor@azinsurance.gov)

Lori Nestor

Executive Director

ARIZONA INSURANCE GUARANTY FUNDS

1110 West Washington, Suite 270

Phoenix, AZ 85007

*Via Email:* [michelle.mathis@dc.gov](mailto:michelle.mathis@dc.gov)

Michelle Mathis

DISTRICT OF COLOMBIA DEPARTMENT OF  
INSURANCE, SECURITIES AND BANKING

1050 First Street, NE, 801

Washington, DC 20002

*Via Email:* [Kim.Cross@iid.iowa.gov](mailto:Kim.Cross@iid.iowa.gov)

Kim Cross

IOWA INSURANCE DIVISION

330 Maple St.

Des Moines, IA 50319-0065

*Via Email:* [eric.fletcher@doi.idaho.gov](mailto:eric.fletcher@doi.idaho.gov)

Eric Fletcher

IDAHO DEPARTMENT OF INSURANCE

P.O. Box 83720

Boise, ID 83720-0043

*Via Email:* [alentine@alaiga.com](mailto:alentine@alaiga.com)

Andrea Lentine

Executive Director

ALABAMA INSURANCE GUARANTY ASSOCIATION

2020 Canyon Road, Suite 200

Birmingham, AL 35216

*Via Email:* [sdaniels@nadj.com](mailto:sdaniels@nadj.com)

Susan Daniels

Fund Administrator

ALASKA INSURANCE GUARANTY ASSOCIATION

C/O NORTHERN ADJUSTERS, INC.

1401 Rudakoff Circle, Suite 100

Anchorage, AK 99508

*Via Email:* [AMinor@arkansas.gov](mailto:AMinor@arkansas.gov)

Amanda Minor

ARKANSAS PROPERTY & CASUALTY

GUARANTY FUND

1023 W. Capitol Avenue, Suite 2

Little Rock, AR 72201

*Via Email:* [blaw@gfms.org](mailto:blaw@gfms.org)

Barbara Law

GUARANTY FUND MANAGEMENT SERVICES

One Bowdoin Square

Boston, MA 02114-2916

*Via Email:* [augspurgen.steven@bradshawlaw.com](mailto:augspurgen.steven@bradshawlaw.com)

Steven Augspurgen

General Counsel

IOWA INSURANCE GUARANTY ASSOCIATION

801 Grand Avenue, Suite 3700

Des Moines, IA 50309-8004

*Via Email:* [canderson@wgfs.org](mailto:canderson@wgfs.org)

Chad Anderson

President

IDAHO INSURANCE GUARANTY ASSOCIATION

C/O WESTERN GUARANTY FUND SERVICES

1720 S Bellaire Street, #408

Denver, WA 80222

*Via Email:* [marcy.savage@illinois.gov](mailto:marcy.savage@illinois.gov)  
Marcy Savage  
Assistant Deputy Director of Corporate  
ILLINOIS DEPARTMENT OF INSURANCE  
222 Merchandise Mart Plaza, Suite 960  
Chicago, IL 60654

*Via Email:* [tschotke@iigf.org](mailto:tschotke@iigf.org)  
Tim Schotke  
Executive Director  
ILLINOIS INSURANCE GUARANTY FUND  
150 South Wacker Drive, Suite 2970  
Chicago, IL 60606

*Via Email:* [Liz@in-solv.com](mailto:Liz@in-solv.com)  
Elizabeth Lovette  
INDIANA DEPARTMENT OF INSURANCE  
311 West Washington St.  
Indianapolis, IN 46204-2787

*Via Email:* [abarbera@quadassoc.org](mailto:abarbera@quadassoc.org)  
Amanda Barbera  
Executive Director  
INDIANA INSURANCE GUARANTY ASSOCIATION  
251 East Ohio Street, Suite 1070  
Indianapolis, IN 46204-2143

*Via Email:* [Sharron.Burton@ky.gov](mailto:Sharron.Burton@ky.gov)  
Sharron Burton  
General Counsel  
KENTUCKY OFFICE OF INSURANCE  
215 W. Main St.  
Frankfort, KY 40601

*Via Email:* [kim.west@kyinsuranceguaranty.com](mailto:kim.west@kyinsuranceguaranty.com)  
Kim West  
Executive Director  
KENTUCKY INSURANCE GUARANTY ASSOCIATION  
10605 Shelbyville Road, Suite 101  
Louisville, KY 40223

*Via Email:* [walt.corey@ldi.la.gov](mailto:walt.corey@ldi.la.gov)  
Walter Corey  
LOUISIANA DEPARTMENT OF INSURANCE  
P.O. Box 94214  
Baton Rouge, LA 70802

*Via Email:* [jwells@laiga.org](mailto:jwells@laiga.org)  
John Wells  
Director of Operations & Logistics  
LOUISIANA INSURANCE GUARANTY ASSOCIATION  
2142 Quail Run Drive  
Baton Rouge, LA 70808-4126

*Via Email:* [lynn.beckner@maryland.gov](mailto:lynn.beckner@maryland.gov)  
Lynn Beckner  
Chief Financial Analyst  
MARYLAND INSURANCE ADMINISTRATION  
200 St. Paul Place, Suite 2700  
Baltimore, MD 21202

*Via Email:* [dprice@pcigc.com](mailto:dprice@pcigc.com)  
Deborah Price, Acting President  
MARYLAND PROPERTY & CASUALTY  
INSURANCE GUARANTY CORPORATION  
305 Washington Avenue, Suite 600  
Towson, MD 21204-4715

*Via Email:* [shelley.forrest@insurance.mo.gov](mailto:shelley.forrest@insurance.mo.gov)  
Shelley Forrest  
Receivership Counsel, Legal Section  
MISSOURI DEPARTMENT OF INSURANCE,  
FINANCIAL INSTITUTIONS & PROF.  
REGISTRATION  
PO Box 690  
Jefferson City, MO 65102-0690

*Via Email:* [tkopp@mo-iga.org](mailto:tkopp@mo-iga.org)  
Tamara Kopp  
Executive Director  
MISSOURI PROPERTY & CASUALTY INSURANCE  
GUARANTY ASSOCIATION  
630 Bolivar Street, Ste 204  
Jefferson City, MO 65101



*Via Email:* [donna.whitley@mid.state.ms.us](mailto:donna.whitley@mid.state.ms.us)

Donna Whitley  
MISSISSIPPI DEPARTMENT OF INSURANCE  
501 North West St  
Jackson, MS 39201

*Via Email:* [arussell@msiga.net](mailto:arussell@msiga.net)

Arthur Russell  
Executive Director  
MISSISSIPPI INSURANCE GUARANTY ASSOCIATION  
713 South Pear Orchard Road, Ste 200  
Ridgeland, MS 39157

*Via Email:* [smatthews@mt.gov](mailto:smatthews@mt.gov)

Steve Matthews  
Insurance Division  
MONTANA STATE AUDITOR'S OFFICE  
840 Helena Ave.  
Helena, MT 59601

*Via Email:* [canderson@wgfs.org](mailto:canderson@wgfs.org)

Chad Anderson  
President  
MONTANA INSURANCE GUARANTY ASSOCIATION  
C/O WESTERN GUARANTY FUND SERVICES  
1720 S Bellaire Street, #408  
Denver, WA 80222

*Via Email:* [mattfischer@nd.gov](mailto:mattfischer@nd.gov)

Matt Fischer  
NORTH DAKOTA INSURANCE DEPARTMENT  
600 E. Boulevard Ave.  
Bismarck, ND 58505

*Via Email:* [jsc46@bis.midco.net](mailto:jsc46@bis.midco.net)

Jeffrey J. Cahill  
Managing Secretary  
NORTH DAKOTA INSURANCE GUARANTY  
ASSOCIATION  
P.O. Box 2634  
Bismarck, ND 58502-2634

*Via Email:* [peg.jasa@nebraska.gov](mailto:peg.jasa@nebraska.gov)

Peggy Jasa  
NEBRASKA DEPARTMENT OF INSURANCE  
941 "O" Street, Suite 400  
Lincoln, NE 68508-3639

*Via Email:* [ldf3436p@aol.com](mailto:ldf3436p@aol.com)

L. Dean Fletcher  
Administrator  
NEBRASKA PROPERTY & LIABILITY INSURANCE  
GUARANTY ASSOCIATION  
P.O. Box 57006, Station C  
Lincoln, NE 68505

*Via Email:* [mickey.vancuren@state.nm.us](mailto:mickey.vancuren@state.nm.us)

Mickey VanCuren  
Deputy Superintendent  
NEW MEXICO INSURANCE DIVISION  
P.O. Box 1269  
Santa Fe, NM 87504-1269

*Via Email:* [debbiel@integriongroup.com](mailto:debbiel@integriongroup.com)

*Via Email:* [sharil@integriongroup.com](mailto:sharil@integriongroup.com)

Debbie Luera  
Executive Director  
Shari Lucero  
NEW MEXICO INSURANCE GUARANTY  
ASSOCIATION / INTEGRION GROUP  
P.O. Box 27815  
Albuquerque, NM 87125

*Via Email:* [finances@doi.nv.gov](mailto:finances@doi.nv.gov)  
NEVADA DIVISION OF INSURANCE  
1818 E. College Pkwy., Suite 103  
Carson City, NV 89706

*Via Email:* [bgilbert@niga-pc.org](mailto:bgilbert@niga-pc.org)  
Bruce W. Gilbert  
Executive Director  
NEVADA INSURANCE GUARANTY ASSOCIATION  
3821 West Charleston Boulevard, Suite 100  
Las Vegas, NV 89102-1859

*Via Email:* [kelly.callahan@oid.ok.gov](mailto:kelly.callahan@oid.ok.gov)  
Kelley Callahan  
Asst. General Counsel  
OKLAHOMA DEPARTMENT OF INSURANCE  
2401 N.W. 23rd, Suite 28  
Oklahoma City, OK 73152-3408

*Via Email:* [jcannon@opciga.org](mailto:jcannon@opciga.org)  
Jessica Cannon  
Accounting Administrator  
OKLAHOMA PROPERTY & CASUALTY INSURANCE  
GUARANTY ASSOCIATION  
2601 Northwest Expressway, Suite 330E  
Oklahoma City, OK 73112

*Via Email:* [ryan.w.keeling@oregon.gov](mailto:ryan.w.keeling@oregon.gov)  
Ryan Keeling  
Manager/Chief Examiner  
OREGON DIVISION OF INSURANCE  
PO Box 14480  
Salem, OR 97309-0405

*Via Email:* [cbazant@oregoniga.org](mailto:cbazant@oregoniga.org)  
Cathy Braughton-Bazant  
Administrator  
OREGON INSURANCE GUARANTY ASSOCIATION  
10700 Southwest Beaverton Hwy, Suite 426  
Beaverton, OR 97005

*Via Email:* [c-cmcdonal@pa.gov](mailto:c-cmcdonal@pa.gov)  
Crystal McDonald  
Liquidations Project Dir.  
PENNSYLVANIA DEPARTMENT OF INSURANCE  
901 North 7th Street  
Harrisburg, PA 17102

*Via Email:* [rbauso@ppciga.org](mailto:rbauso@ppciga.org)  
Raymond Bauso  
Executive Director  
PENNSYLVANIA PROPERTY & CASUALTY  
INSURANCE GUARANTY ASSOCIATION  
One Penn Center, Suite 1850  
1617 John F. Kennedy Boulevard  
Philadelphia, PA 19103

*Via Email:* [Johanna.Nickelson@state.sd.us](mailto:Johanna.Nickelson@state.sd.us)  
Johanna Nickelson  
SOUTH DAKOTA DIVISION OF INSURANCE  
445 East Capitol Avenue  
Pierre, SD 57501

*Via Email:* [eevans@ehhlawyers.com](mailto:eevans@ehhlawyers.com)  
Edwin F. Evans  
SOUTH DAKOTA PROPERTY & CASUALTY  
INSURANCE GUARANTY ASSOCIATION  
EVANS, HAIGH & HINTON, LLP  
P.O. Box 1030  
Sioux Falls, SD 57101-1030

*Via Email:* [bill.huddleston@tn.gov](mailto:bill.huddleston@tn.gov)  
Bill Huddleston  
Insurance Division  
TENNESSEE DEPARTMENT OF COMMERCE  
AND INSURANCE  
500 James Robertson Pkwy., 4th Fl.  
Nashville, TN 37243

*Via Email:* [awalker@tpciga.org](mailto:awalker@tpciga.org)  
*Via Email:* [rstroud@tpciga.org](mailto:rstroud@tpciga.org)  
*Via Email:* [slang@tpciga.org](mailto:slang@tpciga.org)  
Amber A. Walker, Rachel Stroud, & Sara Lang  
TEXAS PROPERTY CASUALTY INSURANCE  
GUARANTY ASSOCIATION (TPCIGA)  
8911 N. Capital of Texas Hwy, Ste 2200  
Austin, TX 78759

*Via Email:* [MelanieA@oic.wa.gov](mailto:MelanieA@oic.wa.gov)  
Melanie Anderson  
Acting Deputy Deputy Commissioner  
WASHINGTON OFFICE-INS COMMISSIONER  
5000 Capitol Boulevard  
Tumwater, WA 98501

*Via Email:* [marysue.gilardi@wisconsin.gov](mailto:marysue.gilardi@wisconsin.gov)  
Mary Sue Gilardi  
WISCONSIN OFFICE OF THE INSURANCE  
COMMISSIONER  
P.O. Box 7873  
Madison, WI 53707-7873

*Via Email:* [mary.j.lewis@wv.gov](mailto:mary.j.lewis@wv.gov)  
Mary Jo Lewis  
WEST VIRGINIA INSURANCE COMMISSION  
P.O. Box 50540  
Charleston, WV 25305-0540

*Via Email:* [jblatt@ncigf.org](mailto:jblatt@ncigf.org)  
John Blatt  
THE NATIONAL CONFERENCE OF  
INSURANCE GUARANTY FUNDS  
300 North Meridian St., Suite 1020  
Indianapolis, IN 46204

*Via Email:* [knations@tiga.net](mailto:knations@tiga.net)  
Kerry Nations  
Administrator  
TENNESSEE INSURANCE GUARANTY ASSOCIATION  
3100 West End Avenue, Suite 670  
Nashville, TN 37203

*Via Email:* [mtsutsui@tpciga.org](mailto:mtsutsui@tpciga.org)  
*Via Email:* [aevans@tpciga.org](mailto:aevans@tpciga.org)  
Mark Tsutsui, Executive Director  
Annette Evans, Claims Director  
TEXAS PROPERTY AND CASUALTY INSURANCE  
GUARANTY ASSOCIATION (TPCIGA)  
8911 N. Capital of Texas Hwy, Ste 2200  
Austin, TX 78759

*Via Email:* [canderson@wgfs.org](mailto:canderson@wgfs.org)  
Chad Anderson  
WASHINGTON INSURANCE GUARANTY ASSOC.  
C/O WESTERN GUARANTY FUND SERVICES  
1720 S Bellaire Street, #408  
Denver, WA 80222

*Via Email:* [allan@wisf-madison.org](mailto:allan@wisf-madison.org)  
Allan Patek  
Executive Director  
WISCONSIN INSURANCE SECURITY FUND  
2820 Walton Commons West, Suite 135  
Madison, WI 53718-6797

*Via Email:* [sonni.peterson@ohioga.org](mailto:sonni.peterson@ohioga.org)  
Sonni Peterson  
President  
WEST VIRGINIA INSURANCE GUARANTY  
ASSOCIATION  
5005 Horizons Drive, Suite 200  
Columbus, OH 46220

*Via First Class Mail*  
INTERNAL REVENUE SERVICE  
Centralized Insolvency Operation  
P.O. Box 7346  
Philadelphia, PA 19101-7346

*Via First Class Mail*

INTERNAL REVENUE SERVICE  
Special Procedures Branch  
300 East 8th Street, Suite 352  
Mail Stop 5026AUS  
Austin, TX 78701

*Via Email:* [hancock@amhfir.com](mailto:hancock@amhfir.com)

*Via Email:* [wallace@amhfir.com](mailto:wallace@amhfir.com)

Julia Hancock  
Tonya Wallace, Financial Director  
ANDERSON, MURPHY & HOPKINS  
400 W. Capitol Avenue, Suite 2400  
Little Rock, AR 72201

*Via Email:* [pmc@madisonlaw.com](mailto:pmc@madisonlaw.com)

Paul M. Cash  
MADISON, MROZ, STEINMAN & DEKLEVA, P.A.  
201 3<sup>rd</sup> Street NW, Suite 1600  
Albuquerque, NM 87102

*Via Email:* [mail@holealvarez.com](mailto:mail@holealvarez.com)

Ronald G. Hole  
HOLE & ALVAREZ, LLP  
Water Tower Centre  
612 W. Nolana, Suite 370  
McAllen, TX 78504

*Via Email:* [chris@getclawfirm.com](mailto:chris@getclawfirm.com)

*Via Email:* [sherra@getclawfirm.com](mailto:sherra@getclawfirm.com)

Chris Tardio  
GIDEON, ESSARY TARDIO & CARTER, PLC  
315 Deaderick Street, Ste 1100  
Nashville, TN 37238

*Via Email:* [swoodley@grgpc.com](mailto:swoodley@grgpc.com)

Stephen R. Woodley  
GRAY, RITTER & GRAHAM, P.C.  
701 Market Street, Suite 800  
St. Louis, Missouri 63101

*Via e-Service:* [anthony@icenoglefirm.com](mailto:anthony@icenoglefirm.com)

Anthony Icenogle  
ICENOGL & BOGGINS, P.L.L.C.  
6907 N. Capital of Texas Hwy., Ste 220  
Austin, Texas 78731  
*Counsel for Shareholders*

*Via Email:* [mroth@eichhorn-law.com](mailto:mroth@eichhorn-law.com)

Michael Roth  
EICHHORN & EICHHORN, LLP  
9101 North Wesleyan Road, Ste 401  
Indianapolis, IN 46268

*Via Email:* [kwildenfels@bluewilliams.com](mailto:kwildenfels@bluewilliams.com)

Karen Wildenfels  
BLUE WILLIAMS, LLP  
3421 North Causeway Blvd.  
Metairie, LA 70002

*Via Email:* [pamstutz@scottdoug.com](mailto:pamstutz@scottdoug.com)

Paige Arnette Amstutz  
SCOTT, DOUGLASS & MCCONNICO, LLP  
303 Colorado Street, Suite 2400  
Austin, TX 78701

*Via Email:* [dcyrus@shumanlaw.com](mailto:dcyrus@shumanlaw.com)

Dwayne E. Cyrus  
SHUMAN, MCCUSKEY & SLICER, PLLC  
Suite 200, 1411 Virginia Street, East  
Post Office Box 3953  
Charleston, WV 25339

*Via Email:* [bmalkmus@malkmuslaw.com](mailto:bmalkmus@malkmuslaw.com)

Brian Malkmus  
MALKMUS LAW FIRM  
305 Park Central W  
Springfield, MO 65806

*Via Email:* [mgrumley@kentuckylawyers.com](mailto:mgrumley@kentuckylawyers.com)

*Via Email:* [acain@kentuckylawyers.com](mailto:acain@kentuckylawyers.com)

Miller Grumley

Adrienne Cain

BRADLEY, FREED & GRUMLEY, P.S.C

1634 Broadway

Paducah, KY 42002

*Via Email:* [rjones@flahertylegal.com](mailto:rjones@flahertylegal.com)

Richard D. Jones, Esquire

FLAHERTY SENSABAUGH BONASSO

200 Capitol Street

Charleston, WV 25301

*/s/ Greg Pierce*

Gregory A. Pierce

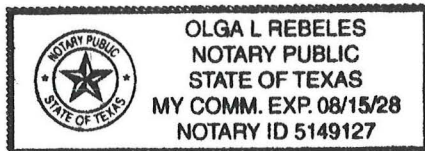
# AFFIDAVIT OF JOSEPH N. WEST

*ss*

2

ss

  
Notary Public, State of Texas



# **EXHIBIT A**

Capson Physicians Insurance Company, in Receivership

Report of Claims as of March 31, 2025



POC Number	Claimant Name	State	Determination	Approved Amount	Determination Letter Date
20		KY	Disallowed	\$0.00	04/06/2023
41		OR	Class 1	\$76,625.64	06/24/2024
41		OR	Class 2	\$41,303.55	06/24/2024
48		AK	Class 1	\$342,421.01	02/27/2023
48		AK	Class 2	\$486,218.65	02/27/2023
51		MO	Class 1	\$449,551.01	05/31/2023
51		MO	Class 2	\$1,112,146.64	05/31/2023
56		MO	Disallowed	\$0.00	03/29/2023
85		CO	Class 2	\$4,604.00	06/12/2024
87		CO	Class 2	\$6,203.00	02/29/2024
88		CO	Class 2	\$7,231.50	06/12/2024
93		SD	Disallowed	\$0.00	01/14/2025
101		MO	Disallowed	\$0.00	03/29/2023
105		LA	Class 2	\$12,502.01	04/24/2024
106		LA	Disallowed	\$0.00	04/01/2024
107		LA	Disallowed	\$0.00	04/01/2024
108		LA	Disallowed	\$0.00	04/01/2024
109		LA	Disallowed	\$0.00	12/13/2023
110		LA	Disallowed	\$0.00	01/27/2023
111		LA	Disallowed	\$0.00	01/26/2023
118		LA	Class 2	\$30,555.07	01/23/2025
119		LA	Class 2	\$36,729.25	01/25/2023
120		LA	Class 2	\$36,729.25	01/25/2023
122		LA	Disallowed	\$0.00	06/15/2023
123		LA	Disallowed	\$0.00	06/15/2023
124		LA	Class 2	\$34,631.00	01/26/2023
125		LA	Class 2	\$34,631.00	01/26/2023
135		LA	Disallowed	\$0.00	02/27/2023
136		LA	Disallowed	\$0.00	06/15/2023
137		LA	Disallowed	\$0.00	08/29/2023
142		LA	Disallowed	\$0.00	06/15/2023
155		WV	Disallowed	\$0.00	01/11/2023
165		LA	Disallowed	\$0.00	12/13/2023
179		OR	Disallowed	\$0.00	04/06/2023
189		WV	Disallowed	\$0.00	04/23/2024
191		LA	Disallowed	\$0.00	08/08/2024



POC Number	Claimant Name	State	Determination	Approved Amount	Determination Letter Date
203		NV	Class 1	\$241,268.19	08/22/2024
203		NV	Class 2	\$827,229.10	08/22/2024
211		MO	Disallowed	\$0.00	03/29/2023
222		IN	Disallowed	\$0.00	09/17/2024
223		IN	Disallowed	\$0.00	09/17/2024
224		AL	Class 1	\$354,470.39	04/26/2024
224		AL	Class 2	\$361,588.00	04/26/2024
225		AZ	Class 1	\$458,904.75	02/27/2023
225		AZ	Class 2	\$759,770.40	02/27/2023
226		MT	Disallowed	\$0.00	06/24/2024
227		OR	Disallowed	\$0.00	08/29/2023
231		KY	Disallowed	\$0.00	04/06/2023
232		LA	Disallowed	\$0.00	01/30/2023
236		LA	Disallowed	\$0.00	02/02/2023
240		LA	Disallowed	\$0.00	06/15/2023
248		NM	Class 5	\$1,148.33	11/17/2021
252		LA	Disallowed	\$0.00	06/15/2023
259		AR	Disallowed	\$0.00	12/13/2023
260		IL	Class 1	\$166,146.46	02/07/2025
260		IL	Class 2	\$206,853.65	02/07/2025
272		TX	Disallowed	\$0.00	05/23/2023
273		TX	Disallowed	\$0.00	05/23/2023
274		TX	Disallowed	\$0.00	05/23/2023
275		TX	Disallowed	\$0.00	05/23/2023
276		TX	Disallowed	\$0.00	05/23/2023
277		VA	Disallowed	\$0.00	07/18/2023
278		WV	Disallowed	\$0.00	01/04/2023
279		TX	Disallowed	\$0.00	08/22/2023
280		TX	Disallowed	\$0.00	03/29/2023
281		UK	Disallowed	\$0.00	02/07/2024
282		UK	Disallowed	\$0.00	02/07/2024
283		UK	Disallowed	\$0.00	02/07/2024
284		UK	Disallowed	\$0.00	02/07/2024
285		UK	Disallowed	\$0.00	02/07/2024
288		AR	Disallowed	\$0.00	01/30/2024
290		TX	Disallowed	\$0.00	03/29/2023
299		KY	Disallowed	\$0.00	10/21/2024
300		KY	Disallowed	\$0.00	10/21/2024
301		KY	Disallowed	\$0.00	10/21/2024

POC Number	Claimant Name	State	Determination	Approved Amount	Determination Letter Date
302		KY	Disallowed	\$0.00	10/21/2024
305		LA	Disallowed	\$0.00	02/28/2023
307		TX	Disallowed	\$0.00	01/16/2024
308		TX	Disallowed	\$0.00	01/16/2024
309		TX	Disallowed	\$0.00	01/16/2024
310		LA	Disallowed	\$0.00	01/10/2024
311		LA	Disallowed	\$0.00	01/10/2024
319		TX	Disallowed	\$0.00	05/25/2023
320		TX	Disallowed	\$0.00	05/25/2023
321		TX	Disallowed	\$0.00	05/25/2023
322		TX	Disallowed	\$0.00	05/25/2023
323		NY	Disallowed	\$0.00	02/01/2024
324		TN	Disallowed	\$0.00	02/28/2024
329		NM	Disallowed	\$0.00	02/27/2023
345		KY	Disallowed	\$0.00	02/28/2024
349		CO	Disallowed	\$0.00	06/12/2024
350		CO	Disallowed	\$0.00	02/29/2024
352		CO	Disallowed	\$0.00	06/12/2024
357		LA	Disallowed	\$0.00	02/20/2024
358		LA	Disallowed	\$0.00	02/20/2024
359		DC	Disallowed	\$0.00	02/20/2024
360		TX	Disallowed	\$0.00	02/20/2024
367		NM	Disallowed	\$0.00	02/27/2023
496		FL	Class 2	\$100.00	08/13/2024
497		NE	Class 2	\$100.00	08/13/2024
498		NE	Class 2	\$100.00	08/13/2024
499		NE	Class 2	\$100.00	08/13/2024
500		NE	Class 2	\$100.00	08/13/2024
501		NE	Class 2	\$100.00	08/13/2024
502		WA	Class 2	\$100.00	08/13/2024
503		WA	Class 2	\$100.00	08/13/2024
504		WA	Class 2	\$100.00	08/13/2024
505		ID	Class 2	\$100.00	08/13/2024
506		WA	Class 2	\$100.00	08/13/2024
507		WA	Class 2	\$100.00	08/13/2024
508		WA	Class 2	\$100.00	08/13/2024
509		WA	Class 2	\$100.00	08/13/2024
510		WA	Class 2	\$100.00	08/13/2024
511		WA	Class 2	\$100.00	08/13/2024

POC Number	Claimant Name	State	Determination	Approved Amount	Determination Letter Date
512		WA	Class 2	\$100.00	08/13/2024
513		WA	Class 2	\$100.00	08/13/2024
514		WA	Class 2	\$100.00	08/13/2024
515		WA	Class 2	\$100.00	08/13/2024
516		WA	Class 2	\$100.00	08/13/2024
517		WA	Class 2	\$100.00	08/13/2024
518		WA	Class 2	\$100.00	08/13/2024
519		WA	Class 2	\$100.00	08/13/2024
520		NE	Class 2	\$100.00	08/13/2024

THE STATE OF TEXAS  
*Plaintiff,*

v.

CAPSON PHYSICIANS INSURANCE  
COMPANY,  
*Defendant.*

§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

250<sup>TH</sup> JUDICIAL DISTRICT

**ORDER GRANTING SPECIAL DEPUTY RECEIVER’S APPLICATION FOR  
APPROVAL OF SECOND REPORT OF CLAIMS**

On this date, the Court heard the Application for Approval of the SDR’s Second Report of Claims (the “Application”) filed by CANTILO & BENNETT, L.L.P., solely in its capacity as Special Deputy Receiver of Capson Physicians Insurance Company (the “SDR” and “CPIC,” respectively). The SDR appeared by and through its counsel.

Having considered the Application, the Court finds as follows:

1. The *Supplemental Order of Reference to Master* provide that motions filed pursuant to TEX. INS. CODE § 443.007 and § 443.258 are referred to the Special Master appointed in this proceeding;

2. Notice of the Application was provided in accordance with TEX. INS. CODE §443.007 and the *Supplemental Order of Reference to Master*;

3. The Texas Property and Casualty Insurance Guaranty Association filed its acknowledgement and waiver;

4. No objections to the Application were filed;

5. The Court has jurisdiction over the Application and the parties affected hereunder;  
and

6. The SDR’s Application should be granted in all respects.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED as follows:

1. The Application is GRANTED in all respects;
2. The Affidavit of Joseph N. West and Exhibit A to the Application are admitted into evidence;
3. The Special Deputy Receiver's Second Report of Claims is APPROVED;
4. The Special Deputy Receiver's determination of the claims as reflected on Exhibit A to the Application is approved;
5. The Special Deputy Receiver's discretionary decisions regarding the claims reflected on Exhibit A to the Application are reasonable and not an abuse of discretion;
6. The Special Deputy Receiver may execute any documents necessary to effectuate the purposes of the Application; and
7. This Order constitutes a final order fully resolving all issues relating to the Application, provided that this Court shall retain jurisdiction to issue further orders pursuant to TEX. INS. CODE Chapter 443.

Signed on \_\_\_\_\_, 2025.

\_\_\_\_\_  
JUDGE PRESIDING

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Greg Pierce on behalf of Greg Pierce

Bar No. 15994250

gpierce@gpiercelaw.com

Envelope ID: 103566126

Filing Code Description: Motion (No Fee)

Filing Description: SPECIAL DEPUTY RECEIVER'S APPLICATION OFR APPROVAL OF SECOND REPORT OF CLAIMS

Status as of 7/25/2025 9:40 AM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Jay AThompson		JThompson@thompsoncoe.com	7/24/2025 4:49:09 PM	SENT
Paige Amstutz	796136	pamstutz@scottdoug.com	7/24/2025 4:49:09 PM	SENT
Gregory Pierce	15994250	gpierce@gpiercelaw.com	7/24/2025 4:49:09 PM	SENT
Ronald Hole	9834200	Mail@HoleAlvarez.com	7/24/2025 4:49:09 PM	SENT
Anthony Icenogle	10382948	anthony@icenoglefirm.com	7/24/2025 4:49:09 PM	SENT
Patricia Muniz		pmuniz@inquestresources.com	7/24/2025 4:49:09 PM	SENT
Brian Falligant		bfalligant@inquestresources.com	7/24/2025 4:49:09 PM	SENT
Special Master Clerk		specialmasterclerk@tdi.texas.gov	7/24/2025 4:49:09 PM	SENT
John Walker		John.Walker@tdi.texas.gov	7/24/2025 4:49:09 PM	SENT

Associated Case Party: GRANITE STATE INSURANCE COMPANY

Name	BarNumber	Email	TimestampSubmitted	Status
Edward Burbach	3355250	eburbach@foley.com	7/24/2025 4:49:09 PM	SENT
Nanette Beaird	1949800	nbeaird@foley.com	7/24/2025 4:49:09 PM	SENT

Associated Case Party: THE STATE OF TEXAS

Name	BarNumber	Email	TimestampSubmitted	Status
Zachary Rhines	24116957	zachary.rhines@oag.texas.gov	7/24/2025 4:49:09 PM	SENT