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**EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA**

STATE OF NEVADA, ex rel., COMMISSIONER
OF INSURANCE, in her official capacity as
statutory Receiver for delinquent domestic insurer,

Plaintiff,

vs.

SPIRIT COMMERCIAL AUTO RISK
RETENTION GROUP, INC., a Nevada Domiciled
Association Captive Insurance Company,

Defendant.

CASE NO. A-19-787325-B
DEPARTMENT 15

**~~PROPOSED~~ ORDER GRANTING
MOTION FOR ORDER APPROVING
PLAN OF DISTRIBUTION,
PERMITTING DISTRIBUTION OF
CERTAIN FUNDS, AND RELATED
RELIEF**

DATE OF HEARING: DECEMBER 10, 2025
TIME OF HEARING: 9:00 A.M.

Plaintiff, the Commissioner of Insurance and Receiver (“Commissioner”) of Spirit Commercial Auto Risk Retention Group, Inc. (“Spirit”), and CANTILO & BENNETT, L.L.P., Special Deputy Receiver (together with the Commissioner, the “Receiver”), filed their Motion for Order Approving Final Plan of Distribution and Permitting Distribution of Certain Funds. The motion came before the Court for oral argument on December 10, 2025, at 9:00 a.m. Kyle Ewing, Esq. of Greenberg Traurig, LLP appeared on behalf of the

1 Receiver, and Christopher Connell appeared as local counsel on behalf of Claimant Amy
2 Garcia.

3 The Court, having reviewed the motion, the papers and pleadings on file, and noting
4 that no opposition has been filed and that no party voiced any opposition to the Motion at
5 the hearing of the matter, and good cause appearing therefor, the Court GRANTS the motion.
6 The motion is granted for the substantive reasons set forth in the Receiver's motion and as
7 unopposed under EDCR 2.20(e).

8 **ORDER**

9 Based on the foregoing,

10 **IT IS HEREBY ORDERED** that the Receiver is approved, authorized, and
11 permitted to make a distribution of payments on a 20% *pro rata* percentage basis from Spirit
12 to those claimants whose claims have been allowed in full or in part, and assigned the
13 statutory distribution priority class specified in NRS 696B.420(1)(b) (*i.e.*, "Class B" policy
14 claims);

15 **IT IS FURTHER ORDERED** that the total available amount of assets available for
16 distribution to Class B claimants is approximately \$15,200,000;

17 **IT IS FURTHER ORDERED** that the total available amount of assets available for
18 distribution to Class B claimants will be distributed at a 20% *pro rata* percentage based on
19 the total Class B liabilities as compared to the estate assets available for distribution;

20 **IT IS FURTHER ORDERED** that the SDR is authorized to conserve the remaining
21 assets, in cash or in cash equivalents, for the payment of necessary additional administrative
22 expenses and to maintain an additional contingency reserve for the continued administration
23 of the Spirit estate;

24 **IT IS FURTHER ORDERED** that upon entry of a final order of this Court pursuant
25 to NRS 696B.330(9), the SDR may pay from the above-referenced contingency reserve any
26 Class B claims for which an objection or appeal is currently pending, and that such payment
27 shall also be at a 20% *pro rata* percentage of the total amount allowed for the claim.

28 **IT IS FURTHER ORDERED** that, pursuant to NRS 696B.420(1) and due to the

1 insufficient assets available in the Spirit estate, no distribution can be made for late-filed
2 claims or for claimants assigned to priority classes lower than Class B (*i.e.*,
3 NRS 696B.420(1)(c)-(l));

4 **IT IS FURTHER ORDERED** that the Receiver may employ distribution procedures
5 substantially in the form as those described within and presented as exhibits to the Motion
6 and that such procedures comply with applicable Nevada law, and are within the authority
7 granted to the Receiver by the orders of this Court and applicable Nevada law;

8 **IT IS FURTHER ORDERED** that if any claimant fails or refuses to cooperate with
9 the Receiver's distribution procedures, including but not limited to any request for data
10 needed to meet Centers for Medicare and Medicaid Services ("CMS") or other legal
11 reporting requirements, the Receiver has grounds to withhold distribution of payment for
12 that claim;

13 **IT IS FURTHER ORDERED** that, absent the filing of any opposition by the United
14 States within thirty (30) days of the entry of any final order on this Motion, the SDR's
15 interpretation of 42 U.S.C. § 1395y(b) (the "Medicare Secondary Payor Act") as applied to
16 Class B policyholder claims for reimbursement is affirmed and the SDR may proceed with
17 its distributions to policyholders for approved Class B policy claims irrespective of the
18 Medicare Secondary Payor Act;

19 **IT IS FURTHER ORDERED** that the Receiver's service of the Motion upon the
20 United States (*i.e.*, as set out in the Certificate of Service to the Motion) constitutes final
21 notice to the United States, and all federal agencies and subdivisions thereof, of the Spirit
22 receivership claims and appeal procedures, and of the requirement for claims against the
23 Spirit estate to be rendered absolute (*i.e.*, both liquidated in amount and non-contingent) on
24 or before the Claims Filing Deadline of May 31, 2021; and

25 **IT IS FURTHER ORDERED** that if within thirty (30) days of the entry of this
26 Order, the United States does not file any opposition or bring before the Court any legal

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1 arguments pertaining to the matters referenced within the Motion or this Order, the Receiver
2 may proceed with the claim distributions authorized by this Court.

3 **IT IS SO ORDERED.**

Dated this 10th day of December, 2025

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6 **2B6 9A1 3CB4 874A**
7 **Joe Hardy**
8 **District Court Judge**

8 Submitted by
9 GREENBERG TRAURIG, LLP

10 /s/ Kyle A. Ewing

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20 ***Deputy Receiver***
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1 **CSERV**

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3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 Nevada Commissioner of
7 Insurance, Plaintiff(s)

CASE NO: A-19-787325-B

8 vs.

DEPT. NO. Department 15

9 Spirit Commercial Auto Risk
10 Retention Group Inc,
11 Defendant(s)

12 **AUTOMATED CERTIFICATE OF SERVICE**

13 This automated certificate of service was generated by the Eighth Judicial District
14 Court. The foregoing Order Granting Motion was served via the court's electronic eFile
15 system to all recipients registered for e-Service on the above entitled case as listed below:

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