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

22 STATE OF NEVADA, ex rel. COMMISSIONER  
23 OF INSURANCE, in her official capacity as  
24 Statutory Receiver for Delinquent Domestic Insurer,

25 Plaintiff,

26 vs.

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

29 Defendant.

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

32 [HEARING REQUESTED]

33 **MOTION FOR HEARING OF  
34 REMAINING CLAIMANT OBJECTIONS  
35 INVOLVING LEGAL ISSUES  
36 PURSUANT TO NRS 696B.330(8)**

37 The Nevada Insurance Commissioner, in his official capacity as the Permanent Receiver  
38 (“Receiver”) of Spirit Auto Commercial Auto Risk Retention Group, Inc. (“Spirit”), files this Motion  
39 for Hearing of Remaining Claimant Objections Involving Legal Issues Pursuant to NRS 696B.330(8)  
40 (“Motion”). This Motion is made and based on the following Memorandum of Points and Authorities,  
41 the papers on file, and any oral argument the Court permits.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. INTRODUCTION**

3 This Motion requests that the Court enter an Order fixing a time for a hearing on three objections  
4 to a Notice of Claim Determination (“NCD”) issued by the Special Deputy Receiver (“SDR”).

5 As this Court is aware, Spirit is an insolvent insurer placed in Permanent Receivership by an  
6 Order entered by this Court on February 27, 2019 (the “Receivership Order”). On November 6, 2019,  
7 the Court entered its Final Order Placing Spirit into Liquidation (the “Liquidation Order”) and its Final  
8 Order Setting Claims Filing Deadline for Spirit and Related Relief (the “Claims Order”). The Claims  
9 Order established a Claims Filing Deadline and procedures for filing claims against Spirit.  
10 On September 30, 2020, the Court entered an order extending the claims filing deadline to May 31,  
11 2021.

12 As set forth in the Twenty-Eighth Status Report, there were 1,472 Proof of Claim (“POC”)  
13 submissions received by the SDR. The SDR resolves the POC by issuing an NCD, which approves or  
14 denies the claim in whole or in part. The SDR issued 1,396 NCDs. When an NCD is sent to a claimant,  
15 the claimant is advised that they have a right under NRS 696B.330 to object to the NCD, and the Court  
16 “shall” hold a hearing on such objections, either itself or through a Special Master. *See*  
17 NRS 696B.330(8)-(9).

18 On March 3, 2023, this Court entered an Order Granting Motion to Establish Claims Appeal  
19 Process and Procedure and for the Appointment of a Special Master to Assist with the Same (“Appeals  
20 Order”). The Appeals Order established a procedure for resolving claim objections and appointed two  
21 Special Masters to preside over objection hearings to address legal issues this Court has already  
22 decided, or to resolve objections that primarily rest on factual disputes. Through the Appeals Order,  
23 this Court reserved the right to hold a hearing on claim objections that involved the court making legal  
24 determinations of first impression.

25 There are three remaining claim objections involving legal determinations.<sup>1</sup> The Receiver

27 <sup>1</sup> There are also approximately eight additional unresolved claim objections involving factual disputes or legal  
28 disputes that have already been resolved by this Court. These eight other claim objections are currently being  
scheduled for hearing before Special Master David Lee.

1 hereby requests the Court set a hearing to resolve these three outstanding claim objections, as detailed  
2 further below, pursuant to NRS 696B.330(8).

3 **II. LEGAL ANALYSIS AND ARGUMENT**

4 NRS Chapter 696B is the statutory framework for receivership actions involving delinquent  
5 insurers, including their conservation, rehabilitation, and liquidation. Under the framework, “[a]ll  
6 claims against an insurer...must be filed in the manner and form established by the receiver[.]”  
7 NRS 696B.330(1). Upon the filing of a timely POC, the Receiver shall “determine whether to approve  
8 or deny, in whole or in part, each claim against the insurer” by issuing an NCD. NRS 696B.330(3).  
9 Following the NCD, a claimant “may file with the receiver an objection to the determination of the  
10 receiver on a claim.” NRS 696B.330(7). When such an objection is filed, the Court “shall fix a time  
11 for a hearing on such claims and shall direct the receiver to give notice of the hearing.”  
12 NRS 696B.330(8). If the Court holds a hearing on the objection itself, it “shall enter an order approving  
13 or denying, in whole or in part, a claim filed against an insurer,” and such an order “is an appealable  
14 order.” NRS 696B.330(9).

15 As stated above, three claim objections involving legal disputes remain unresolved and thus  
16 necessitate a hearing. These three claims are POC Nos. SP-001306, SP-001360, and SP-001313. These  
17 three objections relate to legal or contractual issues about underlying coverage availability, including  
18 whether specific exclusions under the policy apply. Due to the nature and similarity of each of these  
19 objections, the Receiver anticipates that a hearing on all three would not exceed an hour and a half.  
20 The procedure set forth in this Court’s Appeals Order would apply.

21 For the above-referenced claims, the Receiver requests that the Court fix a time, place, and date  
22 for a hearing and direct the Receiver to give notice to each claimant of such hearing, pursuant  
23 to NRS 696B.330(8)(a)-(b), by mailing the same to the last known address of the claimants.<sup>2</sup>  
24 Additionally, it is requested that claimants and/or their counsel be allowed to participate in the objection  
25 process *via* electronic means such as Bluejeans or Zoom as several do not reside in the state of Nevada  
26 or within a reasonable driving distance from the Court. The Receiver further proposes that claimants

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28 <sup>2</sup> As part of the POC procedures set forth in the Claims Order, claimants were required to keep the SDR apprised  
of any change in address.

1 be informed in the notice of hearing that they may decline a hearing for their objection by submitting  
2 a formal withdrawal of their objection in writing to the SDR. The SDR will keep the Court apprised  
3 of any claimants that withdraw their objections.

4 Similar to what is set forth in the Appeals Order, the Receiver proposes that the Receiver submit  
5 an Opening Brief to the Court identifying the claimants, summarizing the issues on appeal, attaching  
6 relevant documents, and setting forth the Receiver's legal position; that claimants be provided thirty  
7 (30) days to file a Response Brief with the Court (or to provide to counsel for the Receiver to file (if a  
8 claimant does not have Nevada counsel)); and that the Receiver may have fourteen (14) days to submit  
9 any Reply Brief.

10 As part of its Opening Brief, the Receiver will submit all documents and correspondence  
11 exchanged between the claimant and the Receiver pertaining to the claimant's POC and the Receiver's  
12 determination of the claim. The Receiver proposes that the hearings be limited to the record as  
13 described in NRS 696B.330(1) (i.e., only those materials filed by the Claimant in support of the POC,  
14 and excluding any documentation or information submitted by the Claimant for the first time on  
15 appeal). Due to privacy concerns relating to the individual claimants, the Receiver proposes submitting  
16 the records *in camera*, but will provide each claimant with a full copy of the exhibit that pertains to  
17 their specific claim.

18 After review of the *in camera* exhibits, any oral argument given at the hearing, and any  
19 supplement to the written record the Court may order, the Receiver requests that the Court enter an  
20 order approving or denying, in whole or in part, each claim. *See* NRS 696B.330(9). Any such order  
21 is an appealable order, pursuant to NRS 696B.330(9), and thus may be appealed to the Nevada Supreme  
22 Court (at which point, the Nevada Rules of Appellate Procedure apply, and written briefing may  
23 proceed under such rules).

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1           **III. CONCLUSION**

2           Based on the foregoing, the Receiver respectfully requests that this Motion be granted and a  
3 further procedure established for the handling of the three remaining legal claim objections and a  
4 hearing be set relating to the same.

5           DATED this 4th of December 2025.

**GREENBERG TRAURIG, LLP**

6           */s/ Kara B. Hendricks*

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14           Nevada Bar No. 15504

15           *Counsel for Plaintiff and the SDR*

**CERTIFICATE OF SERVICE**

I am a resident of the state of Nevada, over the age of eighteen years, and not a party to the within action. My business address is 10845 Griffith Peak Drive, Suite 600, Las Vegas, Nevada 89135. On **December 4, 2025**, I served the within document(s):

**MOTION FOR HEARING OF REMAINING CLAIMANT OBJECTIONS INVOLVING  
LEGAL ISSUES PURSUANT TO NRS 696B.330(8)**

via ELECTRONIC FILING THROUGH ODYSSEY EFILENV. Pursuant to Administrative Order 14-2 and Rule 9 of the Nevada Electronic Filing and Conversion Rules (N.E.F.C.R.), the above-referenced document was electronically *filed and served* upon the parties registered for e-service.

*/s/ Evelyn Escobar Gaddi*

An employee of GREENBERG TRAURIG, LLP