



1 **NEOJ**
2 MARK E. FERRARIO, ESQ.
3 Nevada Bar No. 01625
4 KARA B. HENDRICKS, ESQ.
5 Nevada Bar No. 07743
6 JERRELL L. BERRIOS, ESQ.
7 Nevada Bar No. 15504
8 **GREENBERG TRAUIG, LLP**
9 10845 Griffith Peak Drive, Suite 600
10 Las Vegas, Nevada 89135
11 Telephone: 702.792.3773
12 Facsimile: 702.792.9002
13 Email: ferrariom@gtlaw.com
14 hendricksk@gtlaw.com
15 berriosj@gtlaw.com

16 *Counsel for Plaintiff*

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

19 STATE OF NEVADA, EX REL.
20 COMMISSIONER OF INSURANCE, IN HER
21 OFFICIAL CAPACITY AS STATUTORY
22 RECEIVER FOR DELINQUENT DOMESTIC
23 INSURER,
24
25 Plaintiff,
26
27 vs.
28 SPIRIT COMMERCIAL AUTO RISK
RETENTION GROUP, INC., a Nevada Domiciled
Association Captive Insurance Company,
Defendant.

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

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

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PLEASE TAKE NOTICE that the *Order Granting Motion for Order Approving Plan of Distribution, Permitting Distribution of Certain Funds, and Related Relief* was entered on the 10th of December 2025. A copy of the same is attached hereto as **Exhibit 1**.

DATED this 14th of January 2026

GREENBERG TRAURIG, LLP

/s/ Kara B. Hendricks

MARK E. FERRARIO, ESQ.
Nevada Bar No. 01625
KARA B. HENDRICKS, ESQ.
Nevada Bar No. 07743
JERRELL L. BERRIOS, ESQ.
Nevada Bar No. 15504
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135

Counsel for Plaintiff

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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 **January 14, 2026**, I served the within document(s):

NOTICE OF ENTRY OF ORDER GRANTING MOTION FOR ORDER APPROVING PLAN OF DISTRIBUTION, PERMITTING DISTRIBUTION OF CERTAIN FUNDS, AND RELATED RELIEF

- 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.
- via **ELECTRONIC MAIL.** The above-referenced document was served via United Parcel Service upon the parties listed below.
- via **First Class Mail.** by mailing a copy of the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

/s/ Andrea Lee Rosehill
An employee of Greenberg Traurig, LLP

EXHIBIT 1

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MARK E. FERRARIO, ESQ.
Nevada Bar No. 01625
KARA B. HENDRICKS, ESQ.
Nevada Bar No. 07743
KYLE A. EWING, ESQ.
Nevada Bar. No. 14051
JERRELL BERRIOS, ESQ.
Nevada Bar No. 15504
GREENBERG TRAUIG, LLP
10845 Griffith Peak Drive, Suite 600
Las Vegas, Nevada 89135
Telephone: (702) 792-3773
Facsimile: (702) 792-9002
Email: ferrariom@gtlaw.com
hendricksk@gtlaw.com
ewingk@gtlaw.com
berriosj@gtlaw.com

Counsel for Plaintiff and the Special Deputy Receiver

**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*
11 MARK E. FERRARIO, ESQ.
12 Nevada Bar No. 01625
13 KARA B. HENDRICKS, ESQ.
14 Nevada Bar No. 07743
15 KYLE A. EWING, ESQ.
16 Nevada Bar No. 14051
17 JERRELL BERRIOS, ESQ.
18 Nevada Bar No. 15504
19 ***Counsel for Plaintiff and the Special***
20 ***Deputy Receiver***

1 **CSERV**

2
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:

16 Service Date: 12/10/2025

17 Christopher Connell	cconnell@connelllawlv.com
18 Larson Welsh	Lwelsh@lvlaw.com
19 Andrea Rosehill	rosehilla@gtlaw.com
20 Mark Ferrario	ferrariom@gtlaw.com
21 Cynthia Ney	neyc@gtlaw.com
22 Kara Hendricks	hendricksk@gtlaw.com
23 LVGT docketing	lvlitdock@gtlaw.com
24 Megan Sheffield	sheffieldm@gtlaw.com
25 Copy Room	efile@alversontaylor.com
26 Kurt Bonds	kbonds@alversontaylor.com
27	
28	

1	Olivia Swibies	oswibies@nevadafirm.com
2	Richard Holley, Esq.	rholley@spencerfane.com
3	Elliott Kroll	elliott.kroll@arentfox.com
4	Denise Doyle	service@cb-firm.com
5	Lucy Trotter	ltrotter@fclaw.com
6	Richard O'Connor	rkorn@oconnorlaw.com
7	Douglas May	dmay@travelers.com
8	Mary Rodriguez	mary@connelllaw.com
9	Andrea Flintz	flintza@gtlaw.com
10	Bethany Rabe	rabeb@gtlaw.com
11	Richard Yien	RYien@ag.nv.gov
12	Evelyn Gaddi	escobargaddie@gtlaw.com
13	Chase Sorenson	cs@cokerlaw.com
14	Mandy Good	agood@hirstapplegate.com
15	Crystal Stewart	cstewart@hirstapplegate.com
16	John Sundahl	jsundahl@spkm.org
17	Teresa Taranto	ttaranto@geico.com
18	Kyle Ewing	ewingk@gtlaw.com
19	Casey Shomo	cshomo@cdstriallaw.com
20	Joanne Doherty	jdoherly@cdstriallaw.com
21	Leslie Fee	adminAsst@cdstriallaw.com
22	Fred Cunningham	fred@pbglaw.com
23	Matthew Christ	matthew@pbglaw.com
24		
25		
26		
27		
28		

1	Ryan Andersen, Esq.	ryan@vegaslawfirm.legal
2	Jerrell Berrios	berriosj@gtlaw.com
3	Branden Jung	bjung@nevadafirm.com
4	Kathleen Bratton	k.bratton@hayesandwelsh.onmicrosoft.com
5	File Clerk (E-File/Service only, not for email)	cogburnlaw@myecfx.com
6	Amanda Mackey	armackey@travelers.com
7	Ryan Chapple	rchapple@cstrial.com
8	Bethany Gingras	bgingras@cstrial.com
9	John Samberg	John.Samberg@lewisbrisbois.com
10	Branden Jung	bjung@nvlawfirm.com
11	Branden Jung	bjung@nvlawfirm.com
12	Caeli Havel	chavel@nvlawfirm.com
13	Donna Wittig	dwittig@nvlawfirm.com
14	Yuchen "Ashley" Xie	yuchen.xie@lewisbrisbois.com
15	Brandon Wright	brandon.wright@lewisbrisbois.com
16		
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