

BEN ECKSTEIN
Office of the Montana State Auditor,
Commissioner of Securities and Insurance (CSI)
840 Helena Ave.
Helena, MT 59601
406-444-2040

Attorney for the Liquidator

RCV'D MT CSI
STATE AUDITORS OFFICE

2021 AUG 25 A 10:49

FILED
Clerk of District Court

AUG 23 2021

By ANGIE SPARKS, Clerk
C COLBERT

MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY

IN THE MATTER OF THE LIQUIDATION
OF CARECONCEPTS INSURANCE, INC, A
RISK RETENTION GROUP,

Respondent.

CASE NO. ADV-2016-640

ORDER APPROVING THIRD CLAIMS REPORT &
RECOMMENDATION OF LIQUIDATOR

This matter comes before the Court pursuant to the Liquidator's Third Claims Report, Recommendation & Application for Order Approving Same (the "**Application**") filed in accordance with Mont. Code Ann. § 33-2-1372. The Court having reviewed the Application and the supporting documentation associated with it, and it appearing to the Court that the recommendations of the Liquidator are in the interests of all claims and other creditors in this matter, **IT IS HEREBY ORDERED:**

The Application is APPROVED, pending final distribution at the appropriate time in accordance with Mont. Code Ann. §§ 33-2-1371 and 33-2-1373.

Dated this 23 day of August, 2021

IT IS SO ORDERED.

MIKE MENAHAN

District Court Judge
First Judicial District

Ben Eckstein
Office of the Montana State Auditor,
Commissioner of Securities and Insurance (CSI)
840 Helena Ave.
Helena, MT 59601
406-444-2040

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AUG 23 2021

Attorney for the Liquidator

ANGIE SPARKS, Clerk of District Court
By ANGIE SPARKS Deputy Clerk

MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY

IN THE MATTER OF THE LIQUIDATION
OF CARECONCEPTS INSURANCE, INC, A
RISK RETENTION GROUP,

Respondent.

CASE NO. ADV-2016-640

LIQUIDATOR'S THIRD CLAIMS
REPORT, RECOMMENDATION &
APPLICATION FOR ORDER
APPROVING SAME

Comes now Montana State Auditor, Commissioner of Securities and Insurance Troy Downing, as Liquidator of the above-captioned insurance company ("**CareConcepts**"), by and through the undersigned counsel, and files this Third Claims Report, recommends approval of the Liquidator's undisputed claims determinations specified herein, and applies to the Court for an Order approving the same.

This application is made pursuant to the Montana Insurers Supervision, Rehabilitation, and Liquidation Act, Mont. Code Ann. Title 33, Chapter 2, Part 13. Specifically, Mont. Code Ann. § 33-2-1372 requires the Liquidator to review all claims duly filed in the liquidation proceedings, make such further investigation as the Liquidator deems necessary, and submit a claims report to the Court containing the Liquidator's claims recommendations.

In support of this report, recommendation, and application, the Liquidator respectfully notes the following:

1. Between the entry of the Order of Liquidation on August 10, 2016, and March 31, 2017, the latest deadline for submittal of claims (the "**Claims Bar Date**"), the Liquidator issued 109 Notices of Liquidation and Proof of Claim (POC) forms, with instructions to policyholders, third-party claimants and other potential claimants or creditors of CareConcepts.

2. On November 5, 2016, notice of the liquidation was published in the Missoulian newspaper, a newspaper of countywide circulation in the County of Missoula, informing interested parties of the liquidation proceedings and including contact information and instructions for the timely filing of a claim.
3. On November 4, 2016, notice of the liquidation was published in the New York Daily News newspaper, with a circulation in Manhattan, Bronx, Westchester, Rockland, Brooklyn, Queens, Staten Island, Nassau and Suffolk, and the lower Hudson Valley, NY, Fairfield and New Haven, CT, and the 14 counties in northern New Jersey, informing interested parties of the liquidation proceedings and including contact information and instructions for the timely filing of a claim.
4. On or before the Claims Bar Date of March 31, 2017, the Liquidator received 109 timely-filed POCs. The Liquidator also received one (1) late-filed POC.
5. On February 19, 2020, this Court issued an Order Approving First Claims Report and Recommendation of Liquidator for 37 claims.
6. On April 23, 2021, this Court issued an Order Approving Second Claims Report and Recommendation of Liquidator for an additional 49 claims.
7. An additional eight (8) claims have now been completely adjudicated. All remaining POCs received, totaling 16 POCs, are presently under evaluation. Determinations, once concluded, will be forwarded to remaining claimants in accordance with the applicable claims procedures.
8. Attached hereto as Exhibit A and incorporated herein is a schedule listing the names and addresses of eight (8) claimants holding claims accorded "Class 2" priority under Mont. Code Ann. § 33-2-1371, the POC numbers assigned by the Liquidator, and the valuations of the claims proposed by the Liquidator.
9. In further support of this report, recommendation, and application, attached hereto as Exhibit B and incorporated herein is the Affidavit of Michael J. FitzGibbons, Special Deputy Liquidator.

WHEREFORE, the Liquidator requests that the Court enter an Order approving this Third Claims Report and the Liquidator's recommendations with respect to the included claims, pending final distribution at the appropriate time in accordance with Mont. Code Ann. §§ 33-2-1371 and 33-2-1373, as well as such other relief as the Court deems just and proper.

Respectfully submitted this 20th day of August, 2021.

TROY DOWNING
Commissioner of Securities and Insurance,
Montana State Auditor

/s/ Ben Eckstein

BEN ECKSTEIN
Attorney for the Liquidator

CareConcepts Insurance, Inc., a Risk Retention Group in Liquidation
Exhibit A

POC No.	Claimant Name	Contact	Address 1	Address 2	City	State	Zip	Liquidator's Recommended Amount
100104	FMNH, LLC	c/o Michael Moriarty, Esq.	Windels Marx Lane & Mittendorf LLP	156 W. 56th St.	New York	NY	10019	50,000.00
100088	Ramapo Manor Nursing Home Glenhaven Residential Healthcare dba	c/o Rosaleen T. McCrory	Martin, Clearwater & Bell	90 Merrick Ave., Ste. 401	East Meadow	NY	11554	275,000.00
100083	WatersEdge	c/o Rosaleen T. McCrory	Martin, Clearwater & Bell	90 Merrick Ave., Ste. 401	East Meadow	NY	11554	200,000.00
100061	Estate of Jose Dubon	c/o Jacoby & Meyers	1279 Route 300, PO Box 1111	Newburgh	Newburgh	NY	12551	550,000.00
Joseph Minerva and Linda Mastropaolo, Co-								
100005	Executors of the Estate of Mary Minerva	c/o Michael A. Santo, Esq.	Duffy & Duffy, PLLC	1370 RXR Plaza	Uniondale	NY	11556	-
100056	Kingsbridge Heights Receiver, LLC	c/o Scott Frycek, Esq.	Lewis Johs Avallone Aviles, LLP	61 Broadway #2000	New York	NY	10006	58,261.33
George P. Gambelin II, Admin of Estate of								
100050	George P. Gambelin (deceased)	c/o Marie G. Costello, Esq.	Parker Waichman LLP	6 Harbor Park Drive	Port Washington	NY	11050	-
Flora Mansouri as Administrator of								
100024	Abraham Mansouri	c/o Milene Mansouri, Esq.	125-10 Queens Blvd. Suite 311	Kew Gardens	Kew Gardens	NY	11415	900,000.00
Total								2,033,261.33

BEN ECKSTEIN
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Commissioner of Securities and Insurance
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406-444-2040

Attorney for the Liquidator

**MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY**

IN THE MATTER OF THE
LIQUIDATION OF CARECONCEPTS
INSURANCE, INC., A RISK RETENTION
GROUP

Respondent.

CASE NO. ADV-2016-640

**AFFIDAVIT OF MICHAEL J. FITZGIBBONS
IN SUPPORT OF LIQUIDATOR'S THIRD CLAIMS
REPORT, RECOMMENDATION & APPLICATION
FOR ORDER APPROVING SAME**

Michael J. FitzGibbons, being first duly sworn, deposes and says as follows:

1. I am the Special Deputy Liquidator of CareConcepts Insurance, Inc. a Risk Retention Group ("CareConcepts"). I was appointed to my position by the Montana State Auditor, Commissioner of Securities and Insurance, as Liquidator for CareConcepts.

2. I am over 21 years of age and suffer no legal disability.

3. By virtue of my appointment as Special Deputy Liquidator, I have been actively and personally involved in the liquidation of CareConcepts at all times since it was placed into liquidation, including the matters addressed in this Affidavit. My responsibilities as the Special Deputy Liquidator include supervision and oversight of and direct involvement in the liquidation process. I am familiar with the claims process and with the claims that have been filed. Therefore, I have personal knowledge of the matters addressed in this Affidavit.

4. The claims process has included the following components, each and every one of which has been followed:

a. Notice of CareConcepts' liquidation was given in accordance with Mont. Code Ann. § 33-2-1346(1).

b. In accordance with Mont. Code Ann. § 33-2-1346(2), the notice specified that the latest date to timely file a proof of claim with the Liquidator was March 31, 2017. Timely proofs of claim must have been postmarked no later than 5:00 P.M. Mountain Daylight Time on such date.

c. The Liquidator's Proof of Claim ("POC") forms complied with Mont. Code Ann. § 33-2-1365.

d. As the duly-appointed Special Deputy Liquidator, I have considered each and every of the eight (8) POCs subject to the Liquidator's Third Claims Report, in accordance with the requirements of the Montana Insurers Supervision, Rehabilitation, and Liquidation Act, Mont. Code Ann., Title 33, Chapter 2, Part 13.

e. I am administering the POC process. I initially contracted with ICARMS, LLC to assist me in the adjudication of POCs. In their stead, I subsequently contracted with Glynloen Consulting. I charged ICARMS, LLC and Glynloen Consulting with the responsibility to make recommendations to the Liquidator as to the validity, valuation, and priority of each POC, subject to independent approval or denial in whole or in part by the Liquidator or the duly-appointed Special Deputy Liquidator and further submittal to this Court.

f. Each and every POC subject to the Liquidator's Third Claims Report contains the necessary claim file documentation to support the Liquidator's recommendation on the claim.

g. To the extent the Liquidator's Third Claims Report includes claims that were denied

in whole or in part, notice of such denial complying with Mont. Code Ann. § 33-2-1368(1) was provided to the affected claimants, and either no timely objection was made by the affected claimants or the objection was resolved by mutual agreement.

5. I am submitting this Affidavit in support of Liquidator's Third Claims Report, Recommendation & Application for Order Approving same ("**Report, Recommendation, and Application**"), which pertains to eight (8) claims accorded "Class 2" priority under Mont. Code Ann. §§ 33-2-1371 and 33-2-1372.

6. Between the entry of the Liquidation Order on August 10, 2016, and March 31, 2017, I caused to be issued 109 Notices of Liquidation and POC forms, with instructions to policyholders, third-party claimants, and other potential claimants and creditors of Care Concepts.

7. On November 5, 2016, notice of the liquidation was published in the Missoulian newspaper, a newspaper of countywide circulation in the County of Missoula, informing interested parties of the liquidation proceedings and including contact information and instructions for the timely filing of a claim.

8. On November 4, 2016, notice of the liquidation was published in the New York Daily News newspaper, with a circulation in Manhattan, Bronx, Westchester, Rockland, Brooklyn, Queens, Staten Island, Nassau and Suffolk, and the lower Hudson Valley, NY, Fairfield and New Haven, CT, and the 14 counties in northern New Jersey, informing interested parties of the liquidation proceedings and including contact information and instructions for the timely filing of a claim.

9. On or before the latest deadline for submittal of claims, which was March 31, 2017, I received 109 timely-filed POCs. I subsequently received one (1) late-filed claim. Thirty-seven (37) claims were previously approved on February 19, 2020, in the Order Approving First Claims Report and Recommendation of Liquidator. An additional 49 claims were previously approved on April 23,

2021, in the Order Approving Second Claims Report and Recommendation of Liquidator. An additional eight (8) claims have now been adjudicated and are the subject of the Report, Recommendation, and Application. All remaining unadjudicated POCs are under evaluation.

10. To the best of my knowledge and belief, the claims subject to the Report, Recommendation, and Application do not require modification. If any additional factors hereafter come to my attention which may require any modification, such as third-party payments or releases of any such claims, I will immediately notify the Liquidator, and the Liquidator or I will promptly bring those matters to the attention of this Court in an application to modify such claims.

FURTHER AFFIANT SAYETH NOT.

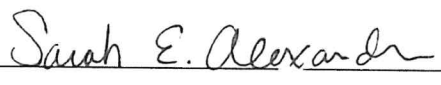


Michael J. FitzGibbons
Special Deputy Liquidator



SARAH E. ALEXANDER
Notary Public - Arizona
Maricopa Co. / #551135
Expires 09/15/2022

SWORN to before me this 19th day of August, 2021



Notary Public for the State of Arizona
My commission expires 09/15/2022