

FILED February 19, 2020
ANGIE SPARKS, Clerk of District Court
By C COLBERT Deputy

RCVD MT CSI
STATE AUDITORS OFFICE
2020 FEB 26 A 10:19

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

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

Respondent.

Cause No. ADV-2016-640

**ORDER APPROVING FIRST CLAIMS
REPORT AND RECOMMENDATION OF
LIQUIDATOR**

This matter comes before the Court pursuant to the Liquidator's First Claims Report, Recommendation and Application for Order Approving Same ("the Application") filed in accordance with Montana Code Ann. § 33-2-1372. Attached as Exhibit A to the Application is a schedule containing the names and addresses of all claimants and recommended amounts to be paid on each claim, as well as the priority class of each claim. Also, attached to the Application is a detailed Affidavit of the Special Deputy Liquidator filed in support of the Application. It is appearing that the recommendations are in the interests of all claimants and other creditors in this matter, the Application is hereby approved, with actual distributions to be determined at a later time in accordance with Montana Code Ann. § 33-2-1373.

IT IS THEREFORE ORDERED that pursuant to Montana Code Ann. §§ 33-2-1301, et seq., the First Claims Report and Recommendation is APPROVED.

IT IS FURTHER ORDERED that if any additional factors hereafter come to the attention of the Liquidator or his Special Deputy that may require modification, the Liquidator

shall promptly file an application to modify these claims.

Dated this 19 Day of February, 2020.

SO ORDERED.

MIKE MENAHAN

District Court Judge
First Judicial District

IVAN C. EVILSIZER

Special Assistant Attorney General
Office of the Montana State Auditor,
Commissioner of Securities & Insurance
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Attorney for the Liquidator

FILED

FEB 18 2020

ANGIE SPARKS, Clerk of District Court
By JREUGERS 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.	Cause No. ADV-2016-640 LIQUIDATOR'S FIRST CLAIMS REPORT, RECOMMENDATION AND APPLICATION FOR ORDER APPROVING SAME
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Comes now Matthew M. Rosendale, Commissioner of Securities and Insurance (CSI), as Liquidator of the above-captioned insurance company, CareConcepts Insurance, Inc., a Risk Retention Group (CareConcepts), by and through the undersigned counsel, files herewith his First Claims Report, and applies to the Court for an Order approving the Liquidator's undisputed claims determinations specified herein.

This application is made pursuant to the Montana Insurers Supervision, Rehabilitation and Liquidation Act, Montana Code Ann. §§ 33-2-1301 *et seq.*, specifically, Montana Code Ann. § 33-2-1372, wherein the Liquidator is required to review all claims duly filed in the liquidation proceedings, make such further investigation as he deems necessary, and submit a claims report to the Court containing his claims recommendations.

In support of this Report, Recommendation and Application, the Liquidator respectfully shows the following:

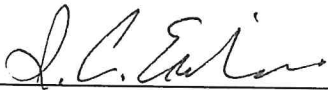
1. Between the entry of the Order of Liquidation on August 10, 2016 and March 31, 2017, the latter being the Claims Bar Date, the Liquidator issued one-hundred and nineteen (119) Notices of Liquidation and Proof of Claim (POC) forms, with instructions to policyholders, third-party claimants and other potential claimants and/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 focused on the boroughs of 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 Bar Date of March 31, 2017, the Liquidator received one-hundred and nine (109) timely-filed POCs. The Liquidator also received one (1) late-filed claim. Thirty-seven (37) claims have now been completely adjudicated. All remaining POCs received, totaling seventy-three (73), remain under evaluation.
5. Attached hereto as Exhibit A and incorporated herein is a Schedule listing the names and addresses of these thirty-seven (37) claimants holding a priority class 2 claim as defined by Montana Code Ann. § 33-2-1371, the POC number assigned by the Liquidator and the valuation of the claim proposed by the Liquidator.

6. In further support of this report, recommendation and application, the Liquidator has attached, the Affidavit of Michael J. FitzGibbons, Special Deputy Liquidator.

WHEREFORE, the Liquidator prays the Court issue an Order approving this First Claims Report and claims recommendations, with the actual distribution to be determined at the appropriate time in accordance with Montana Code Ann. §§ 33-2-1371 and 1373, as well as such other relief as the Court deems just and proper. A Proposed Order is filed herewith.

Respectfully submitted this 18 day of February, 2020.

MATTHEW ROSENDALE
Commissioner of Securities and Insurance,
Montana State Auditor



IVAN EVILSIZER
Special Assistant Attorney General
Attorney for the Liquidator

Exhibit A

POC No.	Claimant Name	Contact	Address 1	Address 2	City	State	Zip	Liquidator's Recommended Amount
100001	Michael Solomon & Jayne Solomon	c/o Edward Milstein	Dankner Milstein PC	41 E 57th St, 36th Fl	New York	NY	10022	-
100002	Glengriff Healthcare Center	c/o Scott Frysek, Esq.	Martin, Clearwater & Bell	90 Merrick Ave., Ste. 401	East Meadow	NY	11554	15,000.00
100003	Frank Orlando, Executor of Estate of Ida Orlando	c/o Michael A. Santo, Esq.	Duffy & Duffy, PLLC	1370 Rm Plaza	Uniondale	NY	11556	-
100009	Estate of William Clark	c/o Michael G. Glass	Rappaport, Glass, Levine & Zullo, LLP	1355 Motor Parkway	Islandia	NY	11749	-
100013	Suzana Levantio	c/o Michelle F. Laskin	Laskin Law PC	585 Stewart Ave., Ste. 120	Garden City	NY	11530	-
100016	Natalio Wassersztrom	c/o Steven B. Tannenbaum	Horowitz, Tannenbaum & Silver	2001 Marcus Ave., Ste. N125	Lake Success	NY	11042	-
100017	Maria Wassersztrom	c/o Steven B. Tannenbaum	Horowitz, Tannenbaum & Silver	2001 Marcus Ave., Ste. N125	Lake Success	NY	11042	-
100019	Ante Furic	c/o John O'Rourke	Gasler & O'Rourke	1025 Old Country Road #315	Westbury	NY	11590	-
100020	John Mazari	c/o Kenneth J. Ready	Kenneth J. Ready & Associates	1565 Franklin Ave., 3rd Floor	Mineola	NY	11501	-
100022	Saham Zarou	c/o Levine Grossman	The Sanders Law Firm	114 Old Country Rd.	Mineola	NY	11501	-
100038	Salune Ellic-Morgan	c/o Theodore F. Goralski, Esq.	Phillip J. Rizuto, PC	100 Herricks Road	Uniondale	NY	11501	-
100040	Joan Gamman, as Decatrix of the Estate of Jacob Gamman	c/o Alicia Bartkowski, Esq.	Martin, Clearwater & Bell	50 Charles Lindbergh Blvd., Ste. 501	East Meadow	NY	11553	-
100043	Glengriff Healthcare Center	c/o Rosaleen T. McCrory	Martin, Clearwater & Bell	90 Merrick Ave., Ste. 401	East Meadow	NY	11554	50,420.70
100044	Glengriff Healthcare Center	c/o Grace C. McCallen	Bartlett, McDonough & Monaghan, LLP	90 Merrick Ave., Ste. 401	East Meadow	NY	11554	45,464.70
100045	Glengriff Healthcare Center	c/o Grace C. McCallen	Bartlett, McDonough & Monaghan, LLP	170 Old Country Road, Ste 400	Mineola	NY	11501	31,147.00
100049	Urszula Wleciowska by Aodi Millik, Attorney In Fact	c/o Valerie J. Crown	Valerie J. Crown, Attorney at Law, PC	170 Old Country Road, Ste 400	Mineola	NY	11501	350,563.60
100057	Glengriff Healthcare Center	c/o Rosaleen T. McCrory	Martin, Clearwater & Bell	151 N. Main St., 4th Floor	New York	NY	10956	-
100058	Glengriff Healthcare Center	c/o Grace C. McCallen	Bartlett, McDonough & Monaghan, LLP	90 Merrick Ave., Ste. 401	East Meadow	NY	11554	175,985.32
100066	Glengriff Holding Corp.	c/o Rosaleen T. McCrory	Martin, Clearwater & Bell	170 Old Country Road, Ste 400	Mineola	NY	11554	15,781.50
100067	Ranapo Manor Nursing Home	c/o Rosaleen T. McCrory	Martin, Clearwater & Bell	90 Merrick Ave., Ste. 401	East Meadow	NY	11554	15,872.94
100069	Glen Haven Residential Healthcare	c/o Grace C. McCallen	Bartlett, McDonough & Monaghan, LLP	90 Merrick Ave., Ste. 401	East Meadow	NY	11554	86,810.50
100070	Glengriff Healthcare Center	c/o Grace C. McCallen	Bartlett, McDonough & Monaghan, LLP	170 Old Country Road, Ste 400	Mineola	NY	11501	41,424.50
100071	Dexter Brown/Estate of Josephine Brown	c/o Amanda Fadhler	Sinel & Associates, PLLC	170 Old Country Road, Ste 400	Mineola	NY	11501	27,012.25
100072	Dexter Brown/Estate of Josephine Brown	c/o Valerie J. Crown	Valerie J. Crown, Attorney at Law, PC	7 Penn Plaza, 8th Fl.	New York	NY	10001	0.00
100074	Louise Cronk as Administratrix of the Estate of Lucille Slejwa, Deceased	c/o Valerie J. Crown	Valerie J. Crown, Attorney at Law, PC	7 Penn Plaza, 8th Fl.	New York	NY	10001	0.00
100075	Estate of Rose Beckwith c/o Fine, Olin & Anderman	c/o Mary Ellen Wright	Jacoby & Meyers, LLP	151 N. Main St., 4th Floor	New York	NY	10956	0.00
100076	Yessia Guzman as Administrator of the Estate of Edwin D. Guzman	c/o James G. Tzapratos, Esq.	Parker Walchman LLP	1279 Route 300	Newburgh	NY	12551	0.00
100077	Kingsbridge Heights Receiver, LLC	c/o Yuval D. Bar-Kokhba	Garbarini & Scher, P.C.	6 Harbor Park Drive	Port Washington	NY	11050	0.00
100079	Glengriff Healthcare Center	c/o Rosaleen T. McCrory	Martin, Clearwater & Bell	432 Park Avenue South	New York	NY	10016	0.00
100089	Glengriff Healthcare Center	c/o Rosaleen T. McCrory	Martin, Clearwater & Bell	90 Merrick Ave., Ste. 401	East Meadow	NY	11554	76,228.07
100097	Flushing Manor Geriatric Center, Inc.	c/o Michael Moriarty, Esq.	Windels Marx Lane & Miltendorf LLP	156 W. 56th St.	New York	NY	11554	0.00
100098	Flushing Manor Geriatric Center, Inc.	c/o Michael Moriarty, Esq.	Windels Marx Lane & Miltendorf LLP	156 W. 56th St.	New York	NY	10019	304,371.35
100100	Flushing Manor Geriatric Center, Inc.	c/o Michael Moriarty, Esq.	Windels Marx Lane & Miltendorf LLP	156 W. 56th St.	New York	NY	10019	176,372.60
100106	Flushing Manor Geriatric Center, Inc.	c/o Michael Moriarty, Esq.	Windels Marx Lane & Miltendorf LLP	156 W. 56th St.	New York	NY	10019	134,888.40
100107	FMNH, LLC	c/o Michael Moriarty, Esq.	Windels Marx Lane & Miltendorf LLP	156 W. 56th St.	New York	NY	10019	30,000.00
100109	Flushing Manor Care Center, Inc.	c/o Michael Moriarty, Esq.	Windels Marx Lane & Miltendorf LLP	156 W. 56th St.	New York	NY	10019	230,577.60
					New York	NY	Total	1,757,982.03

RCVD MT CSI
STATE AUDITORS OFFICE

2020 FEB 14 A 10:07

Ivan C. Evilsizer
Special Assistant Attorney General
Office of the Montana State Auditor,
Commissioner of Securities and Insurance
840 Helena Ave.
Helena, MT 59601
406-444-2040

Attorney for the Liquidator

SCANNED

**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 FIRST 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 then Liquidator, Monica J. Lindeen, Commissioner of Securities and Insurance, Montana State Auditor and am continuing as Special Deputy Liquidator under the current Liquidator, Matthew M. Rosendale.
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 Montana Code Ann. § 33-2-1346 (1).

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

c. The Liquidator's Proof of Claim (POC) forms are in compliance with Montana Code Ann. § 33-2-1365 and provided notice thereof in accordance with Montana Code Ann. § 33-2-1346(2).

d. As the duly-appointed Special Deputy Liquidator, I have considered each and every of the thirty-seven (37) POCs subject to this Claims Report, in accordance with the requirements of the Montana Insurers Supervision, Rehabilitation, and Liquidation Act, Montana Code Ann. 33-2-1301 *et seq.* (the "Act").

e. I am administering the POC process. I initially contracted with ICARMS, LLC to assist me in the adjudication of claims under policies for losses incurred. 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. The Liquidator, and/or his duly appointed Special Deputy, then independently approves or denies ICARMS, LLC's and subsequently Glynloen Consulting's recommendations in whole or in part and submits the same to this Court for

approval.

f. Each and every POC subject to this Claims Report contains the necessary claim file documentation for the Liquidator's recommendation thereon.

g. To the extent this Claims Report includes claims that were denied in whole or in part, notice of such denial complying with Montana 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 First Claims Report, Recommendation & Application for Order Approving Same ("Report, Recommendation and Application"), which pertains to thirty-seven (37) claims in priority class 2, as prescribed by Montana 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 one-hundred and nineteen (119) Notices of Liquidation and POC forms, with instructions to policyholders, third-party claimants, and/or 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 the boroughs of 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 Bar Date of March 31, 2017, I received one-hundred and nine (109) timely-filed POCs. I subsequently received one (1) late-filed claim. Thirty-seven (37) claims have now been fully adjudicated and are the subject of this application. All remaining POCs remain under evaluation.

10. Attached to the Report, Recommendation and Application and incorporated by reference as Exhibit A is a listing of the names and addresses of thirty-seven (37) claimants in this liquidation within priority class 2 as defined in Montana Code Ann. § 33-2-1371(2), the number assigned to the POC submitted by each of these claimants and the amount of the claim finally recommended and now proposed as the Liquidator's recommendation pursuant to Montana Code Ann. § 33-2-1372. Actual distributions will be determined and made at the appropriate time in accordance with Montana Code Ann. §§ 33-2-1371 and 33-2-1373.

11. To the best of my knowledge and belief, the claims subject to this Report and Application are not subject to 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 he and/or I will promptly bring those matters to the attention of this Court to modify such claims.

FURTHER AFFIANT SAYETH NOT.



Michael J. FitzGibbons
Special Deputy Liquidator

SWORN to before me this 12th day of Feb., 2020



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

Sarah E. Alexander

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