6/8/2026 5:31 PM
D-1-GN-19-000723
Velva L. Price
District Clerk
Travis County
Ana Henriquez Quesada

CAUSE NO. D-1-GN-19-000723

THE STATE OF TEXAS *Plaintiff,*	§	IN THE DISTRICT COURT OF
v.	§	TRAVIS COUNTY, TEXAS
CAPSON PHYSICIANS INSURANCE COMPANY, *Defendant.*	§	250TH JUDICIAL DISTRICT

SPECIAL DEPUTY RECEIVER'S
APPLICATION TO AMEND PROCEDURES FOR PROCESSING CLAIMS

TO THE HONORABLE JUDGE OF SAID COURT:

CANTILO & BENNETT, L.L.P., the Special Deputy Receiver ("SDR") of Capson Physicians Insurance Company ("CPIC"), files this *Application to Amend Procedures for Processing Claims* (the "Application").

I. INTRODUCTION

1.1 This Application is filed pursuant to TEX. INS. CODE (the "Code") § 443.253(k). The SDR asks the Court to amend the procedures to process claims to allow the SDR to cease full processing of Class 2 claims. At this time, the SDR has determined that the CPIC estate will not have sufficient assets to make a distribution to Class 2. Accordingly, pursuant to TEX. INS. CODE §443.253(k), the SDR requests that it be allowed to cease further processing of any remaining Class 2 claims, except to classify them. This will benefit the estate by saving administrative costs.

II. BACKGROUND

2.1 On February 11, 2019, the Court entered an *Agreed Order Appointing Rehabilitator, Permanent Injunction, and Notice of Automatic Stay* putting CPIC into rehabilitation. The Court appointed the Texas Commissioner of Insurance (the "Commissioner") as the Rehabilitator of CPIC. Effective February 11, 2019, the Rehabilitator appointed CANTILO &

BENNETT, L.L.P. as the SDR of CPIC. On June 28, 2019, the Court entered an Order Appointing Liquidator and Permanent Injunction, placing CPIC into liquidation.

2.2 The Court entered its Order Granting Special Deputy Receiver's Application for Approval of Claim Filing Deadline, Guidelines for Providing Notice, and Procedures for Processing Claims (the "POC Order") on November 25, 2019. The POC Order provided that the SDR need not adjudicate and POCs with a priority of Class 3 or lower because the SDR did not believe that assets would be available to make a distribution on claims with a priority of Class 3 or lower.

2.3 On February 21, 2019, the Court entered its Order of Reference to Master, appointing Mr. Tom Collins to act as the Special Master in this receivership (the "Master"). On September18, 2019, the Court entered its *Supplemental Order of Reference to Master*. This Application has been referred to Mr. Collins in accordance with Paragraph III of those orders.

III. JURISDICTION AND STATUTORY AUTHORITY

3.1 This Court has personal jurisdiction over parties asserting claims ("Claimants") directly against CPIC and/or property owned by CPIC pursuant to TEX. INS. CODE § 443.005. Specifically, this Court has personal jurisdiction over all Claimants against CPIC and the property of the estate for one or more of the following reasons:

a) CPIC is domiciled in the State of Texas;

b) This is a civil proceeding arising under, and related to, this proceeding under Chapter 443 of the Code;

c) All Claimants fall under the Court's statutory personal jurisdiction set out in § 443.005(d) of the Code and/or Chapter 17 of the Texas Civil Practice & Remedies Code; and/or

d) The assertion of jurisdiction by the Court complies with the constitutions of the United States and State of Texas. In addition, the Court's assertion of jurisdiction meets the United States Supreme Court's requirement that

> jurisdiction comport with customary standards of fair play and substantial justice.

3.2 Pursuant to § 443.005(g) of the Code, exclusive and mandatory venue for this proceeding is in Travis County, Texas.

IV. RELIEF SOUGHT

4.1 The SDR will process POCs under the provisions of the *Insurer Receivership Act*. The statute requires the SDR to pay each class of creditors in full or retain adequate funds for such payment before paying any other class of creditors. *See* TEX. INS. CODE § 443.301(a).

4.2 The SDR has determined that the CPIC estate will not have sufficient assets to make any distribution to Class 2 or lower priority claims. The SDR has 10 remaining POCs that have not been fully adjudicated but are Class 2 POCs.

4.3 It would be a waste of money to fully process the remaining Class 2 POCs for Claimants who, ultimately, will not be paid. Therefore, to preserve the assets of this estate, the SDR proposes that it not be required to adjudicate claims with a priority of Class 2 or lower at this time. Section 443.253(k) of the Code provides that:

> [t]he liquidator is not required to process claims for any class until it appears reasonably likely that property will be available for a distribution to that class. If there are insufficient assets to justify processing all claims for any class listed in § 443.301, the liquidator shall report the facts to the receivership court and make such recommendations as may be appropriate for handling the remainder of the claims.

The SDR will only adjudicate remaining unadjudicated claims with a priority of Class 2 or lower, notify the Claimant of the classification, and take no further action. Such notification will be a final adjudication of the claim, subject to the SDR's later determination that sufficient assets exist to justify further processing claims with a Class 2 priority.

V. NOTICE

5.1 The SDR has served this Application by e-mail to everyone listed on the attached Certificate of Service. Certain state and federal agencies were served by mail or overnight delivery.

VI. OFFER OF PROOF AND VERIFICATION

6.1 This Application is verified by the affidavit and certification of Joseph N. West, designated representative of CANTILO & BENNETT, L.L.P., solely in its capacity as Special Deputy Receiver of CPIC, pursuant to § 443.017(b) of the Code.

VII. NOTICE OF ELECTRONIC SERVICE REQUIREMENT

7.1 Any party who responds to this Application must file their response with the Court and send it by e-mail to the SDR's attorney and all parties shown in the attached Certificate of Service.

PRAYER

WHEREFORE, PREMISES CONSIDERED, CANTILO & BENNETT, L.L.P., solely in its capacity as Special Deputy Receiver of Capson Physicians Insurance Company, prays that this Court:

1. Grant this Application;
2. Approve the SDR's proposed amended claim processing procedures; and
3. Grant the SDR such other and further relief to which it may justly entitled.

Respectfully submitted,

/s/ Greg Pierce

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Attorneys for CANTILO & BENNETT, LLP,
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Capson Physicians Insurance Company

APPLICANT'S NOTICE OF SUBMISSION

Pursuant to the terms of the Supplemental Order of Reference to Master entered by the District Court in this cause, the SDR's *Application to Amend Procedures for Processing Claims* is hereby set for hearing before the Special Master, Tom Collins, on **Monday June 22, 2026**.

The Special Master has asked that the following rules be provided you:

1. Any objection must be filed with the Travis County District Clerk at least three (3) calendar days before the submission date.

2. A copy of any objection shall be served by e-mail by such date on:

   (a) The Special Master's Docket Clerk, at specialmasterclerk@tdi.texas.gov;
   (b) The undersigned counsel, Greg Pierce at gpierce@gpiercelaw.com; and
   (c) All interested parties, including those listed on the SDR's Certificate of Service.

3. The objecting party shall coordinate with the SDR's counsel and the Docket Clerk [(512) 676-6915)] to obtain an oral hearing setting for argument on the Application and Objection, and complete and attach an "Objecting Party's Notice of Oral Hearing" to the objection.

4. The written objection must specifically list all reasons for objection with supporting references to and discussion of statutory and case authorities. Reasons not stated in writing will not be considered orally.

5. **Please note that if an objection is not filed as described in the Notice of Submission, the Master may consider the Application without a hearing.**

6. **Failure to file timely a written objection before the Special Master constitutes a waiver of the right to object to the Special Master's recommendation to the District Court.**

7. Any Acknowledgment of Notice and Waiver to be filed by the Guaranty Association or other interested party should be filed at least three (3) calendar days before the submission or hearing date.

/s/ Greg Pierce
Gregory A. Pierce

CERTIFICATE OF SERVICE

I certify that on June 8, 2026, a true and correct copy of the foregoing *Application to Amend Procedures for Processing Claims* was served pursuant to the Supplemental Order of Reference to Master, the Texas Rules of Civil Procedure and TEX. INS. CODE 443.007(d) on the following by email, except as specifically otherwise noted.

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/s/ Greg Pierce
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SPECIAL DEPUTY RECEIVER'S VERIFICATION AND CERTIFICATION PURSUANT TO TEX. INS.CODE ANN. §443.017(b)

AFFIDAVIT OF JOSEPH N. WEST

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority appeared Joseph N. West, who after being by me duly sworn, stated the following under oath:

1. "My name is Joseph N. West. I am of sound mind, capable of making this affidavit, and am competent to testify to the matters contained in this affidavit.

2. I am a partner in CANTILO & BENNETT, L.L.P., the Special Deputy Receiver of Capson Physicians Insurance Company (the "SDR" and "CPIC" respectively), and I am duly authorized to make this affidavit on behalf of the SDR.

3. I have reviewed the *Special Deputy Receiver's Application to Amend Procedures for Processing Claims (the "Application")* and the facts stated therein are true and correct based on my personal knowledge, my review of estate records and my consultation with the staff and subcontractors."

FURTHER AFFIANT SAYETH NOT.

JOSEPH N. WEST

SUBSCRIBED AND SWORN TO BEFORE ME on June 4, 2026, by Joseph N. West, partner in CANTILO & BENNETT, L.L.P., Special Deputy Receiver of Capson Physicians Insurance Company.

Notary Public, State of Texas

KELLY REED
NOTARY PUBLIC
STATE OF TEXAS
MY COMM. EXP. 03/13/29
NOTARY ID 135503382

Automated Certificate of eService

This automated certificate of service was created by the efiling system. The filer served this document via email generated by the efiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

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Filing Description: SPECIAL DEPUTY RECEIVER'S APPLICATION TO AMEND PROCEDURES FOR PROCESSING CLAIMS
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Associated Case Party: TEXAS PROPERTY AND CASUALTY INSURANCE GUARANTY ASSOCIATION

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Rachel Stroud		rstroud@tpciga.org	6/8/2026 5:31:21 PM	SENT