

CAUSE NO. D-1-GN-23-001549

THE TEXAS DEPARTMENT OF INSURANCE, <i>Plaintiff,</i>	§	IN THE DISTRICT COURT OF
	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
FRIDAY HEALTH INSURANCE COMPANY, INC. <i>Defendant.</i>	§	
	§	
	§	345th JUDICIAL DISTRICT

**ORDER GRANTING SPECIAL DEPUTY RECEIVER’S APPLICATION FOR APPROVAL OF CLAIM FILING DEADLINE, GUIDELINES FOR PROVIDING NOTICE, AND PROCEDURES FOR PROCESSING CLAIMS**

On this date, the Court heard the *Special Deputy Receiver’s Application for Approval of Claim Filing Deadline, Guidelines for Providing Notice, and Procedures for Processing Claims* and the *First Supplement* thereto (collectively, the “Application”) filed by CANTILO & BENNETT, L.L.P., Special Deputy Receiver of Friday Health Insurance Company, Inc. (the “SDR” and “FHIC” respectively). The SDR appeared by and through its counsel. The Application was submitted to the Master appointed in this cause (“Master”) in accordance with the *Agreed Order of Reference to Master* (“Order of Reference”). The Master issued a recommendation under Rule 171 of the Texas Rules of Civil Procedure, which is incorporated herein.

Having considered the Application and the recommendation, the Court finds as follows:

1. The *Order of Reference* provides that motions filed pursuant to TEX. INS. CODE § 443.155 are referred to the Master;
2. Notice of the Application was provided in accordance with TEX. INS. CODE § 443.007 (d) and the *Order of Reference*;
3. No objections to the Application were filed;

4. The Texas Life and Health Insurance Guaranty Association (“TLHIGA”) filed its acknowledgement and waiver;
5. The Court has jurisdiction over the Application and the parties affected hereunder; and
6. The SDR’s Application should be granted as set forth below.

All capitalized terms used herein shall have the same meaning as used in the Application.

**IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED** as follows:

1. The Application is GRANTED in all respects;
2. The notices and forms as described in the Application, as supplemented for Exhibit 1, are APPROVED;
3. The Court finds that the provisions of the Application and its exhibits, as supplemented, comply with the requirements of § 443.155 of the Texas Insurance Code and due process;
4. If any deadline set forth in this Order falls on a weekend day or federal holiday, all POCs must be postmarked or received at the address designated by the SDR on or before 11:59 p.m. Central Daylight Time on the next business day in order to be considered timely.
5. The claim filing deadline is nine (9) months from the date this Order is entered;
6. The SDR’s proposed claim processing procedures are APPROVED;
7. Claimants with OTC Claims that exceed TLHIGA’s \$500,000 maximum per insured member are not required to file a proof of claim and those claims are deemed to have been filed. Those deemed claims shall be treated for all purposes as if it had been filed with the SDR, including the waiver and release

of any obligation of any FHIC insured for payment of such claim. This order does not affect the classification of such claims or the ultimate allowance of any such claims;

8. If the SDR files a disputed claims proceeding under § 443.257 of the Code and the SDR determines that documents including sensitive data as defined in Rule 21c of the Texas Rules of Civil Procedure must be filed in connection with a disputed claim, the SDR shall either redact such information from the documents, or submit the documents to the Special Master or this Court under seal for in camera inspection in accordance with § 443.007(c) of the Code;
9. The SDR is authorized to enter into such contracts and agreements as may be necessary or expedient to carry out the actions approved by this Order;
10. Claimants who assert third-party claims against FHIC insureds and who file, or are deemed to have filed, a Proof of Claim with the SDR shall be deemed to have released and waived any such claim against the FHIC insured under § 443.256(h) of the Texas Insurance Code;
11. This Order makes no ruling on the proper classification or priority of any type of claim; TLHIGA does not waive its right, if any, to object to the classification and priority of any type of claim; and the SDR does not waive its right, if any, to object to the standing of TLHIGA or any other party in interest to object to the classification and priority of any type of claim; and
12. This Order constitutes a final Order fully resolving all issues relating to the Application.

Signed on December 5, 2023.

  
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Judge Presiding

~~JUDGE PRESIDING~~

PROPER NOTICE GIVEN

ACKNOWLEDGEMENT OF NOTICE AND WAIVER

OF OBJECTION PRESENTED

~~HEARD~~ SUBMITTED

RECOMMENDED <sup>th</sup>

SIGNED ON 30 DAY OF Nov. 2023

*Tom Collins*

**TOM COLLINS, RECEIVERSHIP SPECIAL MASTER**

APPROVED AS TO FORM AND SUBSTANCE AND ENTRY REQUESTED:

/s/ Greg Pierce

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