

**STATE OF SOUTH CAROLINA****IN THE COURT OF COMMON PLEAS****COUNTY OF RICHLAND****FOR THE FIFTH JUDICIAL CIRCUIT**Raymond G. Farmer, as Director of the South  
Carolina Department of Insurance,

C.A. No. 2020-CP-40-01276

Petitioner,

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

vs.

Transportation Insurance Services Risk  
Retention Group, Inc.,

Respondent.

This matter comes before the Court pursuant to the Liquidator's First Claims Report & Recommendation & Application for Order Approving Same ("the Application") filed in accordance with S.C. Code Ann. § 38-27-620 (2015). Attached as Exhibit A to the Application is a schedule containing the names and addresses of Class 2 claimants and recommended amounts. Also attached to the Application as Exhibit B is a schedule containing the names and addresses of claimants subordinate to Class 2, and their priority class code. Also attached as Exhibit C is a detailed Affidavit of the duly-appointed Special Deputy Liquidator filed in support of the Application. It appearing that the Recommendation is in the interests of these 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 S.C. Code Ann. § 38-27-610 (2015).

IT IS THEREFORE ORDERED that pursuant to S.C. Code Ann. §§ 38-27-10 *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 or the Recommendation thereon.

**AND IT IS SO ORDERED.**

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Alison Renee Lee  
Chief Administrative Judge  
Fifth Judicial Circuit

March \_\_\_\_, 2023  
Columbia, South Carolina



Richland Common Pleas

**Case Caption:** Raymond G Farmer , plaintiff, et al vs Transportation Insurance Services Risk Retention Group Inc

**Case Number:** 2020CP4001276

**Type:** Order/Other

IT IS SO ORDERED

s/ Alison Renee Lee, Chief Administrative Judge

**STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND**

Raymond G. Farmer, as Director of the South  
Carolina Department of Insurance,

Petitioner,

vs.

Transportation Insurance Services Risk  
Retention Group, Inc.,

Respondent.

**IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT**

C.A. No. 2020-CP-40-01276

**LIQUIDATOR'S FIRST CLAIMS  
REPORT & RECOMMENDATION &  
APPLICATION FOR ORDER  
APPROVING SAME**

Comes now Petitioner, as Liquidator of the above-captioned insurance company (TISRREG), by and through the undersigned counsel, and files herewith his First Claims Report & Recommendation and applies to the Court for an Order approving the Liquidator's undisputed claim determinations specified herein.

This application is made pursuant to the South Carolina Insurers Rehabilitation and Liquidation Act, S.C. Code Ann. §§ 38-27-10 *et seq.*, specifically, S.C. Code Ann. § 38-27-620(a) (2015), 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 claim recommendations.

In support of his report, recommendation and application, the Liquidator would respectfully show the following:

1. On April 13, 2020, the Court entered an Order Commencing Liquidation Proceedings & Granting an Injunction & Automatic Stay of Proceedings regarding TISRREG.
2. Between the Liquidation Date of April 13, 2020, and October 31, 2020, the latter being the Claims Bar Date, the Liquidator issued approximately four hundred forty-nine (449)

Notices of Liquidation and Proof of Claim (POC) forms, with instructions to policyholders, third-party claimants and other potential claimants and/or creditors of TISRRG.

3. On June 3, 2020, notice of the liquidation was published in The Indianapolis Star, informing interested parties of the liquidation proceedings, including contact information and instructions for the timely filing of a POC. Additionally, on June 11, 2020, notice of the liquidation was published in The New York Times, a newspaper of nationwide circulation.

4. On or before the Bar Date of October 31, 2020, the Liquidator received thirty-nine (39) timely-filed POCs. One (1) timely-filed POC was subsequently withdrawn by the claimant, leaving thirty-eight (38) remaining timely-filed POCs. The Liquidator also received eleven (11) late-filed claims.

5. Thirty-two (32) claims have now been completely adjudicated. All remaining POCs received, totaling seventeen (17), remain under evaluation.

6. Attached hereto as Exhibit A and incorporated herein is a Schedule listing the names and addresses of fifteen (15) claimants holding a class 2 claim as defined by S.C. Code Ann. § 38-27-610(2) (2015), the POC number assigned by the Liquidator and the valuation of the claim proposed by the Liquidator.

7. Attached hereto as Exhibit B is a Schedule listing the names and addresses of seventeen (17) claimants holding a class of claim subordinate to class 2, as the class code is defined by S.C. Code Ann. § 38-27-610 (2015). These claims were adjudicated as to priority class only, as the Liquidator expects distributions to class 2 to be less than 100 percent.

8. In further support of this report, recommendation and application, the Liquidator has attached as Exhibit C, the affidavit of Michael J. FitzGibbons, Special Deputy Liquidator.

WHEREFORE, the Liquidator prays the Court issue an Order approving this first Claims

Report and recommendation, with the actual distribution to be determined at the appropriate time in accordance with S.C. Code Ann. §§ 38-27-610 & -630 (2015), as well as such other relief as the Court deems just and proper.

March 17, 2023

Respectfully submitted,

s/ Geoffrey R. Bonham  
Associate General Counsel  
South Carolina Department of Insurance  
P.O. Box 100105  
Columbia, South Carolina 29202

Capitol Center  
1201 Main Street, Suite 1000  
Columbia, South Carolina 29201

Telephone: 803-737-6200  
Fax: 803-737-6229  
Email: [gbonham@doi.sc.gov](mailto:gbonham@doi.sc.gov)

One of the attorneys for the Liquidator of  
Transportation Insurance Services Risk  
Retention Group, Inc

Transportation Insurance Services Risk Retention Group, Inc. in Liquidation  
First Claims Report  
Exhibit A

POC No.	Claimant Name	Contact	Address 1	Address 2	City	State	Zip	Liquidator's Recommended Amount
100001	S.S.	c/o Scott Sinins, Esq.	Javerbaum Wurgaft	505 Morris Ave.	Springfield	NJ	7081	50,000.00
100039	D.C.	c/o J. Martin Futrell, Esq.	Witherite Law Group	600 West Peachtree Street NW, Suite 740	Atlanta	GA	30308	275,000.00
100003	Z.S.	c/o Adam Epstein	Mazie Slater Katz & Freeman, LLC	103 Eisenhower Parkway, Suite 207	Roseland	NJ	7068	75,000.00
100036	J.J.H.	c/o Jason R.N. Monteleone, Esq.	Johnson & Monteleone LLP	350 N. 9th St, Ste 500	Boise	ID	83702	-
100005	F.T.	c/o Jude Redkey, Esq.	Redkey Gordon P.C.	40 Hanford St., Ste. B	Sutter Creek	CA	95685	17,500.00
100006	K.B.	c/o Patrick Cadiz, Esq.	Law Office of Patrick Cadiz	100 SW Baseline St	Hillsboro	OR	97123	65,000.00
100020	Estate of P.T.	c/o Kevin M. Pearl, Esq.	Frankovitch, Anetakis	337 Penco Road	Weirton	WV	26062	-
100008	J.B.	c/o Kevin M. Blake, Esq.	Smith Mirabella Blake	100 N. 20th St., Ste. 303	Philadelphia	PA	19103	-
100009	B.J.	c/o Charles R. Batech, Esq.	Bateh & Clark	4229 Atlantic Blvd.	Jacksonville	FL	32207	82,500.00
100010	W.C.	c/o Lionel Sutton, Esq.	Sutton Law Firm	935 Gravier St., Ste. 1910	New Orleans	LA	70112	25,000.00
100019	Estate of T.C.	c/o Kevin M. Pearl, Esq.	Frankovitch, Anetakis	337 Penco Road	Weirton	WV	26062	-
100018	B.U.	c/o Kevin M. Pearl, Esq.	Frankovitch, Anetakis	337 Penco Road	Weirton	WV	26062	-
100013	C-A. C.	c/o Russell Hanf, Esq.	9900 SW Wilshire St., Ste. 280		Portland	OR	97225	57,500.00
100017	N.U.	c/o Kevin M. Pearl, Esq.	Frankovitch, Anetakis	337 Penco Road	Weirton	WV	26062	-
100016	C.U.	c/o Kevin M. Pearl, Esq.	Frankovitch, Anetakis	337 Penco Road	Weirton	WV	26062	-
							<b>Total</b>	<b>647,500.00</b>

Transportation Insurance Services Risk Retention Group, Inc. in Liquidation  
First Claims Report  
Exhibit B

POC No.	Claimant Name	Contact	Address 1	Address 2	City	State	Zip	Class Code	Liquidator's Recommended Amount
100049	N.C.W. PCS LLC	c/o Troy A Glander	A Nava & Glander Law Firm	13409 NW Military Hwy, Suite 300	San Antonio	TX	78231	8	N/A
100048	T-S.I. Inc.	c/o Gary Schafkopf, Esq	Schafkopf Law LLC	11 Bala Ave	Bala Cynwyd	PA	19004	8	N/A
100047	Z.S.	c/o Richard M. Pescatore, Esq.	Law Offices of Richard Pescatore, P.C.	1055 East Landis Ave	Vineland	NJ	8360	8	N/A
100045	The Estate of J.C., S.M., K.M., S.W., J.M.	c/o Peter W. Summerill	Dewsnup King Olsen Worel Havas Mortensen	36 South State Street, Ste. 2400	Salt Lake City	UT	84111	8	N/A
100041	L.M.	c/o Lawrence L. Kaye	44 Court Street, Suite 814		Brooklyn	NY	11201	8	N/A
100046	J.D.	c/o Alissa Cramblitt	Erie Insurance	100 Erie Insurance Place	Erie	PA	16530-0001	8	N/A
100044	P.C. a/s/o A.R.	240 Sunnybrook Rd			Jackson	NJ	8527	8	N/A
100007	R.A.	Attn: Tom Reardon	55 Gilbert St. North, Ste. 2204		Tinton Falls	NJ	7701	6	N/A
100043	P.C. a/s/o F.R.	240 Sunnybrook Rd			Jackson	NJ	8527	8	N/A
100042	N.J. S. I. A. as subrogee of N.S.	c/o Birkhold & Maider LLC	189 Franklin Ave., Ste. 1		Nutley	NJ	7110	8	N/A
100011	W., G., M., W. & D., LLP	Attn: Scott Kyrouac	333 Ohio Street		Terre Haute	IN	47807	6	N/A
100040	L. M. F. Ins. Co.	Attn: Ruth Black	P.O. Box 515097		Los Angeles	CA	90057	8	N/A
100038	H. H. M. W. LLP	Attn: Brian B. Williams	411 SW 2nd Ave., Suite 400		Portland	OR	97204	6	N/A
100037	H. H. M. W. LLP	Attn: Brian B. Williams	411 SW 2nd Ave., Suite 400		Portland	OR	97204	6	N/A
100028	I. N. I. C.	c/o Michael S. Davis, Esq.	Zeichner Ellman & Krause LLP	1211 Ave of the Americas, 40th Floor	New York	NY	10036	6	N/A
100027	C. and I. I. C.	c/o Michael S. Davis, Esq.	Zeichner Ellman & Krause LLP	1211 Ave of the Americas, 40th Floor	New York	NY	10036	6	N/A
100026	L. I. C.	c/o Michael S. Davis, Esq.	Zeichner Ellman & Krause LLP	1211 Ave of the Americas, 40th Floor	New York	NY	10036	6	N/A

**Exhibit C****STATE OF SOUTH CAROLINA****COUNTY OF RICHLAND**Raymond G. Farmer, as Director of the South  
Carolina Department of Insurance,

Petitioner,

vs.

Transportation Insurance Services Risk  
Retention Group, Inc.,

Respondent.

**IN THE COURT OF COMMON PLEAS  
FOR THE FIFTH JUDICIAL CIRCUIT**

C.A. No. 2020-CP-40-01276

**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 Transportation Insurance Services Risk Retention Group, Inc. ("TISR RG"). I was appointed to my position by the Liquidator, Raymond G. Farmer, former Director of the South Carolina Department of Insurance, which designation was approved by the Court on April 13, 2020.

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 TISR RG 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 TISR RG's liquidation was given in accordance with S.C. Code Ann. §

38-27-410(a) (2015).

- b. In accordance with S.C. Code Ann. § 38-27-410(b) (2015), the notice specified that the last date to file a timely proof of claim with the Liquidator was October 31, 2020. Proofs of claim had to be postmarked no later than 5:00 P.M. Eastern Time on that date to be considered timely.
- c. The Liquidator's Proof of Claim (POC) forms are in compliance with S.C. Code Ann. § 38-27-550(a) (2015) and provided notice of the liquidation of TISRRG in accordance with S.C. Code Ann. § 38-27-410(b) (2015).
- d. As the duly-appointed Special Deputy Liquidator, I have considered each of the thirty-two (32) POCs subject to this Claims Report, in accordance with the requirements of the South Carolina Insurers Rehabilitation and Liquidation Act, S.C. Code Ann. §§ 38-27-10 *et seq.*
- e. I am administering the claims process. I engaged 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 approve or deny these recommendations, in whole or in part, and submits the same to this Court for approval.
- f. Each 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 S.C. Code Ann. § 38-27-580(a) (2015) 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 the Liquidator's First Claims Report & Recommendation & Application for Order Approving Same ("Report & Recommendation & Application"), which pertains to fifteen (15) Class 2 claims, and seventeen (17) claims subordinate to Class 2, as prescribed by S.C. Code Ann. §§ 38-27-610 & -620 (2015).

6. Between the entry of the Liquidation Order on April 13, 2020 and October 31, 2020, I caused to be issued approximately four hundred forty-nine (449) Notices of Liquidation and Proof of Claim (POC) forms, with instructions to policyholders, third-party claimants, and/or other potential claimants and creditors of TISRRG.

7. On June 3, 2020, I caused to be published Notice of the liquidation in The Indianapolis Star, informing interested parties of the liquidation proceedings and including contact information and instructions for the timely filing of a claim.

8. On June 11, 2020, I caused to be published Notice of the liquidation in The New York Times, a newspaper of nationwide circulation, informing interested parties of the liquidation proceedings and including contact information and instructions for the timely filing of a claim.

9. Thirty-two (32) claims have now been fully adjudicated. All remaining POCs received, totaling seventeen (17), are presently under evaluation.

10. Attached to the Report & Recommendation & Application and incorporated by reference as Exhibit A is a listing of the names and addresses of fifteen (15) claimants with Class 2 claims as defined in S.C. Code Ann. § 38-27-610(2) (2015), the POC number assigned and the Liquidator's valuation and recommendation pursuant to S.C. Code Ann. § 38-27-620 (2015).

11. Attached to the Report & Recommendation & Application and incorporated by reference as Exhibit B is a listing of names and addresses of seventeen (17) claimants holding a class of claim subordinate to class 2, as the class code is defined by S.C. Code Ann. § 38-27-610

(2015). These claims were adjudicated as to priority class only as I expect distributions to class 2 to be less than 100 percent.

12. To the best of my knowledge and belief, the claims and recommendation thereon 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 in an amendment to modify such claims and recommendation.

FURTHER AFFIANT SAYETH NOT.



Michael J. FitzGibbons  
Special Deputy Liquidator

SWORN to before me this 16<sup>th</sup> day of March, 2023

Sarah E. Alexander

Notary Public for the State of Arizona  
My commission expires 09-15-2026



**SARAH E. ALEXANDER**  
Notary Public - Arizona  
Maricopa Co. / #633463  
Expires 09/15/2026