

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

IN THE MATTER OF THE
LIQUIDATION OF MONTANA
NONPROFIT ASSOCIATION GROUP
BENEFIT TRUST, a Self-Funded
Multiple Employer Welfare
Arrangement,

Respondent.

Case No. BDV-2020-1853

**ORDER APPROVING THIRD CLAIMS
REPORT, RECOMMENDATION AND
APPLICATION**

This matter comes before the Court pursuant to the Liquidator's Third Claims Report and Recommendation ("Report") filed in accordance with Montana Code Ann. § 33-2-1372. Attached as Exhibit A to the Report is listing the names and addresses of seventy-nine (79) claimants holding a Class 2 priority under Montana Code Ann. § 33-2-1371, the POC numbers assigned by the Liquidator, and the valuations of the claims proposed by the Liquidator. Attached as Exhibit B to the Report is a schedule listing the name and address of one (1) claimant holding a claim subordinate to Class 2 under Montana Code Ann. § 33-2-1371, the POC numbers assigned by the Liquidator, and the classes of the claims under Montana Code. Ann § 33-2-1371. Also, attached to the Report is a detailed Affidavit of the Special Deputy Liquidator filed in support of the Report. It is appearing that the recommendations are in the interests of all claimants and other creditors in this matter, the Report 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, the Third 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 ____ day of _____, 2023.

District Court Judge
First Judicial District

Electronically Signed By:
Hon. Judge Michael McMahon
Wed, Jun 28, 2023 12:52:39 PM

ORDER-2

MARK MATTIOLI
Office of the Montana State Auditor,
Commissioner of Securities and Insurance
840 Helena Ave.
Helena, MT 59601
406-444-2040

Attorney for the
Liquidator

MONTANA FIRST JUDICIAL DISTRICT COURT
LEWIS AND CLARK COUNTY

IN THE MATTER OF THE
LIQUIDATION OF MONTANA
NONPROFIT ASSOCIATION GROUP
BENEFIT TRUST, a Self-Funded Multiple
Employer Welfare Arrangement,

Respondent.

CASE NO. BDV 2020-1853

LIQUIDATOR'S THIRD CLAIMS
REPORT and RECOMMENDATION

Comes now Troy Downing, as Liquidator of the above-captioned health plan (MNAGBT), by and through his undersigned counsel to file herewith his Recommendation to Allow certain Provider Claims for amounts derived from the population of claims for which valuations were made. The Liquidator applies to the Court for an Order approving these claim determinations in accordance with Montana Code Ann. § 33-2-1372.

This application is made pursuant to the Montana Insurers Supervision, Rehabilitation and Liquidation Act, Montana Code Ann. §§ 33-2-1301 *et seq.*, wherein the Liquidator is required to review all claims duly filed in the liquidation proceedings, make such further investigation as he deems necessary to determine an appropriate valuation including to compromise or negotiate the amount for which claims will be valued and recommended to the Court.

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

1. Between the entry of the Order of Liquidation on November 5, 2020, and March 1, 2021, the latter being the Claims Bar Date, the Liquidator issued one thousand seven hundred and eighty-six (1,786) Notices of Liquidation and Proof of Claim (POC) forms, with instructions to policyholders, third-party claimants, and other potential claimants and/or creditors of MNAGBT.
2. On December 18, 2020, notice of the liquidation was published in The Billings Gazette, informing interested parties of the liquidation proceedings, and including contact information and instructions for the timely filing of a claim.
3. On or before the Bar Date of March 1, 2021, the Liquidator received two hundred fifty-three (253) timely-filed POCs. The Liquidator also received twenty-four (24) late-filed POCs.¹
4. Ninety-six (96) Class 2 POCs were adjudicated, valued, and received approval by this Court on May 16, 2022.
5. An additional one hundred and one (101) POCs were adjudicated, valued and received approval by this Court on September 21, 2022.
6. An additional eighty (80) POCs have now been completely adjudicated. Seventy-nine (79) are Class 2 and one (1) is subordinate to Class 2.
7. Attached hereto as Exhibit A and incorporated herein is a schedule listing the names and addresses of seventy-nine (79) claimants holding a Class 2 priority under Montana Code Ann. § 33-2-1371, the POC numbers assigned by the Liquidator, and the valuations of the claims proposed by the Liquidator.
8. Attached hereto as Exhibit B and incorporated herein is a schedule listing the name and address of one (1) claimant holding a claim subordinate to Class 2 under Montana Code Ann. § 33-

¹ Includes two (2) late filed claims now considered timely filed.

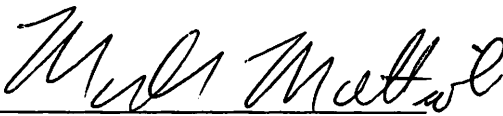
2-1371, the POC number assigned by the Liquidator, and the class of the claim under Montana Code. Ann § 33-2-1371.

9. In further support of this recommendation, 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 Third Claims Report, with the final determinations to be filed with the Court at a later date in accordance with Montana Code Ann. § 33-2-1372, as well as such other relief as the Court deems just and proper.

Respectfully submitted this 27th day of June, 2023.

TROY DOWNING
Commissioner of Securities and Insurance,
Montana State Auditor
As Liquidator



MARK MATTIOLI
Attorney for the Liquidator

Montana Nonprofit Association Group Benefit Trust in Liquidation
Third Claims Report
Exhibit A

POC No.	Claimant Name	Contact	Address 1	Address 2	City	State	Zip	Liquidator's Recommended Amount
100278	Karrie Lien, MD		PO Box 1231		Havre	MT	59501-1231	318.31
100277	Northern Montana Hospital/Sleep Lab Clinic		PO Box 1231		Havre	MT	59501-1231	1,168.19
100271	Kathryn Olson, FNP		521 4th St.		Havre	MT	59501	29.45
100239	Krystle Gawel - Kulesa		215 N Ewing		Helena	MT	59601	-
100237	Jill Ellwood		3657 Lemhi Trail Dr		Bozeman	MT	59718	-
100231	Community Hosp of Anaconda	Attn: Alice Cortright	401 W Pennslyvania Ave		Anaconda	MT	59711	15,651.89
100228	Pintler Family Medicine	Attn: Alice Cortright	305 W Pennslyvania Ave		Anaconda	MT	59711	2,287.53
100227	Pintler Family Medicine	Attn: Alice Cortright	305 W Pennslyvania Ave		Anaconda	MT	59711	28,184.55
100216	Pintler Surgical Specialists	Attn: Alice Cortright	305 W Pennslyvania Ave		Anaconda	MT	59711	231.22
100212	Abbigail Nash Mellum		6208 Gray Hawk Court		Billings	MT	59106	-
100211	Lisa Sommers		Box 2067		East Helena	MT	59635	-
100012	Deer Lodge Medical Center	c/o Tony Pfaff	1100 Hollenback Lane		Deer Lodge	MT	59722	1,178.61
100210	Michael Hulett		51794 Sucker Creek Rd.		Havre	MT	59501	-
100209	Teresa Kay Wynia		1340 Jefferson Ave.		Havre	MT	59501	-
100200	Jennifer Miranda		14 Redwood Dr		Butte	MT	59701	-
100192	Billings Clinic	c/o George Kimmet	PO Box 37000		Billings	MT	59107	106.03
100182	Elizabeth Bennett	c/o Shawna Bennett	3487 Birkland Dr.		Helena	MT	59602	196.55
100180	Elizabeth Bennett	c/o Shawna Bennett	3487 Birkland Dr.		Helena	MT	59602	402.70
100177	Neal E. Drakage		2130 9th St W PMB 201		Columbia Falls	MT	59912	-
100172	Community Medical Center	Attn: Marjorie Ewart	2827 Fort Missoula Rd		Missoula	MT	59804	1,649.84
100021	Deer Lodge Medical Center	c/o Tony Pfaff	1100 Hollenback Lane		Deer Lodge	MT	59722	14,404.72
100022	Deer Lodge Medical Center	c/o Tony Pfaff	1100 Hollenback Lane		Deer Lodge	MT	59722	5,638.57
100170	Carlos F. Arias	c/o Shawn Sasooness	Sasooness Law Group	21781 Ventura Blvd., Ste. 244	Woodland Hills	CA	91364	-
100169	Carlos F. Arias	c/o Shawn Sasooness	Sasooness Law Group	21781 Ventura Blvd., Ste. 244	Woodland Hills	CA	91364	-
100168	Carlos F. Arias	c/o Shawn Sasooness	Sasooness Law Group	21781 Ventura Blvd., Ste. 244	Woodland Hills	CA	91364	-
100026	Deer Lodge Medical Center	c/o Tony Pfaff	1100 Hollenback Lane		Deer Lodge	MT	59722	107.10
100167	Carlos F. Arias	c/o Shawn Sasooness	Sasooness Law Group	21781 Ventura Blvd., Ste. 244	Woodland Hills	CA	91364	-
100166	Carlos F. Arias	c/o Shawn Sasooness	Sasooness Law Group	21781 Ventura Blvd., Ste. 244	Woodland Hills	CA	91364	-
100165	Carlos F. Arias	c/o Shawn Sasooness	Sasooness Law Group	21781 Ventura Blvd., Ste. 244	Woodland Hills	CA	91364	-
100164	Carlos F. Arias	c/o Shawn Sasooness	Sasooness Law Group	21781 Ventura Blvd., Ste. 244	Woodland Hills	CA	91364	-
100031	Deer Lodge Medical Center	c/o Tony Pfaff	1100 Hollenback Lane		Deer Lodge	MT	59722	417.68
100163	Carlos F. Arias	c/o Shawn Sasooness	Sasooness Law Group	21781 Ventura Blvd., Ste. 244	Woodland Hills	CA	91364	-
100033	Deer Lodge Medical Center	c/o Tony Pfaff	1100 Hollenback Lane		Deer Lodge	MT	59722	1,488.66
100034	Deer Lodge Medical Center	c/o Tony Pfaff	1100 Hollenback Lane		Deer Lodge	MT	59722	106.03
100162	Carlos F. Arias	c/o Shawn Sasooness	Sasooness Law Group	21781 Ventura Blvd., Ste. 244	Woodland Hills	CA	91364	-
100161	Carlos F. Arias	c/o Shawn Sasooness	Sasooness Law Group	21781 Ventura Blvd., Ste. 244	Woodland Hills	CA	91364	-
100037	Andrew Malany, MD		2525 East Broadway STE204		Helena	MT	59901	73.90
100038	Montana Orthopedics	c/o Kristine Carpenter	435 S Crystal St. STE 400		Butte	MT	59701	14,445.38
100160	Carlos F. Arias	c/o Shawn Sasooness	Sasooness Law Group	21781 Ventura Blvd., Ste. 244	Woodland Hills	CA	91364	-
100159	Carlos F. Arias	c/o Shawn Sasooness	Sasooness Law Group	21781 Ventura Blvd., Ste. 244	Woodland Hills	CA	91364	-
100158	Carlos F. Arias	c/o Shawn Sasooness	Sasooness Law Group	21781 Ventura Blvd., Ste. 244	Woodland Hills	CA	91364	-
100157	Carlos F. Arias	c/o Shawn Sasooness	Sasooness Law Group	21781 Ventura Blvd., Ste. 244	Woodland Hills	CA	91364	-

Montana Nonprofit Association Group Benefit Trust in Liquidation
Third Claims Report
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POC No.	Claimant Name	Contact	Address 1	Address 2	City	State	Zip	Liquidator's Recommended Amount
100156	Carlos F. Arias	c/o Shawn Sasooness	Sasooness Law Group	21781 Ventura Blvd., Ste. 244	Woodland Hills	CA	91364	-
100155	Carlos F. Arias	c/o Shawn Sasooness	Sasooness Law Group	21781 Ventura Blvd., Ste. 244	Woodland Hills	CA	91364	-
100154	Carlos F. Arias	c/o Shawn Sasooness	Sasooness Law Group	21781 Ventura Blvd., Ste. 244	Woodland Hills	CA	91364	-
100046	Aspire Fitness Physical Therapy	Attn: Brenda Mahlum	945 Wyoming St., #135		Missoula	MT	59801	242.04
100153	Carlos F. Arias	c/o Shawn Sasooness	Sasooness Law Group	21781 Ventura Blvd., Ste. 244	Woodland Hills	CA	91364	-
100152	Carlos F. Arias	c/o Shawn Sasooness	Sasooness Law Group	21781 Ventura Blvd., Ste. 244	Woodland Hills	CA	91364	-
100146	Western Montana Clinic	Attn: Carol Knutson	PO Box 7609		Missoula	MT	59807	103.89
100145	Western Montana Clinic	Attn: Carol Knutson	PO Box 7609		Missoula	MT	59807	70.68
100051	Helena Pediatric Clinic, PC	c/o Connie Cutler	1122 N Montana Ave		Helena	MT	59601	208.57
100136	Western Montana Clinic	Attn: Carol Knutson	PO Box 7609		Missoula	MT	59807	14.99
100053	Wayne W. Davis Jr.		101 Solitude		Butte	MT	59701	-
100135	Western Montana Clinic	Attn: Carol Knutson	PO Box 7609		Missoula	MT	59807	151.79
100132	Copper City Radiology	Attn: Janet Shipley	P.O. Box 1160		Helena	MT	59625	200.81
100131	Copper City Radiology	Attn: Janet Shipley	P.O. Box 1160		Helena	MT	59625	14.99
100057	Origin Health LLC	Attn: Merlin Faysett	2831 Fort Missoula Road		Missoula	MT	59804	1,066.90
100130	Copper City Radiology	Attn: Janet Shipley	P.O. Box 1160		Helena	MT	59625	32.13
100129	Copper City Radiology	Attn: Janet Shipley	P.O. Box 1160		Helena	MT	59625	89.43
100128	Copper City Radiology	Attn: Janet Shipley	P.O. Box 1160		Helena	MT	59625	129.05
100127	Copper City Radiology	Attn: Janet Shipley	P.O. Box 1160		Helena	MT	59625	48.19
100123	Copper City Radiology	Attn: Janet Shipley	P.O. Box 1160		Helena	MT	59625	79.79
100121	St James Healthcare		PO Box 912593		Denver	CO	80291	4,682.70
100120	St Vincent Healthcare		PO Box 912593		Denver	CO	80291	11,353.76
100118	Holy Rosary Healthcare		PO Box 912593		Denver	CO	80291	13,168.70
100117	Holy Rosary Healthcare		PO Box 912593		Denver	CO	80291	784.47
100116	Holy Rosary Healthcare		PO Box 912593		Denver	CO	80291	784.47
100115	St James Healthcare		PO Box 912593		Denver	CO	80291	30,207.48
100114	St James Healthcare		PO Box 912593		Denver	CO	80291	1,526.27
100113	St James Healthcare		PO Box 912593		Denver	CO	80291	2,490.99
100109	St James Healthcare		PO Box 912593		Denver	CO	80291	389.76
100108	St James Healthcare		PO Box 912593		Denver	CO	80291	144.45
100107	St James Healthcare		PO Box 912593		Denver	CO	80291	82.73
100106	St James Healthcare		PO Box 912593		Denver	CO	80291	7,139.63
100104	St James Healthcare		PO Box 912593		Denver	CO	80291	255.80
100103	St James Healthcare		PO Box 912593		Denver	CO	80291	1,081.50
100102	St James Healthcare		PO Box 912593		Denver	CO	80291	144.45
100093	SCL Health	Attn: Danielle Stowell	PO Box 912596		Denver	CO	80291	347.21
100092	SCL Health	Attn: Danielle Stowell	PO Box 912596		Denver	CO	80291	155.29
							Total	165,279.82

Montana Nonprofit Association Group Benefit Trust in Liquidation
Third Claims Report
Exhibit B

POC No.	Claimant Name	Contact	Address 1	Address 2	City	State	Zip	Class Codes	Liquidator's Recommended Amount
100276	Rocky Mountain Surgical Center	Kasey Krabler	1450 Ellis Street	Suite 101	Bozeman	MT	59715	7	N/A

MARK MATTIOLI
Office of the Montana State Auditor,
Commissioner of Securities and Insurance
840 Helena Ave.
Helena, MT 59601
406-444-2040

Attorney for the Liquidator

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LEWIS AND CLARK COUNTY**

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Employer Welfare Arrangement,

Respondent.

CASE NO. BDV 2020-1853

**AFFIDAVIT OF MICHAEL J. FITZGIBBONS
IN SUPPORT OF THIRD CLAIMS
REPORT and RECOMMENDATION**

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

1. I am the Special Deputy Liquidator of Montana Nonprofit Association Group Benefit Trust (MNAGBT). I was appointed to my position by the then Liquidator, Matthew M. Rosendale, Commissioner of Securities and Insurance, Montana State Auditor and am continuing as Special Deputy Liquidator under the current Liquidator, Troy Downing.
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 MNAGBT 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 MNAGBT's 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 1, 2021. Timely proofs of claim must be postmarked no later than 5:00 P.M. Mountain Standard Time, on such date.

c. The Liquidator's Proof of Claim (POC) forms comply 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 am administering the POC process pursuant to the Montana Insurers Supervision, Rehabilitation and Liquidation Act, Montana Code Ann. §§ 33-2-1301 *et seq.*

e. The former third-party administrator, EBMS declined to complete the run-off. Therefore, my staff is making recommendations based on a listing of unpaid claims provided by the Office of the Montana State Auditor, Commissioner of Securities and Insurance compiled by EBMS.

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 seventy-nine (79) claims in priority class 2, and one (1) claim in priority class 7 as prescribed by Montana Code Ann. §§ 33-2-1371 and -1372

6. Between the entry of the Liquidation Order on November 5, 2020, and March 1, 2021, the

bar date, I caused to be issued one thousand seven hundred eighty-six (1,786) 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 December 18, 2020, notice of the liquidation was published The Billings Gazette, informing interested parties of the liquidation proceedings, and including contact information and instructions for the timely filing of a claim.

8. On or before the Bar Date of March 1, 2021, I received two hundred fifty-three (253) timely-filed POCs. I also received twenty-four (24) late-filed claims¹.

9. Ninety-six (96) POCs were adjudicated, valued, and received approval by this Court on May 16, 2022.

10. An additional one hundred and one (101) POCs were adjudicated, valued and received approval by this Court on September 21, 2022.

11. An additional eighty (80) POCs have now been completely adjudicated. Seventy-nine (79) are Class 2 and one (1) is subordinate to Class 2.

A) Exhibit A and incorporated herein is a schedule listing the names and addresses of seventy-nine (79) claimants holding a Class 2 priority under Montana Code Ann. § 33-2-1371, the POC numbers assigned by the Liquidator, and the valuations of the claims proposed by the Liquidator.

B) Attached hereto as Exhibit B and incorporated herein is a schedule listing the name and address of one (1) claimant holding a claim subordinate to Class 2 under Montana Code Ann. § 33-2-1371, the POC number assigned by the Liquidator, and the class of the claim under

¹ Two (2) late-filed claims are now considered timely.

Montana Code Ann § 33-2-1371.

12. To the best of my knowledge and belief, the claims subject to this Recommendation 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 27th day of June, 2023



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



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

CERTIFICATE OF SERVICE

I, Mark W. Mattioli, hereby certify that I have served true and accurate copies of the foregoing Motion - Motion to the following on 06-27-2023:

Mark W. Mattioli (Attorney)
840 HELENA AVE
HELENA MT 59601-3423
Service Method: eService
E-mail Address: Mark.Mattioli@mt.gov

Electronically signed by Brandy Morrison on behalf of Mark W. Mattioli
Dated: 06-27-2023