

Steven A. Karrer, KS # 19366  
Philip R. Michael, KS # 26072  
Kansas Department of Insurance  
1300 SW Arrowhead Road  
Topeka, KS 66604  
785-296-7847  
[Steve.Karrer@ks.gov](mailto:Steve.Karrer@ks.gov)  
[Philip.Michael@ks.gov](mailto:Philip.Michael@ks.gov)

Jodi M. Adolf, KS # 20741  
Bruce E. Baty, KS # 30488  
Norton Rose Fulbright US LLP  
8001 Forsyth Blvd., Suite 800  
St. Louis, MO 63105  
314-505-8805  
314-505-8804  
[jodi.adolf@nortonrosefulbright.com](mailto:jodi.adolf@nortonrosefulbright.com)  
[bruce.baty@nortonrosefulbright.com](mailto:bruce.baty@nortonrosefulbright.com)

ATTORNEYS FOR PETITIONER

**IN THE DISTRICT COURT OF SHAWNEE COUNTY, KANSAS  
DIVISION 15**

VICKI SCHMIDT,	)	
COMMISSIONER OF	)	
INSURANCE,	)	
<i>In her Official Capacity</i>	)	
	)	
Petitioner,	)	Case No. 2023 CV 494
	)	
vs.	)	
	)	
MutualAid eXchange	)	
	)	
Respondent.	)	

**RECONSIDERATION OF CLAIM DETERMINATION**

COMES NOW Commissioner of Insurance, Vicki Schmidt, in her capacity as Liquidator (“**Liquidator**”) of MutualAid eXchange (“**MAX**”), by and through counsel, and pursuant to KSA 40-3642, presents to this Court the Liquidator’s Reconsideration of Claim Determination.

On August 22, 2023, this Court entered a Judgment, Decree and Order of Liquidation with Finding of Insolvency (the “**Liquidation Order**”) against MAX. The Liquidation Order and the Kansas Insurers Supervision, Rehabilitation and Liquidation Act, KSA 40-3605 et seq.(the “**Act**”), set forth the claim adjudication procedures, and the Liquidation Order set the deadline for filing Proofs of Claim (“**POCs**”) as August 23, 2024 (the “**Bar Date**”).

On October 16, 2024, this Court issued a Minute Entry following a hearing held on October 8, 2024, at which the Court approved Revised Exhibit A to the Liquidator’s First Claims Review Report (the “**Report**”).

In the Report, the Liquidator recommended approval two POCs submitted by Timothy Bradely: POC 1-00280 in the amount of \$187.18 and POC 1-00653 also in the amount of \$187.18, and a POC submitted by Bradley Gillett: POC 1-00530 in the amount of \$1,532.84. After further review, the Liquidator has determined that POCs 1-00280 and 1-00653 are duplicative and POC 1-00530 was paid by the Nebraska Insurance Guaranty Association.

On September 18, 2023, Timothy Bradely, submitted POC 1-00280 claiming the full amount of unearned premium (“**UEP**”) for his cancelled policy, in the amount of \$873.90. MAX transferred this UEP claim to the Indiana Insurance Guaranty Association (“**IIGA**”), which made a partial payment to Mr. Bradley. Accordingly, the Liquidator recommended allowing POC 1-00280 for the amount IIGA did not pay Mr. Bradley – \$187.18.

On November 22, 2023, Mr. Bradley submitted POC 1-00653, claiming UEP in the amount of \$187.18 – the amount IIGA did not pay him. In the Report, the Liquidator also recommended approving POC 1-00653. Because the two POCs are duplicate – they both seek the amount of \$187.18, which IIGA did not pay – the Liquidator has reconsidered allowing both POCs and now recommends denying POC 1-00653.

On October 6, 2023 Bradley Gillett submitted POC 1-00530 for \$1,532.84. The Liquidator transferred this claim to the Nebraska Insurance Guaranty Association (“NEIGA”). On February 26, 2024 the NEIGA reported to the Liquidator that it had paid \$951.98 for the claim. Subsequently, on October 23, 2025 NEIGA reported to the Liquidator that it had paid the balance of the claim in the amount of \$119.68. The total amount paid by the NEIGA is the total amount covered by the policy. Accordingly, the Liquidator has reconsidered her prior determination and now recommends denying POC 1-00530.

WHEREFORE, the Liquidator hereby requests that the Court approve her claim reconsideration of POC 1-00653 and POC 1-00530.

Respectively submitted,

/s/ Steven A. Karrer  
Steven A. Karrer, KS #19366  
Philip R. Michael, KS #26072  
Kansas Department of Insurance  
1300 SW Arrowhead Road  
Topeka, KS 66612  
785-296-7847  
[Steve.Karrer@ks.gov](mailto:Steve.Karrer@ks.gov)  
[Philip.Michael@ks.gov](mailto:Philip.Michael@ks.gov)

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