

CAUSE NO. D-1-GN-25-007344

**THE TEXAS DEPARTMENT
OF INSURANCE,
Plaintiff**

v.

**NEW CENTURY INSURANCE COMPANY §
Defendant §**

IN THE DISTRICT COURT OF

**§
§
§
§
§
§
§
§**

TRAVIS COUNTY, TEXAS

126TH JUDICIAL DISTRICT

**SPECIAL DEPUTY RECEIVER'S FIRST EARLY ACCESS REPORT PURSUANT TO
TEX. INS. CODE § 443.303(c)**

TO THE HONORABLE JUDGE OF THIS COURT:

FitzGibbons & Company, Inc., Special Deputy Receiver of New Century Insurance Company (SDR and New Century, respectively), files its *First Early Access Report Pursuant to TEX. INS. CODE § 443.303(c)* (Report).

I. INTRODUCTION

(1) The SDR files this Report pursuant to TEX. INS. CODE § 443.303(c). The SDR reports that, while there may be assets available to distribute to the Texas Property and Casualty Insurance Guaranty Association (TPCIGA), there has not been sufficient time to calculate “distributable assets” as defined in the statute¹. Accordingly, it would be premature to make early access distributions at this time. The SDR will seek authority to make an early access distribution once the amounts the SDR needs to reserve for the expenses of liquidation and for claims not covered by the TPCIGA have been determined, and TPCIGA reports its administrative expenses.

II. AUTHORITY

¹ TPCIGA is the only affected guaranty association since New Century was only licensed in Texas.

(2) On September 3, 2025, this Court entered its *Agreed Order Appointing Liquidator, Permanent Injunction, and Notice of Automatic Stay* (Liquidation Order) placing New Century into receivership (New Century Receivership) and appointing the Commissioner of Insurance of the State of Texas (Commissioner) as Receiver. That same day, the Receiver appointed FitzGibbons & Company, Inc. as the SDR of New Century, which remains the SDR. Under TEX. INS. CODE § 443.154(a). The SDR has all the Liquidator's powers, except as limited by the Liquidator.

(3) The SDR is authorized to file this Report pursuant to TEX. INS. CODE § 443.303(c), which requires the Liquidator to request approval to make early access payments to TPCIGA, or report that there are no distributable assets based on financial reporting required by TEX. INS. CODE § 443.016. TEX. INS. CODE § 443.303(f) requires the following information in an application to make an early access distribution:

- a. the amount reserved for the entire expenses of the liquidation through and after its closure and for distributions on claims, to the extent necessary and appropriate;
- b. the computation of distributable assets and the amount and method of equitable allocation of early access payments to each of the guaranty associations; and
- c. the most recent financial information filed with the National Association of Insurance Commissioners.

III. REPORT ON DISTRIBUTABLE ASSETS

(4) The SDR has not determined the amount needed to be reserved from general assets for the "entire Section 443.301(a) expenses of the liquidation through and after its closure." TEX. INS. CODE § 443.303(a)(1). The SDR has not yet received TPCIGA's report of administrative expenses incurred to date. The SDR also needs to understand the potential amount of policy level claims that will not be covered by TPCIGA.

IV. GUARANTY ASSOCIATION CLAIMS

(5) Once TPCIGA's obligations are triggered by a finding of insolvency and an order of liquidation, it will report its expense and loss payments and reserves on a regular basis through the Uniform Data Standards (UDS) protocol of the National Conference of Insurance Guaranty Funds. The UDS is an electronic communication protocol that uses a series of defined computer file formats to permit guaranty associations to report insolvency- related claims to receivers electronically. The SDR downloads the UDS reporting to prepare monthly and quarterly financial statements. The UDS reporting from TPCIGA will serve to comply with the reporting required by TEX. INS. CODE § 443.016(c). TPCIGA expects to begin reporting in the first quarter of 2026.

V. CONCLUSION

(6) The SDR submits that it is premature to make an early access distribution at this time. The financial estimates available to the SDR are not yet sufficient to compute the amount of distributable assets. The SDR expects to file a more comprehensive early access application following financial results on June 30, 2026.

VI. NOTICE

(7) In accordance with TEX. INS. CODE § 443.007(a), the SDR provided notice of this Report to all persons entitled to notice in a manner authorized by the Liquidation Order, including those who have requested notice in the receivership estate, all known "parties in interest" as that term is defined by TEX. INS. CODE § 443.004(a)(17), and all persons the SDR has determined need to be noticed pursuant to TEX. INS. CODE § 443.007(d).

(8) The SDR filed this Report in accordance with TEX. INS. CODE § 443.303(e).

(9) TEX. INS. CODE § 443.303 does not require court approval of the Report. However, TEX. INS. CODE § 443.303(e) permits an Affected Guaranty Association (TPCIGA) to request

additional information from the Liquidator, or object to the Report. The SDR will provide TPCIGA with additional information upon request. If TPCIGA files an objection to the Report, the SDR will request that such objection be heard by the Master appointed in this proceeding under the *Order of Reference to Master* entered in this matter.

REQUEST FOR RELIEF

WHEREFORE, PREMISES CONSIDERED, the SDR respectfully requests that this Court, the TPCIGA, and all other parties in interest take notice of the Report and that the SDR be awarded all such other and further relief to which it may be justly entitled.

Respectfully submitted,

Wisener Nunnally Higgins, L.L.P

Original Signed By

By:

Robert H. Nunnally, Jr.
State Bar No. 15141600

245 Cedar Sage Drive, Suite 240
Garland, Texas 75040

Email Robert@wnrlaw.com

Tel. (972)530-2200

Fax. (972)530-7200

Attorneys for the Special Deputy Receiver

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served on all interested parties in accordance with the Texas Rules of Civil Procedure and TEX. INS. CODE ANN. §443.007(d) this 22nd day of December, 2025.

Stephen DeVinney
Assistant Attorney General
P.O. Box 12548, Capitol Station
Austin, Texas 78711
stephen.devinney@oag.texas.gov

Shawn Martin
David Carbajal
Vane Hugo
David Ruedas
Nick Espinosa
Texas Department of Insurance
P.O. Box 149104
Austin, Texas 78714
Email: Shawn.Martin@tdi.texas.gov
David.Carbajal@tdi.texas.gov
Vane.Hugo@tdi.texas.gov
David.Ruedas@tdi.texas.gov
Nick.Espinosa@tdi.texas.gov

Michael W. Jones
Thompson Coe
2801 Via Fortuna Suite 300
Austin, TX 78746
mjones@thompsoncoe.com

Rachel Stroud
Sara Lang
Texas Property & Casualty Ins Guaranty
Assoc
9120 Burnet Road
Austin, Texas 78758
Via Email: rstroud@tpciga.org
Via Email: slang@tpciga.org

Mr. Tom Collins, Special Master
Texas Department of Insurance
333 Guadalupe, Tower III, 5th Fl., MC-305-
1D
Austin, Texas 78701
E-filing: specialmasterclerk@tdi.texas.gov
Via Email: TomCollinsADR@gmail.com

Original Signed By

By: _____
Robert H. Nunnally, Jr.

Automated Certificate of eService

This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng 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.

Robert Nunnally, Jr. on behalf of Robert Nunnally, Jr.

Bar No. 15141600

robert@wnrlaw.com

Envelope ID: 109380862

Filing Code Description: No Fee Documents

Filing Description: SPECIAL DEPUTY RECEIVERS FIRST EARLY
ACCESS REPORT PURSUANT TO TEX. INS. CODE 443.303(c)

Status as of 12/29/2025 6:20 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Robert HNunnally, Jr.		robert@wnrlaw.com	12/22/2025 3:46:20 PM	SENT
Braedon Jones		Braedon@wnrlaw.com	12/22/2025 3:46:20 PM	SENT

Associated Case Party: TEXAS DEPARTMENT OF INSURANCE

Name	BarNumber	Email	TimestampSubmitted	Status
Quennette Rose		Quennette.Rose@oag.texas.gov	12/22/2025 3:46:20 PM	SENT
Stephen DeVinney		stephen.devinney@oag.texas.gov	12/22/2025 3:46:20 PM	SENT

Associated Case Party: NEW CENTURY INSURANCE COMPANY

Name	BarNumber	Email	TimestampSubmitted	Status
Michael W.Jones		MJones@thompsoncoe.com	12/22/2025 3:46:20 PM	SENT