

Cause No. D-1-GV-13-000204

THE STATE OF TEXAS,	§	IN THE DISTRICT COURT OF
<i>Plaintiff</i>	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
SANTA FE AUTO INSURANCE COMPANY	§	
<i>Defendant</i>		419TH JUDICIAL DISTRICT

**SPECIAL DEPUTY RECEIVER’S APPLICATION FOR AUTHORITY TO USE
ELECTRONIC SERVICE OF PLEADINGS AND NOTICES**

TO THE HONORABLE JUDGE OF SAID COURT:

CANTILO & BENNETT, L.L.P., solely in its capacity as Special Deputy Receiver of Santa Fe Auto Insurance Company, (the “SDR” and “SFAIC” respectively) files its *Application For Authority to Use Electronic Service of Pleadings and Notices* (the “Application”).

I. INTRODUCTION

1. The SDR seeks Court authority to serve pleadings and notices in this receivership by email because it will save the estate money and provide for timely service to parties at interest. The SDR further requests authority to serve certain pleadings and notices, at its discretion, by any other means authorized by TEX. INS. CODE ANN. §443.007, the Texas Rules of Civil Procedure or other order of this Court.

II. BACKGROUND

2. SFAIC is in receivership under the provisions of Chapter 443 of the Texas Insurance Code (the “Code”). On March 8, 2013, the Court entered an *Order Appointing Rehabilitator and Permanent Injunction* appointing the Texas Commissioner of Insurance as Rehabilitator Receiver. On March 8, 2013, the Texas Commissioner of Insurance as Rehabilitator Receiver

appointed CANTILO & BENNETT, L.L.P. as Special Deputy Receiver of Santa Fe Auto Insurance Company.

3. The SDR is authorized to file this Application pursuant to §443.151 of the Code, which provides that the SDR is to conduct the business of the estate. The matter has been referred to the Special Master appointed by the Order of Reference to Master entered in this proceeding.

III. RELIEF SOUGHT

4. TRCP 21a governs methods of service. It expressly states that, in addition to service by mail or fax, notice may be provided by “such other manner as the court in its discretion may direct.”

5. The SDR moves the Court to order all parties at interest filing any pleading, plea, motion, application to the court for an order, notices and any other matter required to be served in this case to serve them by email. The SDR proposes that it, through its undersigned counsel, maintain email addresses for all parties at interest and parties requesting notice in this case. SDR shall be responsible for providing a copy of this Court’s Order regarding service and the current list of email addresses to all parties upon their appearance.

6. To the extent that a party at interest, party requesting notice or any other individual or entity seeking to file in this Receivership Proceeding cannot provide service by email or deems it necessary to use an alternative method of service, it may file a motion for leave of court seeking to use some other authorized method of service at the time it files the document with the Court.

7. Email service will allow the estate and all interested parties to save money on postage. It should provide for more timely and efficient delivery of pleadings and documents and will enable parties to be sure of their delivery and receipt.

8. Pursuant to TEX. INS. CODE ANN. §443.007, the Rehabilitator shall, from time to time, require that any person or entity currently, or in the future, on the Service List for this estate to confirm that they desire to remain on the Service List and to provide an email address for future service.

IV. NOTICE

9. The SDR has served this application to all known parties at interest by regular mail, email, fax, hand delivery and/or overnight delivery.

PRAYER

WHEREFORE, PREMISES CONSIDERED, the SDR respectfully requests that this Court:

1. Grant this Application;
2. Order that all parties at interest and parties requesting notice provide to the undersigned counsel to the SDR its email address;
3. Order that all parties at interest and parties requesting notice serve all pleadings, pleas, motions, applications to the court for an order, notices and any other matter required to be served by email;
4. Order that the SDR, by the undersigned counsel, maintain a current list of email addresses for all parties and provide said list to all new parties;
5. Order the SDR to post on the SFAIC in rehabilitation website all documents filed in this receivership proceeding; and
6. Grant the SDR such other and further relief to which it may be justly entitled.

Respectfully submitted,

FULLER LAW GROUP

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**ATTORNEY FOR CANTILO & BENNETT,
LLP, SPECIAL DEPUTY RECEIVER OF
SANTA FE AUTO INSURANCE COMPANY**

CERTIFICATE OF SERVICE

I certify that on March 25, 2013, a true and correct copy of this SPECIAL DEPUTY RECEIVER'S APPLICATION was served pursuant to the Texas Rules of Civil Procedure and TEX. INS. CODE ANN. SEC. 443.007(d) on the following by email, except as specifically otherwise noted.

Via Email: todd.ridley@santafeinsurance.net

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Via Email: agonzales@winstead.com

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Fund Administrator
Vanessa Ramirez
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Keenan & Associates, Inc.
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Via Fascimile: (212) 964-7963
New York Liquidation Bureau
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New York, New York 10038

Via Email: kelly.callahan@oid.ok.gov
Kelley Callahan
Assistant General Counsel
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Via Email: toddkiser@utah.gov
Todd Kiser
Deputy Commissioner
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3110 State Office Building
Salt Lake City, Utah 84114-6901

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Special Procedures Branch
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300 East 8th Street, Suite 352
Mail Stop 5022AUS
Austin, Texas 78701

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Benjamin M. Lawskey
New York State Department of Financial
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Via Fascimile: (918) 994-7916
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/s/Christopher Fuller
Christopher Fuller

APPLICANT'S NOTICE OF SUBMISSION

Pursuant to the terms of the Order of Reference to Master entered by the District Court in this cause, the SPECIAL DEPUTY RECEIVER'S APPLICATION FOR AUTHORITY TO USE ELECTRONIC SERVICE OF PLEADINGS AND NOTICE is set for submission before the Special Master, Tom Collins, on April 8, 2013.

The Special Master has asked that the following rules be provided you:

1. Any objection must be filed with the Travis County District Clerk at least three (3) calendar days before the submission date.
2. A copy of any objection shall be served by email by such date on:
 - (a) The Special Master's Docket Clerk, Ms. Jean Sustaita at Jean.Sustaita@tdi.state.tx.us.com;
 - (b) The undersigned counsel, Christopher Fuller at cfuller@fullerlaw.org; and
 - (c) All interested parties, including those listed on the Applicant's Certificate of Service.
3. The objecting party shall coordinate with the SDR's counsel and the Docket Clerk [(512) 463-6450] to obtain an oral hearing setting for argument on the Application and Objection, and complete and attach an "Objecting Party's Notice of Oral Hearing" to the objection.
4. The written objection must specifically list all reasons for objection with supporting references to and discussion of statutory and case authorities. Reasons not stated in writing will not be considered orally.
5. Failure to file timely a written objection before the Special Master constitutes a waiver of the right to object to the Special Master's recommendation to the District Court.
6. Any Acknowledgment of Notice and Waiver to be filed by the Guaranty Associations or other interested party should be filed at least three (3) calendar days before the submission or hearing date.

By: /s/ Christopher Fuller

**SPECIAL DEPUTY RECEIVER'S CERTIFICATION PURSUANT TO
TEX. INS. CODE ANN. § 443.017(b)
AFFIDAVIT OF SUSAN E. SALCH**

State of Texas

County of Dallas


BEFORE ME, the undersigned authority appeared Susan E. Salch, who after being by me duly sworn, stated the following under oath:

1. My name is Susan E. Salch. I am competent to make this affidavit. The statements of fact set forth herein are true and correct, and are within my personal knowledge.

2. I am a partner in CANTILO & BENNETT, L.L.P., solely in its capacity as Special Deputy Receiver of Santa Fe Auto Insurance Company (the "SDR" and "SFAIC" respectively). I am duly authorized to make this Certification and Affidavit on behalf of the SDR.

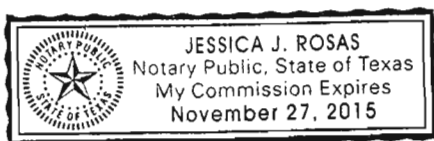
3. I certify that the exhibits, books, accounts, records, papers, correspondence, and/or other records and documents attached hereto were produced pursuant to TEX. INS. CODE ANN. §443.017, are either true and correct copies of records of the insurer and were received from the custody of the insurer, or found among its effects, or were created by and filed with the Receiver's office in connection with the receivership of this delinquent insurer, and are held by the SDR in its official capacity.

4. I have read the foregoing Application and the facts stated therein are true and correct based on my personal knowledge, my review of estate records, and my consultation with my staff and sub-contractors.



Susan E. Salch

SUBSCRIBED AND SWORN TO BEFORE ME on March 25, 2013, by Susan E. Salch, on behalf of CANTILO & BENNETT, L.L.P., solely in its capacity as SDR of SFAIC.





Notary Public in and for the State of Texas