

STATE OF VERMONT

SUPERIOR COURT
WASHINGTON UNIT

COMMISSIONER OF THE DEPARTMENT
OF FINANCIAL REGULATION,
PLAINTIFF

v.

NEELEY INCORPORATED CELL,
DEFENDANT.

CIVIL DIVISION
DOCKET NO. 24-CV-00275

AFFIDAVIT OF LESLIE KADERAVEK

I, Leslie Kaderavek, hereby declare:

1. I am over eighteen years of age. I am employed by Assurance Agency LTD., a Marsh McLennan Agency LLC Company (“MMA”). My official title is Vice President of MMA TPA Services (“MMA TPA”).

2. MMA TPA has managed the professional and general liability claims for Neeley Incorporated Cell since Neeley Incorporated Cell’s inception on February 5, 2021. As such, I have personal knowledge of the facts stated herein.

3. To the best of my knowledge, Neeley Incorporated Cell provides professional and general liability insurance coverage for Petersen Health Care, Inc. (“Petersen Health Care”) with limits of \$500,000 per occurrence, subject to a \$100,000 indemnity only self-insured retention. Those policy numbers are AIL00H050301 effective February 5, 2021 to December 31, 2021, AIL00H050302 effective January 1, 2022 to December 31, 2022 and AIL00H050303 effective January 1, 2023 to December 31, 2023 (hereinafter “Neeley Incorporated Cell Policies”).

4. According to MMA TPA's records, to date Petersen Health Care has twenty-one (21) active professional liability claims and one (1) active general liability claim under the Neeley Incorporated Cell Policy.

5. According to MMA TPA's records, Petersen Health Care has one (1) professional liability potentially compensable event being monitored under the Neeley Incorporated Cell Policy.

6. According to MMA TPA's records, Petersen Health Care has three (3) resolved professional liability claims, two (2) of which have been paid and one pending payment, under the Neeley Incorporated Cell Policy.

7. Upon information and belief, Marikay Snyder, General Counsel at Petersen Health Care, was responsible for providing MMA TPA with proper and timely authority to set reserves, settle claims, and make other material decisions effecting the resolution and outcome of claims.

8. On August 4, 2023, I sent an email to Marikay Snyder, General Counsel at Petersen Health Care, to address reserves on thirteen (13) claims in which the adjuster's repeated attempts to obtain authority to increase those reserves, had gone unanswered. Attached as **Exhibit A** is a true and correct copy of the August 4, 2023 email correspondence.

9. As reflected in Exhibit A, I also requested settlement authority be granted in each of those thirteen (13) cases.

10. As reflected in Exhibit A, on August 10, 2023 Marikay Snyder responded via email to express concern over how increasing reserves would impact them financially.

11. To the best of my knowledge, Marikay Snyder did not contest our valuation of each of the thirteen (13) cases.

12. As reflected in Exhibit A, on August 22, 2023, after multiple follow ups, Marikay Snyder provided us with authority to increase reserves, but failed to provide us any settlement authority.

13. To the best of my knowledge, Marikay Snyder would often ignore requests from the MMA TPA adjuster regarding decisions such as assigning counsel, obtaining experts, and answering discovery, all of which severely inhibited MMA TPA's ability to effectively manage claims.

14. Upon information and belief, with respect to Claim No. 194706-1 Petersen Health Care failed to timely pay their self-insured retention, which resulted in the Plaintiff filing a Motion to Compel the Settlement, pursuant to the terms of the signed release that the parties had executed in or around October 4, 2023.

15. To the best of my knowledge, Petersen Health Care would send MMA TPA at least one new lawsuit or claim a month.

16. To the best of my knowledge, MMA TPA has not had any new incidents, potentially compensable events, claims or lawsuits reported under the Neeley program since October 30, 2023.

I declare under penalty of perjury under the law of the State of Illinois that the foregoing is true and correct.

Executed on February 8, 2024, in McHenry, Illinois.



Leslie Kaderavek

Sworn to and subscribed before me
this 8 day of February 2024.



Notary Public

