

FILED
11-12-2024
CIRCUIT COURT
DANE COUNTY, WI
2023CV001310

STATE OF WISCONSIN : CIRCUIT COURT : DANE COUNTY
BRANCH 15

In the Matter of the Liquidation of:

Wisconsin Reinsurance Corporation and 1st Auto &
Casualty Insurance Company

Case No. 2023CV1310

Case Code: 30703

DECLARATION OF JUSTIN SCHRADER

STATE OF NEBRASKA)
) ss.
COUNTY OF LANCASTER)

Justin Schrader, being first duly sworn, on oath states as follows:

1. I am an adult resident of the State of Nebraska and make this declaration upon personal knowledge.

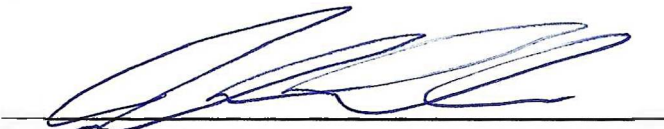
2. By court order dated January 2, 2024, I was appointed Special Deputy Liquidator in the liquidation of Wisconsin Reinsurance Corporation and 1st Auto & Casualty Insurance Company.

3. In my capacity as Special Deputy Liquidator, I have received and am familiar with proofs of claim submitted in the liquidation.

4. Attached hereto as Exhibit 1 is a true and correct copy of the proof of claim submitted on behalf of Jason A. Fogg, excluding attachments thereto.

I declare under penalty of false swearing under the law of Wisconsin that the foregoing is true and correct.

Dated: November 11, 2024



Justin Schrader

32084884.1

EXHIBIT 1

PROOF OF CLAIM IN THE MATTER OF WISCONSIN REINSURANCE CORPORATION, IN LIQUIDATION

Case No. 2023-CV-001310

For Office Use Only	
Liquidator Claim No:	<u>0327</u>
Date Claim Received:	<u>7-1-24</u>

DEADLINE FOR FILING PROOF OF CLAIM IS JULY 1, 2024

File a separate Proof of Claim for each claim.

READ CAREFULLY BEFORE COMPLETING THIS FORM - PLEASE PRINT

Claimant Information:

Name: Jason A. Fogg

Policy Number: _____

1244 N. Thompson Road
Street Address

Insured: _____

Sun Prairie
City

Wisconsin
State

53590
Zip Code

Claim Number: _____

Date of Loss: 1/1/2024

Telephone: (603) 430-3125

Email Address jasonfogg67@gmail.com

(If you are represented by an attorney in this matter, please attach a separate sheet with the attorney's name, address, and telephone number.)

Claim Information:

EACH PROOF OF CLAIM MUST ATTACH ALL SUPPORTING DOCUMENTATION IN ORDER TO BE CONSIDERED.

AMOUNT OF CLAIM (show amount remaining due after reduction for all partial payments received): \$660,968.16

Attach a statement briefly explaining the nature of your claim. If your claim arises out of an accident or other loss, you must include the date and location of the accident or loss. If your claim arises out of an insurance policy issued by Wisconsin Reinsurance Corporation provide the name of the person or entity insured by Wisconsin Reinsurance Corporation and any existing claim number.

Attach a list of all other insurance policies providing coverage or other sources for possible payment for this claim. Include the name of the insurance company, policy number, and claim number, if applicable.

Additional Information:

Are you a resident of the State of Wisconsin? (Circle one)

Yes No

Is there security on your claim?
(Circle one, and attach description if applicable)

Yes No

Is there a written contract, other than an insurance policy involved?
(Circle one, and if yes, attach description and any applicable documentation)

Yes No

UNDER PENALTIES OF LAW, I STATE THAT THE FACTS AS SET FORTH IN THIS CLAIM ARE TRUE, THAT THE SUM CLAIMED IS JUSTLY OWING AND THAT THERE IS NO SET-OFF, COUNTERCLAIM OR DEFENSE TO THE CLAIM SUBMITTED, OTHER THAN AS SET FORTH HEREIN.

Jason A. Fogg
Claimant's Name (Please Print)

[Signature]
Signature of Claimant (Individual, Partner, or Officer)

RETAIN A COPY FOR YOUR RECORDS

RETURN TO: Special Deputy Liquidator, c/o Wisconsin Reinsurance Corporation in Liquidation
Att. Mr. Justin Schrader, Special Deputy Commissioner
2810 City View Dr.
Madison, WI 53718

SEE INSTRUCTIONS TO COMPLETE AND SUBMIT PROOF OF CLAIM FORM

WRC Proof of Claim

Final Audit Report

2024-06-26

Created:	2024-06-26
By:	David Fowle (dfowle@randr.law)
Status:	Signed
Transaction ID:	CBJCHBCAABAA-1A6ejUt_ilGiF5XSnNUCxtNh5QES0K9

"WRC Proof of Claim" History

-  Document created by David Fowle (dfowle@randr.law)
2024-06-26 - 10:29:45 PM GMT
-  Document emailed to Jason Fogg (jasonfogg67@gmail.com) for signature
2024-06-26 - 10:29:49 PM GMT
-  Email viewed by Jason Fogg (jasonfogg67@gmail.com)
2024-06-26 - 10:30:11 PM GMT
-  Document e-signed by Jason Fogg (jasonfogg67@gmail.com)
Signature Date: 2024-06-26 - 10:31:17 PM GMT - Time Source: server
-  Agreement completed.
2024-06-26 - 10:31:17 PM GMT



This claim arises from breach of that certain Executive Employment Agreement (the “**Agreement**,” attached below), dated May 6, 2022, between Wisconsin Reinsurance Corporation (“**WRC**”) and Jason Fogg (“**Fogg**”). Fogg was WRC’s President and Chief Executive Officer. After it entered rehabilitation, WRC requested that Fogg continue to serve WRC in those capacities under the Agreement. In reliance on that request, and his reasonable expectation that he would continue to enjoy the benefits of the Agreement, Fogg refrained from seeking alternative employment and agreed to continue to perform the duties of President and Chief Executive Officer.

In a Notice of Termination, dated December 28, 2023, WRC (by its Special Deputy Rehabilitator Justin Schrader) reneged on its prior promise of continued employment, and asserted that an impending WRC Liquidation Order constituted a “for cause” suspension or prohibition of Fogg’s service by a regulatory agency having supervisory responsibility over WRC. This was not true. No regulatory agency suspended or prohibited Fogg’s service. In fact, his termination was without cause, but was asserted to be for cause as a pretext to deny Fogg the benefits of the Agreement to which he was entitled, and the promises of continued employment thereunder on which he relied in continuing to perform services for WRC after it entered rehabilitation. Because Fogg was in fact terminated without cause, he is entitled under the agreement to all compensation due under the Agreement for a period of 12 weeks following his termination. The Agreement also provides that in the event of termination, Fogg is to be paid severance pay that includes applicable base salary, as well as payment of COBRA premiums, for a period of 12 months following termination. WRC is liable for all damages arising from the termination of his employment, and his reliance on WRC’s promises of the continued benefits of the Agreement should he continue to perform services for WRC, including severance and compensation for the duration of the notice period.

RICHMAN & RICHMAN LLC

Attorneys for Jason Fogg

by: Michael P. Richman, SBN 1105569
122 W. Washington Ave., Suite 850
Madison, Wisconsin 53703-2732
Tel: (608) 630-8990; Fax (608) 609-8991
mrichman@RandR.law