

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

AUG 14 2015

TIM RHODES
COURT CLERK

37

STATE OF OKLAHOMA, ex rel.
JOHN DOAK, in his capacity as Insurance
Commissioner and as Receiver
for Driver's Insurance Co.,

Plaintiff,

v.

DRIVER'S INSURANCE COMPANY, a licensed domestic
insurer in the State of Oklahoma, in Receivership,

Defendant.

Case No. CJ-2013-694

Judge Bryan C. Dixon

**ORDER DETERMINING CLAIMS AND
APPROVING RECEIVER'S SECOND REPORT ON CLAIMS**

On the 14th day of August, 2015, there came on for hearing the Receiver's Second Report on Claims Evaluation and Request for Confirmation of Receiver's Recommendations filed with the Court on May 8, 2015 ("Receiver's Second Report"). No objections were filed against the Receiver's Report with this Court, and the Court, for good cause shown, and being fully advised, find and concludes as follows:

1. The Receiver made good faith and sufficient efforts to determine the identity of all persons who may have claims against Driver's Insurance Company ("Driver's") and mailed approximately 15,177 notices of liquidation to potential claimants. Additionally, notice of the proof of claim process and the availability of the proof of claim packet was published on June 14, 2013 on the Oklahoma Receivership Office website, and then updated after the October 18, 2013 Order.
2. A total of 1,207 timely proofs of claim were submitted to the Receiver.
3. The Receiver's Second Report presents the Receiver's recommendation as to 105 Class 3 claims that were timely filed and two (2) Class 6 claims that were untimely filed.

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4. On May 13, 2015, the Receiver mailed the written notice to each of the claimants whose claims are addressed in the Receiver's Report. Such notice stated the deadline for filing objections to recommendations in the Receiver's Report, as well as the date, time and place of the Court's hearing on the Receiver's Report. Additionally, the notice contained the specific recommendations of the Receiver as to the claim of the claimant to whom the notice was sent.

5. The Notice which the Receiver sent to each such claimant was the Notice approved by the Court on May 11, 2015 and filed of record on May 13, 2015, and the Receiver's notices have adequately protected any and all due process interests of the claimants.

6. The Receiver received no timely filed objections to the recommendations contained in the Receiver's Report.

7. The Receiver's recommendations as to the 105 Class 3 claims addressed in the Receiver's Report, as detailed in Exhibit 1 of the Receiver's Report, are supported by the law and the facts and the Receiver's recommendations should be approved by this Court.

8. The Receiver's recommendations as to the two (2) Class 6 claims addressed in the Receiver's Report, as detailed in Exhibit 2 of the Receiver's Report, are supported by the law and the facts and the Receiver's recommendations should be approved by this Court.

9. The denial of any timely-filed proof of claim included in the Receiver's Report does not alter the statutory obligation, if any, of the Oklahoma Property & Casualty Insurance Guaranty Association or other applicable state guaranty fund, to provide indemnity and defense of a "covered claim" as defined by the Oklahoma Property & Casualty Insurance Guaranty Association Act, 36 O.S. § 2004 (7), or any other State's applicable statute.

10. There is no just reason to delay the entry of a final, appealable Judgment as to the matters hereby adjudicated. Good cause exists to enter this order as a final appealable Order, pursuant to 12 O.S. § 994(A).

11. This is a final appealable order as to the matters addressed herein for purposes of 36 O.S. § 1902 (H) and in accordance with 36 O.S. § 1918 (D).

12. Pursuant to the Receiver's Request, the Receiver shall identify the claims on the attached Exhibits by reference to the claim number and shall redact from the Exhibit the names of the claimants.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Receiver's Report is hereby **APPROVED** and the recommendations contained therein, as set forth in the attached Exhibits 1 and 2 of the Receiver's Report, are hereby **ACCEPTED** and **APPROVED** in their entirety.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each of the claims addressed in the Receiver's Report identified in Exhibit 1 attached to this Order are properly classified as a Class 3 claim under 36 O.S. § 1927.1 and are allowed, allowed in part, or disallowed, in accordance with the Receiver's recommendations, as reflected in the "Amount Allowed" column on Exhibit 1 attached to this Order.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each of the claims addressed in the Receiver's Report identified in Exhibit 2 attached to this Order are properly classified as a Class 6 claim under 36 O.S. § 1927.1 and are allowed, allowed in part, or disallowed, in accordance with the Receiver's recommendations, as reflected in the "Amount Allowed" column on Exhibit 2 attached to this Order.

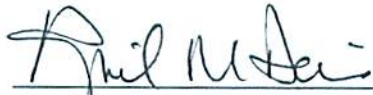
IT IS FINALLY ORDERED, ADJUDGED AND DECREED that this Order is hereby certified, pursuant to 12 O.S. § 994(A), to be a final, appealable Order and, accordingly, the Court Clerk is hereby directed to file this instrument as a final, appealable Order.

SIGNED this 14th day of August, 2015.

BRYAN C. DIXON

The Honorable Bryan C. Dixon
Judge of the District Court

APPROVED AS TO FORM:



Stephen Jones, OBA #4805
April McCurdy Davis, OBA #17854
JONES, OTJEN & DAVIS
P.O. Box 472
114 E. Broadway, Suite 1100
Enid, Oklahoma 73702-0472
(580) 242-5500 (phone)
(580) 242-4556 (fax)
sjones@stephenjoneslaw.com

**CERTIFIED COPY
AS FILED OF RECORD
IN DISTRICT COURT**

AUG 14 2015

TIM RHODES Court Clerk
Oklahoma County


AND

Kelley C. Callahan, OBA #1429
Barron Brown, OBA #31346
OKLAHOMA INSURANCE DEPARTMENT
3613 NW 56th, Suite 330
Oklahoma City, OK 73112
(405) 521-2828 (phone)
(405) 522-0125 (fax)
Barron.brown@oid.ok.gov

ATTORNEYS FOR PLAINTIFF,
STATE OF OKLAHOMA, ex rel.
JOHN DOAK, INSURANCE
COMMISSIONER for the State of Oklahoma,
as Receiver for Driver's Insurance Company

CERTIFICATE OF MAILING

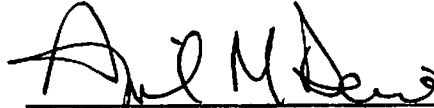
I hereby certify that I have this 14th day of August, 2015, mailed a true and correct copy of the above and foregoing document with proper postage prepaid thereon to:

Stephen Jones
JONES, OTJEN & DAVIS
114 E. Broadway, Suite 1100
Enid, Oklahoma 73701

Joe Holloway
National Guaranty Insurance Company
c/o Regulatory Services Group
100 Pine Street, 26th Floor
San Francisco, CA 94111

Oklahoma Receivership Office
3613 NW 56th, Suite 330
Oklahoma City, OK 73112

Oklahoma Insurance Department
3625 NW 56th Suite 100
Oklahoma City, OK 73112



April M. Davis

Claims Allowed By Class

Claim Class: 3

POC #	Amount Claimed	Amount Allowed	Timely Filed?
1002	\$0.00	\$0.00	<u>Yes</u>
1019	\$20,000.00	\$0.00	<u>Yes</u>
1020	\$5,000.00	\$0.00	<u>Yes</u>
1023	\$195.91	\$0.00	<u>Yes</u>
1123	\$12,000.00	\$0.00	<u>Yes</u>
1124	\$12,000.00	\$0.00	<u>Yes</u>
1160	\$5,060.00	\$0.00	<u>Yes</u>
1161	\$18,416.00	\$0.00	<u>Yes</u>
1162	\$3,204.00	\$0.00	<u>Yes</u>
1163	\$22,442.17	\$0.00	<u>Yes</u>
1169	\$25,951.76	\$0.00	<u>Yes</u>
1170	\$19,464.00	\$0.00	<u>Yes</u>
1179	\$0.00	\$0.00	<u>Yes</u>
1197	\$13,919.00	\$0.00	<u>Yes</u>
1231	\$4,282.00	\$0.00	<u>Yes</u>
1234	\$1,351,190.08	\$0.00	<u>Yes</u>
1235	\$7,986.00	\$0.00	<u>Yes</u>
1264	\$903.35	\$0.00	<u>Yes</u>
1267	\$500.00	\$0.00	<u>Yes</u>
1291	\$500.00	\$0.00	<u>Yes</u>
1298	\$8,640.00	\$0.00	<u>Yes</u>
1314	\$12,500.00	\$0.00	<u>Yes</u>
1325	\$87,150.64	\$0.00	<u>Yes</u>
1345	\$30,000.00	\$0.00	<u>Yes</u>
1356	\$4,369.63	\$0.00	<u>Yes</u>
1366	\$15,000.00	\$0.00	<u>Yes</u>
1367	\$250.00	\$0.00	<u>Yes</u>
1368	\$567.00	\$0.00	<u>Yes</u>
1375	\$500.00	\$0.00	<u>Yes</u>
1378	\$5,280.00	\$0.00	<u>Yes</u>
1389	\$500.00	\$0.00	<u>Yes</u>
1393	\$36,294.90	\$0.00	<u>Yes</u>



Claim Class: 3

POC #	Amount Claimed	Amount Allowed	
1395	\$2,000.00	\$0.00	Timely Filed? <u>Yes</u>
1419	\$51,702.38	\$0.00	Timely Filed? <u>Yes</u>
1420	\$75,000.00	\$0.00	Timely Filed? <u>Yes</u>
1427	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1429	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1436	\$480.00	\$0.00	Timely Filed? <u>Yes</u>
1468	\$2,000.00	\$0.00	Timely Filed? <u>Yes</u>
1471	\$6,016.00	\$0.00	Timely Filed? <u>Yes</u>
1489	\$347.61	\$0.00	Timely Filed? <u>Yes</u>
1493	\$24,928.00	\$0.00	Timely Filed? <u>Yes</u>
1514	\$25,000.00	\$0.00	Timely Filed? <u>Yes</u>
1518	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1534	\$18,607.74	\$0.00	Timely Filed? <u>Yes</u>
1539	\$782.50	\$0.00	Timely Filed? <u>Yes</u>
1561	\$50,000.00	\$0.00	Timely Filed? <u>Yes</u>
1562	\$1,900.00	\$0.00	Timely Filed? <u>Yes</u>
1588	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1589	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1590	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1591	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1593	\$6,744.24	\$0.00	Timely Filed? <u>Yes</u>
1614	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1615	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1617	\$1,907.58	\$0.00	Timely Filed? <u>Yes</u>
1634	\$250.00	\$0.00	Timely Filed? <u>Yes</u>
1681	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1687	\$300,000.00	\$0.00	Timely Filed? <u>Yes</u>
1714	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1731	\$2,931.39	\$0.00	Timely Filed? <u>Yes</u>
1732	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1734	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1740	\$17,518.16	\$0.00	Timely Filed? <u>Yes</u>
1745	\$10,000.00	\$0.00	Timely Filed? <u>Yes</u>
1761	\$250.00	\$0.00	Timely Filed? <u>Yes</u>
1778	\$30,000.00	\$0.00	Timely Filed? <u>Yes</u>
1779	\$30,000.00	\$0.00	Timely Filed? <u>Yes</u>

Objection

Claim Class: 3

POC #	Amount Claimed	Amount Allowed	
1786	\$1,404.62	\$0.00	Timely Filed? <u>Yes</u>
1796	\$370.43	\$0.00	Timely Filed? <u>Yes</u>
1808	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1829	\$890.92	\$0.00	Timely Filed? <u>Yes</u>
1831	\$1,000.00	\$0.00	Timely Filed? <u>Yes</u>
1832	\$4,961.30	\$0.00	Timely Filed? <u>Yes</u>
1836	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1840	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1855	\$1,000,000.00	\$0.00	Timely Filed? <u>Yes</u>
1876	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1901	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1924	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1944	\$5,000.00	\$0.00	Timely Filed? <u>Yes</u>
1955	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1978	\$22,000.00	\$0.00	Timely Filed? <u>Yes</u>
2000	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
2011	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
2014	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
2021	\$10,000.00	\$0.00	Timely Filed? <u>Yes</u>
2022	\$10,000.00	\$0.00	Timely Filed? <u>Yes</u>
2024	\$23,099.16	\$0.00	Timely Filed? <u>Yes</u>
2049	\$1,000.00	\$0.00	Timely Filed? <u>Yes</u>
2053	\$22,426.73	\$0.00	Timely Filed? <u>Yes</u>
2054	\$1,000.00	\$0.00	Timely Filed? <u>Yes</u>
2063	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
2068	\$500,000.00	\$0.00	Timely Filed? <u>Yes</u>
2090	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
2096	\$1,100.00	\$0.00	Timely Filed? <u>Yes</u>
2099	\$2,816.32	\$0.00	Timely Filed? <u>Yes</u>
2101	\$8,412.74	\$0.00	Timely Filed? <u>Yes</u>
2102	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
2126	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
2135	\$500.00	\$0.00	Timely Filed? <u>Yes</u>
2148	\$1,542.83	\$0.00	Timely Filed? <u>Yes</u>
2151	\$2,357.45	\$0.00	Timely Filed? <u>Yes</u>
2152	\$1,091.30	\$0.00	Timely Filed? <u>Yes</u>

Claim Class: 3

POC #	Amount Claimed	Amount Allowed	
2153	\$858.00	\$0.00	Timely Filed? <u>Yes</u>
Class 3 Totals:	\$4,004,263.84	\$0.00	
Total Claims:	\$4,004,263.84	\$0.00	

Claims Allowed By Class

Claim Class: 6

POC #	Amount Claimed	Amount Allowed	
2432	\$5,179.37	\$0.00	Timely Filed? <u>No</u>
2434	\$3,161.35	\$0.00	Timely Filed? <u>No</u>
Class 6 Totals:	\$8,340.72	\$0.00	
Total Claims:	\$8,340.72	\$0.00	

