

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

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.

JAN 15 2016

TIM RHODES  
COURT CLERK

31 \_\_\_\_\_

Case No. CJ-2013-694

Judge Bryan C. Dixon

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

On the 15th day of January, 2016, there came on for hearing the Receiver's Third Report on Claims Evaluation and Request for Confirmation of Receiver's Recommendations filed with the Court on November 10, 2015 ("Receiver's Third 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 Third Report presents the Receiver's recommendation as to 121 Class 3 claims that were timely filed, two(2) Class 3 claims that were untimely filed, six (6) Class 6 claims that were timely filed and 10 Class 6 claims that were untimely filed.

4. Due to new information received after the Third Report on Claims was filed, the Receiver is retracting the reported determination on POC 2446, and will report the status of POC 2446 in a later report.

5. On November 12, 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.

6. The Notice which the Receiver sent to each such claimant was the Notice approved by the Court on November 12, 2015 and filed of record on that same date, and the Receiver's notices have adequately protected any and all due process interests of the claimants.

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

8. The Receiver's recommendations as to the 123 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.

9. The Receiver's recommendations as to the six (6) Class 6 timely filed claims and the 10 Class 6 untimely filed claims addressed in the Receiver's Report, as detailed in Exhibits 2 and

3 of the Receiver's Report, are supported by the law and the facts and the Receiver's recommendations should be approved by this Court.

10. 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.

11. 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).

12. 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).

13. 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, 2 and 3 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 Exhibits 2 and 3 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 Exhibits 2 and 3 attached to this Order.

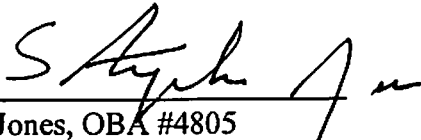
**IT IS FINALLY ORDERED, ADJUDGED AND DECREED** that this Order is hereby certified, pursuant to 12 O.S. § 994(A), to be a final, appealable Order and, accordingly, the Court Clerk is hereby directed to file this instrument as a final, appealable Order.

SIGNED this 15th day of January, 2016.

**BRYAN C. DIXON**

The Honorable Bryan C. Dixon  
Judge of the District Court

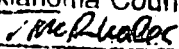
APPROVED AS TO FORM:



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**

JAN 15 2016

TIM RHODES Court Clerk  
Oklahoma County  


AND

Kelley C. Callahan, OBA #1429  
Barron Brown, OBA #31346  
OKLAHOMA INSURANCE DEPARTMENT  
3613 NW 56<sup>th</sup>, 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 15th day of January, 2016, mailed a true and correct copy of the above and foregoing document with proper postage prepaid thereon to:

Stephen Jones  
JONES, OTJEN & DAVIS  
P.O. Box 472  
Enid, Oklahoma 73702-0472

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

Oklahoma Receivership Office  
3613 NW 56<sup>th</sup>, Suite 330  
Oklahoma City, OK 73112

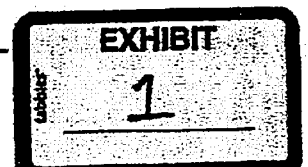
Oklahoma Insurance Department  
3625 NW 56<sup>th</sup> Suite 100  
Oklahoma City, OK 73112

  
\_\_\_\_\_  
Stephen Jones

# Claims Allowed By Class

Claim Class: 3

POC #	Amount Claimed	Amount Allowed	Timely Filed?
1039	\$55,000.00	\$0.00	<u>Yes</u>
1041	\$0.00	\$0.00	<u>Yes</u>
1064	\$0.00	\$0.00	<u>Yes</u>
1065	\$0.00	\$0.00	<u>Yes</u>
1066	\$0.00	\$0.00	<u>Yes</u>
1070	\$0.00	\$0.00	<u>Yes</u>
1071	\$0.00	\$0.00	<u>Yes</u>
1072	\$0.00	\$0.00	<u>Yes</u>
1074	\$0.00	\$0.00	<u>Yes</u>
1104	\$0.00	\$0.00	<u>Yes</u>
1105	\$0.00	\$0.00	<u>Yes</u>
1145	\$0.00	\$0.00	<u>Yes</u>
1147	\$0.00	\$0.00	<u>Yes</u>
1156	\$0.00	\$0.00	<u>Yes</u>
1157	\$0.00	\$0.00	<u>Yes</u>
1190	\$0.00	\$0.00	<u>Yes</u>
1191	\$0.00	\$0.00	<u>Yes</u>
1206	\$6,013.00	\$0.00	<u>Yes</u>
1212	\$0.00	\$0.00	<u>Yes</u>
1220	\$25,000.00	\$0.00	<u>Yes</u>
1221	\$0.00	\$0.00	<u>Yes</u>
1222	\$0.00	\$0.00	<u>Yes</u>
1223	\$0.00	\$0.00	<u>Yes</u>
1225	\$0.00	\$0.00	<u>Yes</u>
1226	\$0.00	\$0.00	<u>Yes</u>
1236	\$645.00	\$0.00	<u>Yes</u>
1243	\$95,267.00	\$0.00	<u>Yes</u>
1268	\$0.00	\$0.00	<u>Yes</u>
1270	\$16,500.00	\$0.00	<u>Yes</u>
1282	\$5,800.00	\$0.00	<u>Yes</u>
1283	\$1,900.89	\$0.00	<u>Yes</u>
1285	\$0.00	\$0.00	<u>Yes</u>



Claim Class: 3

POC #	Amount Claimed	Amount Allowed	
1286	\$10,000.00	\$0.00	Timely Filed? <u>Yes</u>
1287	\$22,700.00	\$0.00	Timely Filed? <u>Yes</u>
1290	\$975.00	\$0.00	Timely Filed? <u>Yes</u>
1300	\$30,000.00	\$0.00	Timely Filed? <u>Yes</u>
1301	\$3,394.35	\$0.00	Timely Filed? <u>Yes</u>
1304	\$30,290.36	\$0.00	Timely Filed? <u>Yes</u>
1306	\$30,000.00	\$0.00	Timely Filed? <u>Yes</u>
1307	\$50,000.00	\$0.00	Timely Filed? <u>Yes</u>
1308	\$15,000.00	\$0.00	Timely Filed? <u>Yes</u>
1309	\$3,760.50	\$0.00	Timely Filed? <u>Yes</u>
1310	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1320	\$500.00	\$0.00	Timely Filed? <u>Yes</u>
1321	\$500.00	\$0.00	Timely Filed? <u>Yes</u>
1322	\$500.00	\$0.00	Timely Filed? <u>Yes</u>
1323	\$500.00	\$0.00	Timely Filed? <u>Yes</u>
1324	\$12,000.00	\$0.00	Timely Filed? <u>Yes</u>
1329	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1337	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1338	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1339	\$30,000.00	\$0.00	Timely Filed? <u>Yes</u>
1340	\$30,000.00	\$0.00	Timely Filed? <u>Yes</u>
1341	\$30,000.00	\$0.00	Timely Filed? <u>Yes</u>
1342	\$30,000.00	\$0.00	Timely Filed? <u>Yes</u>
1343	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1347	\$17,500.00	\$0.00	Timely Filed? <u>Yes</u>
1362	\$2,384.64	\$0.00	Timely Filed? <u>Yes</u>
1364	\$506.00	\$0.00	Timely Filed? <u>Yes</u>
1372	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1391	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1396	\$27,062.00	\$0.00	Timely Filed? <u>Yes</u>
1397	\$20,991.13	\$0.00	Timely Filed? <u>Yes</u>
1398	\$30,186.47	\$0.00	Timely Filed? <u>Yes</u>
1399	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1400	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1402	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1403	\$0.00	\$0.00	Timely Filed? <u>Yes</u>

Claim Class: 3
----------------

POC #	Amount Claimed	Amount Allowed	Timely Filed?	
1409	\$25,000.00	\$0.00	Timely Filed?	<u>Yes</u>
1418	\$7,000.00	\$0.00	Timely Filed?	<u>Yes</u>
1425	\$0.00	\$0.00	Timely Filed?	<u>Yes</u>
1431	\$1,230.00	\$0.00	Timely Filed?	<u>Yes</u>
1432	\$1,764.50	\$0.00	Timely Filed?	<u>Yes</u>
1433	\$0.00	\$0.00	Timely Filed?	<u>Yes</u>
1439	\$0.00	\$0.00	Timely Filed?	<u>Yes</u>
1441	\$11,187.24	\$0.00	Timely Filed?	<u>Yes</u>
1442	\$0.00	\$0.00	Timely Filed?	<u>Yes</u>
1443	\$0.00	\$0.00	Timely Filed?	<u>Yes</u>
1445	\$28,000.00	\$0.00	Timely Filed?	<u>Yes</u>
1446	\$3,038.34	\$0.00	Timely Filed?	<u>Yes</u>
1447	\$0.00	\$0.00	Timely Filed?	<u>Yes</u>
1448	\$0.00	\$0.00	Timely Filed?	<u>Yes</u>
1449	\$0.00	\$0.00	Timely Filed?	<u>Yes</u>
1450	\$0.00	\$0.00	Timely Filed?	<u>Yes</u>
1453	\$30,000.00	\$0.00	Timely Filed?	<u>Yes</u>
1459	\$2,577.00	\$0.00	Timely Filed?	<u>Yes</u>
1460	\$1,587.00	\$0.00	Timely Filed?	<u>Yes</u>
1461	\$470.00	\$0.00	Timely Filed?	<u>Yes</u>
1462	\$373.00	\$0.00	Timely Filed?	<u>Yes</u>
1463	\$6,297.38	\$0.00	Timely Filed?	<u>Yes</u>
1464	\$4,000.00	\$0.00	Timely Filed?	<u>Yes</u>
1465	\$6,000.00	\$0.00	Timely Filed?	<u>Yes</u>
1466	\$4,018.00	\$0.00	Timely Filed?	<u>Yes</u>
1467	\$4,211.00	\$0.00	Timely Filed?	<u>Yes</u>
1479	\$0.00	\$0.00	Timely Filed?	<u>Yes</u>
1480	\$0.00	\$0.00	Timely Filed?	<u>Yes</u>
1483	\$0.00	\$0.00	Timely Filed?	<u>Yes</u>
1484	\$20,500.00	\$0.00	Timely Filed?	<u>Yes</u>
1485	\$30,000.00	\$0.00	Timely Filed?	<u>Yes</u>
1490	\$0.00	\$0.00	Timely Filed?	<u>Yes</u>
1491	\$0.00	\$0.00	Timely Filed?	<u>Yes</u>
1494	\$12,000.00	\$0.00	Timely Filed?	<u>Yes</u>
1495	\$0.00	\$0.00	Timely Filed?	<u>Yes</u>
1497	\$5,000.00	\$0.00	Timely Filed?	<u>Yes</u>



**Claim Class: 3**

<b>POC #</b>	<b>Amount Claimed</b>	<b>Amount Allowed</b>	
1498	\$1,200.00	\$0.00	Timely Filed? <u>Yes</u>
1499	\$1,800.00	\$0.00	Timely Filed? <u>Yes</u>
1500	\$6,400.00	\$0.00	Timely Filed? <u>Yes</u>
1501	\$1,600.00	\$0.00	Timely Filed? <u>Yes</u>
1502	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1504	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1505	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1517	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1558	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
1572	\$30,000.00	\$0.00	Timely Filed? <u>Yes</u>
1604	\$150,000.00	\$0.00	Timely Filed? <u>Yes</u>
1699	\$30,000.00	\$0.00	Timely Filed? <u>Yes</u>
1700	\$30,000.00	\$0.00	Timely Filed? <u>Yes</u>
1843	\$30,000.00	\$0.00	Timely Filed? <u>Yes</u>
2038	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
2112	\$13,000.00	\$0.00	Timely Filed? <u>Yes</u>
2275	\$30,000.00	\$0.00	Timely Filed? <u>No</u>
2298	\$6,440.19	\$0.00	Timely Filed? <u>No</u>
2468	\$0.00	\$0.00	Timely Filed? <u>Yes</u>
<b>Class 3 Totals:</b>	<b>\$1,162,570.29</b>	<b>\$0.00</b>	
<b>Total Claims:</b>	<b>\$1,162,570.29</b>	<b>\$0.00</b>	

# Claims Allowed By Class

**Claim Class: 6**

POC #	Amount Claimed	Amount Allowed	Timely Filed?
1022	\$595.88	\$0.00	<u>Yes</u>
1149	\$1,519.12	\$0.00	<u>Yes</u>
1181	\$4,622.78	\$0.00	<u>Yes</u>
1209	\$7,128.12	\$0.00	<u>Yes</u>
1252	\$19,764.11	\$0.00	<u>Yes</u>
2443	\$125.00	\$0.00	<u>No</u>
2444	\$3,776.71	\$0.00	<u>No</u>
2445	\$2,156.03	\$0.00	<u>No</u>
<hr/>			
2449	\$721.08	\$0.00	<u>No</u>
2450	\$3,935.75	\$0.00	<u>No</u>
2454	\$2,526.71	\$0.00	<u>No</u>
2458	\$18,565.62	\$0.00	<u>No</u>
2460	\$4,121.13	\$0.00	<u>No</u>
2463	\$3,188.37	\$0.00	<u>No</u>
<b>Class 6 Totals:</b>	<b>\$76,267.48</b>	<b>\$0.00</b>	
<b>Total Claims:</b>	<b>\$76,267.48</b>	<b>\$0.00</b>	



# Claims Allowed By Class

**Claim Class: 6**

<b>POC #</b>	<b>Amount Claimed</b>	<b>Amount Allowed</b>	
1777	\$1,588.61	\$1,360.39	Timely Filed? <u>Yes</u>
<b>Class 6 Totals:</b>	\$1,588.61	\$1,360.39	
<b>Total Claims:</b>	\$1,588.61	\$1,360.39	

