FILED IN DISTRICT COUR'
OKLAHOMA COUNTY

MAY 1 0 2017

RICK WARREN COURT CLERK

IN THE DISTRICT COURT OF OKLAHOMA COUNTY STATE OF OKLAHOMA

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

Plaintiff,

Case No. CJ-2013-694

Judge Bryan C. Dixon

v.

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

Defendant.

RECEIVER'S SIXTH REPORT ON CLAIMS EVALUATION AND REQUEST FOR CONFIRMATION OF RECEIVER'S RECOMMENDATION

The State of Oklahoma, ex rel., John Doak, Insurance Commissioner, as Receiver for Driver's Insurance Company, in liquidation, ("Driver's") by and through the undersigned attorney of record, and pursuant to the Oklahoma Uniform Insurers Liquidation Act, OKLA. STAT. tit. 36, § 1901, et seq. ("OUILA"), hereby files this Sixth Report on Claims Evaluation and Request for Confirmation of Receiver's Recommendations and shows the Court as follows:

- 1. On May 13, 2013, this Court entered its "Order of Liquidation with Finding of Insolvency" for Driver's.
- 2. By virtue of the Court's Order, title to all property of Driver's was vested in the Receiver and the Receiver was charged with the duty of marshaling Driver's assets, liquidating those assets and distributing all remaining assets in accordance with the statutory prioritization of the allowed claims.
- 3. The Court further directed the Receiver to notify all persons who have claims against Driver's of the claims filing bar date, in a form approved by the Court. On June 7, 2013, the Court

entered an Order Approving the Proof of Claim Form, and on October 18, 2013, the Court entered an Order Approving the Revised Claims Evaluation Plan, and established the claims filing bar date of January 10, 2014.

- 4. Pursuant to OKLA. STAT. tit. 36, § 1930, the Receiver took all reasonable efforts to determine the identify of all persons who may have claims against the Estate and to provide them with notice to allow them the opportunity to file a claim before the January 10, 2014 claims bar date.
- 5. The Receiver distributed 15,177 notices of liquidation to potential claimants. Additionally, notice of the proof of claim process and the availability of the proof of claim packets was published on June 14, 2013 on the Oklahoma Receivership Office website, and then updated after the October 18, 2013 Order.
- 6. On October 18, 2013, the Court entered an Order Approving the Revised Claims Evaluation Plan establishing March 10, 2014, as the date by which the Receiver must file his Report of Timely Filed Claims.
- 7. On March 10, 2014, the Receiver filed the Receiver's Report on Timely Filed Claims. The Receiver's report stated that 1,207 timely proofs of claim were filed with the Receiver with an aggregate submitted amount of \$57,040,554.14.
- 8. In the October 18, 2013 Order Approving Receiver's Revised Claims Reporting and Evaluation Plan, the Court authorized the Receiver to submit, no later than May 10, 2014, the Receiver's First Claims Evaluation and Request for Confirmation (on claims to be adjudicated). Furthermore, the Order required the Receiver, no less than every six (6) months thereafter, beginning November 10, 2014, to submit supplemental claim evaluations and request for confirmations on subsequently evaluated claims ready to be adjudicated.

- 9. The Receiver believes that approximately 263 additional claims are now ready for adjudication: these include certain Class 3 and Class 6 claims. Pursuant to OKLA. STAT. tit. 36, § 1927.1, Class 3 claims are generally contingent claims and Class 6 claims include "[c]laims of any person, including claims of state or local governments, except those specifically classified elsewhere in [section 1927.1].".
 - 10. The Receiver has not completed marshaling all assets of Driver's.
- 11. This Report does not address the actual distribution of assets that may ultimately be made to creditors and beneficiaries of Driver's. Neither the Receiver's recommendation that a claim be allowed in a certain amount, nor the Court's Order allowing a claim, ensures that the claim will be paid in whole or in part. Payment of an allowed claim is contingent upon: (a) the assets available to the estate for payment of claims; (b) the class of the claim allowed; and (c) whether the assets of the estate are sufficient to pay in full all allowed claims and all classes of claims.

EXPLANATION OF RECEIVER'S RECOMMENDATION

12. Attached hereto as Exhibit 1 is a report detailing the Receiver's recommendation on the Class 3 claims that are ready for adjudication. The table below is a summary of the Receiver's recommendations with respect to the Class 3 claims that are ready for adjudication:

Class	Claimed	Recommended Allowance	Recommended Denial
3	\$9,188,141.91	\$0.00	\$9,188,141.91

The Receiver has analyzed the claims reflected on Exhibit 1 and recommends that each of the claims be classified as a Class 3 claim for purposes of OKLA, STAT, tit. 36, § 1927.1.

13. Attached hereto as Exhibit 2 is a report detailing the Receiver's recommendation on the Class 6 claims that are ready for adjudication. The table below is a summary of the Receiver's recommendations with respect to the Class 6 claims that are ready for adjudication:

Class	Claimed	Recommended Allowance	Recommended Denial
6	\$13,962.58	\$0.00	\$13,962.58

The Receiver has analyzed the claims reflected on Exhibit 2 and recommends that each of the claims be classified as a Class 6 claim for purposes of OKLA. STAT. tit. 36, § 1927.1.

- 14. Each claim being adjudicated at this time is identified by proof of claim number, amount claimed, amount allowed, and whether the claim was timely filed.
- 15. The Proof of Claim form filed by each claimant contains the following language in bold type: "If you have a change of address, you are required to inform the receiver of the new address in order to receive any payment that might be due." To the extent any Notice of this proceeding is returned undeliverable, the Receiver asks the Court to find that the due process rights of the claimant have not been impaired and to order the denial of their claim without further attempts to give actual notice.
- 16. Pursuant to OKLA. STAT. tit. 36, § 1918, the Receiver requests the Court to set a hearing on the claims and establish a date certain for filing an objection to the Receiver's recommendation. Attached hereto as Exhibit 3 is the Receiver's proposed form of notice of hearing to be provided to claimants made the subject of this Report.
- 17. 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 applicable state guaranty funds to provide indemnity

and defense of a covered claim as defined by the Oklahoma Property & Casualty Insurance Guaranty Association Act, Okla. Stat. tit. 36, § 2004(7), or other applicable state statutes.

18. The Receiver's characterization of a claim or payment does not constitute an admission of liability by Driver's for purposes of any litigation.

WHEREFORE, the Receiver respectfully requests that this Court:

- a. order that the Receiver provide notice of opportunity to object and be heard to each of the claimants making a claim reflected on Exhibits 1 and 2 attached to this Report and find that the proposed form of notice attached hereto as Exhibit 3 is proper in all respects;
- b. establish a date for filing an objection to the recommendations of the Receiver;
- c. establish a date for hearing the Receiver's recommendations to the Court and any objections thereto;
- d. upon hearing any objections thereto, enter an order approving the Receiver's Report and confirming the Receiver's recommendation as to each of the claims described herein; and
- e. grant the Receiver such other and further relief as the Court deems appropriate.

Respectfully submitted,

Stephen Jones, OBA #4805

April McCurdy Davis, OBA #17854

Jamie Bloyd, OBA #30989

JONES, OTJEN, DAVIS & BLOYD

P.O. Box 472

114 E. Broadway, Suite 1100

Enid, Oklahoma 73702-0472

(580) 242-5500 (phone)

(580) 242-4556 (fax)

sjones@stephenjoneslaw.com

AND

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 on the /O day of May, 2017, a true and correct copy of the above and foregoing document was sent via Electronic Mail with written consent and/or U.S. Mail, postage prepaid, to:

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

Oklahoma Receivership Office 3613 NW 56th, Suite 330 Oklahoma City, OK 73112 Joe Holloway
National Guaranty Insurance Company
c/o Regulatory Services Group
100 Pine Street, 26th Floor
San Francisco, CA 94111

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

Jamie Bloyd

Claims Allowed By Class

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/ '10 171	1 10 00	- 4
Claim	. 14.00	-

POC#	Amount Claimed	Amount Allowed	
1013	\$26,000.00	\$0.00	Timely Filed? Yes
1014	\$17,000.00	\$0.00	Timely Filed? Yes
1029	\$40,000.00	\$0.00	Timely Filed? Yes
1117	\$0.00	\$ 0.00	Timely Filed? Yes
1144	.\$0.00	\$0.00	Timely Filed? Yes
1159	\$0.00	\$0.00	Timely Filed? Yes
1165	\$36,192.76	\$0.00	Timely Filed? Yes
1186	\$0.00	\$0.00	Timely Filed? Yes
1187	\$23,010.00	\$0.00	Timely Filed? Yes
1188	\$20,635.00	\$0.00	Timely Filed? Yes
1189	\$23,355.00	\$0.00	Timely Filed? Yes
1219	\$25,000.00	\$0.00	Timely Filed? Yes
1233	\$4,225.00	\$0.00	Timely Filed? Yes
1294	\$0.00	\$0.00	Timely Filed? Yes.
1312	\$0.00	\$0.00	Timely Filed? Yes
1315	\$30,000.00	\$0.00	Timely Filed? Yes
1358	\$25,000.00	\$0.00	Timely Filed? Yes
1421	\$75,000.00	\$0.00	Timely Filed? Yes
1481	\$0.00	\$0.00	Timely Filed? Yes
1496	\$25,000.00	\$0.00	Timely Filed? Yes
1523	\$0.00	\$0.00	Timely Filed? Yes
1524	\$0.00	\$0.00	Timely Filed? Yes
1525	\$0.00	\$0.00	Timely Filed? Yes
1531	\$48,000.00	\$0.00	Timely Filed? Yes
1586	\$0.00	\$0.00	Timely Filed? Yes
1607	\$9,708.31	\$0.00	Timely Filed? Yes
1609	\$0.00	\$0.00	Timely Filed? Yes
1622	\$0.00	\$0.00	Timely Filed? Yes
1627	\$0.00	\$0.00	Timely Filed? Yes
1641	\$0.00	\$0.00	Timely Filed? Yes
1642	\$0.00	\$0.00	Timely Filed? Yes
1650	\$75,000.00	\$0.00	Timely Filed? Ycs
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PLAINTIFF'S EXHIBIT

POC#	Amount Claimed	Amount Allowed		
1672	\$19,155.79	\$0.00	Timely Filed? Yes	
1674	\$30,000.00	\$0.00	Timely Filed? Yes	-
1679	\$0.00	\$0.00	Timely Filed? Yes	
1680	\$0.00	\$0.00	Timely Filed? Yes	
1702	\$13,122.00	\$0.00	Timely Filed? Yes	
1719	\$25,000.00	\$0.00	Timely Filed? Yes	
1721	\$8,500.00	\$0.00	Timely Filed? Yes	
1722	\$2,500.00	\$0.00	Timely Filed? Yes	
1723	\$2,500.00	\$0.00	Timely Filed? Yes	
1724	\$18,500.00	\$0.00	Timely Filed? Yes	
1727	\$0.00	\$0.00	Timely Filed? Yes	
1746	\$50,000.00	\$0.00	Timely Filed? Yes	
1747	\$50,000.00	\$0.00	Timely Filed? Yes	
1748	\$50,000.00	\$0.00	Timely Filed? Yes	
1757	\$0.00	\$0.00	Timely Filed? Yes	
1758	\$0.00	\$0.00	Timely Filed? Yes	
1759	\$1,215.80	\$0.00	Timely Filed? Yes	
1762	\$0.00	\$0.00	Timely Filed? Yes	
1774	\$0.00	\$0.00	Timely Filed? Yes	-
1775	\$27,500.00	\$0.00	Timely Filed? Yes	
1783	\$30,000.00	\$0.00	Timely Filed? <u>Yes</u>	
1784	\$5,452.73	\$0.00	Timely Filed? Yes	
787	\$1,844.83	\$0.00	Timely Filed? Yes	
1789	\$2,500.00	\$0.00	Timely Filed? Yes	
1790	\$10,000.00	\$0.00	Timely Filed? Yes	
1791	\$2,500.00	\$0.00	Timely Filed? Yes	
1800	\$0.00	\$0.0 0	Timely Filed? Yes	
801	\$0.00	\$0.00	Timely Filed? Yes	
810	\$50,000.00	\$0.00	Timely Filed? Yes	
817	\$56,922.30	\$0.00	Timely Filed? Yes	
838	\$0.00	\$0.00	Timely Filed? Yes	
844	\$10,000.00	\$0.00	Timely Filed? Yes	
849	\$1,000,000.00	\$0.00	Timely Filed? <u>Yes</u>	
850	\$1,000,000.00	\$0.00	Timely Filed? Yes	
857	\$1,000,000.00	\$0.00	Timely Filed? Yes	
878	\$0.00	\$0.00	Timely Filed? Yes	

POC#	Amount Claimed	Amount Allowed	
1879	\$0.00	\$0.00	Timely Filed? Yes
1880	\$0.00	\$0.00	Timely Filed? Yes
1881	\$0.00°	\$0.00	Timely Filed? Yes
1882	\$0.00	\$0.00	Timely Filed? Yes
1883	\$0.00	\$0.00	Timely Filed? Yes
1884	\$0.00	\$0.00	Timely Filed? Yes
1899	\$0.00	\$0.00	Timely Filed? Yes
1900	\$0.00	\$0.00	Timely Filed? Yes
1902	\$0.00	\$0.00	Timely Filed? Yes
1903	\$0.00	\$0,00	Timely Filed? Yes
1917	\$0.00	\$0.00	Timely Filed? Yes
1918	\$0.00	\$0.00	Timely Filed? Yes
1923	\$0.00	\$0.00	Timely Filed? Yes
1931	\$0.00	\$0.00	Timely Filed? Yes
1938	\$1,000,000.00	\$0.00	Timely Filed? Yes.
1939	\$1,000,000.00	\$0.00	Timely Filed? Yes
1940	\$1,000,000.00	\$0.00	Timely Filed? Yes
1941	\$1,000,000.00	\$0.00	Timely Filed? Yes
1942	\$1,000,000.00	\$0.00	Timely Filed? Yes
1951	\$10,000,00	\$0.00	Timely Filed? Yes
1956	\$11,000.00	\$0.00	Timely Filed? Yes
1992	\$0.00	\$0.00	Timely Filed? Yes
1994	\$0.00	\$0.00	Timely Filed? Yes
2001	\$0.00	\$0.00	Timely Filed? Yes
2008	\$0.00	\$0.00	Timely Filed? Yes
2010	\$26,000.00	\$0.00	Timely Filed? Yes
2013	\$2,000.00	\$0.00	Timely Filed? Yes
2026	\$0.00	\$0.00	Timely Filed? Yes
2029	\$37,944.00	\$0.00	Timely Filed? Yes
2034	\$0.00	\$0.00	Timely Filed? Yes
2036	\$0.00	\$0.00	Timely Filed? Yes
2041	\$0.00	\$0.00	Timely Filed? Yes
2043	\$0.00	\$0.00	Timely Filed? Yes
2044	\$0.00	\$0.00	Timely Filed? Yes
2045	\$0.00	\$0.00	Timely Filed? Yes
2073	\$4,504.97	\$0.00	Timely Filed? Yes

Claim Class: 3

POC#	Amount Claimed	Amount Allowed		
2078	\$0.00	\$0.00	Timely Filed? Yes	
2079	\$8,000.00	\$0.00	Timely Filed?Yes_	
2089	\$30,000.00	\$0.00	Timely Filed? Yes	
2107	\$20,000.00	\$0,00	Timely Filed? Yes	
2123	\$7,435.18	\$0.00	Timely Filed? Yes	
2129	\$50,478.49	\$0,00	Timely Filed? Yes	
2140	\$439.75	\$0.00	Timely Filed? Yes	
2163	\$0.00	\$0.00	Timely Filed? Yes	
2172	\$0.00	\$0.00	Timely Filed? Yes	
2175	\$0.00	\$0.00	Timely Filed? Yes	
2176	\$0.00	\$0.00	Timely Filed? Yes	
2177	\$0.00	\$9.00	Timely Filed? Yes	
2196	\$0.00	\$0.00	Timely Filed? Yes	
2198	\$0.00	\$0.00	Timely Filed? Yes	
2200	\$0.00	\$0.00	Timely Filed? Yes	
2202	\$0.00	\$0.00	Timely Filed? Yes	
2203	\$0.00	\$0.00	Timely Filed? Yes	
2204	\$0.00	\$0.00	Timely Filed? Yes	
2205	\$0,00	\$0.00	Timely Filed? Yes	
2206	\$0.00	\$0.00	Timely Filed? Yes	
2207	\$0.00	\$0.00	Timely Filed? Yes	
2208	\$0.00	\$0.00	Timely Filed? Yes	
2209	\$0.00	\$0.00	Timely Filed? Yes	
2210	\$0.00	\$0.00	Timely Filed? Yes	
2398	\$10,000.00	\$0.00	Timely Filed? Yes	
2400	\$0.00	\$0.00	Timely Filed? Yes	
Class 3 Totals:	\$9,188,141.91	\$0.00		
Total Claims:	\$9,188,141.91	\$0.00	•	

Claims Allowed By Class

Claim Class: 6

POC#	Amount Claimed	Amount Allowed		
1295	\$6,527.67	\$0.00	Timely Filed? Yes	
1363	\$375.00	\$0.00	Timely Filed? Yes	
2295	\$7,059.91	\$0.00	Timely Filed? Yes	
Class 6 Totals:	\$13,962.58	\$0.00		,
Total Claims:	\$13,962.58	\$0.00		

IN THE DISTRICT COURT OF OKLAHOMA COUNTY STATE OF OKLAHOMA

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

Plaintiff,

Case No. CJ-2013-694

Judge Bryan C. Dixon

٧.

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

Defendant.

NOTICE OF HEARING ON THE RECEIVER'S SIXTH REPORT ON CLAIMS EVALUATION AND REQUEST FOR CONFIRMATION OF RECEIVER'S RECOMMENDATION

You are receiving this Notice because the Receiver has evaluated your claim and such claim is ready for adjudication. The Exhibit attached to this Notice sets forth the Receiver's recommendations to the Court in relation to your claim. Your claim has been assigned the Proof of Claim number (POC#) indicated on the attached Exhibit. The attached Exhibit also provides

The Receiver's recommendation to the Court regarding your claim and other claims set for hearing on the referenced hearing date are set forth in the Receiver's Report, which was filed in the above-referenced matter on May 10, 2017. A copy of the Receiver's Report is available on the website for the Oklahoma Receivership Office at www.okaro.org.

information specific to your claim including the amount of your claim, the Receiver's recommendation as to the amount of your claim to be allowed, if any, and the Receiver's recommendation regarding the classification of your claim, which classification reflects the nature of your claim and the priority the Receiver recommends be given to your claim under Oklahoma law, OKLA. STAT. tit. 36, § 1927.1.

IF YOU DO NOT WISH TO OBJECT TO THE RECEIVER'S RECOMMENDATION, YOU ARE NOT REQUIRED TO TAKE ANY ACTION AT THIS TIME. IF YOU WISH TO OBJECT TO THE RECEIVER'S RECOMMENDATION, YOU MUST FILE A PROPER, WRITTEN OBJECTION WITH THE COURT NO LATER THAN June 10, 2017. To be a proper, written objection:

- (1) the objection must contain the case information located at the top of this Notice (State of Oklahoma, ex. rel. John Doak, Insurance Commissioner v. Driver's Insurance Company Case No. CJ-2013-694, Judge Bryan Dixon);
- the objection must be filed with the Clerk of the Oklahoma County District Court, 320 Robert S. Kerr Avenue, Oklahoma City, Oklahoma 73102, and a copy mailed to the Receiver's counsel at the address show below;
- (3) the objection must be signed by the claimant or the claimant's representative;
- (4) the objection must be typewritten on a good grade of which paper size 8 ½ by 11 inches, given the name, current address and telephone number of the claimant making the objection, including the name and position of the person signing the objection, if the claimant is a business; and
- (5) the objection must state the exact grounds on which the objection is based and be accompanied by a concise brief that contains (a) a written statement of material facts as to which the objecting party contends no genuine issue exists verified by a person with knowledge of the facts; (b) references to supporting documentation submitted with the proof of claim; and (c) citation to applicable authority supporting the objection;

(6) if you wish to present the Court with oral argument on your objection at the hearing, the objection must indicate your attention to appear at the hearing and make such oral argument. Failure to expressly state an intention to make oral argument in your objection may be deemed by the Court to be a waiver of the right to oral argument.

Failure to file a timely and proper written objection as described above may result in your objection being denied. If the Court approves your claim in whole or in part, it does not mean that you will actually receive the allowed amount as ordered by the Court. The amount of payment on your claim, if any, is dependent upon the class or priority the Court assigns your claim based on Oklahoma law, and the assets in the estate available for payment. Certain legal matters still pending before the Court may prevent the payment of claims for some time. Any questions regarding this Notice, the Receiver's Recommendations as to your claim or any of the other claims to be heard during the hearing on the date referenced above should be directed to the Assistant Receiver's Office. Contact information for the Assistant Receiver is set forth below.

Assistant Receiver

Terry Smith, Assistant Receiver Driver's Insurance Company in Receivership 3613 NW 56th Suite 330 Oklahoma City, OK 73112 (405) 947-0022 (phone) (405) 947-0046 (fax)

Receiver's Counsel:

Stephen Jones
April Davis
Jamie Bloyd
JONES, OTJEN, DAVIS & BLOYD
P.O. Box 472
Enid, Oklahoma 73702-0472
(580) 242-5500 (phone)
(580) 242-4556 (fax)