

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 18 2019

RICK WARREN
COURT CLERK

36

Case No. CJ-2013-694

Judge Susan Stallings

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

On the 18th day of January, 2019, there came on for hearing the Receiver's Ninth Report on Claims Evaluation and Request for Confirmation of Receiver's Recommendations filed with the Court on November 9, 2018 ("Receiver's Ninth Report"). No objections were filed against the Receiver's Report with this Court, and the Court, for good cause shown, and being fully advised, finds 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 Ninth Report presents the Receiver's recommendation as to 14 Class 3 and Class 6 claims.

4. On November 15, 2018, 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 November 14, 2018 and filed of record on November 15, 2018, and the Receiver's notice 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 Ninth Report. The Receiver received one untimely unfiled objection on December 13, 2019 from Mr. Hector Garcia, Proof of Claim No. 2142. Pursuant to the Order Establishing Deadlines filed November 15, 2018, "any claimant having an objection to the Receiver's recommendations as set forth in the Receiver's Report filed in this proceeding on November 9, 2018, **shall file such objection with this Court and serve a copy of the objection on the Receiver's counsel on or before December 9, 2018.**" (emphasis added) Since Mr. Garcia failed to comply with the Court's Order, Mr. Garcia's objection is hereby denied.

7. The Receiver's recommendations as to the eight (8) 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 six (6) 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 Exhibits the names of the claimants.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Receiver's Ninth Report is hereby **APPROVED** and the recommendations contained therein, as set forth in 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 Exhibits 1 and 2 and are properly classified as a

Class 3 and 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 1 and Exhibit 2 of the Receiver's Report.

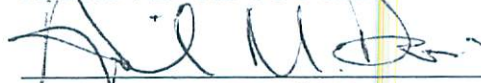
IT IS FINALLY ORDERED, ADJUDGED AND DECREED that this Order is hereby certified, pursuant to 12 O.S. § 994(A), to be a final, appealable Order and, accordingly, the Court Clerk is hereby directed to file this instrument as a final, appealable Order.

SIGNED this 18th day of January, 2019.

SUSAN C. STALLINGS

The Honorable Susan Stallings
Judge of the District Court

APPROVED AS TO FORM:



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AS FILED OF RECORD
IN DISTRICT COURT

JAN 18 2019

RICK WARREN COURT CLERK
Oklahoma County



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 SERVICE

I hereby certify that I have this 18th day of January, 2019, emailed and/or mailed a true and correct copy of the above and foregoing document with proper postage prepaid thereon to:

Oklahoma Insurance Department
3625 NW 56th Suite 100
Oklahoma City, OK 73112
via email with consent

Oklahoma Receivership Office
3613 NW 56th, Suite 330
Oklahoma City, OK 73112
via email with consent

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



Stephen Jones