

MAY 1 0 2019

RICK WARREN
COURT CLERK

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

73_____

STATE OF OKLAHOMA, ex rel.
GLEN MULREADY, 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 Susan Stallings

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

The State of Oklahoma, ex rel., Glen Mulready, 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 Tenth 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 29 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:

<u>Class</u>	<u>Claimed</u>	<u>Recommended Allowance</u>	<u>Recommended Denial</u>
3	\$978,447.34	\$0.00	\$978,447.34

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:

<u>Class</u>	<u>Claimed</u>	<u>Recommended Allowance</u>	<u>Recommended Denial</u>
6	\$27,504.92	\$0.00	\$27,504.92

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
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

AND

Barron Brown, OBA #31346
OKLAHOMAINSURANCEDEPARTMET
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.
GLEN MULREADY, INSURANCE
COMMISSIONER for the State of
Oklahoma, as Receiver for Driver's
Insurance Company

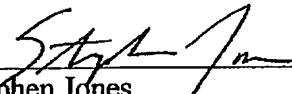
CERTIFICATE OF MAILING

I hereby certify that on the 10th day of May, 2019, 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
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



Stephen Jones

Claims Allowed By Class

Claim Class: 3

POC #	Amount Claimed	Amount Allowed		Timely Filed?	
1359	\$8,899.34	\$0.00		Timely Filed?	<u>Yes</u>
1451	\$0.00	\$0.00		Timely Filed?	<u>Yes</u>
1649	\$850,000.00	\$0.00		Timely Filed?	<u>Yes</u>
1678	\$67,500.00	\$0.00		Timely Filed?	<u>Yes</u>
1703	\$0.00	\$0.00		Timely Filed?	<u>Yes</u>
1711	\$0.00	\$0.00		Timely Filed?	<u>Yes</u>
1793	\$11,250.00	\$0.00		Timely Filed?	<u>Yes</u>
1837	\$0.00	\$0.00		Timely Filed?	<u>Yes</u>
1909	\$20,000.00	\$0.00		Timely Filed?	<u>Yes</u>
1989	\$0.00	\$0.00		Timely Filed?	<u>Yes</u>
2004	\$20,000.00	\$0.00		Timely Filed?	<u>Yes</u>
2178	\$0.00	\$0.00		Timely Filed?	<u>Yes</u>
2472	\$798.00	\$0.00		Timely Filed?	<u>Yes</u>
2474	\$0.00	\$0.00		Timely Filed?	<u>Yes</u>
2475	\$0.00	\$0.00		Timely Filed?	<u>Yes</u>
2476	\$0.00	\$0.00		Timely Filed?	<u>Yes</u>
2477	\$0.00	\$0.00		Timely Filed?	<u>Yes</u>
2483	\$0.00	\$0.00		Timely Filed?	<u>No</u>
2484	\$0.00	\$0.00		Timely Filed?	<u>No</u>
2485	\$0.00	\$0.00		Timely Filed?	<u>No</u>
2486	\$0.00	\$0.00		Timely Filed?	<u>No</u>
2488	\$0.00	\$0.00		Timely Filed?	<u>Yes</u>
Class 3 Totals:	\$978,447.34	\$0.00			
Total Claims:	\$978,447.34	\$0.00			

Claims Allowed By Class

| Claim Class: 6 |

POC #	Amount Claimed	Amount Allowed		
1054	\$2,171.61	\$0.00	Timely Filed?	Yes
1089	\$5,780.36	\$0.00	Timely Filed?	Yes
1111	\$2,976.29	\$0.00	Timely Filed?	Yes
1128	\$2,416.99	\$0.00	Timely Filed?	Yes
1155	\$2,495.29	\$0.00	Timely Filed?	Yes
1472	\$1,743.01	\$0.00	Timely Filed?	Yes
1529	\$9,921.37	\$0.00	Timely Filed?	Yes
Class 6 Totals:	\$27,504.92	\$0.00		
Total Claims:	\$27,504.92	\$0.00		

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.
GLEN MULREADY, 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 Susan Stallings

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

You are hereby notified that on _____ at _____m.,
a hearing will be held before the Honorable Susan Stallings, District Court Judge of Oklahoma
County, Oklahoma, at which time the Receiver's Tenth Report on Claim Evaluation and Request
for Confirmation of Receiver's Recommendation shall be heard. The hearing will be conducted
at the Oklahoma County Courthouse, 321 Park Avenue, Room #800, Oklahoma City, Oklahoma.

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.¹ Your claim has been assigned the
Proof of Claim number (POC#) indicated on the attached Exhibit. The attached Exhibit also

¹ 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, 2019. A copy of the Receiver's Report is available
on the website for the Oklahoma Receivership Office at www.okaro.org.

provides 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, 2019**. 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. Glen Mulready, Insurance Commissioner v. Driver's Insurance Company Case No. CJ-2013-694, Judge Susan Stallings);
- (2) 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 intention 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
JONES, OTJEN & DAVIS
P.O. Box 472
Enid, Oklahoma 73702-0472
(580) 242-5500 (phone)
(580) 242-4556 (fax)