

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

JUN 23 2023

RICK WARREN  
COURT CLERK

STATE OF OKLAHOMA, ex rel. )  
GLEN MULREADY, Insurance Commissioner, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
FRIDAY HELATH PLANS OF OKLAHOMA, )  
INC., a licensed health maintenance organization )  
in the State of Oklahoma, )  
 )  
Defendant. )

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Case No. CJ-2023-3105

APPLICATION FOR ORDER OF LIQUIDATION

COMES NOW, the State of Oklahoma, ex rel., Glen Mulready, Insurance Commissioner, as statutory receiver of Friday Health Plans of Oklahoma, Inc., (“Receiver”) by and through his counsel of record, and pursuant to the Oklahoma Uniform Insurers Liquidation Act, 36 O.S. § 1901, *et seq.* (“OUILA”), respectfully requests an Order directing the Receiver to liquidate the business of Friday Health Plans of Oklahoma, Inc. a domestic health maintenance organization. In support, the Receiver alleges and sates the following:

1. On June 2, 2023, the State of Oklahoma, ex rel. Glen Mulready, Insurance Commissioner, filed herein his Application for Order Placing Friday Health Plans of Oklahoma, Inc. (“FHPOK”) into Receivership, Appointing Receiver, and Issuing Injunction.
2. Pursuant to the Court's June 14, 2023, Agreed Order Placing Friday Health Plans of Oklahoma Inc. into Receivership, Appointing Receiver and Permanent Injunction the Court directed that FHPOK be placed in receivership and appointed Glen Mulready, Oklahoma Insurance Commissioner, as statutory Receiver; and directed the Receiver to rehabilitate the company.
3. Pursuant to 36 O.S. § 1910(B), the Receiver may apply to the Court for an Order of

Liquidation if at any time he deems that further efforts to rehabilitate the insurer would be useless.

4. Pursuant to 36 O.S. §§ 1905 and 1906, the Receiver may apply to the Court for an Order directing the Receiver to liquidate the business of FHPOK upon the showing of specified grounds, including that the insurer is insolvent; is in a condition such that the continued operating would be hazardous to the policyholders, creditors or the general public; has failed to comply with an order of the Insurance Commissioner to make good an impairment of capital or surplus or both; and/or if the company has consented to such an order through a majority of its directors, stockholders, members or subscribers. FHPOK currently meets all of the aforesaid criteria.

5. Pursuant to 36 OS. § 1911, an Order to Liquidate the business of a domestic insurer shall direct the Receiver forthwith to take possession of the property of the insurer, to liquidate its business, to deal with the insurer's property and business in the Receiver's own name or in the name of the insurer, as the Court may direct, and to give creditors who may have claims against the insurer to present such claims.

6. The Receiver (and/or Assistant Receiver) has taken custody of and accounted for the books and records and remaining assets of FHPOK.

7. The Receiver has determined that FHPOK cannot be rehabilitated. The continued transaction of the business of FHPOK will result in the further depletion of the limited remaining FHPOK assets to the detriment of FHPOK, and ultimately to the detriment of FHPOK's members, creditors and the public.

8. As set forth herein, the Receiver respectfully requests an Order of Liquidation be entered directing the Receiver to liquidate the business of FHPOK, to deal with FHPOK's property and business in the Receiver's name or in the name of FHPOK, to give notice to all creditors who may have claims against FHPOK, to adjudicate and present such claims to the Court,

and to take all other action necessary to facilitate the liquidation of FHPOK.

9. The Receiver further requests that the Court order that the liquidation of FHPOK become effective as of September 1, 2023.

10. Pursuant to 36 O.S. § 1930, the Receiver requests that the Court set a one hundred eighty (180) day claims filing period and that the Court order the claims bar deadline to occur one hundred eighty (180) days from September 1, 2023.

11. The Receiver further requests that all direct policies not previously cancelled, non-renewed or otherwise terminated, and/or certificates of insurance heretofore issued by FHPOK be cancelled as of August 31, 2023 upon the following terms:

a. All direct policies and/or certificates of insurance which may give rise to "covered claims" as defined and set forth in the Oklahoma Life and Health Insurance Guaranty Association Act, 36 O.S. § 2021, *et seq.*, or which may give rise to "covered claims" of a similar organization in any other state, as defined by the provisions of such similar statute in any other state, shall be cancelled:

(i) Such that coverage will end on August 31, 2023; or

(ii) Upon the expiration of any such direct policy and/or certificate of insurance, if the expiration date is within thirty (30) days from the date of entry of the Order of Liquidation; or

(iii) Upon the date requested by the insured or policyholder of any such direct policy and/or certificate of insurance pursuant to policy provisions, if the requested cancellation date is no later than August 31, 2023.

b. All other direct policies and/or certificates of insurance issued by FHPOK shall be cancelled effective as of August 31, 2023.

c. Further, the aforementioned is predicated and contingent upon premium payments continuing to be paid when due, otherwise the policy shall cancel/terminate upon non-payment of premium pursuant to policy provisions.

d. In the event a policy is deemed to have lapsed as of the

date of liquidation, such policy will not be reinstated.

12. The Receiver further requests that the rights, duties and powers of the Receiver set forth in the Agreed Order Placing Friday Health Plans of Oklahoma Inc. into Receivership, Appointing Receiver and Permanent Injunction be reaffirmed by the Court, that the injunctive relief set forth in the Agreed Order Placing Friday Health Plans of Oklahoma Inc. into Receivership, Appointing Receiver and Permanent Injunction be continued and reaffirmed by the Court, and that the Court further enjoin and order that all claims and/or litigation involving FHPOK and/or for which FHPOK may be required or requested to pay under any policy of insurance be stayed pending activation/engagement of the respective state guaranty associations and assumption of the claims and/or litigation by said guaranty associations.

13. The Receiver also requests the following stay language be included in the Order of Liquidation, in accordance with the Oklahoma Life and Health Insurance Guaranty Association Act (36 O.S. § 2021 et. seq) and/or similar statutes in other states governing the states' respective Guaranty Association:

All proceedings in which FHPOK, its member(s), or any Guaranty Association (in this state or another state in which FHPOK is licensed) is a party and is germane to a Guaranty Association's power and duties shall be stayed one hundred eighty (180) days (or the time period set forth in any similar statute in other states) from the date of this Order of Liquidation to permit proper legal action by the Guaranty Association. As to judgment under any decision, order, verdict or finding based on default, the Guaranty Association may apply to have such judgment set aside by the same court that made such judgment and shall be permitted to defend against such suit on the merits.

**WHEREFORE**, premises considered, the State of Oklahoma, ex rel, Glen Mulready, Insurance Commissioner, as statutory Receiver prays the Court enter an Order of Liquidation and

grant the specific relief requested herein.

Respectfully submitted,

RIGGS, ABNEY, NEAL, TURPEN,  
ORBISON & LEWIS



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ATTORNEYS FOR PLAINTIFF

STATE OF OKLAHOMA, EX. REL.

GLEN MULREADY, INSURANCE

COMMISSIONER, AS RECEIVER OF

FRIDAY HEALTH PLANS OF OKLAHOMA,

INC.

**CERTIFICATE OF MAILING**

I, hereby certify that on this 23 day of June, 2023, I caused to be mailed or emailed a true and correct copy of the within and foregoing instrument to:

Oklahoma Receivership Office  
Attn: Debra Crowe  
[dcrowe@okaro.org](mailto:dcrowe@okaro.org)

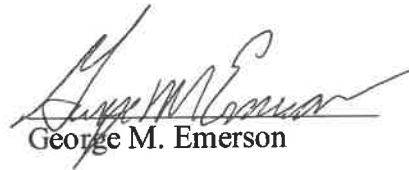
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