

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

APR 17 2012

PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

STATE OF OKLAHOMA, ex rel.)
JOHN DOAK, Insurance Commissioner,)
)
Plaintiff,)
)
v.)
)
HOSPITAL CASUALTY COMPANY,)
)
Defendant.)

Case No. CJ-2004-6260
The Honorable Bryan C. Dixon

**ORDER ESTABLISHING DEADLINE TO OBJECT TO ASSISTANT RECEIVER'S
THIRTY-FOURTH REPORT ON CLAIMS READY TO BE ADJUDICATED AND
SETTING HEARING DATE ON THE ASSISTANT RECEIVER'S REPORT**

ON THIS 17 day of April, 2012, the Assistant Receiver's Thirty-Fourth Report on Claims Ready to be Adjudicated and Recommendation to the District Court for the Denial of Such Claims ("Assistant Receiver's Report") comes before the undersigned Judge of the District Court. The Court, being fully advised of the premises and based on good cause, finds that a deadline should be established for: (a) objections to be filed to the Assistant Receiver's recommendations; and (b) the Assistant Receiver to file a response to any objections filed. The Court further finds the Assistant Receiver's Report including the recommendations contained therein should be set for hearing in this action.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that any objection to the Assistant Receiver's recommendations as set forth in the Assistant Receiver's Report shall be filed with this Court and a copy of the same served on the Receiver's counsel on or before **May 24, 2012.**

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Assistant Receiver shall file with this Court his response to any objections to the Assistant Receiver's recommendations on or before June 5, 2012.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Assistant Receiver's Report, any objections to the Assistant Receiver's recommendations in the Assistant Receiver's Report, and any responses of the Assistant Receiver to objections, are hereby set for hearing on June 15, 2012 at 10:00 a.m. before the Honorable Bryan C. Dixon, Judge of the District Court.

Additionally, the Court finds that the form of the proposed Notice of Hearing attached hereto is proper in all respects and hereby orders the Receiver to serve notice by first class mail, postage prepaid, to each of the claimants whose claims are listed on Exhibit 1 to the Assistant Receiver's Report. An exhibit with information specific to the claimant to which the notice is sent will be attached to the notice. Such notice shall be mailed to the claimant's address so stated on the claimant's proof of claim, or the most recent address for the claimant on the records of the Assistant Receiver.

SIGNED THIS 17 DAY of April 2012.

BRYAN C. DIXON

JUDGE OF THE DISTRICT COURT

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PATRICIA PRESLEY, Court Clerk for Oklahoma County, Okla. hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith set out as appears of record in the District Court Clerk's Office of Oklahoma County, Okla. this _____ day of _____ 2012.
PATRICIA PRESLEY, Court Clerk
Deputy

APPROVED BY:



John M. O'Connor, OBA No. 6741
William W. O'Connor, OBA No. 13200
Michael L. Willis, OBA No. 15371
NEWTON, O'CONNOR, TURNER & KETCHUM, P.C.
15 West Sixth Street, Suite 2700
Tulsa, Oklahoma 74119
Telephone: (918) 587-0101
Facsimile: (918) 587-0102
joconnor@newtonoconnor.com

-AND-

Mark A. Willingham, OBA # 22769
OKLAHOMA INSURANCE DEPARTMENT
3625 NW 56th Suite 100
Oklahoma City, OK 73112
(405) 521-2828 - telephone
(405) 522-0125 - facsimile
mark.willingham@oid.ok.gov
ATTORNEYS FOR PLAINTIFF,
STATE OF OKLAHOMA, ex rel.
JOHN DOAK, INSURANCE
COMMISSIONER

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing was served via United States mail, postage prepaid and properly addressed, on the 14 day of April, 2012 upon the following:

Owen Laughlin
Oklahoma Insurance Department
3625 NW 56th Street, Ste. 100
Oklahoma City, OK 73112

Larry Fitch
Oklahoma Property & Casualty Insurance Guaranty Association
2601 NW Expressway, Suite 330E
Oklahoma City, OK 73112

Robert N. Naifeh, Jr.
Derryberry & Naifeh
4800 N. Lincoln Blvd
Oklahoma City, OK 73105

Craig W. Jones, FACHE
Oklahoma Hospital Association
4000 Lincoln Boulevard
Oklahoma City, OK 73105

Oklahoma Receivership Office, Inc.
Donna Wilson / Debra Crowe
3613 NW 56th, Suite 330
Oklahoma City, OK 73112



Mark Willingham

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel.
JOHN DOAK, Insurance Commissioner,

Plaintiff,

v.

HOSPITAL CASUALTY COMPANY,

Defendant.

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Case No. CJ-2004-6260
The Honorable Bryan C. Dixon

**NOTICE OF HEARING ON THE ASSISTANT RECEIVER'S THIRTY-FOURTH
REPORT ON CLAIMS READY TO BE ADJUDICATED AND RECOMMENDATION
TO THE DISTRICT COURT FOR THE DENIAL OF SUCH CLAIMS**

You are hereby notified that on June 15, 2012 at 10:00 a.m. a hearing will be held before the Honorable Bryan C. Dixon, District Court Judge of Oklahoma County, Oklahoma, at which time the Assistant Receiver's Thirty-Fourth Report on Claims Ready to be Adjudicated and Assistant Receiver's Recommendation to the District Court for the Denial of Such Claims ("the Assistant Receiver's Report") shall be heard. The hearing will be conducted at the Oklahoma County Courthouse, 321 Park Ave., Room # 821, Oklahoma City, Oklahoma.

You are receiving this Notice because the Assistant Receiver has evaluated your claim and such claim is ready for adjudication. The Exhibit attached to this Notice sets forth the Assistant 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 provides information specific to your claim including the amount of your claim, the Assistant Receiver's recommendation as to the amount of your claim to be allowed, if

¹ The Assistant Receiver's recommendations to the Court regarding your claim and other claims set for hearing on the referenced hearing date are set forth in the Assistant Receiver's Report, which was filed in the above-entitled matter on April 5, 2012. A copy of the Assistant Receiver's Report is available on the website for the Oklahoma Receivership Office at www.okaro.org.

any, and the Assistant Receiver's recommendation regarding the classification of your claim, which classification reflects the nature of your claim and the priority the Assistant Receiver recommends be given to your claim under Oklahoma law, 36 O.S. § 1927.1.

IF YOU DO NOT WISH TO OBJECT TO THE ASSISTANT RECEIVER'S RECOMMENDATION, YOU ARE NOT REQUIRED TO TAKE ANY ACTION AT THIS TIME. IF YOU WISH TO OBJECT TO THE ASSISTANT RECEIVER'S RECOMMENDATION, YOU MUST FILE A PROPER, WRITTEN OBJECTION WITH THE COURT NO LATER THAN MAY 24, 2012. 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. Hospital Casualty Company, Case No. CJ-2004-6260, Judge Bryan C. Dixon);
- (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 Assistant Receiver's counsel at the address shown 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 white paper size 8 ½ by 11 inches, give 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 Assistant 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 Oklahoma Receivership Office. Contact information for the Oklahoma Receivership Office is set forth below.

Oklahoma Receivership Office

3613 NW 56th, Suite 330
Oklahoma City, OK 73112
Phone: (405) 947-0022
Fax: (405) 947-0046;

Receiver's Counsel Address:

John M. O'Connor
William W. O'Connor
Newton O'Connor Turner & Ketchum
15 West Sixth Street, Suite 2700
Tulsa, OK 74119
(918) 587-0101 (telephone)
(918) 587-0102 (facsimile).