

MAY - 6 2021

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

RICK WARREN
COURT CLERK

38 _____

STATE OF OKLAHOMA, ex rel.)
GLEN MULREADY, Insurance Commissioner,)

Case No. CJ-2004-6260

Petitioner,)

v.)

HOSPITAL CASUALTY COMPANY,)

Defendant.)

**ORDER APPROVING RECEIVER’S AMENDED FINAL RECOMMENDATION ON
CLAIMS, DISTRIBUTING ASSETS, CLOSING ESTATE,
AND DISCHARGING RECEIVER**

On the 6th day of May 2021, the Receiver’s Amended Final Recommendation on Claims, Motion to Distribute Assets, Close Estate and Request for Discharge came for hearing. Hospital Casualty Company, in Liquidation appeared at the hearing through legal counsel for the Receiver. No one appears in opposition, although one objection was filed by Diana Cole Cherry. The Court, having reviewed the Receiver’s Application, the submission during the hearing and the Objection of Diana Cole Cherry, finds and orders as follows:

The Court finds that the Receiver’s request for approval of Class 1 expenditures incurred after September 30, 2020 for direct administrative fees and expenses in the amount of \$5,621.84 and expenses allocated by the Oklahoma Receivership Office, Inc. (“ORO”) of \$105.65 for separate expenses and \$15,046.39 in common expense are approved.

The Court further finds that the Proof of Claim filed by the Oklahoma Property & Casualty Insurance Guaranty Association shall be allowed as Class 2 – GA Administrative Expenses in the amount of \$15,182,239.58 and Class 3 – Policyholder Creditors in the amount of \$30,400,812.50

is approved.

The Court further finds that the post-closing tasks as detailed by ORO shall be performed by ORO and that the Closing Budget for post-closing fees and expenses in the amount of \$60,000, including the reserve for future litigation, if any, and if such funds are not expending then distribution to the Class 3 approved claimants is approved.

The Court further finds that the final distribution of all remaining assets of HCC, net of any early access distribution approved to Class 2 Claim in the amount of \$17,393.75 and Class 3 Claims of \$3,525,753.72 is approved.

The Court further finds that assignment of the judgment against William Evans to the Oklahoma Property & Casualty Insurance Guaranty Association is hereby approved.

The Court further finds that the Receiver has performed all responsibilities as Receiver, that the Receiver, Assistant Receiver, and all other agents of the Receiver shall be discharged and released upon filing of a Post-Closing Report without further notice, hearing or Order of this Court.

The Court further finds that all injunctions and stays entered by the Court, including those in the liquidation order, are to remain in full force and effect permanently and that this Court retains exclusive jurisdiction of the enforcement thereof.

The Court further finds that all claims against HCC, the Assistant Receiver, retained counsel, and any other employee or personnel of the Receiver or Assistant Receiver are barred.

The Court further finds that Diana Cole Cherry's objection is denied, that she shall not receive any distribution from HCC or the HCC Estate, and she is stayed and enjoined from further proceedings against, HCC, the HCC Estate, the Receiver, Assistant Receiver, retained counsel and all their employees.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Class 1

expenses incurred after September 30, 2020 for direct administrative fees and expenses in the amount of \$5,621.84 and expenses allocated by the Oklahoma Receivership Office, Inc. of \$105.65 for separate expenses and \$15,046.39 in common expense are approved.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the Receiver distribute to ORO the sum of \$60,000.00 for post-closing fees and expenses, which includes the reserve for future litigation, if any.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any unused amount of the reserve fund for future litigation shall be paid to the approved Class 3 claimants.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the claim of Oklahoma Property and Casualty Insurance Guaranty Association in the amount of \$15,182,539.58 as Class 2 and \$30,500,178.30 as Class 3 are hereby approved.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that ORO shall perform all Post-Closing Tasks.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Receiver shall make a final distribution of remaining assets of HCC, net of any early access distributions, to approved Class 2 Claims in the amount of \$17,393.75 and approved Class 3 Claimants of \$3,525,753.72.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Receiver shall assign the judgment of HCC entered against William R. Evans and Hensley-Evans Insurance Company to Oklahoma Property and Casualty Insurance Guaranty Association.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all injunctions and stays entered by the Court, including those in the Liquidation Order; are to permanently remain in full force and effect and that this Court retains exclusive jurisdiction of the enforcement thereof.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that all claims against Hospital Casualty Company, the HCC Estate, the Receiver, Assistant Receiver, and all other agents of the Receiver or Assistant Receiver are barred.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Receiver, Assistant Receiver, and all other agents of the Receiver from any responsibilities and liabilities in relation to Hospital Casualty Company and the HCC Estate are discharged and released without further notice, hearing or order of this Court effective upon the filing of a Post-Closing Report certifying that the appropriate post-closing ministerial tasks related to the HCC Estate have been completed.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Hospital Casualty Company is dissolved.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the HCC Estate is closed and this proceeding is hereby terminated.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that Diana Cole Cherry's objection is denied and she is specifically excluded from any distribution of the assets of HCC or the HCC Estate.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED That Diana Cole Cherry is enjoined from taking any further action to sue, litigate, or make any claim of any kind or nature whatsoever against HCC, its Estate, the Receiver, Assistant Receiver, retained counsel or any of their employees.

SUSAN C. STALLINGE

JUDGE OF THE DISTRICT COURT

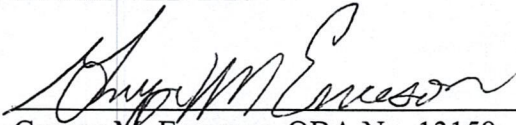
CERTIFIED COPY
AS FILED OF RECORD
IN DISTRICT COURT

MAY - 6 2021

RICK WARREN COURT CLERK
Oklahoma County

Rick Warren

APPROVED BY:



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STATE OF OKLAHOMA, EX REL.
GLEN MULREADY, INSURANCE COMMISSIONER

CERTIFICATE OF MAILING

This is to certify that a true and correct copy of the foregoing was served via United States mail, postage prepaid and properly addressed and/or electronic mail with written consent, on the 10th day of May 2021 upon the following:

Oklahoma Insurance Department
sherry.standerfer@oid.ok.gov

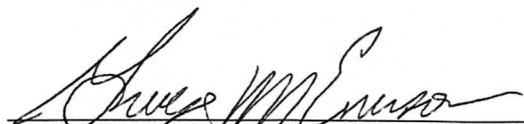
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