

IN THE DISTRICT COURT FOR OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

DEC - 1 2016

RICK WARREN
COURT CLERK
31 _____

STATE OF OKLAHOMA, ex rel,)
JOHN DOAK, Insurance Commissioner for)
the State of Oklahoma,)
)
Plaintiff,)
)
vs.)
)
IMPERIAL CASUALTY AND INDEMNITY)
COMPANY, a domestic insurance company,)
)
Defendant.)

Case No. CJ-2010-2340
The Honorable Thomas E. Prince

**ORDER APPROVING RECOMMENDATIONS IN
RECEIVER'S SECOND REPORT ON CLAIMS EVALUATION**

On the 1st day of December 2016, there came on for hearing the Receiver's Second Report on Claims Evaluation and Request for Confirmation of Receiver's Recommendations filed with the Court on October 17, 2016 ("Receiver's Second Report"). The Receiver appeared through his counsel, John M. O'Connor, of the law firm of Newton, O'Connor, Turner & Ketchum, P.C. No one appeared at the hearing in opposition to the Receiver's Second Report.

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 Imperial Casualty and Indemnity Company ("Imperial") and mailed approximately 16,000 Proof of Claim packets to such potential claimants, including notice of the opportunity to file a claim before the February 15, 2011 claims bar date.
2. More than 370 proofs of claims were submitted to the Receiver.

3. On April 13, 2012, the Receiver timely filed the Receiver's Report on Claims Evaluation and Request for Confirmation of Receiver's Recommendations ("Receiver's First Report and Recommendations"). The Receiver's First Report and Recommendations presented recommendations for the adjudication of 246 timely Class 3 claims, 45 timely Class 6 claims and eight untimely claims.

4. On August 3, 2012, the Court accepted the Receiver's recommendations as to claims referenced in the Receiver's First Report and Recommendations and issued its Order adjudicating such claims.

5. Since that time, the Receiver has filed periodic reports advising the Court of the status of claims that remain for adjudication.

6. The Receiver's Second Report presents the Receiver's recommendations as to 31 additional claims, including twenty-five (25) Class 3 claims set forth in Exhibit 1 to the Receiver's Second Report, and six (6) claims that were not timely filed set forth in Exhibit 2 to the Receiver's Second Report.

7. On October 21, 2016, the Receiver mailed written notice to each of the claimants whose claims are addressed in the Receiver's Second Report. Such notice stated the deadline for filing an objection to recommendations in the Receiver's Second Report, as well as the date, time and place of the Court's hearing on the Receiver's Second Report. Additionally, the notice contained the specific recommendations of the Receiver as to the claim of the claimant to whom the notice was sent.

8. Notices sent to claimants in relation to the following claims were returned: ICIC-00253, ICIC-00296, ICIC-00305, ICIC-00312, ICIC-00322, and ICIC-00385. The Receiver has withdrawn his recommendation as to each of these claims and will make further efforts to effect

service of notice as to these claims before presenting them again for adjudication.

9. The Receiver's recommendations as to the remaining 25 claims detailed in Exhibits 1 and 2 of the Receiver's Second Report are supported by the law and the facts and those recommendations are approved by the Court.

10. The Receiver's notices have adequately protected any and all due process interests of the remaining claimants.

11. The Receiver received a single objection, which related to POC No. PAPC 00211. That objection was subsequently withdrawn. Accordingly, there are no objections to the recommendations contained in the Receiver's Second Report.

12. When no amount is stated in the "Amount Allowed" column on the attached Exhibit 1 or 2, the claim is disallowed.

13. The denial of any timely-filed proof of claim included in the Receiver's Second 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 other applicable statute.

14. 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).

15. This is a final and 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).

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Receiver's recommendations in the Receiver's Second Report as to POC Nos. ICIC-00253, ICIC-00296,

ICIC-00305, ICIC-00312, ICIC-00322, and ICIC-00385 are recognized by the Court as **WITHDRAWN**.

IT IS THEREFORE FURTHER ORDERED, ADJUDGED, AND DECREED that the remaining recommendations set forth in the Exhibits 1 and 2 of the Receiver's Second Report and also attached to this Order, 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 Second Report identified on Exhibit 1 attached to this Order, which has not been recognized as withdrawn herein, is properly classified as a Class 3 claim under 36 O.S. § 1927.1 and is allowed, allowed in part, or disallowed, in accordance with the Receiver's recommendations, as reflected in the "Amount Allowed" column on Exhibit 1 attached to this Order.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that each of the claims addressed in the Receiver's Second Report identified on Exhibit 2 attached to this Order, which has not been recognized as withdrawn herein, is an untimely-filed claim under 36 O.S. § 1930 and shall be allowed in the amount the Receiver has recommended, as reflected in the "Amount Allowed" column on Exhibit 2 attached to this Order.

IT IS FINALLY ORDERED, ADJUDGED, AND DECREED that this Order is hereby certified, pursuant 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 1st DAY OF December, 2016.

THOMAS E. PRINCE

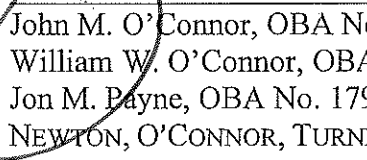
The Honorable Thomas E. Prince
Judge of the District Court

**CERTIFIED COPY
AS FILED OF RECORD
IN DISTRICT COURT**

DEC - 1 2016

RICK WARREN COURT CLERK
Oklahoma County
Rick Warren

Respectfully submitted,



John M. O'Connor, OBA No. 6741
William W. O'Connor, OBA No. 13200
Jon M. Payne, OBA No. 17910
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-

Barron B. Brown, OBA # 31346
Sara A. Worton, OBA # 21532
3613 NW 56th Street, Ste. 330
Oklahoma City, OK 73112
(405) 947-0022 – telephone
(405) 947-0046 – facsimile
Barron.Brown@oid.ok.gov

**ATTORNEYS FOR PLAINTIFF,
STATE OF OKLAHOMA, ex rel.,
JOHN DOAK, Insurance Commissioner
for the State of Oklahoma, as Receiver
for Imperial Casualty and Indemnity
Company, in Liquidation**

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of December 2016, a true and correct copy of the above and foregoing instrument was sent via U.S. Mail, postage paid, to:

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

James Mills
Oklahoma Insurance Department
3625 NW 56th Street, Ste. 100
Oklahoma City, OK 73112

Mark Tharp
Tharp & Associates
300 West Osborn Road, Ste. 500
Phoenix, AZ 85013

Providence Holdings Inc.
P. O. Box 396
Addison, TX 75001

Stephen Jones
Jones, Otjen & Davis
114 E. Broadway, Suite 1100
Enid, OK 73702-0472

Mark Steckbeck, Esquire
National Conference of Insurance Guaranty Funds
300 North Meridian Street
Suite 1020
Indianapolis, In 46204-1754



John O'Connor

Proofs of Claims Subject to Second Report
(Imperial Casualty and Indemnity Company)

Class 3 Claims

POC Number	Amount Claimed	Amount Allowed	Timeliness	Remark Code
ICIC-00017	\$ 1,720.00	\$ 1,720.00	Timely	AP
ICIC-00018	\$ 645.00	\$ 675.00	Timely	AP
ICIC-00067	\$ 68,995.72	\$ -	Timely	ES
ICIC-00069	\$ 180,000.00	\$ -	Timely	DG
ICIC-00072	\$ 407.00	\$ 407.00	Timely	AP
ICIC-00095	\$ 20,000.00	\$ 11,081.00	Timely	AP
ICIC-00132	Unstated	\$ 5,440.57	Timely	AP
ICIC-00139	\$ 659.00	\$ 298.00	Timely	PP
ICIC-00140	Undetermined	\$ -	Timely	RI
ICIC-00153	Undetermined	\$ 47,198.79	Timely	AP
ICIC-00238	Unstated	\$ 1,039.21	Timely	ES, AP
ICIC-00253	Undetermined	\$ -	Timely	WE
ICIC-00270	\$ 4,179.50	\$ -	Timely	DP
ICIC-00272	\$ 3,911.50	\$ 1,697.50	Timely	DP
ICIC-00280	\$ 107,781.52	\$ -	Timely	ES
ICIC-00296	\$ 30,099.58	\$ -	Timely	ES
ICIC-00298	Unknown	\$ 55,000.00	Timely	ES
ICIC-00305	Unstated	\$ 106,113.71	Timely	PF
ICIC-00312	Unstated	\$ -	Timely	ES
ICIC-00322	Unstated	\$ -	Timely	ES
ICIC-00334	Unstated	\$ 559.00	Timely	ES; AP
PAPC-00211	Undetermined	\$ -	Timely	DD
PAPC-00274	Undetermined	\$ 15,566.91	Timely	AP
PAPC-00292	\$ 200,000.00	\$ -	Timely	WE
PAPC-00401	Undetermined	\$ -	Timely	DN; RI



Proofs of Claims Subject to Second Report
(Imperial Casualty and Indemnity Company)

Class 3 Claims

POC Number	Amount Claimed	Amount Allowed	Timeliness	Remark Code
ICIC-00382	\$ 41,302.77	\$ -	Untimely	FL, RI
ICIC-00383	\$ 11,157.74	\$ -	Untimely	FL, RI
ICIC-00384	\$ 3,730.24	\$ 3,730.24	Untimely	FL
ICIC-00385	\$ 1,766.86	\$ 1,280.33	Untimely	FL, CX
ICIC-00386	Undetermined	\$ 4,803.38	Untimely	FL
ICIC-00388	\$ 69,185.04	\$ -	Untimely	FL, DG

