

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. )

Case No. CJ-2009-11178  
*The Honorable Roger H. Stuart*

PARK AVENUE PROPERTY AND CASUALTY )  
INSURANCE COMPANY f/k/a PROVIDENCE )  
PROPERTY AND CASUALTY INSURANCE )  
COMPANY, a domestic insurance company, )

Defendant.

**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 Park Avenue Property and Casualty Company f/k/a Providence Property and Casualty Insurance Company ("Park Avenue") and mailed approximately 27,000 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 400 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 306 timely Class 3 claims, 49 timely Class 6 claims and five 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 three additional claims, including one (1) Class 3 claim set forth in Exhibit 1 to the Receiver's Second Report, and two (2) 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 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. Notice sent to the claimant that presented PAPC-00421 was returned. The Receiver has withdrawn his recommendation as to that claim and will make further efforts to effect service of notice as to that claim before presenting it again for adjudication.

9. The Receiver's recommendations as to the remaining two 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. When no amount is stated in the "Amount Allowed" column on the attached Exhibit 1 or 2, the claim is disallowed.

12. 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.

13. 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).

14. 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 No. PAPC - 00421 is 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 the claims addressed in the Receiver's Second Report identified on Exhibit 1 attached to this Order 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 1<sup>st</sup> DAY OF December, 2016.

**ROGER H. STUART**  
The Honorable Robert H. Stuart  
Judge of the District Court

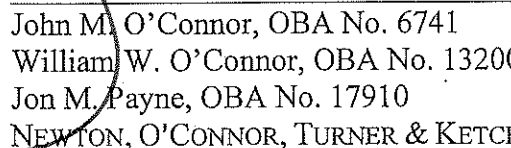
**CERTIFIED COPY**  
AS FILED OF RECORD  
IN DISTRICT COURT

DEC - 1 2016

**RICK WARREN** COURT CLERK  
Oklahoma County

*Rick Warren*

Respectfully submitted,



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John M. O'Connor, OBA No. 6741  
William W. O'Connor, OBA No. 13200  
Jon M. Payne, OBA No. 17910  
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[joconnor@newtonoconnor.com](mailto:joconnor@newtonoconnor.com)

-AND-

Barron B. Brown, OBA # 31346  
Sara A. Worton, OBA # 21532  
3613 NW 56<sup>th</sup> Street, Ste. 330  
Oklahoma City, OK 73112  
(405) 947-0022 – telephone  
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[Barron.Brown@oid.ok.gov](mailto: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 Park Avenue Property and Casualty  
Company f/k/a Providence Property  
and Casualty Company, in Liquidation**

CERTIFICATE OF SERVICE

I hereby certify that on the 1st 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 56<sup>th</sup> Street, Suite 330  
Oklahoma City, OK 73112

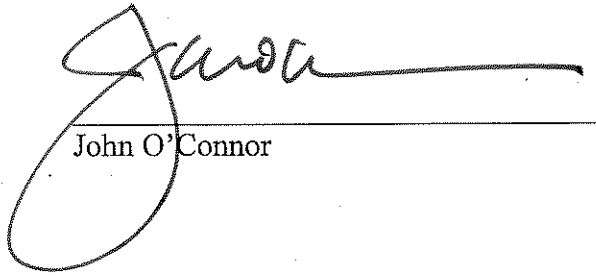
James Mills  
Oklahoma Insurance Department  
3625 NW 56<sup>th</sup> Street, Ste. 100  
Oklahoma City, OK 73112

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

Park Avenue Insurance, LLC  
c/o Charles Antonucci, Sr.  
460 Park Avenue, 13<sup>th</sup> Floor  
New York, NY 10022

Charles Antonucci, Sr.  
c/o Charles A. Stillman  
Stillman, Friedman & Shecktman, PC  
425 Park Avenue  
New York, NY 10022

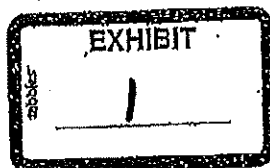
Mark Steckbeck, Esquire  
National Conference of Insurance Guaranty Funds  
300 North Meridian Street  
Suite 1020  
Indianapolis, In 46204-1754

  
John O'Connor

Proofs of Claims Subject to the Second Report  
(Park Avenue Property and Casualty Insurance Company)

Class 3 Claims

POC Number	Amount Claimed	Amount Allowed	Timeliness	Remark Code
PAPC-00185	\$ 70,393.44	\$ -	Timely	ES



Proofs of Claims Subject to the Second Report  
(Park Avenue Property and Casualty Insurance Company)

Untimely Filed Claims

POC Number	Amount Claimed	Amount Allowed	Timeliness	Remark Code
PAPC-00422	Undetermined	\$ -	Untimely	FL, DD
PAPC-00421	\$ 20,000.00	\$ -	Untimely	FL, DG

