

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FEB - 8 2012

PATRICIA PRESLEY, COURT CLERK

by _____
DEPUTY

STATE OF OKLAHOMA, et rel.)
 JOHN DOAK, Insurance Commissioner,)
)
 Plaintiff,)
)
 v.)
 PEGASUS INSURANCE COMPANY, INC.)
)
 Defendant.)

Case No. CJ-2010-5131
Judge Bill Graves

**RECEIVER'S FIRST REPORT ON
CLAIMS, EVALUATION AND REQUEST FOR
CONFIRMATION OF RECEIVER'S RECOMMENDATIONS**

The State of Oklahoma, ex rel., John Doak, Insurance Commissioner, as statutory receiver of and for Pegasus Insurance Company, Inc., in liquidation, ("Pegasus") pursuant to the Order entered on September 24, 2010, files this First Report on Claims Evaluation and Request for Confirmation and shows the Court as follows:

BACKGROUND

1. On June 22, 2010, Pegasus consented to Rehabilitation, with a finding of Insolvency, and was placed into Receivership. On August 12, 2010, the Court issued an Order of Liquidation with a Finding of Insolvency ("Liquidation Order").
2. The Liquidation Order required the Receiver to notify all persons holding claims against Pegasus to file proofs of claims within 180 days of the date of that Order. Such notice is also mandated under 36 O.S. § 1930.
3. On September 8, 2010, the Receiver filed his Combined Application for Approval of (A) Notices to Potential Claimants & Deadline to File Proof of Claim, (B)

Form of Proof of Claim & Instructions, (C) Unconditional Assignment and Application for Approval of Receiver's Claims Reporting and Evaluation Plan ("Combined Application").

4. On September 24, 2010, the Court entered an Order Approving Receiver's Combined Application (the "September 24, 2010 Order"). By the September 24, 2010 Order, the Court approved the Receiver's proposed (a) Notice of Liquidation of Insurer & Deadline to File Proof of Claim, (b) Proof of Claim form and Instructions; (c) Unconditional Assignment form; (d) Notice of Action by Oklahoma Department of Insurance to All Certificate Holders of Insureds form; and (e) and Notice of Action by Oklahoma Department of Insurance to All Clients of Insureds form.

5. In the September 24, 2010 Order, the Court set the following deadlines:

<u>Deadline</u>	<u>Activity to Occur on Before Deadline</u>
2/8/11	Claims Filing Bar Date (the "Bar Date");
4/8/11	Receiver's Report on Timely-Filed Claims Due;
2/8/12	Receiver's First Claims Evaluation and Request for Confirmation due (on claims due to be adjudicated); and
8/8/12	Receiver's Supplemental Claims Evaluations and Requests for Confirmation (on subsequently evaluated claims ready to [be] adjudicated) will be submitted within every six months thereafter, beginning with 8/8/12.

6. The Receiver took all reasonable efforts to determine the identity of all persons who may have claims against Pegasus and to provide them with notice to allow them the opportunity to file a claim before the February 8, 2011 claims bar date.

7. On April 8, 2011, the Receiver filed the Receiver's Report on Timely Filed Claims ("Receiver's Report"). In the Receiver's Report, the Receiver noted that he mailed 6,425 Notices and received 142 claims filed on or before the Bar Date.

8. The majority of claims filed against the Pegasus Estate consist of Class 3 claims. Pursuant to 36 O.S. § 1927.1, Class 3 claims include:

All claims under policies including claims of the federal or any state or local, government for losses incurred ("loss claims") including third party claims, claims for unearned premium, all claims of a guaranty association for payment of covered claims or covered obligations of the insurer and all claims of a guaranty association for reasonable expenses other than those included in Class 2. All claims under life and health insurance and annuity policies, whether for death proceeds, health benefits, annuity proceeds, or investment values shall be treated as loss claims. That portion of any loss, indemnification for which is provided by other benefits or advantages recovered by the claimant, shall not be included in this class, other than benefits or advantages recovered or recoverable in discharge of familial obligations of support or by way of succession at death or as proceeds of life insurance, or as gratuities.

9. Fifty-one Class 3 claims are ready for adjudication at this time.¹ The claims included in this report are only a portion of the Class 3 claims to be adjudicated. As other Class 3 claims are ready for adjudication, the Receiver will file additional reports.

10. Twenty-seven Class 6 claims are ready for adjudication at this time. Pursuant to 36 O.S. § 1927.1, Class 6 includes "[c]laims of any person, including claims of state or local governments, except those specifically classified elsewhere in [section 1927.1]." The claims included in this report are only a portion of the Class 6 claims to be adjudicated. As other Class 6 claims become ready for adjudication, the Receiver will file additional reports.

¹ Proof of Claim #114 is listed twice on Exhibit 1 because it involves two separate dates of injury for the Claimant. Thus, while there are 51 claims, 52 entries appear on Exhibit 1.

11. The Receiver has not completed marshaling all assets of Pegasus. Therefore, this Report does not address the actual distribution of assets that may ultimately be made to creditors and beneficiaries of Pegasus. Neither the Receiver's recommendation that a claim be allowed in a certain amount, or the Court's Order allowing a claim, ensures that the claim will be paid in whole or in part. Payment of an allowed claim is contingent upon: (a) the assets available to the estate for payment of claims; (b) the class of the claim allowed; and (c) whether the assets of the estate are sufficient to pay in full all allowed claims and all classes of claims.

EXPLANATION OF RECEIVER'S RECOMMENDATION

12. Attached hereto are three reports detailing the Receiver's recommendation on the Class 3 and Class 6 claims which are ready for adjudication. The amount shown in the "Amount Allowed" column on each exhibit is the amount the Receiver recommends be allowed for the particular claim. The table below is a summary of the Receiver's recommendation with respect to the Class 3 and Class 6 claims which are ready for adjudication:

<u>Class</u>	<u>Claimed</u>	<u>Recommended Allowance</u>	<u>Recommended Denial</u>
3	\$341,538.58	-0-	\$341,538.58
6	\$51,971.18	\$50,697.68	\$1,273.50

13. The attached Exhibit 1 refers to the Receiver's recommendation as to the fifty-one Class 3 claims that are ready for adjudication. The Receiver recommends that the Court deny each of these claims for the reason that each of the Class 3 claims has been or is in the process of being processed by the applicable state guaranty fund. The Receiver has analyzed each of these claims, given notice to the claimant of the

recommendation that the claim be denied, and provided the claimant an opportunity to object to the Receiver's recommendation. The Receiver has received a single objection in relation to one of the 51 claims made the subject of this Report.² The Receiver has responded to such objection and advised the subject claimant that its claim has been or is being processed by the applicable state guaranty fund. Accordingly, the Receiver asks the Court to enter an order denying the Class 3 claims reflected on Exhibit 1.

14. The attached Exhibit 2 refers to the twenty-six Class 6 claims that the Receiver recommends be allowed or allowed in part. The Receiver has analyzed each of these claims, given notice to the claimant of the recommendation that the claim be allowed or allowed in part³, and provided the claimant an opportunity to object to the Receiver's recommendation. None of the Class 6 claimants reflected on Exhibit 2 have presented an objection to the Receiver's recommendation. Accordingly, the Receiver requests that the Court enter an order allowing the Class 6 claims as reflected on Exhibit 2.

15. The attached Exhibit 3 refers to the single Class 6 claim ready for adjudication that the Receiver recommends be denied. The Receiver has analyzed this claim, given notice to the claimant of the recommendation that the claim be denied, and provided the claimant an opportunity to object to the Receiver's recommendation. The Receiver recommends that the Court deny the Class 6 claim reflected on Exhibit 3,

² The single objection was from the Class 3 claimant that submitted Proof of Claim # 116, which is reflected on the attached Exhibit 1.

³ Of the 26 claims reflected on Exhibit 2, the Receiver recommends that 25 be allowed for the full amount sought. With regard to the remaining claim on Exhibit 2, which is Proof of Claim # 34, the Receiver recommends that such claim be allowed in part. As to that claim, the claimant's documentation supports the amount allowed (\$1,269.50) rather than the amount sought (\$1,299.50). The difference appears to be due to an error on the part of the claimant. Notably, the claimant, after being provided notice of the Receiver's determination as to this claim, has not presented an objection to the Receiver.

because the Receiver has proof of the payment of such claim. The Class 6 claimant reflected on Exhibit 3 has not presented an objection to the Receiver's recommendation. Accordingly, the Receiver asks the Court to enter an order denying the Class 6 claim reflected on Exhibit 3.

16. The Proof of Claim form filed by each claimant contains the following language in bold type: **"If you have a change of address, you are required to inform the receiver of the new address in order to receive any payment that might be due."** Despite having no obligation to locate the new address for a claimant, upon receipt of a returned Notice of Determination, the Receiver seeks to locate the claimant by, among other efforts, searching the internet and local phone books or calling claimant's attorney, if represented. The addresses to which the Notices of Determination have been mailed represent the most current addresses located by the Receiver for any returned mail. To the extent any Notice of this proceeding is returned as undeliverable, the Receiver asks the Court to find that the due process rights of the claimant have not been impaired and to order the denial of their claim without further attempts to give actual notice.

17. Each of the claimants identified on the attached Exhibits has been allowed an opportunity to object to the Receiver's proposed adjudication of the claim. However, considering the due process required by the 36 O.S. § 1918, the Receiver requests the Court to set a hearing on the claims and establish a date certain for filing an objection to the Receiver's recommendation. Attached hereto as Exhibit 4 is the Receiver's proposed form of notice of hearing to be provided to claimants made the subject of this Report.

18. The "Amount Claimed" Column for certain of the Class 3 claims reflected on Exhibit "1" is blank. The blank indicates that the claimant did not provide a specific amount being sought in the Proof of Claim.

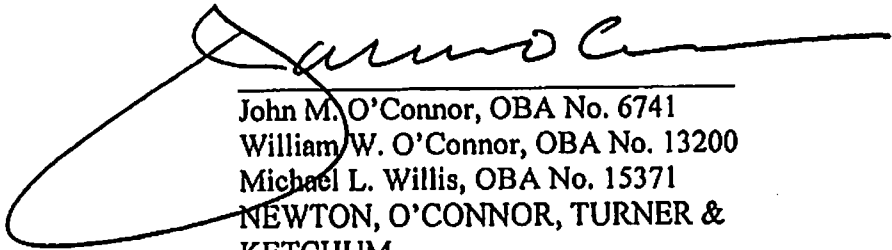
19. The denial of any timely filed proof of claim included in the Receiver's Report does not alter the statutory obligation, if any, of the Oklahoma Property and Casualty Insurance Guaranty Association or other applicable state guaranty fund, to provide indemnity and defense of a covered claim as defined by the Oklahoma Property & Casualty Insurance Guaranty Association Act, 36 O.S. § 2004 (7), or other applicable state statute.

20. The Receiver's characterization of a claim or payment does not constitute an admission of liability by Pegasus for purposes of any litigation.

WHEREFORE, the Receiver requests that this Court:

- a. order that the Receiver provide notice of opportunity to object and be heard to each of the claimants making a claim reflected on the Exhibits attached to this Report and find that the proposed form of notice attached hereto as Exhibit 4 is proper in all respects;
- b. establish a date for filing an objection to the recommendation of the Receiver;
- c. establish a date for hearing the Receiver's recommendation to the Court and any objections thereto;
- d. upon hearing any objections thereto, enter an order approving the Receiver's Report and confirming the Receiver's recommendations as to each of the claims described herein; and
- e. grant the Receiver such other and further relief as the Court deems appropriate.

Respectfully submitted,



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
15 West Sixth Street, Suite 2700
Tulsa, OK 74119
Phone: (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

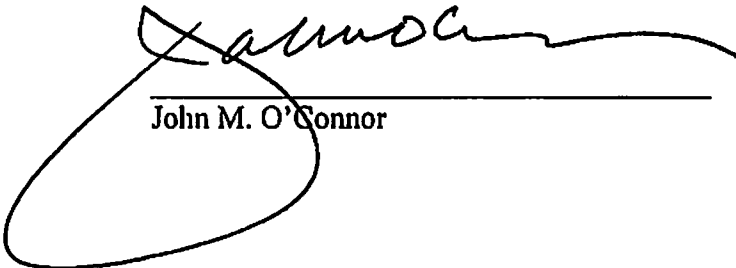
This is to certify that a true and correct copy of the foregoing was served via United States mail, postage prepaid and properly addressed, on the 8th day of February, 2012 upon the following:

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

Owen W. Laughlin
Oklahoma Insurance Department
3625 NW 56th, Suite 100
Oklahoma City, OK 73112

Terry K. Smith, Assistant Receiver
4120 E. 51st Street, Suite 100
Tulsa, OK 74135

PIC Holding Company, Inc.
P. O. Box 729
Alexander City, AL 35011



John M. O'Connor

Claims Allowed By Class

Claim Class: 3

POC #	Amount Claimed	Amount Allowed	Timely Filed?	<u>Yes</u>
37	\$882.66	\$0.00	Timely Filed?	<u>Yes</u>
62	\$3,640.00	\$0.00	Timely Filed?	<u>Yes</u>
8	\$12,975.00	\$0.00	Timely Filed?	<u>Yes</u>
80	\$30,243.30	\$0.00	Timely Filed?	<u>Yes</u>
79	\$18,168.70	\$0.00	Timely Filed?	<u>Yes</u>
48	\$3,200.00	\$0.00	Timely Filed?	<u>Yes</u>
66	\$937.00	\$0.00	Timely Filed?	<u>Yes</u>
68	\$3,792.00	\$0.00	Timely Filed?	<u>Yes</u>
67	\$1,796.00	\$0.00	Timely Filed?	<u>Yes</u>
24	\$1,661.00	\$0.00	Timely Filed?	<u>Yes</u>
101		\$0.00	Timely Filed?	<u>Yes</u>
60	\$115.00	\$0.00	Timely Filed?	<u>Yes</u>
45	\$115.00	\$0.00	Timely Filed?	<u>Yes</u>
58	\$622.00	\$0.00	Timely Filed?	<u>Yes</u>
46	\$240.00	\$0.00	Timely Filed?	<u>Yes</u>
28	\$266.00	\$0.00	Timely Filed?	<u>Yes</u>
97	\$0.00	\$0.00	Timely Filed?	<u>Yes</u>
76		\$0.00	Timely Filed?	<u>Yes</u>
99	\$188.00	\$0.00	Timely Filed?	<u>Yes</u>
71	\$10,000.00	\$0.00	Timely Filed?	<u>Yes</u>
86	\$2,368.00	\$0.00	Timely Filed?	<u>Yes</u>
85	\$1,915.00	\$0.00	Timely Filed?	<u>Yes</u>
64	\$538.00	\$0.00	Timely Filed?	<u>Yes</u>
41	\$1,372.00	\$0.00	Timely Filed?	<u>Yes</u>
104	\$100,000.00	\$0.00	Timely Filed?	<u>Yes</u>
105	\$100,000.00	\$0.00	Timely Filed?	<u>Yes</u>
90	\$747.78	\$0.00	Timely Filed?	<u>Yes</u>
89	\$655.78	\$0.00	Timely Filed?	<u>Yes</u>
87	\$12.00	\$0.00	Timely Filed?	<u>Yes</u>
69	\$12,926.53	\$0.00	Timely Filed?	<u>Yes</u>
61	\$190.00	\$0.00	Timely Filed?	<u>Yes</u>
72	\$4,730.85	\$0.00	Timely Filed?	<u>Yes</u>

EXHIBIT
1

Claim Class: 3

POC #	Amount Claimed	Amount Allowed		
102	\$1,668.73	\$0.00	Timely Filed?	<u>Yes</u>
50		\$0.00	Timely Filed?	<u>Yes</u>
38	\$375.00	\$0.00	Timely Filed?	<u>Yes</u>
31	\$702.00	\$0.00	Timely Filed?	<u>Yes</u>
114		\$0.00	Timely Filed?	<u>Yes</u>
114		\$0.00	Timely Filed?	<u>Yes</u>
32	\$4,722.00	\$0.00	Timely Filed?	<u>Yes</u>
40	\$1,650.00	\$0.00	Timely Filed?	<u>Yes</u>
39	\$1,755.00	\$0.00	Timely Filed?	<u>Yes</u>
43	\$0.00	\$0.00	Timely Filed?	<u>Yes</u>
22	\$82.00	\$0.00	Timely Filed?	<u>Yes</u>
63	\$3,579.00	\$0.00	Timely Filed?	<u>Yes</u>
27	\$4,835.00	\$0.00	Timely Filed?	<u>Yes</u>
65	\$389.00	\$0.00	Timely Filed?	<u>Yes</u>
23	\$1,965.25	\$0.00	Timely Filed?	<u>Yes</u>
92		\$0.00	Timely Filed?	<u>Yes</u>
120	\$740.00	\$0.00	Timely Filed?	<u>Yes</u>
121	\$570.00	\$0.00	Timely Filed?	<u>Yes</u>
116	\$707.00	\$0.00	Timely Filed?	<u>Yes</u>
158	\$3,501.00	\$0.00	Timely Filed?	<u>Yes</u>
Class 3 Totals:	\$341,538.58	\$0.00		

Total Claims: \$341,538.58 \$0.00

Claims Allowed By Class

Claim Class: 6

POC #	Amount Claimed	Amount Allowed	Timely Filed?	Yes
20	\$687.50	\$687.50	Timely Filed?	Yes
134	\$2,080.00	\$2,080.00	Timely Filed?	Yes
141	\$1,738.50	\$1,738.50	Timely Filed?	Yes
139	\$1,581.50	\$1,581.50	Timely Filed?	Yes
131	\$1,712.00	\$1,712.00	Timely Filed?	Yes
138	\$2,157.00	\$2,157.00	Timely Filed?	Yes
140	\$247.50	\$247.50	Timely Filed?	Yes
132	\$2,940.00	\$2,940.00	Timely Filed?	Yes
137	\$1,052.00	\$1,052.00	Timely Filed?	Yes
133	\$1,625.00	\$1,625.00	Timely Filed?	Yes
136	\$921.00	\$921.00	Timely Filed?	Yes
126	\$2,242.00	\$2,242.00	Timely Filed?	Yes
129	\$1,090.00	\$1,090.00	Timely Filed?	Yes
135	\$4,020.00	\$4,020.00	Timely Filed?	Yes
130	\$1,699.50	\$1,699.50	Timely Filed?	Yes
75	\$1,297.27	\$1,297.27	Timely Filed?	Yes
143	\$1,246.88	\$1,246.88	Timely Filed?	Yes
74	\$624.00	\$624.00	Timely Filed?	Yes
73	\$942.62	\$942.62	Timely Filed?	Yes
34	\$1,299.50	\$1,269.50	Timely Filed?	Yes
33	\$3,617.50	\$3,617.50	Timely Filed?	Yes
35	\$862.98	\$862.98	Timely Filed?	Yes
47	\$950.00	\$950.00	Timely Filed?	Yes
81	\$1,414.35	\$1,414.35	Timely Filed?	Yes
36	\$4,676.33	\$4,676.33	Timely Filed?	Yes
156	\$7,942.75	\$7,942.75	Timely Filed?	Yes
93	\$60.00	\$60.00	Timely Filed?	Yes
Class 6 Totals:	\$50,727.68	\$50,697.68		

EXHIBIT

2

Claim Class: 6

POC #	Amount Claimed	Amount Allowed
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Total Claims:	\$50,727.68	\$50,697.68
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Claims Allowed By Class

Claim Class: 6

POC #	Amount Claimed	Amount Allowed	Timely Filed?	Yes
128	\$1,243.50	\$0.00		
Class 6 Totals:	\$1,243.50	\$0.00		
Total Claims:	\$1,243.50	\$0.00		

EXHIBIT
3

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

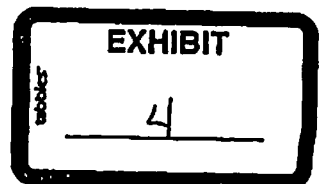
STATE OF OKLAHOMA, et rel.)
JOHN DOAK, Insurance Commissioner,)
)
Plaintiff,)
)
v.)
)
PEGASUS INSURANCE COMPANY, INC.)
)
)
Defendant.)

Case No. CJ-2010-5131
Judge Bill Graves

NOTICE OF HEARING THE RECEIVER'S FIRST REPORT ON CLAIMS, EVALUATION
AND REQUEST FOR CONFIRMATION OF RECEIVER'S RECOMMENDATIONS

You are hereby notified that on the ____ day of _____, 2012, at ____ .m.,
a hearing will be held before the Honorable Bill Graves, District Judge of Oklahoma County,
Oklahoma, at which time the Receiver's First Report on Claims, Evaluation and Request for
Confirmation of Receiver's Recommendations ("the Receiver's Report") shall be heard. The
hearing will be held at the Oklahoma County Courthouse, 320 Robert S. Kerr Avenue, 409
County Office Building, Oklahoma City, Oklahoma, in Judge Bill Graves' courtroom.

According to the records of the Receiver, you have filed a claim against Pegasus
Insurance Company, Inc. ("Pegasus"), which is identified in an exhibit to the Receiver's Report
as POC # _____. Subject to the further explanation below, the Receiver's recommendation on
the claim, with the Receiver's Report, including your claim against the estate, will be heard at
that hearing, or any continuance thereof.



Please read the following information about your right to object to the Receiver's recommendation. IF YOU DO NOT WISH TO OBJECT TO THE RECEIVER'S RECOMMENDATION, YOU ARE NOT REQUIRED TO TAKE ANY ACTION AT THIS TIME.

I. General Information

On February 8, 2012, the Receiver for Pegasus filed in the above-entitled matter the Receiver's Report. The records of the Receiver indicate that you have filed a proof of claim against the Pegasus estate, which has been assigned POC # _____. You are receiving this Notice because the Receiver has evaluated your claim against Pegasus. The Receiver recommends that your claim should be treated as a Class ____ claim as defined in 36 O.S. § 1927.1 and accorded priority as such. Additionally, the Receiver recommends that the Court [allow/allow in part/deny] your claim. Through the Receiver's Report, the Receiver has notified the Court of this evaluation and recommendation as to your claim.

The Receiver's Report, filed with the Court, contains as Exhibits 1, 2 and 3, a listing of the proofs of claim submitted to the Receiver, which the Receiver has evaluated.

II. Procedure for Objection to Receiver's Recommendation

Following are the minimum requirements for filing a proper objection:

IF YOU WISH TO OBJECT TO THE RECEIVER'S RECOMMENDATION AS TO YOUR CLAIM, YOU MUST FILE A PROPER WRITTEN OBJECTION WITH THE COURT NO LATER THAN _____, 2012.

To be a proper written objection:

- (1) the objection must contain the information at the top of this Notice (State of Oklahoma, ex rel John Doak, Insurance Commissioner v. Pegasus Insurance Company, Inc., Case No. CV-2010-5131, Judge Bill Graves);

- (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 undersigned counsel at the address shown;
- (3) the objection must be signed by the claimant or a person empowered to act on the claimant's behalf;
- (4) the objection must be in legible print, 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;
- (5) the objection must state the exact grounds on which the objection is based; and
- (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 request oral argument in your objection may be deemed by the Court to be a waiver of the right to oral argument.

Failure to comply with the above time limitations or failure to file a proper written objection as described above will result in your objection being denied.

The Receiver must file his response to your objection with a copy mailed to you at the address indicated in your objection, no more than thirty (30) days from the date he receives your objection, or such longer time as the Court will allow upon motion of the Receiver for an extension of time.

If you have timely filed a proper objection and you do not request oral argument, the Court's decision will be based upon the claim you filed with the Receiver, any documents you attached to the claim, the statements in your objection, and the Receiver's response. If you do not request oral argument, it is not necessary for you to attend the hearing to have your objection considered by the Receiver and the Court. You will be notified in writing of the Court's ruling. If you request oral argument in your objection, you should plan on appearing at the Oklahoma County District Court at the hearing date and time referenced at the beginning of this notice.

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 assigned your claim based on Oklahoma law, and the assets in the estate available for payment. Furthermore, while determining the priority and allowance of claims is an important step in the process of closing this estate, certain legal matters still pending before the Court may prevent the payment of claims, for some time.

Any questions regarding this Notice should be directed to the Oklahoma Receivership Office, Inc. at (405) 947-0022.

Respectfully submitted,

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William W. O'Connor, OBA No. 13200
Michael L. Willis, OBA No. 15371
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**ATTORNEYS FOR PLAINTIFF,
STATE OF OKLAHOMA, ex rel.
JOHN DOAK, INSURANCE COMMISSIONER**