

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN DISTRICT COURT
 OKLAHOMA COUNTY

MAR 15 2019

STATE OF OKLAHOMA, ex rel.)
 GLEN MULREADY, Insurance Commissioner,)
)
 Plaintiff,)
)
 v.)
)
 PETROSURANCE CASUALTY COMPANY,)
 a licensed domestic Insurer in the State of)
 Oklahoma,)
)
 Defendant.)

RICK WARREN
 COURT CLERK
 36 _____

Case No. CJ-2002-1800

Judge Thomas E. Prince

ORDER DETERMINING CLAIMS AND
APPROVING RECEIVER'S TENTH REPORT ON CLAIMS

On the 15th day of March, 2019, there came on for hearing the Receiver's Tenth Report on Claims Evaluation and Request for Confirmation of Receiver's Recommendation filed with the Court on January 25, 2019 ("Receiver's Report"). No objections were filed against the 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 identify of all persons who may have claims against Petrosurance Casualty Company ("Petrosurance") and mailed approximately 21,695 notices of liquidation to potential claimants. Additionally, Notice was published in the national newspaper *USA Today*, on September 3, 9, and 12, 2002.

2. The Receiver's Report presents the Receiver's Recommendation as to Forty-Eight (48) Class 3 claims that were timely filed and are ready for adjudication.

3. On January 25, 2019, the Receiver mailed the written notice to each of the claimants whose claims are addressed in the Receiver's Report. The notice stated the deadline for filing objections to recommendations in the Receiver's Report, as well as the date, time and place of the

Court's hearing on the Receiver's Report. Additionally, the notice contained the specific recommendations of the Receiver as to the claim of the claimant to whom the notice was sent.

4. The Notice which the Receiver sent to each such claimant was the Notice approved by the Court on January 25, 2019, and the Receiver's notices have adequately protected any and all due process interests of the claimants.

5. The Receiver's recommendations as to the 48 claims addressed in the Receiver's Report, as detailed in Exhibit 1 of the Receiver's Report, are supported by the law and the facts and the Receiver's recommendations should be approved by this Court.

6. 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 & 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 any other State's applicable statute.

7. 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).

8. This is a final 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).

9. Pursuant to the Receiver's Request, the Receiver shall identify the claims on the attached Exhibit by reference to the claim number and shall redact from the Exhibit the names of the claimants.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Receiver's Report is hereby **APPROVED** and the recommendations contained therein, as set forth in Exhibit 1 of the Receiver's Report, 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 Report identified in Exhibit 1 is properly classified as a Class 3 claim under 36 O.S. § 1927.1 and are allowed, allowed in part, or disallowed, in accordance with the Receiver's recommendations, as reflected in the "Amount Allowed" column on Exhibit 1.

IT IS FINALLY ORDERED, ADJUDGED AND DECREED that this Order is hereby certified, pursuant to 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 15th day of March, 2019.

THOMAS E. PRINCE

The Honorable Thomas E. Prince
Judge of the District Court

APPROVED AS TO FORM:



Stephen Jones, OBA #4805
April McCurdy Davis, OBA #17854
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AND

Barron Brown, OBA #31346
OKLAHOMA INSURANCE DEPARTMENT
3613 NW 56th, Suite 330

CERTIFIED COPY
AS FILED OF RECORD
IN DISTRICT COURT

MAR 15 2019

RICK WARREN COURT CLERK
Oklahoma County



Oklahoma City, OK 73112
 (405) 521-2828 (phone)
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 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 Driver's Insurance Company

CERTIFICATE OF SERVICE

This will certify that on this 15th day of March, 2019, a true and correct copy of the above and foregoing pleading was mailed, postage prepaid, to:

| | | |
|--|---|--|
| Robert C. Lee, President Petrosurance Casualty Company P.O. Box 170847 Arlington, TX 76003 | Phil Redwine Redwine and Associates 400 S. Crawford Norman, OK 73069 | Steve Holifield 4828 Spring Meadow Midland, TX 79705 |
| Okla. Prop. & Cas. Guar. Ass'n. 2602 NW Expressway, Ste. 330E Oklahoma City, OK 73112 | Robert N. Naifeh, Jr. Derryberry, Quigley, Solomon, & Naifeh 4800 N. Lincoln Blvd. Oklahoma City, OK 73105-3300 | Ross A. Plourde McAfee & Taft Two Leadership Square, 10 th Fl. Oklahoma City, OK 73102 |
| Mark Tharp Tharp & Associates, Inc. 4802 East Ray Rd., Ste. 23-282 Phoenix, AZ 85044-6417 | Oklahoma Receivership Office Attn: Debra Crowe 3613 NW 56 th St., Ste. 330 Oklahoma City, OK 73112 | Marvin Kelly, Executive Director Texas Prop. & Cas. Guar. Ass'n. 9120 Burnet Road Austin, TX 78758 |
| Ed R. Crockett 6380A East 31 st Street Tulsa, OK 74135 | Michael Weeks WT Construction P.O. Box 1169 Fremont, TX 78375 | John C. Wells Louisiana Ins. Guar. Association 2142 Quail Run Drive Baton Rouge, LA 70808 |
| Western Guaranty Fund Services 1720 S. Bellaire St., Ste. 408 Denver, CO 80222 | Lonald C. Hobbs, VP Key Energy Services, Inc. 1301 McKinney Street, Ste. 1800 Houston, TX 77010 | John Molina Great Basin Petro Serv., Inc. 4909 South County Road 1303 Odessa, TX 79765 |
| Phillip D. Nizialek Carver, Darden, Koretsky, Tessier, Finn, Blossman & Areaux, LLC 1100 Poydras St., Ste. 3100 New Orleans, LA 70163 | David Sivals Sivals, Inc. P.O. Box 2792 Odessa, TX 79760 | |



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