

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

MAY 31 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
48 _____

Case No. CJ-2002-1800

Judge Thomas E. Prince

**ORDER DETERMINING CLAIMS AND
APPROVING RECEIVER'S ELEVENTH REPORT ON CLAIMS**

On the 31st day of May, 2019, there came on for hearing the Receiver's Eleventh Report on Claims Evaluation and Request for Confirmation of Receiver's Recommendation filed with the Court on April 12, 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 Eleventh Report presents the Receiver's recommendation as to 66 Class 3 claims; these include 57 timely-filed Class 3 claims and 9 late-filed Class 3 claims.

3. On April 16, 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 April 16, 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 66 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 nine (9) untimely filed claims identified in Exhibit 1, shall not share in the distribution of the Estate except as allowed under OKLA. STAT. tit. 36, § 1930.

7. 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.

8. 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).

9. 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).

10. 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 FURTHER ORDERED, ADJUDGED AND DECREED that the nine (9) untimely filed claims identified in Exhibit 1, shall not share in the distribution of the Estate except as allowed under OKLA. STAT. tit. 36, § 1930.

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 31st day of May, 2019.

THOMAS E. PRINCE

The Honorable Thomas E. Prince
Judge of the District Court

APPROVED AS TO FORM:



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April McCurdy Davis, OBA #17854
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CERTIFIED COPY
AS FILED OF RECORD
IN DISTRICT COURT

MAY 31 2019

RICK WARREN COURT CLERK
Oklahoma County



AND

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ATTORNEYS FOR PLAINTIFF,
STATE OF OKLAHOMA, ex rel.
GLEN MULREADY, INSURANCE
COMMISSIONER for the State of Oklahoma,
as Receiver for Driver's Insurance Company

CERTIFICATE OF SERVICE

This will certify that on this 31st day of May, 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	Donald C. Hobbs, VP Key Energy Services, Inc. 1301 McKinney Street, Ste. 1800 Houston, TX 77010	David Sivalls Sivalls, Inc. P.O. Box 2792 Odessa, TX 79760

Phillip D. Nizialek Carver, Darden, Koretsky, Tessier, Finn, Blossman & Areaux, LLC 1100 Poydras St., Ste. 3100 New Orleans, LA 70163		
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April Davis
JONES, OTJEN & DAVIS