IN THE DISTRICT COURT OF OKLAHOMA COUNTY

STATE OF OKLAHOMA

MAR - 4 2016

TIM RHODES

JOHN D. DOAK, Insurance Commissioner,

Petitioner,

Oklahoma COUNTY

MAR - 4 2016

TIM RHODES

COURT CLERK

Petitioner,

Petitioner,

Oklahoma COUNTY

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Petitioner,

Oklahoma COUNTY

# RECEIVER'S FOURTH REPORT ON CLAIMS EVALUATION AND REQUEST FOR CONFIRMATION OF RECEIVER'S RECOMMENDATION

Defendant.

John D. Doak, Insurance Commissioner, as Receiver of Pride National Insurance Company ("PNIC"), through Assistant Receiver, Donna L. Wilson, pursuant to 36 O.S. § 1918 respectfully submits to this Court the Receiver's Fourth Report on Claims Evaluation and Request for Confirmation of Receiver's Recommendation, and in support thereof, would show the Court as follows:

#### BACKGROUND

- 1. On March 8, 2013, John D. Doak, Insurance Commissioner of the State of Oklahoma was appointed as Receiver of Pride National Insurance Company ("PNIC").
- 2. On July 10, 2013, an Order of Liquidation was entered placing PNIC in liquidation. As such, the Receiver is charged with liquidating the estate, marshalling the assets, and collecting all monies due PNIC for the benefit of PNIC and its creditors.
- 3. The Court further directed the Receiver to notify all persons who have claims against PNIC of the claims filing bar date, in a form approved by the Court. On August 9, 2013 the Court entered an Order Approving the Proof of Claim Form, and on December 20, 2013, the

Court entered an Order Approving the Revised Claims Evaluation Plan and established the claims filing bar date of April 7, 2014.

- 4. Pursuant to OKLA. STAT. tit. 36, § 1930, the Receiver took all reasonable efforts to determine the identity of all persons who may have claims against PNIC and to provide them with notice to allow them the opportunity to file a claim before the April 7, 2014 claims bar date.
- 5. The Receiver distributed 20,729 notices of liquidation to potential claimants. Additionally, notice of the proof of claim process and the availability of the proof of claim packets was published on the Oklahoma Receivership Office website.
- 6. On December 20, 2013, the Court entered an Order Extending the Claims Filing, Claims Reporting and Evaluation Plan Deadlines establishing June 6, 2014 as the date by which the Receiver must file his Report of Timely Filed Claims.
- 7. On June 5, 2014, the Receiver filed the Receiver's Report on Timely Filed Claims. The Receiver's report stated that 814 timely proofs of claim and 19 untimely proofs of claims were filed with the Receiver. In addition, various States' Guaranty Associations have claims which amounts are currently undetermined.
- 8. This Court has previously approved the Receiver's First, Second and Third Reports on Claim Evaluation and Request for Confirmation of Receiver's Recommendation adjudicating a total of 290 claims totaling \$5,545,854.25.
- 9. The Assistant Receiver informs the Court that 209 Class 3 claims are ready for adjudication at this time. Pursuant to 36 O.S. § 1927.1, Class 3, is "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".

- 10. There remain a total of 335 un-adjudicated claims consisting of 306 timely filed claims and 29 late filed claims. The vast majority of claims filed against the PNIC Estate consist of Class 3 claims. Many of these claims are being adjusted by the applicable state Guaranty Associations. The Receiver adjudicates the proof of claims on those claims once they are paid or denied coverage by the Guaranty Associations. The Receiver intends to adjudicate the Class 3 claims as quickly as possible, but given the number of claims adjudication of them all in one application is not feasible. Therefore the claims included in this report are only a portion of the Class 3 claims to be adjudicated. As other claims become ready for adjudication the Receiver will file additional reports.
- 11. The Assistant Receiver has not completed marshalling all of PNIC's assets. Therefore, this Report does not address the actual distribution of assets that may ultimately be made to creditors and beneficiaries of PNIC. The amount distributed to a creditor on its claim will likely be less than the "recommended allowed" amount due to anticipated insufficiency of funds in the PNIC estate.

#### EXPLANATION OF RECEIVER'S RECOMMENDATION

12. Attached hereto as Exhibit 1 is a report detailing the Receiver's recommendation on

the 209 Class 3 claims that are ready for adjudication. The table below is a summary of the Receiver's recommendations with respect to the claims that are ready for adjudication:

Class	Amount Claimed	Recommended Allowance	Recommended Denial
3	\$2,965,576.60	\$0	\$2,965,576.60

- 13. The attached Exhibit 1 refers to the Receiver's recommendations as to the Class 3 claims that are ready for adjudication. The Receiver has analyzed the claims reflected on Exhibit 1 and recommends that each of the claims classified as a Class 3 claims for purposes of OKLA. STAT. tit. 36, § 1927.1 as indicated on attached Exhibit 1.
- 14. The "Amount Claimed" column on Exhibit 1 reflects the amount that the Class 3 claimant has sought through the particular claim. The "Amount Allowed" column sets forth the amount the Receiver recommends that the Court allow as to the particular Class 3 claim.
- 15. The Receiver has recommended denial of all 209 claims. The reasons for denial generally are for one of several reasons: the claim has been paid in full by the applicable State Guaranty Association or another insurance carrier, there is no coverage under a Pride policy for the loss claimed, or that the claim is for deductibles which are not a covered claim.
- 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." To the extent any Notice of this proceeding is returned 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. In compliance with the due process required by 36 O.S. § 1918, the Receiver asks

the court to set a hearing on the claims and establish a date certain for filing an objection to the

Receiver's recommendation.

18. The recommended denial by the Receiver of any timely filed proof of claim

included in the Receiver's Fourth Report does not alter the statutory obligation, if any, of the

Oklahoma Property & Casualty Insurance Guaranty Association or similar associations in other

states, to provide indemnity and defense of a "covered claim" as defined by each association's

applicable state law.

WHEREFORE, the Receiver prays that this Court enter an Order for the following: 1)

order that notice of opportunity to object and be heard on the claims on the Exhibit be given by

the Receiver; 2) establish a date for filing an objection to the recommendation of the Receiver; 3)

establish a date for hearing the Receiver's recommendation to the court and any objections

thereto; 4) upon hearing any objections thereto, enter an order approving the Receiver's Report;

and 5) such other relief as the Court deems appropriate.

Respectfully submitted,

RIGGS, ABNEY, NEAL, TURPEN,

ORBISON & LEWIS

George M. Emerson, OBA No. 13159

Robert A. Nance, OBA No. 6581

528 NW 12th

Oklahoma City, OK 73103

(405) 843-9909

(405) 842-2913 Facsimile

ATTORNEYS FOR RECEIVER

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### **CERTIFICATE OF MAILING**

I, hereby certify that on this 47 day of March, 2016, I caused to be mailed a true and correct copy of the within and foregoing instrument to:

Matt Petcoff, President Pride Holdings, Inc. 5200 Maryland Way, Suite 204 Brentwood, TN 37027

Donna Wilson, CIR. Assistant Receiver Three Corporate Plaza 3613 NW 56<sup>th</sup> Street, Suite 330 Oklahoma City, OK 73112

Gordon Amini, General Counsel Oklahoma Insurance Department Five Corporate Plaza 3625 NW 56<sup>th</sup> Street, Suite 100 Oklahoma City, OK 73112 J. Angela Ables Kerr, Irvine, Rhodes & Ables, P.C. 201 Robert S. Kerr Ave., Suite 600 Oklahoma City, OK 73102

Susan Loving Lester Loving & Davies 1701 S. Kelly Avenue Edmond, OK 73013

Oklahoma Property & Casualty Insurance Guaranty Association 2601 NW Expressway, Suite 330E Oklahoma City, OK 73112

## Claims Allowed By Class

Claim	Class:	3

POC#	Amount Claimed	Amount Allowed	
1021	\$0.00	\$0.00	Timely Filed? Yes
1046	\$0.00	\$0.00	Timely Filed? Yes
1047	\$250,000.00	\$0.00	Timely Filed? Yes
1050	\$0.00	\$0.00	Timely Filed? Yes
1053	\$32,500.00	\$0.00	Timely Filed? Yes
1054	\$20,000.00	\$0.00	Timely Filed? Yes
1055	\$18,500.00	\$0.00	Timely Filed? Yes
1057	\$25,000.00	\$0.00	Timely Filed? Yes
1081	\$13,250.00	\$0.00	Timely Filed? Yes
1088	\$25,000.00	\$0.00	Timely Filed? Yes
1090	\$25,000.00	\$0.00	Timely Filed? Yes
1095	\$240,000.00	\$0.00	Timely Filed? Yes
1098	\$25,000.00	\$0.00	Timely Filed? Yes
1104	\$0.00	\$0.00	Timely Filed? Yes
1140	\$1,903.00	\$0.00	Timely Filed? Yes
1142	\$100,000.00	\$0.00	Timely Filed? Yes
1144	\$4,800.00	\$0.00	Timely Filed? Yes
1145	\$3,000.00	\$0.00	Timely Filed? Yes
1157	\$9,451.00	\$0.00	Timely Filed? Yes
1158	\$12,951.03	\$0.00	Timely Filed? Yes
1163	\$131,900.00	\$0.00	Timely Filed? Yes
1189	\$25,000.00	\$0.00	Timely Filed? Yes
1205	\$0.00	\$0.00	Timely Filed? Yes
1224	\$7,858.95	\$0.00	Timely Filed? Yes
1227	\$1,121.30	\$0.00	Timely Filed? Yes
1228	\$4,929.00	\$0.00	Timely Filed? Yes
1230	\$0.00	\$0.00	Timely Filed? Yes
1238	\$0.00	\$0.00	Timely Filed? Yes
1245	\$0.00	\$0.00	Timely Filed? Yes
1247	\$0.00	\$0.00	Timely Filed? Yes
1270	\$50,000.00	\$0.00	Timely Filed? Yes
1281	\$0.00	\$0.00	Timely Filed? Yes

EXHIBIT

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Claim	Class:	- 3

POC#	Amount Claimed	Amount Allowed	
1294	\$9,975.00	\$0.00	Timely Filed? Yes
1296	\$0.00	\$0.00	Timely Filed? Yes
1297	\$0.00	\$0.00	Timely Filed? Yes
1307	\$3,803.70	\$0.00	Timely Filed? Yes
1318	\$0.00	\$0.00	Timely Filed? Yes
1320	\$25,000.00	\$0.00	Timely Filed? Yes
1321	\$15,000.00	\$0.00	Timely Filed? Yes
1322	\$30,000.00	\$0.00	Timely Filed? Yes
1337	\$586.00	\$0.00	Timely Filed? Yes
1362	\$0.00	\$0.00	Timely Filed? Yes
1368	\$0.00	\$0.00	Timely Filed? Yes
1394	\$50,000.00	\$0.00	Timely Filed? Yes
1397	\$0.00	\$0.00	Timely Filed? Yes
1404	\$25,000.00	\$0.00	Timely Filed? Yes
1405	\$100,000.00	\$0.00	Timely Filed? Yes
1427	\$0.00	\$0.00	Timely Filed? Yes
1430	\$0.00	\$0.00	Timely Filed? Yes
1431	\$25,000.00	\$0.00	Timely Filed? Yes
1434	\$25,000.00	\$0.00	Timely Filed? Yes
1436	\$25,000.00	\$0.00	Timely Filed? Yes
1437	\$8,500.00	\$0.00	Timely Filed? Yes
1442	\$25,000.00	\$0.00	Timely Filed? Yes
1443	\$5,000.00	\$0.00	Timely Filed? Yes
1444	\$500.00	\$0.00	Timely Filed? Yes
1445	\$1,500.00	\$0.00	Timely Filed? Yes
1446	\$500.00	\$0.00	Timely Filed? Yes
1447	\$5,000.00	\$0.00	Timely Filed? Yes
1452	\$150,000.00	\$0.00	Timely Filed? Yes
1454	\$2,163.60	\$0.00	Timely Filed? Yes
1461	\$8,820.00	\$0.00	Timely Filed? Yes
1471	\$10,000.00	\$0.00	Timely Filed? Yes
1472	\$10,000.00	\$0.00	Timely Filed? Yes
1473	\$0.00	\$0.00	Timely Filed? Yes
1474	\$0.00	\$0.00	Timely Filed? Yes
1476	\$10,000.00	\$0.00	Timely Filed? Yes
1478	\$9,500.00	\$0.00	Timely Filed? Yes

POC#	Amount Claimed	Amount Allowed	
1483	\$0.00	\$0.00	Timely Filed? Yes
1485	\$680.00	\$0.00	Timely Filed? Yes
1486	\$0.00	\$0.00	Timely Filed? Yes
1493	\$0.00	\$0.00	Timely Filed? Yes
1509	\$0.00	\$0.00	Timely Filed? Yes
1510	\$118.00	\$0.00	Timely Filed? Yes
1511	\$224.00	\$0.00	Timely Filed? Yes
1512	\$132.00	\$0.00	Timely Filed? Yes
1513	\$62.00	\$0.00	Timely Filed? Yes
1515	\$131.00	\$0.00	Timely Filed? Yes
1516	\$238.00	\$0.00	Timely Filed? Yes
1517	\$211.00	\$0.00	Timely Filed? Yes
1518	\$64.00	\$0.00	Timely Filed? Yes
1519	\$192.00	\$0.00	Timely Filed?Yes_
1520	\$159.00	\$0.00	Timely Filed? Yes
1521	\$247.00	\$0.00	Timely Filed? Yes
1522	\$201.00	\$0.00	Timely Filed? Yes
1523	\$77.00	\$0.00	Timely Filed? Yes
1524	\$16.00	\$0.00	Timely Filed? Yes
1525	\$247.00	\$0.00	Timely Filed? Yes
1526	\$152.00	\$0.00	Timely Filed? Yes
1527	\$58.00	\$0.00	Timely Filed? Yes
1528	\$30.00	\$0.00	Timely Filed? Yes
1529	\$242.00	\$0.00	Timely Filed? Yes
1530	\$56.00	\$0.00	Timely Filed? Yes
1531	\$213.00	\$0.00	Timely Filed? Yes
1532	\$111.00	\$0.00	Timely Filed? Yes
1533	\$48.00	\$0.00	Timely Filed? Yes
1534	\$31.00	\$0.00	Timely Filed? Yes
1535	\$18.00	\$0.00	Timely Filed? Yes
1536	\$76.00	\$0.00	Timely Filed? Yes
1539	\$105.00	\$0.00	Timely Filed? Yes
1540	\$58.00	\$0.00	Timely Filed? Yes
1541	\$12.00	\$0.00	Timely Filed? Yes
1542	\$250.00	\$0.00	Timely Filed? Yes
1543	\$104.00	\$0.00	Timely Filed? Yes

POC#	Amount Claimed	Amount Allowed	
1544	\$408.00	\$0.00	Timely Filed? Yes
1545	\$30.00	\$0.00	Timely Filed? Yes
1546	\$125.00	\$0.00	Timely Filed? Yes
1547	\$208.00	\$0.00	Timely Filed? Yes
1548	\$73.00	\$0.00	Timely Filed? Yes
1549	\$228.00	\$0.00	Timely Filed? Yes
1550	\$46.00	\$0.00	Timely Filed? Yes
1551	\$83.00	\$0.00	Timely Filed? Yes
1552	\$43.00	\$0.00	Timely Filed? Yes
1553	\$250.00	\$0.00	Timely Filed? Yes
1554	\$68.00	\$0.00	Timely Filed? Yes
1555	\$241.00	\$0.00	Timely Filed? Yes
1556	\$32.00	\$0.00	Timely Filed? Yes
1557	\$139.00	\$0.00	Timely Filed? Yes
1558	\$30.00	\$0.00	Timely Filed? Yes
1559	\$134.00	\$0.00	Timely Filed? Yes
1560	\$30.00	\$0.00	Timely Filed? Yes
1561	\$69.00	\$0.00	Timely Filed? Yes
1562	\$482.00	\$0.00	Timely Filed? Yes
1563	\$18.00	\$0.00	Timely Filed? Yes
1564	\$13.00	\$0.00	Timely Filed? Yes
1565	\$180.00	\$0.00	Timely Filed? Yes
1566	\$66.00	\$0.00	Timely Filed? Yes
1567	\$38.00	\$0.00	Timely Filed? Yes
1568	\$76.00	\$0.00	Timely Filed? Yes
1569	\$174.00	\$0.00	Timely Filed? Yes
1570	\$136.00	\$0.00	Timely Filed? Yes
1579	\$5,000.00	\$0.00	Timely Filed? Yes
1582	\$3,422.00	\$0.00	Timely Filed? Yes
1584	\$504.00	\$0.00	Timely Filed? Yes
1585	\$794.00	\$0.00	Timely Filed? Yes
1586	\$866.00	\$0.00	Timely Filed? Yes
1587	\$2,892.00	\$0.00	Timely Filed? Yes
1588	\$5,214.00	\$0.00	Timely Filed? Yes
1589	\$2,477.00	\$0.00	Timely Filed? Yes
	\$2,477.00	\$0.00	

POC#	Amount Claimed	Amount Allowed	
1592	\$260.00	\$0.00	Timely Filed? Yes
1593	\$853.00	\$0.00	Timely Filed? Yes
1594	\$4,171.00	\$0.00	Timely Filed? Yes
1595	\$2,709.00	\$0.00	Timely Filed? Yes
1596	\$4,352.00	\$0.00	Timely Filed? Yes
1597	\$3,026.00	\$0.00	Timely Filed? Yes
1598	\$3,863.00	\$0.00	Timely Filed? Yes
1606	\$300,000.00	\$0.00	Timely Filed? Yes
1611	\$0.00	. \$0.00	Timely Filed? Yes
1612	\$0.00	\$0.00	Timely Filed? Yes
1613	\$6,475.00	\$0.00	Timely Filed? Yes
1615	\$17,500.00	\$0.00	Timely Filed? Yes
1616	\$20,000.00	\$0.00	Timely Filed? Yes
1617	\$25,000.00	\$0.00	Timely Filed? Yes
1623	\$33,000.00	\$0.00	Timely Filed? Yes
1624	\$10,000.00	\$0.00	Timely Filed? Yes
1626	\$0.00	\$0.00	Timely Filed? Yes
1627	\$0.00	\$0.00	Timely Filed? Yes
1639	\$0.00	\$0.00	Timely Filed? Yes
1647	\$0.00	\$0.00	Timely Filed? Yes
1648	\$0.00	\$0.00	Timely Filed? Yes
1653	\$0.00	\$0.00	Timely Filed? Yes
1655	\$0.00	\$0.00	Timely Filed? Yes
1664	\$90,000.00	\$0.00	Timely Filed? Yes
1668	\$6,408.00	\$0.00	Timely Filed? Yes
1669	\$5,975.00	\$0.00	Timely Filed? Yes
1670	\$4,193.63	\$0.00	Timely Filed? Yes
1672	\$25,000.00	\$0.00	Timely Filed? Yes
1683	\$14,500.00	\$0.00	Timely Filed? Yes
1687	\$32,558.91	\$0.00	Timely Filed? Yes
1688	\$20,000.00	\$0.00	Timely Filed? Yes
1694	\$0.00	\$0.00	Timely Filed? Yes
1695	\$6,854.03	\$0.00	Timely Filed? Yes
1700	\$0.00	\$0.00	Timely Filed? Yes
1703	\$25,000.00	\$0.00	Timely Filed? Yes
1704	\$25,000.00	\$0.00	Timely Filed? Yes

POC#	Amount Claimed	Amount Allowed	
1710	\$22,750.00	\$0.00	Timely Filed? Yes
1718	\$0.00	\$0.00	Timely Filed? Yes
1731	\$0.00	\$0.00	Timely Filed? Yes
1732	\$0.00	\$0.00	Timely Filed? Yes
1733	\$200,000.00	\$0.00	Timely Filed? Yes
1736	\$0.00	\$0.00	Timely Filed? Yes
1740	\$0.00	\$0.00	Timely Filed? Yes
1741	\$0.00	\$0.00	Timely Filed? Yes
1742	\$0.00	\$0.00	Timely Filed? Yes
1743	\$0.00	\$0.00	Timely Filed? Yes
1745	\$55,665.82	\$0.00	Timely Filed? Yes
1746	\$25,000.00	\$0.00	Timely Filed? Yes
1747	\$25,000.00	\$0.00	Timely Filed? Yes
1750	\$225,000.00	\$0.00	Timely Filed? Yes
1752	\$20,000.00	\$0.00	Timely Filed? Yes
1755	\$0.00	\$0.00	Timely Filed? Yes
1757	\$0.00	\$0.00	Timely Filed? Yes
1762	\$255.00	\$0.00	Timely Filed? Yes
1767	\$0.00	\$0.00	Timely Filed? Yes
1769	\$0.00	\$0.00	Timely Filed? Yes
1770	\$6,153.71	\$0.00	Timely Filed? Yes
1776	\$27,085.00	\$0.00	Timely Filed? Yes
1782	\$7,153.72	\$0.00	Timely Filed? Yes
1788	\$0.00	\$0.00	Timely Filed? Yes
1802	\$0.00	\$0.00	Timely Filed? Yes
1803	\$0.00	\$0.00	Timely Filed? Yes
1804	\$0.00	\$0.00	Timely Filed? Yes
1805	\$0.00	\$0.00	Timely Filed? Yes
1808	\$173.20	\$0.00	Timely Filed? Yes
1809	\$0.00	\$0.00	Timely Filed? Yes
1812	\$25,000.00	\$0.00	Timely Filed? Yes
1818	\$0.00	\$0.00	Timely Filed? Yes
1857	\$0.00	\$0.00	Timely Filed? Yes
Class 3 Totals:	\$2,965,576.60	\$0.00	

POC#

**Amount Claimed** 

**Amount Allowed** 

**Total Claims:** 

\$2,965,576.60

\$0.00