

IN THE DISTRICT COURT OF OKLAHOMA COUNTY FILED IN DISTRICT COURT  
STATE OF OKLAHOMA OKLAHOMA COUNTY

STATE OF OKLAHOMA, ex rel. )  
JOHN D. DOAK, Insurance Commissioner, )  
 )  
Petitioner, )  
 )  
v. )  
 )  
PRIDE NATIONAL INSURANCE )  
COMPANY, )  
 )  
Defendant. )

MAR - 6 2017  
RICK WARREN  
COURT CLERK  
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Case No. CJ-2013-1448

RECEIVER’S SIXTH REPORT ON CLAIMS EVALUATION AND REQUEST FOR  
CONFIRMATION OF RECEIVER’S RECOMMENDATION

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 Sixth 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 five reports on claim evaluation and request for confirmation of Receiver's recommendation adjudicating a total of 539 claims totaling \$8,927,739.28.

9. The Assistant Receiver informs the Court that 15 Class 3 claims are ready for adjudication at this time. Pursuant to 36 O.S. § 1927.1, Class 3, is "All claims<sup>7</sup> 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 280 un-adjudicated claims consisting of 251 timely filed claims and 29 late filed claims. The remaining claims include 129 class 3 and 151 class 6 claims. Many of these claims are still being adjusted by the applicable state Guaranty Associations. Also, many of the remaining claims closed by the state Guaranty Associations require review by an expert claims adjuster before the Receiver can adjudicate those claims. The Receiver adjudicates the proof of claims on those claims once they are paid or denied coverage by the Guaranty Associations and no further expert review is necessary. The Receiver intends to adjudicate the remaining 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 claims left 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 15 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	\$227,891.00	\$0	\$227,891.00

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 15 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 Sixth 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



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ATTORNEYS FOR RECEIVER

**CERTIFICATE OF MAILING**

I, hereby certify that on this 6<sup>th</sup> day of March, 2017, 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

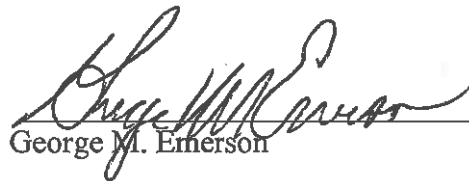
J. Angela Ables  
Kerr, Irvine, Rhodes & Ables, P.C.  
201 Robert S. Kerr Ave., Suite 600  
Oklahoma City, OK 73102

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

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Five Corporate Plaza  
3625 NW 56<sup>th</sup> Street, Suite 100  
Oklahoma City, OK 73112

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

  
George M. Emerson

# Claims Allowed By Class

Claim Class: 3

POC #	Amount Claimed	Amount Allowed		
1075	\$50,000.00	\$0.00	Timely Filed?	<u>Yes</u>
1076	\$50,000.00	\$0.00	Timely Filed?	<u>Yes</u>
1229	\$0.00	\$0.00	Timely Filed?	<u>Yes</u>
1289	\$12,500.00	\$0.00	Timely Filed?	<u>Yes</u>
1290	\$12,500.00	\$0.00	Timely Filed?	<u>Yes</u>
1291	\$12,500.00	\$0.00	Timely Filed?	<u>Yes</u>
1292	\$12,500.00	\$0.00	Timely Filed?	<u>Yes</u>
1381	\$50,000.00	\$0.00	Timely Filed?	<u>Yes</u>
1591	\$2,831.00	\$0.00	Timely Filed?	<u>Yes</u>
1677	\$6,750.00	\$0.00	Timely Filed?	<u>Yes</u>
1705	\$8,380.00	\$0.00	Timely Filed?	<u>Yes</u>
1706	\$585.00	\$0.00	Timely Filed?	<u>Yes</u>
1707	\$585.00	\$0.00	Timely Filed?	<u>Yes</u>
1708	\$8,760.00	\$0.00	Timely Filed?	<u>Yes</u>
1724	\$0.00	\$0.00	Timely Filed?	<u>Yes</u>
<b>Class 3 Totals:</b>	\$227,891.00	\$0.00		

**Total Claims:** \$227,891.00 \$0.00

