

1 XAVIER BECERRA
Attorney General of California
2 MICHAEL D. GOWE
Supervising Deputy Attorney General
3 KAREN W. YIU
Deputy Attorney General
4 State Bar No. 230710
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 879-1245
Fax: (510) 622-2270
7 E-mail: Karen.Yiu@doj.ca.gov
Attorneys for Insurance Commissioner
8 *of the State of California*

9 ROBERT H. NUNNALLY, JR.
State Bar Number 134151
10 WISENER NUNNALLY ROTH, LLP
245 Cedar Sage Drive, Suite 240
11 Garland, Texas 75040
12 Telephone: (972) 530 2200
Facsimile: (972) 530 7200
13 *Attorneys for Insurance Commissioner*
14 *of the State of California*

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 COUNTY OF SAN FRANCISCO

18 **INSURANCE COMMISSIONER OF THE**
19 **STATE OF CALIFORNIA,**

20 Applicant,

21 v.

22 **WESTERN EMPLOYERS INSURANCE**
23 **COMPANY,**

24 Respondent.

Case No. CPF-97-984281

**NOTICE OF ENTRY OF ORDER
GRANTING APPLICANT INSURANCE
COMMISSIONER OF THE STATE OF
CALIFORNIA'S MOTION FOR
APPROVAL OF EPA PIONEER METAL
SETTLEMENT AGREEMENT**

25
26 TO ALL INTERESTED PARTIES AND THEIR COUNSEL:

27 PLEASE TAKE NOTICE that on March 4, 2021, in the above-entitled action, this Court
28 entered an order granting applicant Insurance Commissioner of the State of California's Motion

1 for Approval of the EPA Pioneer Metal Settlement Agreement. A copy of the order is attached,
2 and incorporated into this notice by this reference.

3 Dated: March 10, 2021

XAVIER BECERRA
Attorney General of California
MICHAEL D. GOWE
Supervising Deputy Attorney General

6 /s/ Karen W. Yiu

7 KAREN W. YIU
8 Deputy Attorney General
9 *Attorneys for Insurance Commissioner*
of the State of California

10 SF2003CV0729
11 91354204.doc
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FILED
San Francisco County Superior Court

MAR 04 2021

CLERK OF THE COURT

BY: Regina Alameda
Deputy Clerk

XAVIER BECERRA
Attorney General of California
MICHAEL D. GOWE
Supervising Deputy Attorney General
KAREN W. YIU
Deputy Attorney General
State Bar No. 230710
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550
Telephone: (510) 879-1245
Fax: (510) 622-2270
E-mail: Karen.Yiu@doj.ca.gov
*Attorneys for Insurance Commissioner
of the State of California*

ROBERT H. NUNNALLY, JR.
State Bar Number 134151
Wisener Nunnally Roth & Higgins, LLP
245 Cedar Sage Drive, Suite 240
Garland, Texas 75040
Telephone: (972) 530-2200
Facsimile: (972) 530-7200
*Attorneys for Insurance Commissioner
of the State of California*

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

**INSURANCE COMMISSIONER OF THE
STATE OF CALIFORNIA,**

Applicant,

v.

**WESTERN EMPLOYERS INSURANCE
COMPANY,**

Respondent.

Case No. CPF-97-984281

~~PROPOSED~~

**ORDER GRANTING APPLICANT
INSURANCE COMMISSIONER OF THE
STATE OF CALIFORNIA'S MOTION
FOR APPROVAL OF EPA PIONEER
METAL SETTLEMENT AGREEMENT**

Date: February 24, 2021
Time: 9:30 a.m.
Dept: 302
Judge: Honorable Ethan P. Schulman

1 On February 24, 2021, at 9:30 a.m. in Department 302, the Court heard the motion of
2 applicant Insurance Commissioner of the State of California, as the liquidator of Western
3 Employers Insurance Company ("Insurance Commissioner"), for approval of the EPA Pioneer
4 Metal Settlement Agreement, in which the Insurance Commissioner sought a proof of claim
5 approval in favor of claimant, the United States Environmental Protection Agency, in the amount
6 of \$1.2 million, as set forth in the motion. Karen W. Yiu, Deputy Attorney General, and Robert
7 H. Nunnally, Jr., Esq. appeared remotely by Zoom videoconference on behalf of applicant
8 Insurance Commissioner.

9 The Court has considered the motion papers, which are not opposed. Good cause
10 appearing, IT IS HEREBY ORDERED THAT applicant Insurance Commissioner's Motion for
11 Approval of the EPA Pioneer Metal Settlement Agreement is granted.

12
13 Dated: Mar. 4, 2021


JUDGE OF THE SUPERIOR COURT

ETHAN P. SCHULMAN

14
15 SF2003CV0729
91326050.doc

DECLARATION OF SERVICE BY E-MAIL

Case Name: ***Insurance Commissioner v. Western Employers Insurance Company***
Case No.: **CPF-97-984281**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter.

On March 11, 2021, I served the attached following:

**NOTICE OF ENTRY OF ORDER GRANTING APPLICANT INSURANCE
COMMISSIONER OF THE STATE OF CALIFORNIA'S MOTION FOR APPROVAL
OF EPA PIONEER METAL SETTLEMENT AGREEMENT**

by transmitting a true copy via electronic mail in the addressed as follows:

Rachel Hankey, U.S. Department of Justice
Email Address: Rachel.Hankey@usdoj.gov

Robert H. Nunnally, Jr.
WISENER NUNNALLY ROTH & HIGGINS, LLP
245 Cedar Sage Drive, Suite 240
Garland, Texas 75040
Email Address: robert@wnrlaw.com
(Courtesy copy to be sent by U.S. Mail)

Michele Vass, Chief Claims Officer
Department of Insurance
Conservation & Liquidation Office
P.O. Box 26894
San Francisco, CA 94126
Email Address: VassM@caclo.org
(Courtesy copy to be sent by U.S. Mail)

Carmel Gill
Data Protection Officer
Lumen
931 14th Street
Denver, CO 80202
Email Address: carmel.gill@lumen.com
(Courtesy copy to be sent by U.S. Mail)

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on March 11, 2021, at Oakland, California.

C. Soo

Declarant



Signature

SF2003CV0729 / POS.NOTICE OF ENTRY OF ORDER_ (002).docx.docx