

1 KAMALA D. HARRIS
Attorney General of California
2 WILLIAM L. CARTER
Supervising Deputy Attorney General
3 State Bar No. 59215
1300 I Street, Suite 125
4 P.O. Box 944255
Sacramento, CA 94244-2550
5 Telephone: (916) 324-5159
Fax: (916) 327-2247
6 E-mail: William.Carter@doj.ca.gov

7 *Attorneys for Applicant Insurance Commissioner of*
8 *the State of California, as Liquidator of Alistar*
Insurance Company

ENDORSED
FILED
San Francisco County Superior Court

OCT 19 2011

CLERK OF THE COURT
BY: CYNTHIA S. HERBERT
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 CIVIL DIVISION CLERK

11
12
13 INSURANCE COMMISSION OF THE
STATE OF CALIFORNIA,

14 Applicant,

15 v.

16
17 ALISTAR INSURANCE COMPANY, a
California domiciled company,

18 Respondent.

Case No. CGC-05-446011

**[PROPOSED] ORDER GRANTING
APPLICATION FOR AN ORDER
APPROVING THE FINAL REPORT
AND ACCOUNTING, AND FINAL
DISTRIBUTION OF ASSETS OF THE
ESTATE OF ALISTAR INSURANCE
COMPANY**

Date: September 29, 2011
Time: 9:30 a.m.
Dept: 301
Judge: The Honorable Peter J. Busch
Trial Date: None set
Action Filed: April 22, 2002

19
20
21
22
23 On August 29, 2011, the Insurance Commissioner of the State of California
24 (Commissioner), as Liquidator of Alistar Insurance Company, served his Notice of Application
25 and Application of Insurance Commissioner, as Liquidator, for An Order Approving the Final
26 Report and Accounting, and Final Distribution of Assets of the Estate of Alistar Insurance
27 Company; Declaration of Edward Hahn in Support of Insurance Commissioner's Application for
28

1 Order Approving Final Report and Accounting and Final Distribution of Assets; Declaration of
2 Robert Fernandez in Support of Insurance Commissioner's Application for Order Approving
3 Final Report and Accounting and Final Distribution of Assets; Declaration of Jeffrey E. McMurry
4 in Support of Insurance Commissioner's Application for Order Approving Final Report and
5 Accounting and Final Distribution of Assets; Declaration of Michele Vass in Support of
6 Insurance Commissioner's Application for Order Approving Final Report and Accounting and
7 Final Distribution of Assets; and Memorandum of Points and Authorities in Support of Notice of
8 Application and Application of Insurance Commissioner, as Liquidator, for An Order Approving
9 the Final Report and Accounting, and Final Distribution of Assets of the Estate of Alistar
10 Insurance Company, which motion and support are incorporated herein by reference as though set
11 forth here at length.

12 On September 28, 2011, the Court's tentative ruling was to grant the motion, which became
13 the order of the Court pursuant to Court rules referred to in the motion.

14 Good cause appearing therefor, IT IS HEREBY ORDERED that:

15 1. The Final Report and Account of Conservator and Liquidator for the period from
16 April 11, 2002 to June 30, 2011, is settled and approved;

17 2. The Commissioner is authorized to distribute approximately \$18,826,623.74 to
18 approved claimants as set forth in the motion and support incorporated herein by reference. The
19 amount available for distribution is subject to adjustment for investment income and changes in
20 the market value of investments that have been posted as of the date the investments are
21 withdrawn from the investment pool. The distributions shall be made within two weeks of receipt
22 of the signed order from the Court;

23 3. The Commissioner is authorized to retain the sum of \$293,808 for payment of
24 administrative expenses incurred by the Commissioner for administrative and closing costs. The
25 Commissioner is authorized to pay any excess closing and administrative costs out of the funds
26 appropriated for the maintenance of the Department of Insurance. A report to the Court of the
27 expenditure of these funds shall not be required;

1 4. In accordance with the six month waiting period of the Code of Civil Procedure
2 section 1517, the Commissioner, as to disbursements that are either undeliverable or as to which
3 issued checks have not then been negotiated, is authorized to void such checks as have not then
4 been negotiated and escheat all undeliverable amounts and amounts of non-negotiated checks to
5 the Insurance Fund pursuant to section 12937;

6 5. The Commissioner is authorized to maintain in the Conservation & Liquidation
7 Office all records of Alistar, including electronically imaged copies, for a period of three years
8 from the date of the Court's order, and thereafter the Commissioner is authorized to destroy all
9 records of Respondent Alistar, except for those records necessary for examination by the
10 Department of Finance or other auditor of the Commissioner's books and records pursuant to
11 section 1061;

12 6. The Commissioner is authorized to take any action necessary to accomplish the
13 purpose of this Order;

14 7. The estate of Alistar shall be closed and the Commissioner shall be discharged as
15 Liquidator upon the filing of a declaration that the Commissioner has distributed the assets of
16 Alistar in accordance with this Court's order approving final distribution. The Commissioner, his
17 Special Deputies, the Conservation and Liquidation Office, its employees, the California
18 Department of Insurance, and its personnel, and the Commissioner's agents and attorneys, shall
19 be, upon such filing, DISCHARGED from any and all claims, debts, liabilities, or duties to
20 further account for the assets or liabilities of Alistar through the date of the declaration, and shall
21 have no liability of any kind or nature for such claims or debts; and

22 8. The Commissioner is authorized to take any action and execute all documents
23 necessary to accomplish said order.

24 IT IS SO ORDERED.

25 Dated: OCT 17 2011

PETER J. BUSCH

THE HONORABLE PETER J. BUSCH
JUDGE OF THE SUPERIOR COURT

26
27 SA2002CV0443
10737721.doc