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California Insurance Commissioner as Liquidator

FILED
Superior Court of California
County of Los Angeles

DEC 07 2009

John A. Clarke, Executive Officer/Clerk
By A. Fajardo, Deputy
ANNETTE FAJARDO

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF LOS ANGELES

11 CENTRAL DISTRICT – STANLEY MOSK COURTHOUSE

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

15
16 Applicant,

17
18 v.

19
20
21 **NATIONAL AUTOMOBILE AND
CASUALTY INSURANCE COMPANY, a
California corporation,**

22
23 Respondent.
24

Case No. BS 074743

~~Proposed~~ **ORDER--**

**(1) SETTling & APPROVING FINAL
REPORT & ACCOUNT OF LIQUIDATOR;
(2) APPROVING FINAL DISTRIBUTION
OF ASSETS; (3) TERMINATING
PROCEEDINGS; and (4) DISCHARGING
LIQUIDATOR**

Hearing on Application

Date: Monday, December 7, 2009
Time: 9:30 A.M.
Dept: 85
Judge: The Honorable James C. Chalfant
Trial Date: n/a
Case Filed: March 14, 2002

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1 On Monday, December 7, 2009, the Honorable James C. Chalfant, Superior Court Judge,
2 heard the duly-noticed application of the California Insurance Commissioner for an Order
3 (1) Settling & Approving Final Report & Account of Liquidator; (2) Approving Final
4 Distribution of Assets; (3) Terminating Proceedings; and (4) Discharging Liquidator.

5 After reviewing and considering the Insurance Commissioner's application, the supporting
6 memorandum of points and authorities, the supporting exhibits and declarations, and the
7 comments of persons in attendance at the hearing on the Commissioner's application, and good
8 cause appearing,

9 IT IS HEREBY ORDERED that:

10 1. The Final Report and Account of the Insurance Commissioner as Conservator
11 and Liquidator of National Auto for the period of April 23, 2002, through June 30, 2009, is settled
12 and approved;

13 2. The Commissioner is authorized to distribute over \$26.1 million to the Class 2,
14 3, 4, and 7 claimants of the estate, on a pro rata basis, determined by the dollar amount of their
15 approved claims, in accordance with Insurance Code section 1033;

16 3. The Commissioner is authorized to maintain all records of National Auto for
17 three years from the date of this order; thereafter, the Commissioner is authorized to destroy all
18 records of National Auto, except for those records necessary for examination by the Department
19 of Finance, or other auditor of the Commissioner's books and records, pursuant to Insurance
20 Code section 1061;

21 4. The Commissioner is authorized to retain the sum of \$204,249 for the payment
22 of administrative and closing expenses incurred by the Commissioner. The Commissioner is
23 further authorized to pay any excess closing and administrative costs out of the funds
24 appropriated for the maintenance of the Department of Insurance. A report to the Court of the
25 expenditure of these funds shall not be required.

26 5. In accordance with the six-month waiting period of Code of Civil Procedure
27 section 1517, as to disbursements that are either undeliverable or as to which issued checks have
28 not then been negotiated, the Commissioner is authorized to void such checks that have not been

1 negotiated and escheat all undeliverable amounts and amounts of non-negotiated checks to the
2 Insurance Fund pursuant to Insurance Code section 12937;

3 6. The estate of National Auto is closed, and the Commissioner shall be
4 discharged as Conservator and Liquidator upon the filing of a Declaration of Compliance which
5 reflects that the Commissioner has complied with the terms of this Court's Order to make the
6 final distribution and close the estate;

7 7. Upon being discharged as Conservator and Liquidator as described in
8 paragraph 6 above, the Commissioner, acting in any capacity, shall not have any liability to any
9 person arising, occurring, or relating to his activities prior to or during, his conservation and/or
10 liquidation of National Auto;

11 8. The Commissioner is authorized to file a request that this proceeding be
12 dismissed;

13 9. The Commissioner is authorized to take any action necessary to accomplish the
14 purposes of this Order.

15 IT IS SO ORDERED.

16
17 DATED: 12/7/09

18
19 

20 Judge of the Superior Court

21 JAMES C. CHALFANT

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Insurance Commissioner v. National Automobile & Casualty, etc.**

Case No.: **BS 074743 (Los Angeles Superior Court)**

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; my business address is 300 South Spring Street, Suite 1702, Los Angeles, CA 90013.

I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On **November 30, 2009**, I placed a copy of the attached

[Proposed] ORDER—(1) SETTling & APPROVING FINAL REPORT & ACCOUNT OF LIQUIDATOR; (2) APPROVING FINAL DISTRIBUTION OF ASSETS; (3) TERMINATING PROCEEDINGS; and (4) DISCHARGING LIQUIDATOR

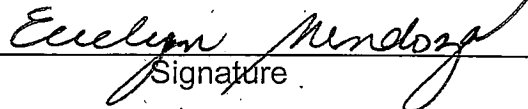
by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Mail at Los Angeles, California, addressed as follows:

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **November 30, 2009**, at **Los Angeles, California**.

Evelyn Mendoza

Declarant


Signature

SERVICE LIST

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HARTFORD, CT 06115-0001

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I certify that this is a true and correct copy of the
original ORDER on file in this office consisting
of 10 pages. JOHN A. CLARKE, Executive Officer/Clerk of the
Superior Court of California, County of Los Angeles.
Date: DEC 07 2009 By: [Signature], Deputy

D. WADE