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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**
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14 **INSURANCE COMMISSIONER OF THE**
STATE OF CALIFORNIA,

15 **Applicant,**
16

17 **v.**
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21 **WESTERN GROWERS INSURANCE COMPANY,**
a California corporation, and Does 1-50.
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24 **Respondents.**
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26 The Application of the Insurance Commissioner of the State of California, in his capacity
27 as Liquidator of Western Growers Insurance Company ("the Company") came before this Court for an
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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CENTRAL JUSTICE CENTER
JAN 27 2004
ALAN SLATER, Clerk of the Court
[Signature]
BY K. CHUNG-MASTERS

Case No: 03CC01758

Assigned for all purposes to
Michael Brenner, Superior
Court Judge, Department C-20

[PROPOSED]
ORDER GRANTING
APPLICATION OF LIQUIDATOR
TO FOREGO CLAIMS PROCESS.
[California Insurance Code
§1021(c)(1)]

Hearing Date: January 27,
2004
Time: 1:30 p.m.
Department: C-20

**[PROPOSED] ORDER RE MOTION
TO FOREGO THE CLAIMS PROCESS**

1 order permitting him to forego the claims process as contemplated by California Insurance Code
2 §1021(c)(1) due to insufficient estate assets to satisfy claimant classes (a)(3) through (a)(9). In support
3 of the motion, the Commissioner has provided an accounting of the financial circumstances of the
4 Company that shows a net deficiency in assets as of August 31, 2003 of over fifteen million dollars.
5 As a result of this deficiency, the Commissioner projects that there will be insufficient assets in this
6 estate to satisfy, in whole or in part, any claims beyond those described in California Insurance Code
7 sections 1033(a)(1) [administrative expenses] and 1033(a)(2) [guaranty associations]. The
8 Commissioner proposes to provide published notice to all potential claimants, including those holding
9 claims in classes that are unlikely to receive any distribution, and to inform such claimants by way of
10 publication, that he will not be accepting proofs of claim from such claimants at this time due to
11 insufficient assets. In so doing, the Commissioner will save substantial administrative costs associated
12 with mailing notice to each creditor.

13 THIS COURT, having read the moving papers and the exhibits attached thereto, and finding that
14 good cause exists, and having received no opposition from any party that requested notice herein,
15 ORDERS as follows:

16 1. The Commissioner, acting in his capacity as Liquidator of Western Growers
17 Insurance Company, shall publish notice in the Counties of Alameda, Los Angeles, Sacramento, San
18 Diego, San Francisco, Santa Clara, and Orange once a week for four consecutive weeks, in compliance
19 with section 1022 of the Insurance Code.

20 2. The published notice shall include further notice that, due to insufficient assets, the
21 Commissioner, acting in his capacity as Liquidator of Western Growers Insurance Company, will not be
22 accepting proofs of claim at this time, but that should sufficient assets be found, the Commissioner will
23 send notice to the Creditors at that time and set a new Claims filing deadline.

24 3. The Commissioner, acting in his capacity as Liquidator of Western Growers
25 Insurance Company, shall forego the notice procedure set forth in section 1063.7 of the Insurance Code,
26 subject to later mailed notice, as set forth above, should sufficient assets be recovered to pay all or any
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1 portion of the claims described under Insurance Code Section 1033(a)(3) et.seq.

2 4. Upon publishing notice as set forth herein and upon filing an affidavit of completion
3 of notice with this Court, the Commissioner and the Liquidation Estates shall be absolved from any
4 liability that might be incurred thereby.

5 **IT IS SO ORDERED.**

6 Dated: January 27 2004

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MICHAEL BRENNER

SUPERIOR COURT JUDGE

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**[PROPOSED] ORDER RE MOTION
TO FOREGO THE CLAIMS PROCESS**