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A-60  
ENDORSED  
FILED  
Superior Court of California  
County of San Francisco  
SEP 06 2011  
CLERK OF THE COURT  
BY: MICHAEL RAYHAY  
Deputy Clerk

7 Attorney for Applicant Dave Jones,  
8 Insurance Commissioner of the State of California  
in his Capacity as Conservator of  
9 Majestic Insurance Company

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 CITY AND COUNTY OF SAN FRANCISCO  
12

13 INSURANCE COMMISSIONER OF THE  
14 STATE OF CALIFORNIA,

15 Applicant,

16 v.

17 MAJESTIC INSURANCE COMPANY,  
and DOES 1-50, inclusive,

18 Respondents.  
19

Case No. CPF-11-511261

**CONSERVATOR'S NOTICE OF MOTION  
AND MOTION FOR ESTABLISHMENT OF  
CLAIMS BAR DATE AND APPROVAL OF  
FORM OF NOTICE**

Date: September 30, 2011  
Time: 9:30 AM  
Dept: 301  
Judge: Hon. Peter J. Busch

**EXEMPT from filing fees per Govt. Code  
§ 6103**

21  
22 PLEASE TAKE NOTICE that on the 30th day of September, 2011, at 9:30 a.m. or  
23 as soon thereafter as the matter may be heard, California Insurance Commissioner Dave Jones  
24 (the "Conservator"), as Conservator of Majestic Insurance Company ("Majestic"), will and  
25 hereby does move the Court, pursuant to California Insurance Code section 1037, for the issuance  
26 of an Order Establishing a Claims Bar Date and Approving the Form of Notice for general  
27 creditor claims against Majestic Insurance Company. The Conservator's Motion is based on this  
28

1 Notice, the accompanying Memorandum of Points and Authorities and Declaration of David  
2 Wilson, the Proposed Order Establishing Claims Bar Date and Approving Form of Notice lodged  
3 herewith, as well as the pleadings, records, and files in this action and such additional information  
4 as may be produced at the hearing on this matter.

5           The transactions contemplated by the Rehabilitation Plan and Rehabilitation  
6 Agreement closed on July 1, 2011, including the three primary Rehabilitation Transaction  
7 Agreements (the Renewal Rights and Asset Purchase Agreement, the Loss Portfolio Transfer and  
8 Quota Share Agreement, and the Reinsurance Administrative Services Agreement) as well as  
9 other ancillary agreements. The closing of these transactions and agreements has provided for all  
10 known liabilities for the policyholder class (priority class 2) defined in California Insurance Code  
11 section 1033(a)(2). The Rehabilitation Plan also provides, in section 8.2, for the disposition of  
12 the claims of general creditors in priority classes three through nine, as defined in California  
13 Insurance Code section 1033(a)(3)-(9), via the statutory claims process. Pursuant to section 8.2(i)  
14 of the Rehabilitation Agreement, the Conservator now seeks an Order establishing a Claims Bar  
15 Date by which all claimants in classes three through nine must file claims with the Conservator.  
16 The Conservator hereby requests that the Court issue an Order establishing such a Claims Bar  
17 Date of January 31, 2012 and requiring that notice of such bar date be provided as described  
18 herein to potential general creditors and the public no later than 90 days prior to the claim bar  
19 date. The Conservator believes that such a notice period provides sufficient time for general  
20 creditors to lodge their claims with the Conservator while avoiding any unnecessary delay. An  
21 extended claims period is unlikely to result in any additional claims, but will cause further  
22 administrative expense, leaving fewer assets for Majestic's creditors and shareholder. Wilson  
23 Decl., ¶ 4-5.

24           As described in the accompanying Memorandum, the Conservator requests that the  
25 Court approve publication of the Form of Notice, attached as Exhibit A to the Proposed Order  
26 lodged herewith, in the same news publications that published notice of the Rehabilitation Plan.  
27 Specifically, the Conservator seeks an Order providing for publication of the Form of Notice in  
28 the Los Angeles Daily Journal, the Sacramento Bee, the San Diego Union Tribune, the San

1 Francisco Chronicle, and the Poughkeepsie Journal. The Conservator will also provide notice of  
2 the Claims Bar Date and general creditor claims process by mailing the Form of Notice and such  
3 other information as the Conservator deems necessary and appropriate to all known general  
4 creditors at their addresses as shown in Majestic's records.

5 Dated: September 2, 2011

KAMALA D. HARRIS  
Attorney General of California  
JOYCE E. HEE  
Supervising Deputy Attorney General  
KRISTIAN D. WHITTEN  
Deputy Attorney General

10 By:



KRISTIAN D. WHITTEN

Attorney for Applicant

Dave Jones, Insurance Commissioner of the  
State of California in his Capacity as  
Conservator of Majestic Insurance Company



**DECLARATION OF SERVICE BY OVERNIGHT COURIER**

Case Name: **Insurance Commissioner v. Majestic Insurance Company**  
No.: **CPF-11-511261**

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: 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for overnight mail with Federal Express. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the overnight courier that same day in the ordinary course of business.

On September 2, 2011, I served the attached:

- ✓ 1. Conservator's Notice of Motion and Motion for Establishment of Claims Bar Date and Approval of Form of Notice;
- 2. Memorandum of Points and Authorities in Support of Conservator's Motion and Motion for Establishment of Claims Bar Date and Approval of Form of Notice;
- 3. Declaration of David Wilson in Support of Conservator's Motion and Motion for Establishment of Claims Bar Date and Approval of Form of Notice; and
- 4. [Proposed] Order Establishing Claims Bar Date and Approving Form of Notice.

by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, for overnight delivery, addressed as follows: SEE ATTACHED 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 September 2, 2011, at San Francisco, California.

\_\_\_\_\_  
Eva Merrick  
Declarant

\_\_\_\_\_  
*Eva Merrick*  
Signature

**SERVICE LIST (as of 9/2/11)**

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