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INSURANCE COMMISSIONER OF THE STATE OF CALIFORNIA

11  
12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
13 **FOR THE COUNTY OF LOS ANGELES**  
14

15 INSURANCE COMMISSIONER OF THE  
STATE OF CALIFORNIA,

16 Applicant,

17 v.

18 GOLDEN STATE MUTUAL LIFE  
INSURANCE COMPANY, a California  
19 corporation,

20 Respondent.

Case No. BS123005  
The Hon. Joanne O'Donnell, Dept. 86

**NOTICE OF APPLICATION AND  
APPLICATION FOR ORDERS  
APPROVING DETERMINATIONS TO  
PROFESSIONALLY SHRED AND  
DESTROY GOLDEN STATE'S  
REMAINING RECORDS AND FILES**

[Filed concurrently with Memorandum,  
Evidence, Proposed Order and Proof of  
Service]

Date: July 6, 2016  
Time: 9:30 a.m.  
Dept: 86

- 1 **TO: (1) THE LOS ANGELES SUPERIOR COURT;**  
2 **(2) ALL PERSONS AND ENTITIES KNOWN TO THE LIQUIDATOR TO**  
3 **HAVE A SUBSTANTIAL UNSATISFIED CLAIM THAT MAY BE AFFECTED**  
4 **BY THE REQUESTED COURT ORDERS; AND**  
5 **(3) ALL INTERESTED PARTIES,**

6 **PLEASE TAKE NOTICE** that on July 6, 2016, at 9:30 a.m., or as soon thereafter as the  
7 parties may be heard, in Department 86 of the Los Angeles Superior Court for the State of  
8 California, County of Los Angeles, located at 111 N. Hill Street, Los Angeles, California 90012  
9 (“Court”), Applicant Insurance Commissioner of the State of California in his capacity as  
10 Liquidator (“Liquidator”) of Golden State Mutual Life Insurance Company (“Golden State”), will  
11 and hereby does apply to the Court and submit this application for the following Court Orders:

- 12 1. An Order approving the Liquidator’s determination to professionally shred and  
13 destroy Golden State’s remaining records and files located at an off-site records storage facility;  
14 2. An Order approving the Liquidator’s determination that the approximate cost of  
15 \$54,796.02 to professional shred and destroy Golden State’s remaining records and files is a  
16 reasonable and necessary expense incurred for Golden State; and  
17 3. An Order authorizing the Liquidator to take any and all actions necessary to  
18 accomplish the purposes of the above requested Orders.

19 **Grounds for the Application**

20 This application is based on the following:

- 21 1. Golden State was a mutual life insurance company domiciled and existing under  
22 the laws of the State of California. On December 30, 2015, the Court granted the Liquidator’s  
23 application requesting that Golden State’s liquidation be terminated and that the Insurance  
24 Commissioner be discharged upon the Liquidator filing a Declaration of Compliance confirming  
25 receipt of final payment from the Los Angeles County Arts Commission for its purchase of  
26 Golden State’s Art Collection and the Liquidator’s payment of any remaining expenses incurred to  
27 close the liquidation. The Liquidator has received the final payment from the Los Angeles County  
28 Arts Commission for its purchase of Golden State’s Art Collection. The Liquidator has not yet

1 filed the Declaration of Compliance as he remains in the process of handling and paying  
2 remaining expenses incurred to close the liquidation.

3           2.       As part of the Liquidator's closing of the liquidation, the Liquidator is in the  
4 process of preparing to professionally shred and destroy Golden State's remaining records and  
5 files located at the off-site records storage facility. The majority of Golden State's in-force  
6 insurance and annuity contract records and files were previously transferred to IA American Life  
7 Insurance Company and are maintained in electronic format. The remaining records and files  
8 located at the off-site records storage facility consist of approximately 10,529 boxes containing  
9 closed claim files, closed benefit and personnel files, lapsed policy files, closed policy and annuity  
10 files, closed accounting and financial records, cancelled checks, closed legal files, and additional  
11 closed and unused company files and records. None of the files or records are needed by the  
12 Liquidator or any other known parties, and for the past several years there has been no dependence  
13 or retrieval of the records and files maintained at the storage facility. Further, Golden State's  
14 historical records have previously been transferred to UCLA Library pursuant to previously Court-  
15 approved agreement and Court Order.

16           3.       The Liquidator has provided notice of the intended destruction of said records and  
17 files to IA American Life Insurance Company (the solvent insurer who in 2010 assumed Golden  
18 State's in-force policies and annuity contracts) and The National Organization of Life and Health  
19 Insurance Guaranty Associations ("NOLHGA") (the insurance guaranty associations who  
20 assumed Golden State's policies not transferred to IA American), and neither IA American nor  
21 NOLHGA expressed any interest in copying or maintaining the files.

22           4.       The cost to professional shred and destroy the records and files is approximately  
23 \$54,796.02. The professional shredding and destruction of Golden State's remaining records and  
24 files is necessary to complete the closing of Golden State's liquidation, and the approximate cost  
25 of \$54,796.02 for such services is reasonable and necessary based on the number of boxes at issue  
26 and scope of work to be performed.

27           This application is based on this Notice, the concurrently filed Memorandum of Points and  
28 Authorities, declarations of Scott Pearce and Michael R. Weiss, and evidence, the pleadings,

1 documents and papers on file in this action, and on such oral and/or documentary evidence and/or  
2 arguments which may be presented at the hearing on this application.

3 **Copies of Liquidator's Application and Supporting Evidence and Documents**

4 Copies of the Liquidator's Notice, Memorandum, Evidence and Proposed Order  
5 supporting this application can be reviewed and downloaded at the Insurance Commissioner's  
6 Conservation & Liquidation Office's website at [www.caclo.org/GoldenStateMutual](http://www.caclo.org/GoldenStateMutual).

7 **Response or Opposition to Application**

8 Any response or opposition to this application shall be filed with the Court and served by  
9 mail or e-mail to Liquidator's attorney Michael R. Weiss, with supporting evidence, on or before  
10 June 22, 2016. The Liquidator shall file any replies, with supporting evidence, on or before June  
11 28, 2016. The address for Golden State's attorney Michael R. Weiss for service is:


12 Michael R. Weiss  
13 Lewis Brisbois Bisgaard & Smith LLP  
14 633 West 5<sup>th</sup> Street, Suite 3900  
15 Los Angeles, California 90071  
16 Telephone: 213.580-6344  
17 Facsimile: 213.250.7900  
18 E-Mail: [Michael.Weiss@lewisbrisbois.com](mailto:Michael.Weiss@lewisbrisbois.com)

19 No action is required on your part if you do not oppose this Application.

20 DATE: June 1, 2016

21 KAMALA D. HARRIS  
22 Attorney General of California  
23 DIANE S. SHAW  
24 Supervising Deputy Attorney General  
25 LISA W. CHAO  
26 Deputy Attorney General

27 LEWIS BRISBOIS BISGAARD & SMITH LLP

28 By:   
MICHAEL R. WEISS  
Attorneys for Applicant  
Insurance Commissioner Of The  
State Of California