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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CIVIL COMPLEX LITIGATION CENTER

MAY 30 2008

ALAN SLATER, Clerk of the Court

Alan Slater
BY **ALAN SLATER**

8 Attorneys for Applicant Insurance Commissioner
of the State of California, in his capacity as Liquidator of
9 Western International Insurance Company

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF ORANGE – COMPLEX CIVIL CENTER

12 **INSURANCE COMMISSIONER OF THE**
13 **STATE OF CALIFORNIA,**

14 Applicant,

15 v.

16 **WESTERN INTERNATIONAL**
17 **INSURANCE COMPANY,** a California
corporation,

Respondent.

CASE NO. 694012

Assigned for All Purposes to
the Honorable Thierry P. Colaw
Department CX 104

TPC
~~PROPOSED~~ ORDER:

(1) **SETTLING AND APPROVING THE
FINAL REPORT AND ACCOUNT OF
THE CONSERVATOR AND
LIQUIDATOR OF WESTERN
INTERNATIONAL INSURANCE
COMPANY;**

(2) **AUTHORIZING DISBURSEMENT
OF FUNDS;**

(3) **APPROVING PAYMENT OF
EXPENSES; AND**

(4) **TERMINATING LIQUIDATION
PROCEEDING AND DISCHARGING
INSURANCE COMMISSIONER AS
LIQUIDATOR**

Date: May 30, 2008
Time: 10:00 a.m.
Dept: CX 104
Judge: Hon. Thierry P. Colaw

ELECTRONICALLY
RECEIVED

SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
CIVIL COMPLEX CENTER

Apr 18 2008

ALAN SLATER, Clerk of the Court

1 The Insurance Commissioner's Application for Orders: (1) Settling and Approving Final
2 Report and Account of Conservator and Liquidator from August 10, 1992 to December 31, 2007;
3 (2) Authorizing Disbursement of Funds; (3) Approving Payment of Expenses; and (4)
4 Terminating Proceeding and Discharging Liquidator came on for hearing on May 30, 2008, in
5 Department CX104 of the above entitled court, the Honorable Thierry P. Colaw, presiding.

6 The Court, after reviewing the Application, the Memorandum of Points and Authorities,
7 the exhibits and declarations submitted in support thereof, and argument having been heard and
8 good cause appearing,

9 IT IS HEREBY ORDERED that:

10 1. The Report and Account of Conservator and Liquidator for the period from August
11 10, 1992, through December 31, 2007, is settled and approved;

12 2. The Commissioner is authorized to distribute approximately \$10,395,990 to
13 approved Class 5 claimants subject to adjustment for investment income and changes in market
14 value of investments that have been posted as of the date the investments are withdrawn from the
15 investment pool. The distributions shall be made within two weeks of receipt of the signed order
16 from the Court;

17 3. The Commissioner is authorized to retain the sum of \$144,688 for payment of
18 administrative expenses incurred by the Commissioner from and after December 31, 2007 for
19 administrative and closing costs. The Commissioner is authorized to pay any excess closing and
20 administrative costs out of the funds appropriated for the maintenance of the Department of
21 Insurance. A report to the Court of the expenditure of these funds shall not be required;

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

27 5. The Commissioner is authorized to maintain all records of Western International
28 Insurance Company for three years from the date of this order and thereafter the Commissioner is

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authorized to destroy all records of Respondent, except for those records necessary for examination by the Department of Finance or other auditor of the Commissioner's books and records pursuant to Insurance Code section 1061;

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

7. The estate of Western International Insurance Company is closed and the Commissioner shall be discharged as liquidator upon the filing of a declaration that the Commissioner has distributed the assets in accordance with this Court's order and upon the filing of a dismissal of the action.

Dated: 30 May
2008


Judge of the Superior Court

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Insurance Commissioner of the State of California v.
Western International Insurance Company**

No.: **0694012**

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. 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 **April 18, 2008**, I served the attached **[PROPOSED] ORDER: (1) SETTLING AND APPROVING THE FINAL REPORT AND ACCOUNT OF THE CONSERVATOR AND LIQUIDATOR OF WESTERN INTERNATIONAL INSURANCE COMPANY; (2) AUTHORIZING DISBURSEMENT OF FUNDS; (3) APPROVING PAYMENT OF EXPENSES; AND (4) TERMINATING LIQUIDATION PROCEEDING AND DISCHARGING INSURANCE COMMISSIONER AS LIQUIDATOR** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA. 90013, addressed as follows:

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on **April 18, 2008**, at Los Angeles, California.

Evelyn Mendoza

Declarant



Signature

SERVICE LIST

INSURANCE COMMISSIONER OF THE STATE OF CALIFORNIA v. WESTERN INTERNATIONAL INSURANCE CO. Orange County Superior Court Case No. 694012

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*Compagnie Transcontinentale de Reassurance****
*La Reunion Francaise S.A.****
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*Norwich Winterthur Reinsurance Corp., Ltd.****
*Terra Nova Ins. Co. Ltd.****

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*Frankona Re***
*General Security Assurance Corporation of N.Y.**
Hansa Reinsurance Co. of America
*Highlands Insurance Company**
*La Reunion Francaise S.A.****
*Lloyd's****

*Municipal General Insurance Company, Ltd.****
*Navigators Insurance Co.***
*Norwich Winterthur Reinsurance Corp., Ltd.****
*Phoenix Reinsurance Company**
*Prudential Reinsurance Company**
*Reinsurance Corp. of New York***
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*Skandia American Reinsurance Company**
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- * Served directly in addition to intermediary
- ** Represented by counsel
- *** Served as directed in Service of Suit clause

updatedlist26march2007.wpd