

Fee Exempt Pursuant to
Gov. Code § 6103

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Insurance Commissioner of the State of California,
in his capacity as the Liquidator of Fremont
Indemnity Company

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

JUL 15 2019

Sherri R. Carter, Executive Officer/Clerk
By: Tanya Herrera, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
SPRING STREET COURTHOUSE

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

Applicant,

v.

**FREMONT INDEMNITY COMPANY, a
California corporation,**

Case No. BS083582

**DECLARATION OF JOHN BATTLE IN
SUPPORT OF APPLICATION FOR
ORDER SETTLING AND APPROVING
FINAL REPORT AND ACCOUNT OF
LIQUIDATOR OF FREMONT
INDEMNITY COMPANY AND OTHER
ORDERS**

Respondent.
Date: August 16, 2019
Time: 10:00 a.m.
Dept: 10
Judge: The Honorable William F.
Highberger

Action Filed: June 3, 2003

I, John Battle, declare:

1. I am employed by the Insurance Commissioner of the State of California's
Conservation and Liquidation Office (CLO) as its Chief Claims Officer. The statements
contained in this declaration are not all within my personal knowledge, and I am informed that no
single officer of the CLO has personal knowledge of all these matters. The statements in this

1 declaration are based upon information assembled by authorized employees of the CLO, and I am
2 informed and believe that the statements based upon that information are true. As to those
3 matters that are within my own personal knowledge, the statements are true. If called as a
4 witness, would testify to the facts herein.

5 2. I have worked at the CLO since October 2003 – first as an independent contractor
6 and then as an employee of the CLO. I have forty-six years of experience in handling and
7 negotiating insurance claims. I have extensive experience investigating and resolving liability
8 claims.

9 3. As the Chief Claims Officer, I supervise the CLO’s Claims Department. I oversee
10 the administration of all claims submitted by insurance guarantee associations, policyholders and
11 creditors of the insolvent insurers being liquidated by the Insurance Commissioner of the State of
12 California (Commissioner or Liquidator), including the estate of Fremont Indemnity Company
13 (Fremont). I am also familiar with the CLO’s procedures for mailing, intake, processing, review
14 and approval or denial of claims made against insolvent insurers.

15 4. After the entry of the liquidation order in this case, the Liquidator published
16 notices to creditors that claims against the insolvent estate of Fremont had to be filed by no later
17 than the Claims Bar Date of June 30, 2004.

18 5. The Liquidator mailed approximately 139,642 Proofs of Claim (POC) forms to
19 persons possibly interested in the assets of Fremont.

20 6. The Liquidator issued two types of POCs. The Liquidator sent “deemed filed”
21 notices to all workers’ compensation claimants with open claims against Fremont and all
22 policyholders who have claims for return of unearned premiums. All other claimants were mailed
23 booklets that contain information and instructions for filing a POC.

24 7. By the Claims Bar Date, the Liquidator received 126,913 POCs of which 43,351
25 were contingent and undetermined claims.

26 8. By 2017, the Liquidator had resolved the majority of the POCs.


27 9. The Liquidator determined that Fremont will not have sufficient assets to pay in
28 full Class 2 policyholder claims, and therefore determined that claims below Class 2 will be

1 administratively closed without further handling. Notices of the administrative closure of these
2 claims were sent to the affected claimants.

3 10. The remaining open Class 2 claims consisted primarily of 98 contingent and
4 undetermined claims, which must be liquidated in order to make a final pro rata distribution. The
5 Liquidator sought and obtained a court order setting deadlines of September 29, 2017 for the
6 liquidation of all open Class 2 claims.

7 11. All open Class 2 claims have now been finally determined. Exhibit A attached to
8 the Liquidator's Final Report and Accounting is the schedule of the approved POC and the
9 amount approved for each claim.

10 I declare under the penalty of perjury under the laws of the State of California that the
11 foregoing is true and correct. Executed on this 12 day of July, 2019 in San Francisco,
12 California.

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16 _____
17 John Battle

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LA2003CV0857
Declaration of John Battle.docx

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Insurance Commissioner v. Fremont Indemnity Company**
Case No.: **BS083582**

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 with postage thereon fully prepaid that same day in the ordinary course of business.

On July 15, 2019, I served the attached **DECLARATION OF JOHN BATTLE IN SUPPORT OF APPLICATION FOR ORDER SETTLING AND APPROVING FINAL REPORT AND ACCOUNT OF LIQUIDATOR OF FREMONT INDEMNITY COMPANY AND OTHER ORDERS** by placing a true copy thereof enclosed in a sealed envelope 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 the foregoing is true and correct and that this declaration was executed on July 15, 2019, at Los Angeles, California.

C. Adams
Declarant


Signature

SERVICE LIST

Case Name: Insurance Commissioner v. Fremont Indemnity Company
L. A. S. C. Case No.: BS083582

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