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14 *Commissioner of the State of California as*
Liquidator of Western Employers Insurance
15 *Company*

16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 COUNTY OF SAN FRANCISCO

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

21 Applicant,

22 v.

23 **WESTERN EMPLOYERS INSURANCE**
24 **COMPANY,**

25 Respondent.

Case No. CPF-97-984281

APPLICANT INSURANCE
COMMISSIONER OF THE STATE OF
CALIFORNIA'S NOTICE OF MOTION
AND MOTION FOR APPROVAL OF
EPA PIONEER METAL SETTLEMENT
AGREEMENT

Date: February 24, 2021
Time: 9:30 a.m.
Dept: 302
Judge: Honorable Ethan P. Schulman

ELECTRONICALLY

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Superio Cour o California,
Count o Sa Francisco

01/22/2021
Cler o th Court
BY SANDR SCHIRO
Deput Clerk

1 TO ALL PERSONS AND ENTITIES WHO HAVE APPEARED AND ASSERTED AN
2 INTEREST IN THE ESTATE OF WESTERN EMPLOYERS INSURANCE COMPANY:

3 PLEASE TAKE NOTICE THAT on February 24, 2021 at 9:30 a.m., or as soon thereafter
4 as the matter may be heard, in Department 302 of the San Francisco County Superior Court,
5 located at 400 McAllister Street, San Francisco, California 94102, remotely by Zoom
6 videoconference, applicant Insurance Commissioner of the State of California (“Commissioner”),
7 as the liquidator of Western Employers Insurance Company (“WEIC”), will move for an order
8 approving entry into a policyholder claims approval agreement, to allow claimant United States
9 Environmental Protection Agency’s (“EPA”) claim arising from the Pioneer Metals Finishing
10 Superfund Site in the amount of \$1.2 million as an Insurance Code section 1033 policyholder
11 priority proof of claim. The EPA filed a proof of claim form seeking approval of its claim based
12 upon substantial policy coverage claims, asserting a right to recovery of policy limits under a \$2
13 million excess insurance policy WEIC issued to Pioneer Metals Finishing, Inc. The parties have
14 settled, subject to this Court’s approval for an allowance of a proof of claim in the amount of \$1.2
15 million at the priority accorded to policyholder claims.

16 The Commissioner hereby moves for an order which provides each of the following:

- 17 A. Approval of the EPA Pioneer Metal Site Settlement Agreement with the EPA, a copy
18 of which is attached as Exhibit “A” to the declaration of Michele Vass; and
19 B. Authorization for the Commissioner to take such other steps as the Commissioner
20 deems necessary and appropriate to implement the Settlement Agreement.

21 The Commissioner’s motion is based on this notice of motion and motion, the
22 memorandum of points and authorities, the declaration of Michele Vass concurrently filed
23 herewith; all papers and pleadings on file in this case; such other and further evidence as is
24 permitted and requested by the Court at the time of hearing; and such oral argument as may be

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1 presented at the hearing.

2 Dated: January 22, 2021

Respectfully Submitted,

3 XAVIER BECERRA
4 Attorney General of California
5 MOLLY K. MOSLEY
6 Supervising Deputy Attorney General

/s/ Karen W. Yiu

7 KAREN W. YIU
8 Deputy Attorney General
9 *Attorneys for Applicant Insurance
Commissioner of the State of California as
Liquidator of Western Employers Insurance
Company*

10 SF2003CV0729

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12 AND MOTION FOR APPROVAL OF EPA PIONEER METAL SETTLEMENT AGREEMENT.doc

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