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Commissioner of the State of California

FILED
San Francisco County Superior Court

NOV 21 2022

CLERK OF THE COURT
BY: [Signature]
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO

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

15 Applicant,

16 v.

17 **HIH AMERICA COMPENSATION &**
18 **LIABILITY INSURANCE COMPANY, a**
19 **California domiciled insurance company,**

20 Respondent.

Case No. CPF-01-320049

**[PROPOSED] ORDER APPROVING
MOTION TO REOPEN PROCEEDINGS
FOR LIMITED PURPOSE AND FOR
ORDER APPROVING DISTRIBUTION
OF SURPLUS FUNDS TO APPROVED
CLASS 2 CLAIMANTS**

Date: November 21, 2022
Time: 9:30 a.m.
Dept: 302
Judge: Hon. Richard B. Ulmer Jr.

Trial Date: N/A
Action Filed: March 29, 2001

23 Hearing on the Insurance Commissioner of the State of California's Motion (1) To Reopen
24 Proceedings for Limited Purpose; and (2) For Order Approving Distribution of Surplus Funds to
25 Approved Class 2 Insurance Guaranty Association Claimants came on regularly for hearing
26 before the Honorable Richard B. Ulmer Jr., judge presiding, Department 302 of the San Francisco
27 County Superior Court on November 21, 2022.

1 The Insurance Commissioner of the State of California was represented by Caroline C.
2 Lam, Deputy Attorney General. There were no other appearances.

3 The motion was not opposed, and having been duly noticed and good cause appearing
4 therefore, is hereby granted.

5 IT IS HEREBY ORDERED that:

6 1. *Insurance Commissioner of the State of California v. HIH America Compensation &*
7 *Liability Insurance Company*, Case No. CPF-01-320049, is reopened for the sole and limited
8 purpose of making a distribution of surplus assets to Class 2 claimants whose pro rata distribution
9 is \$5.00 or greater;

10 2. The Insurance Commissioner is authorized to forgo the pro rata distribution to Class
11 2 claimants whose distribution amount is less than \$5.00;

12 3. The Insurance Commissioner is authorized to retain \$100,000 in an administrative
13 budget to pay for the costs to prepare and release the distribution;

14 4. *Insurance Commissioner of the State of California v. HIH America Compensation &*
15 *Liability Insurance Company*, shall be closed upon the filing of a declaration that the
16 Commissioner has completed its distribution to Class 2 claimants in accordance with this Court's
17 order in this matter;

18 5. If there are any assets remaining after the Insurance Commissioner has completed all
19 his closing tasks, such remainder shall be escheated to the fund appropriated for the maintenance
20 of the Department of Insurance pursuant to Insurance Code section 12937; and

21 6. The Insurance Commissioner is authorized to take any action necessary to
22 accomplish the purpose of this Order.

23
24 Dated: _____

11/21/22

Ulmer

The Honorable Richard B. Ulmer