

1 KAMALA D. HARRIS
 Attorney General of California
 2 FELIX E. LEATHERWOOD
 W. DEAN FREEMAN
 3 Supervising Deputy Attorneys General
 4 LISA W. CHAO, State Bar No. 198536
 Deputy Attorney General
 5 300 South Spring Street, Room 1702
 6 Los Angeles, California 90013
 Telephone: (213) 897-2481
 7 Facsimile: (213) 897-5775
 8 E-mail: Lisa.Chao@doj.ca.gov

9 MICHAEL R. WEISS, State Bar No. 180946
 EPSTEIN TURNER WEISS
 10 A Professional Corporation
 633 W. Fifth Street, Suite 3330
 11 Los Angeles, California 90071
 Telephone: (213) 861-7487
 12 Facsimile: (213) 861-7488
 13 Email: mrw@epsteinturnerweiss.com

14 Attorneys for Applicant
 15 Insurance Commissioner of the State of California

16 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 17 **FOR THE COUNTY OF LOS ANGELES**

18 INSURANCE COMMISSIONER OF THE
 19 STATE OF CALIFORNIA,

20 Applicant,

21 v.

22 GOLDEN STATE MUTUAL LIFE
 23 INSURANCE COMPANY, a California
 corporation,

24 Respondent.

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

**NOTICE OF APPLICATION FOR THIRD
 ORDER CONTINUING CLAIMS BAR
 DATE: CONTINUANCE REQUESTED
 TO DECEMBER 31, 2014**

[Filed concurrently with Memorandum and
 Proof of Service]

Date: December 6, 2013
 Time: 1:30 p.m.
 Dept: 86

1 **TO: (1) THE LOS ANGELES SUPERIOR COURT;**
 2 **(2) ALL PERSONS AND ENTITIES KNOWN TO THE COMMISSIONER 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 December 6, 2013, at 1:30 p.m., or as soon thereafter
 7 as the 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 ("Commissioner") in his
 10 capacity as Liquidator of Golden State Mutual Life Insurance Company ("Golden State"), will
 11 and hereby does apply to the Court and submit this application for a Court Order to continue the
 12 Claims Bar Date from its current date of December 31, 2013, to a new date of December 31,
 13 2014. Continuing the bar date also continues the date for publication in newspapers of notice of
 14 the Claims Bar Date from June 30, 2013 to June 30, 2014. The Claims Bar Date was previously
 15 continued from December 31, 2011 to December 31, 2013 by Orders dated September 28, 2011
 16 and July 20, 2013, for the same reasons set forth herein. The Claims Bar Date is the date that
 17 claims against Golden State's assets must be filed with the Commissioner.

18 **Grounds for the Application**

19 This Application is necessary to conserve estate assets. Golden State's current estimated
 20 net asset deficiency is \$9,164,300 as of June 30, 2013. Depending on the results of the sales of
 21 Golden State's remaining real estate currently valued at approximately \$291,500 and the outcome
 22 of the approval hearing concerning the \$550,000 settlement of the quiet title action by
 23 Community Impact Development II, LLC ("CID") regarding the murals, Golden State likely will
 24 not possess sufficient assets to permit significant distribution to certain priority classes of
 25 claimants. As such, pursuant to Insurance Code § 1021(a), the Commissioner may decline to
 26 handle claims from certain classes of claimants or decline to continue the liquidation.

27 Although the Commissioner has not made such determinations at this time, in the event
 28 such determinations are made in the future, by this application the Commissioner presently seeks

1 to avoid the significant administrative costs of preparing and mailing proofs of claim packages to
2 over 2,200 potential claimants, publishing notice in newspapers, and handling the returned proofs
3 of claim packages from claimants. Such costs continue to be estimated to be at least \$71,851.

4 The requested continuance will permit the Commissioner additional time to evaluate
5 whether such determinations are necessary and thereby, in the interim, conserve and monetize
6 assets for claimants in Priority classes who may receive distributions. Without the continuance,
7 the Commissioner presently will need to handle the claims process and incur the necessary
8 administrative expenses to do so without firm knowledge there will be material assets to
9 distribute.

10 There is good cause for the requested continuance of the Claims Bar Date.

11 1. The continuance presently will avoid potentially unnecessary administrative
12 expenses associated with the claims process pending further information on the results of real
13 estate sales, CID's quiet title action regarding the murals, and the City of Los Angeles monument
14 designation of the murals which is anticipated to be dismissed upon approval of the settlement
15 with CID.

16 2. There is no prejudice to any claimants or interested persons in Golden State's
17 estate. The only change in the claim administration process is that the Claims Bar Date and
18 newspaper publication of that date are continued for an additional twelve months to December 31,
19 2014, to avoid potentially unnecessary expenses.

20 3. The continuance is not expected to delay the claims process, as no distributions are
21 likely until the real estate is sold and the issues regarding the murals are resolved.

22 4. The orders requested herein are consistent with the Commissioner's authorities and
23 discretion under the Court's prior orders, the Insurance Code and case law.

24 This application is based on this Notice, the Memorandum of Points and Authorities and
25 the declarations of Scott Pearce and Michael R. Weiss and evidence filed concurrently with this
26 Notice, the pleadings, documents and papers on file in this action, all documents and other
27 evidence submitted in this action, and on such oral and/or documentary evidence and/or
28 arguments which may be presented at the hearing on this application.

Copies of Commissioner's Application and Supporting Evidence and Documents

Copies of the Commissioner's Notice, Memorandum with evidence and Proposed Order supporting this application can be reviewed and downloaded at the Insurance Commissioner's Conservation & Liquidation Office's website at www.caclo.org/GoldenStateMutual.

Response or Opposition to Application

Any response or opposition to this application shall be filed with the Court and served by mail or e-mail to Commissioner's attorney Michael R. Weiss, with supporting evidence, on or before November 21, 2013. The Commissioner shall file any replies, with supporting evidence, on or before November 27, 2013. The address for Golden State's attorney Michael R. Weiss for service is:


Michael R. Weiss
Epstein Turner Weiss
A Professional Corporation
633 W. Fifth Street, Suite 3330
Los Angeles, California 90071
Telephone: (213) 861-7487
Facsimile: (213) 861-7488
Email: mrw@epsteinturnerweiss.com.

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

DATE: October 28, 2013

KAMALA D. HARRIS
Attorney General of California
FELIX E. LEATHERWOOD
W. DEAN FREEMAN
Supervising Deputy Attorneys General
LISA W. CHAO
Deputy Attorney General

EPSTEIN TURNER WEISS
A Professional Corporation

By: 
MICHAEL R. WEISS
Attorneys for Applicant
INSURANCE COMMISSIONER OF THE
STATE OF CALIFORNIA