

1 ROBERT H. NUNNALLY, JR.
State Bar Number 134151
2 WISENER NUNNALLY ROTH, LLP
245 Cedar Sage Drive, Suite 240
3 Garland, Texas 75040

4 Ph: 972 530 2200
F: 972 530 7200
5 Email: Robert@wnrlaw.com

6 Attorneys for Insurance Commissioner as Trustee

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

8 **FOR THE COUNTY OF LOS ANGELES**

9 DAVE JONES, Insurance Commissioner of the State of California, Case No. C 572 724

10 Applicant,

Honorable Teresa A. Beaudet

11 vs.

12 MISSION INSURANCE COMPANY, a
California corporation, et al

13 Respondent.

**NOTICE OF ENTRY OF ORDER
EXTENDING MISSION INSURANCE
COMPANY TRUST, MISSION
NATIONAL INSURANCE COMPANY
TRUST AND ENTERPRISE INSURANCE
COMPANY TRUST [INCLUDING
REQUEST TO PERMIT DESTRUCTION
OF RECORDS]
[C.C.P. 664.5]**

14 Consolidated with Case Numbers

15 C 576 324; C 576 416;
16 C 576 323; C 576 325; C 629709

17
18 **November 2, 2018**
19 **Time: 8:30 a.m.**
20 **Department 50**

21 Action Filed: October 31, 1985

22
23
24 Dave Jones, Insurance Commissioner of the State of California, in his capacity as Trustee of the
25 Mission Insurance Company Trust, the Mission National Insurance Company Trust, and the
26 Enterprise Insurance Company Trust, respectfully gives notice that at the hearing on November 2,
27 2018 the Court granted the Motion to Extend Mission Insurance Company Trust, Mission

28 **NOTICE OF ENTRY OF ORDER EXTENDING MISSION INSURANCE COMPANY TRUST, MISSION
NATIONAL INSURANCE COMPANY TRUST AND ENTERPRISE INSURANCE COMPANY TRUST
[INCLUDING REQUEST TO PERMIT DESTRUCTION OF RECORDS] [C.C.P. 664.5] - 1**

1 National Insurance Company Trust and Enterprise Insurance Company Trust [Including Request
2 to Permit Destruction of Records] filed by the Insurance Commissioner as Trustee. The order
3 entered is attached as Exhibit "A".
4

5
6 Respectfully submitted,
7 WISENER NUNNALLY ROTH, LLP



8 _____
9 Robert H. Nunnally, Jr.
10 245 Cedar Sage Drive, Suite 240
11 Garland, Texas 75040

12
13 Ph: 972 530 2200
14 F: 972 530 7200

15
16
17
18
19
20
21
22
23
24
25
26
27
28 Attorneys for Insurance Commissioner as
Trustee

Exhibit A

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

Civil Division

Central District, Stanley Mosk Courthouse, Department 50

C572724

**CHARLES QUACKENBUSH VS. MISSION INSURANCE
COMPANY**

November 2, 2018

8:31 AM

Judge: Honorable Teresa A. Beaudet
Judicial Assistant: C. Guerrero
Courtroom Assistant: S. Sato

CSR: None
ERM: None
Deputy Sheriff: None

APPEARANCES:

For Plaintiff(s): No Appearances

For Defendant(s): No Appearances

Other Appearance Notes: For Applicant Dave Jones: Robert H. Nunnaly, Jr. (Telephonic)

NATURE OF PROCEEDINGS: Motion to Extend Mission Insurance Company Trust, Mission National Insurance Company Trust (Including Request to Permit Destruction of Records)

The matter is not called for hearing.

Counsel for the moving party submits on the tentative ruling. The Court adopts its tentative ruling as the order of the Court which is signed and filed this date and incorporated herein by reference.

The motion is granted. The Trusts formal existence is extended until year-end 2020. Further, the Court authorizes the Insurance Commissioner to destroy those documents held in storage for the Trusts to the extent that the Insurance Commissioner determines that the boxes are no longer needed for the wind-up effort.

The moving party is directed to give notice.

Tentative Rulings

DEPARTMENT 50 LAW AND MOTION RULINGS

Case Number: BC572724 Hearing Date: November 02, 2018 Dept: 50

Superior Court of California

County of Los Angeles

Department 50

DAVE JONES

Applicant,

vs.

MISSION INSURANCE COMPANY,

Respondent.

Case No.: C 572724

Hearing Date: November 2, 2018

Hearing Time: 8:30 a.m.

[TENTATIVE] ORDER RE:

MOTION TO EXTEND MISSION INSURANCE COMPANY
TRUST, MISSION NATIONAL INSURANCE COMPANY TRUST,
AND ENTERPRISE INSURANCE COMPANY TRUST
[INCLUDING REQUEST TO PERMIT DESTRUCTION OF
RECORDS]

Dave Jones, Insurance Commissioner of the State of California, in his capacity as Trustee of the Mission Insurance Company Trust, the Mission National Insurance Company Trust and the Enterprise Insurance Company Trust (the "Insurance Commissioner") moves to extend the Mission Insurance Company Trust, the Mission National Insurance Company Trust and the Enterprise Insurance Company Trust (collectively, the "Trusts") through December 31, 2020. No opposition has been filed.

The Trusts exist to hold assets of three failed insurance companies. The Trusts have collected assets and made distributions to pay in full the approved policyholder claims against each company's trust. The Trusts remain open and continue to hold substantial sums of money. This Court previously extended the life of the Trusts through December 31, 2018. (Pearce Decl. ¶ 6.) The evidence reflects that the Trusts will need to stay open longer in order to complete their functions. (Pearce Decl. ¶¶ 8-11.) The Insurance Commissioner also seeks permission to reduce the records of the Trusts through destruction of records no longer required for the wind-up of the Trusts, which includes more than 5,000 boxes of records. (Pearce Decl., ¶¶ 13-15.)

The motion is granted. The Trusts' formal existence is extended until year-end 2020. Further, the Court authorizes the Insurance Commissioner to destroy those documents held in storage for the Trusts to the extent that the Insurance Commissioner determines that the boxes are no longer needed for the wind-up effort.

DATED: November 2, 2018

Hon. Teresa A. Beaudet

Judge, Los Angeles Superior Court

PROOF OF SERVICE: By REGULAR MAIL
(Code Civ. Proc., ' ' 1013, 2015.5)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STATE OF TEXAS, COUNTY OF DALLAS.

I am employed in the County of Dallas, State of Texas. I am over the age of 18 and not a party to the within action; my business address is 245 Cedar Sage Drive, Suite 240, Garland, Texas 75040.

On this date, I served the foregoing document described as **NOTICE OF ENTRY OF ORDER EXTENDING MISSION INSURANCE COMPANY TRUST, MISSION NATIONAL INSURANCE COMPANY TRUST AND ENTERPRISE INSURANCE COMPANY TRUST [INCLUDING REQUEST TO PERMIT DESTRUCTION OF RECORDS]** by placing a copy thereof enclosed in sealed envelopes addressed as follows:


Sent via FIRST CLASS MAIL to:
The Attached List

I am readily familiar with my employer's practices of collection and processing correspondence for mailing with the U.S. Postal Service and the above-referenced correspondence will be deposited with the U.S. Postal Service on the same date as stated below, following the ordinary course of business.

(State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(Federal) I declare that I am employed by the office of a member of the bar of this court at whose direction the service was made.

Executed on November 6, 2016 at Garland, Texas.



Braedon Jones

New York Liquidation Bureau
Attn: Mission - Nicholas L. Cremonese
110 William Street
New York, New York 10038-3889

Dwain Dent, Esq.
The Dent Law Firm
1120 Penn St.
Ft. Worth, TX 76102

Robb Canning
Guy Carpenter & Company, LLC
1166 Avenue of the Americas
New York, NY 10036

John C. Craft, Esq.
Lathrop & Gage Law Offices
2345 Grand Blvd. Suite 2800
Kansas City, MO. 64108-2612

Pamela Webster, Esq.
Buchalter, Nemer, A Professional Corporation
1000 Wilshire Blvd., 15th Floor
Los Angeles, CA 90017

Kim Winter
Lathrop & Gage L.C.
2345 Grand Blvd., Ste. 2800
Kansas City, MO 64108-2684

Robert O. Johnston
Johnston & Westerfield, P.C.
530 Chantilly Trail
Bradenton, FL 34212

Eric Lipsitt, Esq.
27260 Willowgreen Ct
Franklin, MI 48025-1051

Scott Pearce
Conservation & Liquidation Office
P.O. Box 26894
San Francisco, CA 94126

Dean Hansell, Esq.
Hogan Lovells US LLP
1999 Ave of the Stars, Ste. 1400
Los Angeles, CA 90067

Conrad Sison, Esq.
Lord, Bissell & Brook
300 South Grand Avenue, 8th Floor
Los Angeles, CA 90071

Wayne Wilson
California Insurance Guarantee Assn
101 N. Brand Blvd., Ste. 600
Glendale, CA 91203

Mark Egerman, Esq.
Egerman Law Group, LLP
280 S Beverly Dr., Suite 304
Beverly Hills, CA 90212

James D. Scrimgeour, Esq.
St. Paul Travelers Companies, Inc.
One Tower Square
Hartford, CT 06101

Jack Hom, Esq.
California Dept. of Insurance
45 Fremont Street, 24th Floor
San Francisco, CA 94105

Scott Gilbert
Gilbert Heintz & Randolph LLP
1100 New York Ave., NW, Ste 700
Washington, DC 20005-3987

Gregory O. Eisenreich
Barger & Wolen LLP
633 W. 5th Street, 47th Floor
Los Angeles, California 90071

Michael L. Cioffi
Blank Rome, LLP
PNC Center 201 East Fifth St., Ste. 1700
Cincinnati, OH 45202

Stephen A. Marshall
Sonnenschein Nath & Rosenthal, L.L.P.
1221 Avenue of the Americas, 24th Floor
New York, NY 10020-1089

Jeffrey M. Vucinich, Esq.
Clapp Moroney Bellagamba & Vucinich
1111 Bayhill Dr., Ste 300
San Bruno, CA 94111

Vernon K. Jones
29518 Rd. 156
Visalia, CA 93295

Jordan Stanzler, Esq.
Stanzler, Funderburk, & Castellon, L.L.P.
2275 E Bayshore Rd Ste 100
Palo Alto, CA 94303-3222

Robert M. Mason, III, Esq.
Bergman & Dacey, Inc.
10880 Wilshire Blvd., Suite 900
Los Angeles, CA. 90024

Peter F. McAweeney
Morgan, Lewis & Bockius LLP
One Market, Spear Street Tower
San Francisco, CA 94105-1126

Scott W. Stevenson Claims Manager
3M Insurance Department
3M Center, 224-5S-29
St. Paul, MN 55144

David P. Schack
Barnes & Thornburg, L.L.P.
2029 Century Park E, Ste. 300
Los Angeles, CA 90067

David G. Stone
Neal, Gerber & Eisenberg, LLP
2 N. LaSalle Street, Suite 2200
Chicago, IL 60602

Claudia M. Morehead, Esq.
The Morehead Firm
2901 W. Coast Highway, Ste. 200
Newport Beach, CA 92663