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KAMALA D. HARRIS  
Attorney General of California  
JOYCE E. HEE  
Supervising Deputy Attorney General  
KRISTIAN D. WHITTEN  
Deputy Attorney General  
State Bar No. 58626  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
Telephone: (415) 703-5589  
Fax: (415) 703-5480  
E-mail: Kris.Whitten@doj.ca.gov  
*Attorneys for Applicant*  
*Insurance Commissioner of the State of California*

ENDORSED  
FILED  
Superior Court of California  
County of San Francisco

APR 20 2011

CLERK OF THE COURT  
BY: \_\_\_\_\_  
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO – UNLIMITED JURISDICTION

**INSURANCE COMMISSIONER OF THE  
STATE OF CALIFORNIA,**  
  
Applicant,  
  
v.  
  
**MAJESTIC INSURANCE COMPANY, A  
CALIFORNIA CORPORATION,**  
  
Respondent.

Case No. CPF-11-511261

**DECLARATION OF KRISTIAN D.  
WHITTEN RE: NOTICE OF EX PARTE  
HEARING**

Date: April 21, 2011  
Time: 11:00 a.m.  
Dept: 301

Kristian D. Whitten declares:

I am a California Deputy Attorney General and am counsel for Applicant, Insurance Commissioner of the State of California (“Commissioner”) in this action.

On April 20, 2011 before 10:00 a.m., I faxed and e-mailed copies of the letters hereto as Exhibits “A” and “B,” to their respective addressees, along with copies of the following documents:

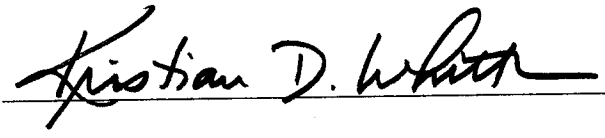
- 1. Verified Application for Ex Parte Order Appointing Conservator [Insurance Code Section 1011]; Memorandum of Points and Authorities In Support Thereof;
- 2. Order Appointing Conservator and Restraining Orders (Proposed)

*attached 10/24*

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- 3. Ex Parte Application For Order: (1) Setting Hearing Date and Briefing Schedule for Conservator's Motion for Order Approving Plan of Rehabilitation for Majestic Insurance Company in Conservation; (2) Establishing Procedures for Hearing; (3) Approving Form of Notice By Mail, and (4) Approving Form of Publication Notice;
- 4. Memorandum of points and Authorities In Support of Insurance Commissioner's Ex Parte Application For Order; and,
- 5. [Proposed] Order (1) Setting Hearing Date and Briefing Schedule for Conservator's Motion for Order Approving Plan of Rehabilitation for Majestic Insurance Company in Conservation; (2) Establishing Procedures for the Hearing; (3) Approving Form of Notice By Mail; and (4) Approving Form of Publication Notice.

I declare under penalty of perjury that the foregoing is true and correct, that if called as a witness I could and would competently testify thereto, and that this declaration was executed this 20th day of April, 2011 at San Francisco, California.

  
\_\_\_\_\_

SF2011900054

KAMALA D. HARRIS  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



455 GOLDEN GATE AVENUE, SUITE 11000  
SAN FRANCISCO, CA 94102-7004

Public: (415) 703-5500  
Telephone: (415) 703-5589  
Facsimile: (415) 703-5480  
E-Mail: Kris.Whitten@doj.ca.gov

April 20, 2011

Kevin J. McGrath, Esq.  
General Counsel  
Majestic Insurance Company  
101 California Street, 22d Floor  
San Francisco, CA 94111

**VIA FAX: (415) 777-5997 &  
E-MAIL: kmcgrath@majesticinsurance.com**

RE: Insurance Commissioner of the State of California v. Majestic Insurance Company  
San Francisco Superior Court Case No. CPF-11-511261

Dear Mr. McGrath:

This is to provide you with notice that at 11:00 a.m. on Thursday, April 21, 2011 at 11:00 a.m. I will be appearing on behalf of the California Insurance Commissioner in Department 301 of the San Francisco Superior Court, located at 400 McAllister Street, San Francisco, California to present the Commissioner's Verified Application for Ex Parte Order Appointing Conservator [Insurance Code section 1011]; Memorandum of Points and Authorities in Support Thereof, a copy of which is attached hereto, along with our proposed Order, a copy of which is also attached.

The Commissioner will also be presenting his Ex Parte Application for Order concerning his Plan for Rehabilitation for Majestic Insurance Company, and accompanying memorandum of points and authorities and order, copies of which are also attached.

Sincerely,

Handwritten signature of Kristian D. Whitten in black ink.

KRISTIAN D. WHITTEN  
Deputy Attorney General

For KAMALA D. HARRIS  
Attorney General

KDW:  
enclosures  
cc William Gausewitz, Esq.

SF2011900054

EXHIBIT A

KAMALA D. HARRIS  
Attorney General

State of California  
DEPARTMENT OF JUSTICE



455 GOLDEN GATE AVENUE, SUITE 11000  
SAN FRANCISCO, CA 94102-7004

Public: (415) 703-5500  
Telephone: (415) 703-5589  
Facsimile: (415) 703-5480  
E-Mail: Kris.Whitten@doj.ca.gov

April 20, 2011

William Gausewitz, Esq.  
Michelman & Robinson, LLP  
915 L Street, Suite 1110  
Sacramento, CA 95814

VIA FAX: (916) 405-3404 &  
E-MAIL: [bgausewitz@mrlip.com](mailto:bgausewitz@mrlip.com)

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San Francisco Superior Court Case No. CPF-11-511261

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The Commissioner will also be presenting his Ex Parte Application for Order concerning his Plan for Rehabilitation for Majestic Insurance Company, and accompanying memorandum of points and authorities and order, copies of which are also attached.

Sincerely,

Handwritten signature of Kristian D. Whitten in black ink.

KRISTIAN D. WHITTEN  
Deputy Attorney General

For KAMALA D. HARRIS  
Attorney General

KDW:  
enclosures  
cc Kevin J. McGrath, Esq.

SF2011900054

EXHIBIT B