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*Exempt from filing fees per Govt.
Code § 6103*

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

10/03/2022
Clerk of the Court
BY: SANDRA SCHIRO
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO
11

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

14 Applicant,

15 v.

16 **SABLE INSURANCE COMPANY, A**
17 **CALIFORNIA DOMICILED INSURANCE**
18 **COMPANY,**

19 Respondent.

Case No. CGC-01-321201

**DECLARATION OF SCOTT PEARCE IN
SUPPORT OF MOTION TO REOPEN
PROCEEDINGS FOR LIMITED
PURPOSE AND MOTION FOR ORDER
APPROVING DISTRIBUTION OF
SURPLUS RESERVES TO APPROVED
CLASS 2 CLAIMANTS**

Date: October 27, 2022
Time: 9:30 a.m.
Dept: 302
Judge: Hon. Richard B. Ulmer Jr.

Trial Date: N/A
Action Filed: May 9, 2001

DECLARATION OF SCOTT PEARCE

I, Scott Pearce, declare as follows:

1. I am the Chief Estate Trust Officer with the California Insurance Commissioner's Conservation & Liquidation Office (CLO). I joined the CLO as an Estate Trust Officer in February 2003 and became a Senior Estate Trust Officer in May 2005. I have been the Estate Trust Officer for Sable Insurance Company (Sable) since 2008. I make this declaration in my official capacity as the Chief Estate Trust Officer for the CLO.

2. I am responsible for the management of financially impaired or insolvent insurance companies (referred to as "estates") from the time of conservation or liquidation until the court discharges the Insurance Commissioner of his or her duties as Conservator or Liquidator. I serve as a fiduciary, and in this capacity, I lead and direct a support team consisting of individuals who work in the areas of Accounting, Claims, Reinsurance, Legal, Finance, Information Technology, Human Resources, and Administration. Once the California Insurance Commissioner identifies an insurance company as financially impaired or at risk of mismanaging its assets, he files an application with the court for conservation or liquidation of the company.

3. I am responsible for the management and books and records of Sable, and I have overall custody and control thereof. I have reviewed the CLO files for Sable, which are maintained in the normal course of business.

4. I am authorized to make this declaration on behalf of applicant Insurance Commissioner of the State of California, in his capacity as Liquidator of Sable. The following statements are based on my personal knowledge, acquired through my direct involvement in the Sable liquidation. At the same time, I refer to certain facts and events in this declaration on information and belief and on records prepared by personnel at the CLO and kept in the ordinary course of CLO's business. If called upon to testify, I could and would testify competently to the facts herein, except as to matters stated on information and belief, and as to those matters, I believe them to be true.

5. Respondent Sable Insurance Company (Sable) was a corporation duly organized and existing under and by virtue of the laws of the State of California. Under a Certificate of

1 Authority issued by the Insurance Commissioner in his regulatory capacity, Sable was authorized
2 to transact workers' compensation and property and casualty insurance.

3 6. On May 10, 2001, upon the Insurance Commissioner's application and pursuant to
4 Insurance Code section 1011, this Court placed Sable into conservation and appointed the
5 Insurance Commissioner as Conservator of Sable.

6 7. On July 17, 2001, upon the Insurance Commissioner's application and pursuant to
7 Insurance Code section 1016, this Court found Sable to be statutorily insolvent, terminated the
8 Insurance Commissioner's appointment as Conservator, and appointed the Insurance
9 Commissioner as Liquidator (Liquidator or Commissioner). A true and correct copy of the
10 Court's Order is attached hereto as **Exhibit A**.

11 8. Over the course of the next 10 years, the Liquidator marshaled and monetized Sable's
12 assets; terminated real estate and equipment leases; disposed of furniture, fixtures, and
13 equipment; and adjusted claims and released funds to the approved Class 2 claimants, including
14 insurance guaranty associations (IGAs) that made claims payments to Sable's policyholders.

15 9. On May 6, 2011, upon the Liquidator's application, this Court entered an Order that,
16 among other items, authorized the final distribution of assets and closed the estate by terminating
17 the liquidation proceeding and discharging the Commissioner as Liquidator of Sable upon the
18 filing of a declaration that the Commissioner distributed assets in accordance with the Court's
19 order. A true and correct copy of the Court's Order is attached hereto as **Exhibit B**.

20 10. On July 26, 2011, the Liquidator filed with this Court the Declaration of Robert
21 Fernandez Confirming Final Distribution of Assets Pursuant to Court Order and Closing the
22 Estate of Sable Insurance Company (Fernandez Declaration of Compliance). Each approved
23 Class 2 claimant, both IGA and non-IGA, received approximately 45.12% of their approved
24 claim in the liquidation. Pursuant to this Court's Order, the Liquidator distributed a total of
25 approximately \$638,844.00 to approved Class 2 claimants and reserved \$192,617.00 for payment
26 of administrative expenses and for administrative and closing cost. A true and correct copy the
27 filed declaration is attached hereto as **Exhibit C**.

1 11. After filing the Fernandez Declaration of Compliance in July 2011, the Liquidator has
2 taken all actions necessary and in accordance with the terms of this Court's May 6, 2011, Order.
3 The Commissioner considers himself discharged as the Conservator and Liquidator of Sable.

4 12. As part of the Sable liquidation proceeding, the Commissioner as Liquidator filed
5 claims in the Reliance Insurance Company liquidation in Pennsylvania (Reliance). The claims
6 were eventually approved as general creditor claims and monitored for years with little indication
7 of any prospect for a material recovery. Ultimately, the Liquidator could not justify keeping the
8 Sable estate open and incur additional administrative expenses to await uncertain recoveries from
9 other liquidation estates.

10 13. Approximately ten years after the Sable estate was closed, the Reliance liquidation
11 estate received the Commonwealth Court of Pennsylvania's approval to release a final
12 distribution of assets to Reliance's approved general creditors. As a result, on October 21, 2021,
13 the California Conservation and Liquidation Office (the CLO) received payments totaling
14 \$1,499,874.66 for the benefit of the Sable estate from the Reliance liquidation. The recovery
15 represented approximately 4.4% of Sable's approved claim (\$34,088,060.35) in the Reliance
16 liquidation.

17 14. As of July 31, 2022, the CLO is currently holding \$1,496,811 in Sable assets. This
18 balance is subject to market value fluctuations and administrative expenses associated with
19 essential estate maintenance. The CLO estimates that it will require approximately \$75,000 in a
20 final closing reserve to cover the costs to prepare and release a distribution of the Sable assets
21 held by the CLO. The amount of the requested closing reserve reflects the expenses estimated
22 with reopening the proceedings and making the distribution as requested herein. The closing
23 reserves also include estimated costs associated with post-distribution procedures (re-issues and
24 claimant outreach) and completing final closure requirements such as escheating any unclaimed
25 assets and submitting a final compliance filing with the court.

26 15. After subtracting the requested closing reserves, the Sable estate has approximately
27 \$1,421,000 in assets to distribute to approved, Class 2 claimants and therefore respectfully
28 requests this Court to reopen the Sable proceedings for the sole purpose of authorizing the

1 Commissioner as Liquidator of Sable to make a pro rata distribution of \$1,421,000 to approved,
2 Sable Class 2 claimants.

3 16. The list of approved Sable Class 2 claimants (identified by their proof of claim
4 number) and the amount each will receive from the distribution of surplus reserves are attached
5 hereto as **Exhibit D**.

6
7 I declare under the penalty of perjury under the laws of the State of California that the
8 foregoing is true and correct. Executed on this 27th day of September, 2022, in San
9 Francisco, California.

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11 
12 SCOTT PEARCE

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27
28

EXHIBIT A

ORIGINAL

BILL LOCKYER
Attorney General
MARGUERITE STRICKLIN
Deputy Attorney General
State Bar No. 103161
1515 Clay Street, Suite 2000
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Attorneys for Applicant
Insurance Commissioner
of the State of California

THE ANNEXED INSTRUMENT IS A
CORRECT COPY OF THE ORIGINAL
ON FILE IN MY OFFICE.
ATTEST: CERTIFIED

JUL 17 2001

GORDON PARK-LI, Clerk
San Francisco County Superior Court
Daniel Lemire
DEPUTY CLERK

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO

FILED
San Francisco County Superior Court

JUL 17 2001

GORDON PARK-LI, Clerk

BY: Deputy Clerk



INSURANCE COMMISSIONER OF THE STATE
OF CALIFORNIA,

Applicant,

v.

SABLE INSURANCE COMPANY, a California
domiciled company,

Respondent.

321201

ORDER APPOINTING
INSURANCE
COMMISSIONER AS
LIQUIDATOR, AND
RESTRAINING ORDERS

[Proposed]

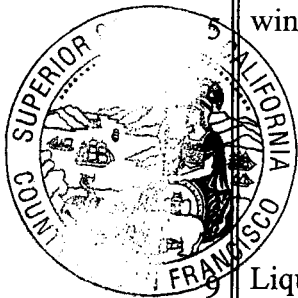
Date: July 16, 2001
Time: 9:30 a.m.
Dept: 301
Judge: David A. Garcia
Action Filed: May 10, 2001

The Verified Application of the Insurance Commissioner for an Order appointing him as Liquidator, and Restraining Orders, regarding Respondent Sable Insurance Company, came on regularly for hearing before the Honorable David A. Garcia on July 16, 2001, in Department 301 of this Court. Deputy Attorney General Marguerite C. Stricklin previously appeared on behalf of Applicant Insurance Commissioner (hereinafter the "Commissioner"). No appearance was made on behalf of Respondent Sable Insurance Company (hereinafter "Respondent"), and no opposition to the application was filed.

The Court has reviewed the verified application and all accompanying papers submitted by the Commissioner in support of his application, and makes the following findings:

///

ORDER APPOINTING COMMISSIONER AS LIQUIDATOR



1. Respondent is insolvent.

2. It would be futile for the Commissioner to continue to proceed as Conservator of Respondent.

3. There exists sufficient factual and legal grounds for the Commissioner to liquidate and wind up the business of Respondent in a manner consistent with the provisions of this Order.

Based on these findings, and good cause appearing therefore,

IT IS ORDERED THAT:

1. The Commissioner's status as Conservator is terminated, and he is appointed as Liquidator of Respondent, as set forth in Insurance Code section 1016. The Commissioner as Liquidator is directed to liquidate and wind up the business of Respondent and to act in all ways and exercise all powers necessary for the purpose of carrying out such order.

2. The Commissioner as Liquidator is vested with title in and to all the records, property (real and personal, whether owned, leased, rented, or utilized by Respondent under any contract or assignment) and assets (including rights under any license or other arrangement for the use of computer software and/or business information systems) of Respondent currently in the possession of the Commissioner as Conservator, as well as any records, property, and assets of Respondent discovered or obtained hereafter wheresoever such assets may be situated.

3. The Commissioner as Liquidator is directed to honor as expenses of administration all administrative expenses heretofore incurred and approved by the Commissioner as Conservator and presently unpaid.

4. The Commissioner as Liquidator is authorized to take possession of all the assets of Respondent including books, records and property, both real and personal, wheresoever situated.

5. The Commissioner as Liquidator or his successor in office is vested with title to all said property and assets of Respondent, both those presently in Respondent's possession and those which may be discovered hereafter, wheresoever situated. All persons are enjoined from interfering with the Commissioner's possession and title thereto.

6. The Commissioner as Liquidator is authorized to pay for his costs in bringing and maintaining this action, and such other actions as are necessary to carry out his functions as

1 Liquidator, out of the funds and assets of Respondent; and if there are insufficient funds, to pay for
2 his costs out of the Insurance Fund, pursuant to Insurance Code section 1035.

3 7. The Commissioner as Liquidator is authorized to initiate such equitable or legal actions
4 or proceedings in this or other states as may appear to him necessary to carry out his functions as
5 Liquidator.

6 8. The Commissioner as Liquidator is authorized to appoint and employ special deputies,
7 estate managers, other professionals, clerks and assistants and to give each of them such power and
8 authority as he may deem necessary, and the Commissioner as Liquidator is authorized to
9 compensate these persons from the assets of Respondent as he may deem appropriate.

10 9. The Commissioner as Liquidator is authorized to divert, take possession of and secure
11 all mail of Respondent, in order to screen such mail, and to effect a change in the rights to use any
12 and all post office boxes and other mail collection facilities used by Respondent.

13 10. The Commissioner as Liquidator is authorized to pay all reasonable costs of operating
14 Respondent (including direct and allocated direct costs, direct and allocated general and
15 administrative costs and overhead, and other allocated costs) out of funds and assets of Respondent;
16 and if there are insufficient funds, to pay for his costs out of the Insurance Fund, pursuant to
17 Insurance Code section 1035.

18 11. The Commissioner as Liquidator is authorized to invest those assets of Respondent's
19 that are not immediately distributable to Respondent's creditors in such a manner as to him may
20 seem suitable for the best interest of Respondent's creditors; provided however, that no investment
21 or reinvestment shall be made which exceeds the sum of \$100,000.00 without first obtaining
22 permission of the Court.

23 12. The Commissioner as Liquidator is authorized, pursuant to Insurance Code section
24 1037(g), to invest and reinvest all assets in a manner he deems to be in the best interest of the
25 creditors of the estate, including investing and reinvesting assets through an investment pool
26 consisting exclusively of assets from conserved estates. To the extent that the Commissioner as
27 Liquidator invests and reinvests through such an investment pool, such investments and re-
28 investments may exceed \$100,000.00.



1 13. The Commissioner as Liquidator is authorized to pay as expenses of administration
2 all expenses heretofore incurred by the Commissioner as Conservator which are presently unpaid,
3 and the Commissioner as Liquidator is authorized to pay, upon presentation, the full amount of any
4 checks or drafts which have been issued by him, in his capacity as Conservator, and which are
5 outstanding.

6 14. The Commissioner as Liquidator is authorized, pursuant to Insurance Code section
7 1037, subsection (d), to dispose of any excess property of Respondent by any commercially
8 reasonable method, including, but not limited to, sales at public auctions, sales in bulk to the high
bidder (provided at least three (3) bids are obtained from independent dealers in the kind of property
sold).

9 15. The Commissioner as Liquidator is authorized to assume or reject, or to modify, any
10 executory contracts, including without limitation, any lease, rental or utilization contract or
11 agreement(including any schedule to any such contract or agreement), and any license or other
12 arrangement for the use of computer software of business information systems, to which Respondent
13 is a party or as to which Respondent agrees to accept an assignment of such contract; the
14 Commissioner as Liquidator is directed to effect any such assumption or rejection or modification
15 of any executory contract not later than within 120 days after the entry of this order, unless such date
16 is extended by application to and further order of this Court; all executory contracts that are not
17 expressly assumed by the Commissioner as Liquidator shall be deemed rejected; any party to a
18 contract that is rejected by the Commissioner as Liquidator pursuant to this order shall be permitted
19 to file a proof of claim against the liquidation estate, which claim shall be treated in accordance with
20 Insurance Code section 1010, *et seq.*

21 16. Respondent and all former and present officers, directors, agents, and employees of
22 Respondent are directed to deliver to the Commissioner as Liquidator all assets, books, records,
23 equipment, and other property of the Respondent wheresoever situated.

24 17. All funds and assets, including certificates of deposit, bank deposits and mutual fund
25 shares, of Respondent, in various financial depository institutions, including banks, savings and loan
26 associations, industrial loan companies, mutual funds or stock brokerages, wheresoever situated, are
27
28



1 directed to be vested in the Commissioner as Liquidator and subject to withdrawal upon his order
2 only.

3 18. All persons who maintain records for Respondent are directed, pursuant to written
4 contract or any other agreement, to maintain such records and to deliver them to the Commissioner
5 as Liquidator upon his request.

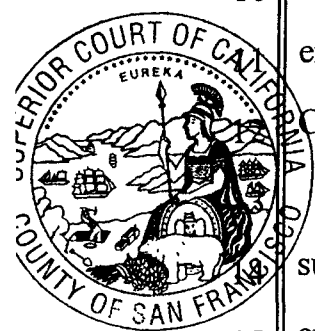
6 19. All agents of Respondent and all brokers who have done business with Respondent
7 are directed to make remittances of all funds collected by them or in their hands directly to the
8 Commissioner as Liquidator. This obligation to remit collected funds is continuing in nature.

9 20. All persons having possession of any lists of policyholders or escrow holders of
10 Respondent are directed to deliver all such lists to the Commissioner as Liquidator. All persons are
enjoined from using any such lists or any information contained therein without the consent of the
Commissioner as Liquidator.

21 21. Respondent and its respective officers, directors, agents, servants, employees,
successors, assigns, affiliates, and other persons or entities under their control and all persons or
entities in active concert or participation with them, and each of them, are directed to turn over to
15 the Commissioner as Liquidator records, documentation, charts and/or descriptive material of all
16 funds, assets, property (owned beneficially or otherwise), and all other assets of Respondent
17 wherever situated, and all books and records of accounts, title documents and other documents in
18 their possession or under their control, which relate, directly or indirectly, to assets or property
19 owned by or held by Respondent or to the business or operations of Respondent.
20

21 22. All insurance policies issued by Respondent shall be terminated and canceled effective
22 thirty (30) days following the issuance of the order herein prayed for, and the Commissioner as
23 Liquidator shall notify promptly all policyholders of such policy termination and cancellation by
24 First Class Mail at the last known address of the policyholders; in addition, the Commissioner as
25 Liquidator, in his sole discretion, is authorized to terminate and cancel any policies issued by
26 Respondent that are not covered by the preceding sentence or that were issued by a fronting insurer
27 and reinsured, in whole or in part, by Respondent.

28 23. All prior injunctions and other orders of this Court, except to the extent expressly



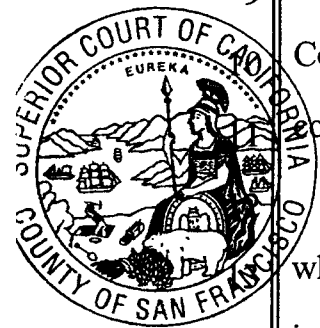
1 modified herein, are reaffirmed and remain in full force and effect; all powers and authority granted
2 to the Commissioner as Liquidator under this order are in addition to and not in limitation of the
3 powers of the Commissioner as Liquidator under the Insurance Code and any other statutory or
4 applicable case law.

5 24. The rights and liabilities of claimants, creditors, shareholders, policyholders, escrow
6 holders and all other persons interested in the assets of Respondent, including the State of California,
7 are fixed as of the date of the entry of this order.

8 25. All funds and accounts in the name of Respondent, or the Commissioner as
9 Conservator, in various banks or any other institutions wheresoever situated is vested in the
Commissioner as Liquidator and subject to withdrawal at his direction only. This order does not
convert funds held in a fiduciary capacity to general assets of the Liquidator.

10 26. All persons are enjoined, except with leave of this Court issued after a hearing in
11 which the Commissioner as Liquidator has received reasonable notice, from obtaining preferences,
12 judgments, attachments or other liens, or making any levy against Respondent or its assets or
13 property, and from executing or issuing or causing the execution or issuance of any court attachment,
14 subpoena, replevin, levy, execution, or other process for the purpose of impounding or taking
15 possession of or interfering with or creating or enforcing a lien upon any property or assets owned
16 or in the possession of Respondent or its affiliates, or the Liquidator appointed herein, wheresoever
17 situated and from doing any act interfering with the conduct of said business by the Commissioner
18 as Liquidator.
19
20

21 27. All persons are enjoined, except by leave of this Court obtained after reasonable notice
22 to the Commissioner as Liquidator, from accelerating the due date of any obligation or claimed
23 obligation; exercising any right of set-off; taking, retaining, retaking or attempting to retake
24 possession of any real or personal property; withholding or diverting any rent or other obligation;
25 doing any act or other thing whatsoever to interfere with the possession of or management by the
26 Commissioner as Liquidator and of the property and assets, owned or controlled by Respondent or
27 in the possession of Respondent or to in any way interfere with said Commissioner as Liquidator or
28 to interfere in any manner during the pendency of this proceeding with the exclusive jurisdiction of



1 this Court over Respondent.

2 28. Respondent, its officers, directors, governors, agents, and employees are enjoined
3 from transacting any of the business of Respondent, whether in the State of California or elsewhere,
4 or from disposing of, or assisting any person in the transfer or alienation of, the property or assets
5 of Respondent, until further order of this Court.

6 29. All persons are enjoined from instituting, prosecuting or maintaining any action at law
7 or suit in equity, including but not limited to actions or proceedings to compel discovery or
8 production of documents or testimony and matters in arbitration, against Respondent or against the
9 Commissioner as Liquidator of Respondent, and from attaching, executing foreclosure upon,
10 redeeming of or taking any other legal proceedings against, any of the property or assets of
11 Respondent, and from doing any act interfering with the conduct of said business by the
12 Commissioner as Liquidator, except upon order from this Court obtained after reasonable notice to
13 the Commissioner as Liquidator.

14 30. Any and all provisions of any agreement entered into by and between any third party
15 and Respondent including, by way of illustration, but not limited to, the following types of
16 agreements (as well as any amendments, assignments, or modifications thereto): financial guarantee
17 bonds, promissory notes, loan agreements, security agreements, deeds of trust, mortgages,
18 indemnification agreements, subrogation agreements, subordination agreements, pledge agreements,
19 assignments of rents or other collateral, financial statements, letters of credit, leases, insurance
20 policies, guaranties, escrow agreements, management agreements, real estate brokerage and rental
21 agreements, servicing agreements, attorney agreements, consulting agreements, easement
22 agreements, license agreements, franchise agreements, or employment contracts that provide in any
23 manner that selection, appointment or retention of a conservator, or liquidator or trustee by any
24 court, or entry of an order such as hereby made, shall be deemed to be or otherwise operate as a
25 breach, violation, event of default, termination, event of dissolution, event of acceleration,
26 insolvency, bankruptcy, or liquidation, shall be stayed, and the assertion of any and all rights,
27 remedies relating thereto shall also be stayed and barred, except as otherwise ordered by this Court,
28 and this Court shall retain jurisdiction over any cause of action that has arisen or may otherwise arise



1 under any such provision.

2 31. All persons are enjoined from interfering with the possession, title and rights of the
3 Commissioner as Liquidator, in and to the assets of Respondent, and from interfering with the
4 conduct of the Commissioner as Liquidator in the handling and disposition of assets of Respondent,
5 and from interfering with the conduct of the liquidation and the winding up of the business of
6 Respondent, except upon order of this Court obtained after reasonable notice to the Commissioner
7 as Liquidator.

8 32. All persons are enjoined from wasting the assets of Respondent.

9 33. Any and all claims against Respondent (except those policyholder claims already
10 pending against Respondent, which are deemed filed), including those which in any way affect or
11 seek to affect any of the assets of Respondent, wherever or however such assets may be owned or
12 held, must be filed by no later than June 30, 2002 (the "Claims Bar Date"), together with proper
13 proof thereof, in accordance with the provisions of Insurance Code sections 1010, *et seq.*, including,
14 but not limited to section 1023, and any claims not filed by the Claims Bar Date is conclusively
15 deemed forever waived.

16 Dated:

7/17/01

17 
JUDGE OF THE SUPERIOR COURT



EXHIBIT B

Copy

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Attorney General of California
JOYCE HEE
Supervising Deputy Attorney General
MARGUERITE C. STRICKLIN
Deputy Attorney General
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*Attorneys for Applicant
The Insurance Commissioner of California
as Liquidator of Sable Insurance Company*

ENDORSED
FILED
San Francisco County Superior Court
MAY - 6 2011
CLERK OF THE COURT
BY: MARTA VALLEJO
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE CITY AND COUNTY OF SAN FRANCISCO

THE INSURANCE COMMISSIONER OF THE
STATE OF CALIFORNIA,

Applicant,

v.

SABLE INSURANCE COMPANY,

Respondent.

Case No. 321201

**[PROPOSED] ORDER APPROVING
APPLICATION OF THE INSURANCE
COMMISSIONER, AS LIQUIDATOR OF
SABLE INSURANCE COMPANY, FOR
FINAL DISTRIBUTION OF ASSETS**

Date: May 6, 2011
Time: 9:30 a.m.
Dept: 301
Judge: Honorable Peter J. Busch

Trial Date: N/A
Action Filed: May 9, 2001

The motion on the Application of the Insurance Commissioner of the State of California, as Liquidator of Sable Insurance Company (the "Commissioner") for approval of the final distribution of assets, came on regularly for hearing on May 6, 2011, in Department 301 of the above-entitled court before the Honorable Peter J. Busch. Deputy Attorney General Marguerite C. Stricklin appeared on behalf of the Commissioner. There were no other appearances, and no opposition to the motion. The court finds that the Commissioner provided sufficient notice for

1 the motion, and the court has considered the arguments of counsel, as well as the pleadings and
2 papers on file in support of the motion. Good cause appearing therefore,

3 **IT IS ORDERED** that:

4 1. The Report and Account of the Commissioner as Liquidator of Sable for the period from
5 May 10, 2001 through December 31, 2010 is settled and approved.

6 2. The Commissioner is authorized to distribute approximately \$638,844.00 to approved
7 Class 2 claimants, subject to adjustment for investment income and changes in market value of
8 investments that have been posted as of the date the investments are withdrawn from the
9 investment pool.

10 3. The Commissioner is authorized to retain the sum of \$192,617.00 for payment of
11 administrative expenses incurred by the Commissioner from January 1, 2011 to January 1, 2014
12 for administrative and closing costs, and to pay any excess closing and administrative costs out of
13 the funds appropriated for the maintenance of the Department of Insurance. A report to the Court
14 of the expenditure of these funds shall not be required.

15 4. After the six month waiting period set forth in Code of Civil Procedure section 1517, the
16 Commissioner is authorized to void previously issued disbursement checks that are either
17 undeliverable or have not then been negotiated, and escheat all undeliverable amounts and
18 amounts of non-negotiated checks to the Insurance Fund pursuant to Insurance Code section
19 12937.

20 5. The Commissioner is authorized to maintain in the Conservation & Liquidation Office
21 imaged databases all records of Respondent Sable Insurance Company for three years from the
22 date of the Court's order, and thereafter the Commissioner is authorized to destroy all records of
23 Respondent, except for those records necessary for examination by the Department of Finance or
24 other auditor of the Commissioner's books and records pursuant to Insurance Code section 1061;

25 6. The estate of Respondent Sable Insurance Company will be closed, and the
26 Commissioner will be discharged as liquidator upon the filing of a declaration that the
27 Commissioner has distributed assets in accordance with this Court's Order.
28

1 7. Upon the closing of the Sable estate, the Commissioner, his Special Deputies, the
2 Conservation & Liquidation Office, its employees, the California Department of Insurance, and
3 its employees, and the Commissioner's agents and attorneys, are discharged from any and all
4 claims, debts, liabilities, or duties to further account for the assets or liabilities of Sable Insurance
5 Company through the date of the declaration that the Commissioner has distributed the assets in
6 accordance with this Court's order, and shall have no liability thereafter for such claims, debts,
7 liabilities or accounting.

8 8. The Commissioner is authorized to take any action necessary to accomplish the purpose
9 of this Order

MAY - 6 2011

DATED: _____

PETER J. BUSCH

JUDGE OF THE SUPERIOR COURT

SF2001CV0612
Order Approving Final Distribution

EXHIBIT C

COPY

KAMALA D. HARRIS
Attorney General of California
JOYCE HEE
Supervising Deputy Attorney General
MARGUERITE C. STRICKLIN
Deputy Attorney General
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*Attorneys for Applicant
California Insurance Commissioner
as Liquidator of Sable Insurance Company*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE CITY AND COUNTY OF SAN FRANCISCO

THE INSURANCE COMMISSIONER OF THE
STATE OF CALIFORNIA,

Applicant

v.

SABLE INSURANCE COMPANY

Respondent.

Case No. CGC 01-321201

**NOTICE OF DECLARATION OF
ROBERT FERNANDEZ CONFIRMING
FINAL DISTRIBUTION OF ASSETS
PURSUANT TO COURT ORDER AND
THE CLOSING OF THE ESTATE OF
SABLE INSURANCE COMPANY**

Trial Date: N/A
Action Filed: May 9, 2011

PLEASE TAKE NOTICE that the Insurance Commissioner of the State of California, in his capacity as Liquidator of Sable Insurance Company, has filed a declaration pursuant to the court's May 6, 2011 Order for the final distribution of assets and, pursuant to the Order, the Estate of Sable Insurance Company is now closed. A copy of the declaration is attached to this notice, marked Exhibit A.

ENDORSED
FILED
Superior Court of California
County of San Francisco

AUG 04 2011

CLERK OF THE COURT
BY: WESLEY RAMIREZ
Deputy Clerk

BY FAX

1 KAMALA D. HARRIS
Attorney General of California
2 JOYCE HEE
Supervising Deputy Attorney General
3 MARGUERITE C. STRICKLIN
Deputy Attorney General
4 State Bar No. 103161
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2146
Fax: (510) 622-2270
7 E-mail: Marguerite.Stricklin@doj.ca.gov

8 *Attorneys for Applicant*
California Insurance Commissioner
9 *as Liquidator of Sable Insurance Company*

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE CITY AND COUNTY OF SAN FRANCISCO
12

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

15 Applicant

16 v.

17 **SABLE INSURANCE COMPANY**

18 Respondent.

Case No. CGC 01-321201

**NOTICE OF DECLARATION OF
ROBERT FERNANDEZ CONFIRMING
FINAL DISTRIBUTION OF ASSETS
PURSUANT TO COURT ORDER AND
THE CLOSING OF THE ESTATE OF
SABLE INSURANCE COMPANY**

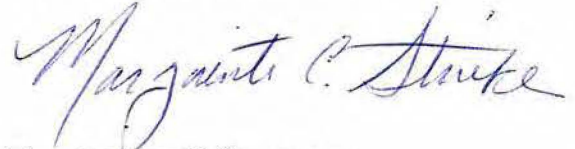
Trial Date: N/A
Action Filed: May 9, 2001

19
20 **PLEASE TAKE NOTICE** that the Insurance Commissioner of the State of California, in
21 his capacity as Liquidator of Sable Insurance Company, has filed a declaration pursuant to the
22 court's May 6, 2011 Order for the final distribution of assets and, pursuant to the Order, the
23 Estate of Sable Insurance Company is now closed. A copy of the declaration is attached to this
24 notice, marked Exhibit A.
25
26
27
28

1 Dated: August 3, 2011

Respectfully Submitted,

2 KAMALA D. HARRIS
3 Attorney General of California
4 RANDALL P. BORCHERDING
5 Supervising Deputy Attorney General

6 

7 MARGUERITE C. STRICKLIN
8 Deputy Attorney General
9 *Attorneys for Applicant*
10 *California Insurance Commissioner*
11 *as Liquidator of Sable Insurance Company*

EXHIBIT A

Copy

1 KAMALA D. HARRIS
Attorney General of California
2 JOYCE HEE
Supervising Deputy Attorney General
3 MARGUERITE C. STRICKLIN
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4 State Bar No. 103161
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8 *Attorneys for Applicant*
California Insurance Commissioner
9 *as Liquidator of Sable Insurance Company*

10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE CITY AND COUNTY OF SAN FRANCISCO
12

13 THE INSURANCE COMMISSIONER OF THE
14 STATE OF CALIFORNIA,

15 Applicant,

16 v.

17 SABLE INSURANCE COMPANY,

18 Respondent
19
20
21

Case No. ^{CGC-01} 321201

**DECLARATION OF ROBERT
FERNANDEZ CONFIRMING
DISTRIBUTION OF ASSETS
PURSUANT TO COURT ORDER AND
CLOSING THE ESTATE OF SABLE
INSURANCE COMPANY**

Date:
Time:
Dept:
Judge:

Trial Date: N/A
Action Filed: May 9, 2001

22 I, Robert Fernandez, hereby declare under penalty of perjury of the laws of the State of
23 California as follows:

24 1. I am over eighteen years, and I am competent to be a witness.
25 2. I am an Estate Trust Officer ("ETO") in the California Insurance Commissioner's
26 Conservation & Liquidation Office ("CLO"). I have been an ETO at the CLO since March 20,
27 1995. I have been the ETO for Sable Insurance Company ("Sable") since July 2007. I make this
28 declaration in my official capacity as an ETO for the CLO.

DECL. OF ROBERT FERNANDEZ CONFIRMING DISTRIBUTION OF ASSETS PURSUANT TO COURT
ORDER AND CLOSING THE ESTATE OF SABLE INSURANCE COMPANY
Case No. 321201 ()

ENDORSED
FILED
Superior Court of California
County of San Francisco

JUL 26 2011

CLERK OF THE COURT
BY: MARY ANN MORAN
Deputy Clerk

1 3. I am responsible for the management of financially impaired or insolvent insurance
2 companies (referred to as "estates") from the time of conservation or liquidation until the court
3 has discharged the Insurance Commissioner of his or her duties as Conservator or Liquidator. I
4 serve as a fiduciary, and in this capacity, I lead and direct a support team consisting of individuals
5 who work in the areas of Accounting, Claims, Reinsurance, Legal, Finance, Information
6 Technology, Human Resources, and Administration. Once the California Insurance
7 Commissioner identifies an insurance company as financially impaired or at risk of mismanaging
8 its assets, he files an application with the court for conservation or liquidation of the company.
9 As an ETO, I receive input and advice from other insurance professionals, including attorneys
10 from the California Department of Insurance, the California Attorney General's Office, and
11 private law firms.

12 4. The statements contained in this declaration are not all within my personal knowledge,
13 and I am informed that no single officer of the CLO has personal knowledge of all of these
14 matters. The statements in this declaration are based upon information assembled by authorized
15 employees of the CLO, and I am informed and believe that the statements based upon that
16 information are true. As to those matters that are within my own personal knowledge, the
17 statements are true. If called upon as a witness, I would testify as set forth herein.

18 5. On May 6, 2011, this Court entered the Order Approving Application of the Insurance
19 Commissioner, as Liquidator of Sable Insurance Company, For Final Distribution of Assets
20 (hereinafter "Order").

21 6. Paragraph 6 of said Order provides that the estate of Sable Insurance Company shall be
22 closed and the Commissioner discharged as Liquidator upon the filing of a declaration that the
23 Commissioner has distributed assets in accordance with this Court's Order.

24 7. In accordance with the Court's Order, the Commissioner distributed a total of \$638,844.

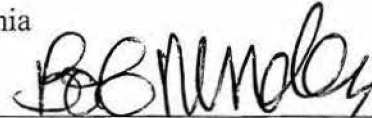
25 8. All checks that were distributed were cashed. Accordingly, the Commissioner did not
26 escheat any funds to the Insurance Fund.

27 9. Pursuant to this Court's Order, the Commissioner retained \$192,617.00 for payment of
28

1 administrative expenses for the period from January 1, 2011 to January 1, 2014.

2 10. The Commissioner has taken all necessary steps pursuant to the terms of this Court's
3 Order, and will close the estate concurrent with the filing of this declaration.

4 I declare under penalty of perjury that the foregoing is true and correct, except as to matters
5 stated on information and belief and, as to those matters, I believe them to be true. Executed this
6 11 day of July, 2011, at San Francisco, California



8 ROBERT FERNANDEZ

9 Estate Trust Officer

10 Conservation & Liquidation Office

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **The Insurance Commissioner of the State of California
v Sable Insurance Company**

No.: **CGC 01-321201**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On August 3, 2011, I served the attached **NOTICE OF DECLARATION OF ROBERT FERNANDEZ CONFIRMING FINAL DISTRIBUTION OF ASSETS PURSUANT TO COURT ORDER AND THE CLOSING OF THE ESTATE OF SABLE INSURANCE COMPANY** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 1515 Clay Street, 20th Floor, Oakland, CA 94612-0550, addressed as follows:

Indiana Insurance Guaranty Association
251 E Ohio Street
Suite 1070
Indianapolis, IN 46204-2143

St. Louis Development Corporation
Thomas J. Goeddel
Assistant Counsel
1200 Market Street, Room 314
Saint Louis, MO 63102-2806

Nevada Ins. Guaranty Association
3821 West Charleston Blvd.
Suite 100
Las Vegas, NV 89102-1859

Missouri P&C Insurance Guaranty Association
994 Diamond Rdg.
Suite 102
Jefferson City, MO 65109-6885

Illinois Insurance Guaranty Fund
120 S. La Salle Street
Suite 1910
Chicago, IL 60603-3566

Joe L. Coelho
P.O. Box 3640
Turlock, CA 95381-3640

Royal Trucking
1420 Royal Industrial Way
P.O. Box 6085
Concord, CA 94524-1085

CF&T Available Concrete Pumping, Inc.
Attention: Chris McDonald
1970 National Ave.
Hayward, CA 94545-1710

Declaration of Service
July 3, 2011
Page 2

California Insurance Guaranty Association
700 North Brand, Suite 1400
c/o Wayne Wilson, Executive Director
Glendale, CA 91203

Deana Wells
dba Tri County Grading & Paving
1200 Barstow, Suite A
Clovis, CA 93612

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on August 3, 2011, at Oakland, California.

Joy V. Hanek
Declarant


Signature

SF2001CV0612
90202686

EXHIBIT D

SABLE SUPPLEMENTAL FINAL DISTRIBUTION 2022

Proof of Claim Number	Surplus Distribution Amount
10710	388.18
37015	141.70
10631	15,346.75
33325	85.45
10778	4,045.36
22031	12,361.74
22033	30.33
22054	336.10
22011	1,388,264.39
	\$ 1,421,000.00

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: ***Insurance Commissioner v. Sable Insurance Company***
Case No.: **CGC-01-321201**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On September 28, 2022, I served the attached **DECLARATION OF SCOTT PEARCE IN SUPPORT OF MOTION TO REOPEN PROCEEDINGS FOR LIMITED PURPOSE AND MOTION FOR ORDER APPROVING DISTRIBUTION OF SURPLUS RESERVES TO APPROVED CLASS 2 CLAIMANTS** by placing a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 300 South Spring Street, Suite 1702, Los Angeles, CA 90013-1230, addressed as follows:

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on September 28, 2022, at Los Angeles, California.

Cecilia Apodaca
Declarant

/s/ Cecilia Apodaca
Signature

SERVICE LIST

JOE L. COELHO
P.O. BOX 3640
TURLOCK, CA 95381-3640

ST. LOUIS DEVELOPMENT CORPORATION
THOMAS J. GOEDDEL, ASST. COUNSEL
1200 MARKET ST., RM 314
ST. LOUIS, MO 63103-2806

ROYAL TRUCKING
P.O. BOX 6085
1420 ROYAL INDUSTRIAL WAY
CONCORD, CA 94524-1085

NEVADA INS. GUARANTY ASSOC.
1635 Village Center Circle, Ste. 170
Las Vegas, NV 89134

CF&T AVAILABLE CONCRETE PUMPING, INC.
ATTN: CHRIS MCDONALD
1970 NATIONAL AVE
HAYWARD, CA 94545-1710

ILLINOIS INSURANCE GUARANTY FUND
150 S. Wacker Drive, Suite 2970
Chicago, IL 60606

INDIANA INSURANCE GUARANTY ASSOCIATION
3502 Woodview Trace, Ste. 100
Indianapolis, IN 46268

MISSOURI P&C INSURANCE GUARANTY ASSOC.
2210 Missouri Blvd
Jefferson City, MO 65109

CALIFORNIA INSURANCE GUARANTY ASSOCIATION
c/o Brad Roeber
P.O. Box 29066
Glendale, CA 91209