

1 Robert H. Nunnally, Jr.
2 State Bar Number 134151
3 Wisener Nunnally Roth, L.L.P
4 245 Cedar Sage Drive, Suite 240
5 Garland, Texas 75040
6 (972) 530-2200
7 Fax (972) 530-7200
8 Email robert@wurlaw.com

CONFORMED COPY
ORIGINAL FILED
Superior Court Of California
County Of Los Angeles

AUG 11 2017

Sherri R. Carter, Executive Underclerk
By: Marlon Gomez, Deputy

Attorneys for Insurance Commissioner as Trustee

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

11 **DAVE JONES, INSURANCE**
12 **COMMISSIONER OF THE STATE OF**
13 **CALIFORNIA,**

14 Applicant,

15 vs.

16 **MISSION INSURANCE COMPANY, A**
17 **CALIFORNIA CORPORATION, ET**
18 **AL**

19 Respondent.

Case No.: C 572 724

Honorable Teresa A. Beaudet

REQUEST FOR JUDICIAL
NOTICE IN SUPPORT OF THE
INSURANCE COMMISSIONER'S
MOTION TO AUTHORIZE
DISTRIBUTIONS

September 29, 2017

Time: 8:30 a.m.

Department 50

Reservation ID: 161222183325

21 _____
22 Consolidated with Case Numbers
23 C 576 324; C 576 416;
24 C 576 323; C 576 325; C 629709

BY FAX

1 Dave Jones, Insurance Commissioner of the State of California, as Trustee of
2
3 Mission Insurance Company Trust, Mission National Insurance Company Trust,
4 and Enterprise Insurance Company Trust, respectfully submits this Request for
5
6 Judicial Notice and shows:

7 1. The Motion to Authorize Distributions filed by the Insurance
8
9 Commissioner as Trustee references court orders issued by the Court in this
10 proceeding. True and correct copies of the two court orders are attached as Exhibit
11 “A” and “B” and incorporated herein. These orders are attached:

12 A. Valuation Order: and

13
14 B. Order Granting the Insurance Commissioner’s Motion to Approve
15
16 Distributions to Claimants against Mission Insurance Company Trust and
17
18 Mission National Insurance Company Trust; and

19
20 Pursuant to California California Evidence Code Sections 452 and 453, as well
21
22 as California Rules of Court Rule 3.1306, the Insurance Commissioner as
23
24 Trustee respectfully requests that the Court take judicial notice of these orders
25
26 issued by this Court.
27

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

Dated this 11 day of August, 2017.

Respectfully submitted,



ROBERT H. NUNNALLY, JR.
Robert@wnrlaw.com
State Bar Number 134151
Wisener Nunnally Roth, L.L.P
245 Cedar Sage, Suite 240
Garland, Texas 75040
T: (972) 530-2200
F: (972) 530-7200

Attorneys for Insurance Commissioner

1 Robert H. Nunnally, Jr. (134151)
2 WISENER * NUNNALLY * GOLD, LLP
3 625 West Centerville Road, Suite 110
4 Garland, Texas 75041
5 Tel: (972) 840-9080
6 Fax: (972) 840-6575

7 Attorneys for Insurance Commissioner

8 C. Guerry Collins (117197)
9 LOCKE LORD BISSELL & LIDDELL LLP
10 300 South Grand Avenue, Suite 800
11 Los Angeles, CA 90071
12 Telephone: 213-485-1500
13 Fax: 213-485-1200

14 Attorneys for Covanta Holding Corporation

ORIGINAL FILED

OCT 03 2008

LOS ANGELES
SUPERIOR COURT

REC'D
AUG 29 2008
FILING WINDOW

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 FOR THE COUNTY OF LOS ANGELES

17 STEVE POIZNER, Insurance Commissioner)
18 of the State of California,)

19 Plaintiff,)

20 vs.)

21 MISSION INSURANCE COMPANY, a)
22 California corporation,)

23 Respondent.)

CASE NO. C 572 724

~~Proposed~~ VALUATION ORDER

DATE: October 3, 2008

TIME: 8:30 a.m.

DEPT: 50

Filed: October 31, 1985

24 Consolidated with Case Numbers:

25 C 576 324, C 576 416, C 576 323

26 C 576 325, C 629709

27 On October 3, 2008, the Court heard the Motion to Approve Final Valuations of Latent
28 Deficiency Claims and Interest Payable on Deficiency Claims Against Mission National Insurance
Company Trust and Allocation of Shares of Covanta Holding Corporation Pursuant to the

COPY

1 Rehabilitation Plan Implementation Agreement. The Court finds that appropriate and timely
2 notice was given to all interested parties as to the motion. Based on the evidence presented, the
3 Court finds that the individual claim amounts and claimants set forth on Exhibits A and B to the
4 Declaration of Richard McNamee are the final, determined and fixed amounts of each individual
5 Deficiency Claim, including Latent Deficiency Claims, as described in paragraph 31 of the
6 Rehabilitation Plan Implementation Agreement against the Mission National Insurance Company
7 Trust and that the Latent Deficiency Claims against the Mission National Insurance Company
8 Trust total \$78,012,287 in the aggregate. The Court further finds that interest amounts owed to
9 claimants in the amount of \$211,986,104 are additional claims that are final, determined and fixed
10 arising under California law and are payable by Mission National Insurance Company Trust to
11 holders of unpaid Deficiency Claims from the date such claims were final, fixed and determined
12 through the date of payment and as reduced by early access and interim distributions from time to
13 time. These Deficiency Claims, including Latent Deficiency Claims and interest payable on
14 claims against MNICT, individually and in the aggregate, are valid indebtedness from both direct
15 insurance and reinsurance contracts entered into by Mission Insurance Company and general
16 creditor claims and which are owed under California law pursuant to the Agreement of
17 Reorganization, Rehabilitation and Restructuring and the Rehabilitation Plan Implementation
18 Agreement, each as previously agreed upon and approved by this Court.

19 The Court approves the final allocation of Covanta Holding Corporation common stock
20 previously issued and held on behalf of such claimants by the California Insurance Commissioner
21 pursuant to the Agreement of Reorganization, Rehabilitation, and Restructuring to holders of
22 Deficiency Claims, including Latent Deficiency Claims and interest payable on the claims against
23 Mission National Insurance Company Trust, as set forth in the share distribution schedule set forth
24 in Exhibits A and B to the Declaration of Richard McNamee and orders that the shares of Covanta
25 Holding Corporation stock be distributed to each holder of a Deficiency Claim in accordance with
26 Exhibits A and B to the Declaration of Richard McNamee. The Court finds that this distribution
27 of shares of Covanta Holding Corporation stock to holders of Deficiency Claims, including Latent
28 Deficiency Claims and interest payable on the claims, is consistent with the proportionality

1 requirements of Internal Revenue Code former section 108(e)(8)(B). The Court further finds that
2 the distribution of cash held by Mission National Insurance Company Trust and the distribution of
3 shares of Covanta Holding Corporation stock to holders of Deficiency Claims, including Latent
4 Deficiency Claims and interest payable on the claims shall be in full satisfaction of
5 the valid indebtedness from both direct insurance and reinsurance contracts and general creditor
6 claims of Mission National Insurance Company constituted by such Deficiency Claims, including
7 Latent Deficiency Claims and interest payable on the claims and is consistent with the
8 requirements of section 108 of the Internal Revenue Code, as in effect on the date of and forming
9 the basis for the 1990 Agreement of Reorganization, Rehabilitation, and Restructuring, as
10 continuously applicable from the date thereof to the date of this Order.

11 The Insurance Commissioner is further authorized to take such steps as he deems
12 appropriate and necessary to implement the terms of these valuation and share distribution
13 procedures.

JOHN SHEPARD WILEY JR.
JUDGE OF THE SUPERIOR COURT

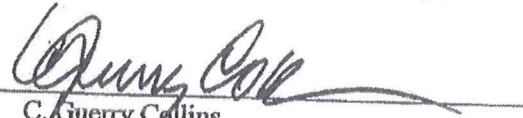
14
15 Respectfully submitted,



16
17 Robert H. Nunnally, Jr. (134151)
18 WISENER * NUNNALLY * GOLD, LLP
19 625 West Centerville Road, Suite 110
20 Garland, Texas 75041
21 Tel: (972) 840-9080
22 Fax: (972) 840-6575

23 Attorneys for Insurance Commissioner

24 LOCKE LORD BISSELL & LIDDELL LLP

25 By: 
C. Guerry Collins

26 Attorneys for Covanta Holding Corporation

27
28

Exhibit "B"

ORIGINAL FILED

NOV 07 2008

LOS ANGELES SUPERIOR COURT

REC'D

NOV 24 2008

FLING WINDOW

ORIGINAL

1 ROBERT H. NUNNALLY, JR.
State Bar Number 134151
2 WISENER★NUNNALLY★GOLD, LLP
625 West Centerville Road, Suite 110
3 Garland, Texas 75041
(972) 840-9080
4 Fax (972) 840-6575

5 Attorneys for Insurance Commissioner

6 RECEIVED

7 NOV 25 2008

8 DEPT. 50

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

10 STEVE POIZNER, Insurance Commissioner
of the State of California,

11 Applicant,

12 vs.

13 MISSION INSURANCE COMPANY, a
14 California corporation,

15 Respondent.

16 Consolidated with Case Numbers

17 C 576 324; C 576 416;
18 C 576 323; C 576 325; C 629709

) Case No. C 572 724

) Honorable John Shepard Wiley Jr.

) ~~PROPOSED~~ ORDER GRANTING
) THE INSURANCE COMMISSIONER'S
) MOTION TO APPROVE DISTRIBUTIONS
) TO CLAIMANTS AGAINST MISSION
) INSURANCE COMPANY TRUST AND
) MISSION NATIONAL INSURANCE
) COMPANY TRUST

) Date: November 7, 2008
) Time: 8:30 a.m.

) Action Filed: October 31, 1985

BY FAX

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

On the 7th day of November, 2008, the Court considered the Motion to Approve Distributions to Claimants against Mission Insurance Company Trust and Mission National Insurance Company. The Court hereby GRANTS the motion. The Court authorizes the Insurance Commissioner to increase the dividend to approved general creditors of Mission Insurance Company Trust from 30 (thirty) percent to 36.5 (thirty six and a half) percent. The Insurance Commissioner is further authorized to pay 48 (forty eight) percent of the interest on approved policyholder claims in the Mission National Insurance Company Trust, as well as one hundred percent of the interest on the two small approved administrative expense matters identified in the motion. The Insurance Commissioner may execute such documents and effectuate such steps reasonably necessary to make the distributions. If funds remain unclaimed, a claimant fails to provide required taxpayer information or a claimant cannot be found, the Insurance Commissioner is authorized to remit such unclaimed funds to the unclaimed property funds.

So ordered.

Signed this 7 day of November, 2008.
JOHN SHEPARD WILEY JR.
John Shepherd Wiley Jr.
Judge of the 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 **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF THE INSURANCE COMMISSIONER'S MOTION TO AUTHORIZE DISTRIBUTIONS** by placing a copy thereof enclosed in sealed envelopes addressed as follows:

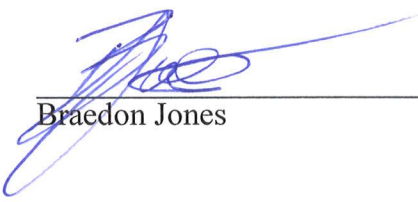
Sent via FIRST CLASS MAIL to:
The Attached List

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 August 11, 2017 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 90071

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