IN THE CHANCERY COURT FOR THE STATE OF TENNESSEE
TWENTIETH JUDICIAL DISTRICT, DAVIDSON COUNTY

STATE OF TENNESSEE, ex rel., JULIE MIX McPEAK, Commissioner for Commerce and Insurance for the State of Tennessee,	)	
Petitioner,	)	**No. 03-295-IV**
v.	)	
THE RECIPROCAL ALLIANCE (Risk Retention Group), a Tennessee domiciled insurance company,	)	
Respondent.	)	

FILED
2015 DEC -3 PM 3:23
CLERK & MASTER
DAVIDSON COUNTY CHANCERY COURT
D.C. & M.
COPY

THE RECIPROCAL ALLIANCE RECEIVER'S MOTION FOR THE COURT TO ACCEPT AND APPROVE NUMEROUS FINAL DETERMINATIONS AS TO ENUMERATED CLAIMS

I. Introduction

Julie Mix McPeak, as Commissioner of the Tennessee Department of Commerce and Insurance, in her capacity as Liquidator of The Reciprocal Alliance (RRG) in Liquidation ("TRA"), and through her appointed Special Deputy Receiver, moves the Court, under T.C.A. §56-9-331, (1) to accept and approve as final the Class 6 claim determinations set forth in **Exhibit A**, and (2) to accept and approve as final the Class 7 claim determinations set forth in **Exhibit B**. This Motion does not request approval of a distribution, pro rata or otherwise, as to the approved Class 6 and/or Class 7 claim amounts set forth in **Exhibits A and B**, but rather only seeks approval of the listed Class 6 and 7 claims and the respective approved claim amounts

presented, so that they will be established and ready for distribution, if any, upon later motion to, and order of, the Court.

II. Discussion

a) Class 6 Claim Determinations Listed in Exhibit A

The Class 6 claims (i.e. claims by state or local governments) set forth in **Exhibit A** are claims that have been reviewed and adjudicated with final recommended claim amounts (which at times are $0.00) set forth. The TRA Receiver urges the Court to accept this report of final claim amounts and to approve the determined claim amounts for the Class 6 claims in **Exhibit A**. Such acceptance and approval will advance these proceedings – all that will remain concerning the attached Class 6 claims will be a request from the TRA Receiver for payment/distribution, pro rata or otherwise, upon determination of whether there are funds available for Class 6 claim payments.

The Class 6 claim determinations set forth in **Exhibit A** represent claim determinations that have either not been objected to (and thus are final) or have been objected to with the objection addressed to final disposition. Accordingly, they are ripe to be presented as the final claim amounts for the listed Class 6 claims. Pursuant to T.C.A. §56-9-331, the TRA Receiver recommends that the Court accept this report as to the Class 6 claims set forth in **Exhibit A** and approve the final claim amounts listed for these claims.

b) Class 7 Claim Determinations Listed in Exhibit B

The Class 7 claims set forth in **Exhibit B** are claims that have been reviewed and adjudicated with final recommended claim amounts (which at times are $0.00) set forth. The TRA Receiver urges the Court to accept this report of final claim amounts and to approve the determined claim amounts for the Class 7 claims in **Exhibit B**. Such acceptance and approval

will advance these proceedings – all that will remain concerning the attached Class 7 claims will be a request from the TRA Receiver for payment/distribution, pro rata or otherwise, upon determination of whether there are funds available for Class 7 claim payments.

Each of the Class 7 claims set forth in **Exhibit B** represent claim determinations that have either not been objected to (and thus are final) or have been objected to with the objection addressed to final disposition. Accordingly, they are ripe to be presented as the final claim amounts for the listed Class 7 claims. Pursuant to T.C.A. §56-9-331, the TRA Receiver recommends that the Court accept this report as to the Class 7 claims set forth in **Exhibit B** and approve the final claim amounts listed for these claims.

III. Notice

A copy of this Motion – including the "Setting of Hearing" section – and all Exhibits will be mailed, via first class mail, to the Class 6 claimants listed in **Exhibit A**. Every Class 7 claimant listed on **Exhibit B** will be mailed a copy of this Motion and Exhibits to each claimant's address as shown in the TRA Liquidation's records.

A copy of this Motion and Exhibits will be sent in the mail to counsel for the Virginia Deputy Receiver. Because this Motion does not request a payment/distribution to the Class 6 or Class 7 claimants, no notice is being provided separately to Class 5 claimants (other than the Virginia Deputy Receiver). As to notice to those Class 5 claimants and as to notice in general, a copy of the Motion and Exhibits attached hereto will be posted on the Tennessee Department of Commerce and Insurance website as soon as practicable after the filing of this Motion.

IV. Request That Order Granting Requested Relief Be Made Final Pursuant to Rule 54.02 Tenn. R. Civ. P.

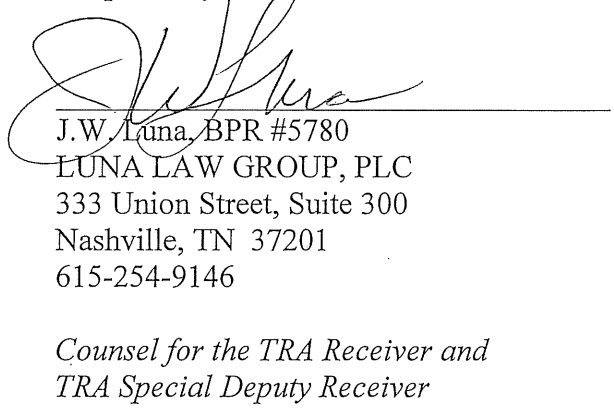
This Motion seeks relief that needs to be relied upon in advancing the progression of the TRA Liquidation Proceedings toward further distributions and ultimate closure. But the relief

afforded through granting this Motion does not address all matters at issue in the TRA Liquidation Proceedings. In order to provide certainty with regard to the relief granted, the TRA Receiver requests that the Court expressly find that there exists no just reason for delay and that the Order granting this Motion be entered as final regarding the matters addressed in that Order. Rule 54.02 Tenn. R. Civ. P.

V. Conclusion

For the reasons set forth herein, the TRA Receiver requests this Court, pursuant to T.C.A. §56-9-331, (1) accept **Exhibits A and B** attached hereto as a report and listing of claim determinations as to certain Class 6 and Class 7 claims, (2) approve the claim amount for each listed claim set forth in those Exhibits, and (3) incorporate those claim listings in a final order granting the relief requested herein.

Respectfully submitted,



J.W. Luna, BPR #5780
LUNA LAW GROUP, PLC
333 Union Street, Suite 300
Nashville, TN 37201
615-254-9146

Counsel for the TRA Receiver and
TRA Special Deputy Receiver

SETTING OF HEARING/DEADLINE FOR RESPONSE IN OPPOSITION

THIS MOTION IS SET TO BE HEARD ON FRIDAY, DECEMBER 18, 2015, AT 9:00 AM. (CENTRAL TIME) IN THE COURTROOM FOR THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE (PART IV) LOCATED AT THE METRO COURTHOUSE IN NASHVILLE, TENNESSEE. ANY RESPONSE IN OPPOSITION IS TO BE FILED WITH THE COURT AND SERVED ON ABOVE-NOTED COUNSEL ON OR BEFORE DECEMBER 14, 2015. IF NO RESPONSE IS TIMELY FILED AND SERVED, THE MOTION CAN BE GRANTED WITHOUT FURTHER NOTICE.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been delivered by U.S. Mail, First Class postage prepaid, to the following on this 3rd day of December, 2015:

Sarah A. Hiestand, Senior Counsel
Office of the Attorney General
State of Tennessee
Post Office Box 20207
Nashville, TN 37202-0207

Each Claimant listed in **Exhibit A** hereto, and each Claimant listed in **Exhibit B** hereto

Patrick H. Cantilo
Cantilo & Bennett, LLP
11401 Century Oaks Terrace, Suite 300
Austin, TX 78758
(Counsel to the Virginia Deputy Receiver)

Counsel to the TRA Special Deputy Receiver

POC NUMBER	CLAIMANT NAME	CLAIMANT ADDRESS	RRAO DETERMINED VALUE
0000165	MINNESOTA REVENUE DEPT.	ATTN: JERRY SIEVE, TAX SPECIALIST SENIOR 600 NORTH ROBERT ST. MAIL STATION 1780 ST PAUL, MN 55145-1780	$0.00
0001514	PA DEPT. OF REVENUE	ATTN: LISA HAVILAND, OFFICE OF CHIEF COUNSEL BUREAU OF COMPLIANCE, DEPT. 280946 HARRISBURG, PA 17128-0946	$15,587.18
0001533	TENNESSEE DEPT. OF COMMERCE AND INSURANCE	ATTN: MARK BROTHERS, LEAD TAX ANALYST 500 JAMES ROBERTSON PKWY. NASHVILLE, TN 37243	$0.00
0001586	MISSOURI DEPARTMENT OF INSURANCE	ATTN: KIRK SCHMIDT, CHIEF FINANCIAL EXAMINER P.O. BOX 690 JEFFERSON CITY, MO 65102	$47,357.00
0001602	STATE OF IDAHO, DEPT. OF INS.	ATTN: PAT DILLARD, PREMIUM TAX 700 WEST STATE STREET - 3RD FLOOR BOISE, ID 83720-4280	$1,120.92
0001628	CONNECTICUT DEPARTMENT OF REVENUE SERVICES	ATTN: BOHDAN S. SOWA 25 SIGOURNEY STREET HARFORD, CT 06106	$6,529.41
0001726	MARYLAND INSURANCE ADMINISTRATION	ATTN: LESTER C. SCHOTT 200 SAINT PAUL PLACE, STE. 2700 BALTIMORE, MD 21202	$2,437.19
0001744	MAINE REVENUE SERVICES, COMPLAINCE DIVISION	ATTN: LAURIE MAHANY, SERVICES MGR. PO BOX 910 AUGUSTA, ME 04332	$425.81
			$73,457.51

EXHIBIT

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POC NUMBER	CLAIMANT NAME	CLAIMANT ADDRESS	RRAO DETERMINED VALUE
0002207	JAMES BRINSON & LAW FIRM OF GARY, WILLIAMS, PARENTI, ET AL.	221 E OSCEOLA ST STUART, FL 34994	$0.00
0002234	BARBARA O'ROURKE	240 W. ZELLER ST. NORTH LIBERTY, IA 52317	$2,545.00
0002240	PARSONS, LEE & JULIANO, P.C.	2801 HIGHWAY 280 SOUTH 300 PROTECTIVE CTR. BIRMINGHAM, AL 35223	$0.00
0002244	BRIN & BRIN	ATTN: DOUGLAS KENNEDY 6223 I. H. 10 WEST SAN ANTONIO, TX 78201	$36,480.47
0002253	MASSACHUSETTS DEPARTMENT OF REVENUE	ATTN: JOHN L. GIAMATTEI, DEPUTY CHIEF P.O. BOX 9564 BOSTON, MA 02114-9564	$544.00
0002254	MARSHALL MEDICAL CENTER SOUTH	ATTN: TRACI STEWART, FINANCIAL DIRECTOR 227 BRITTANY ROAD GUNTERSVILLE, AL 35976	$6,426.56
0002256	ALASKA DIVISION OF INSURANCE	ATTN: REBECCA NESHEIM, REVENUE AUDITOR 333 WILLOUGHBY, 9TH FLOOR JUNEAU, AK 99801	$543.86
0002265	COLBERT CO-NW ALABAMA HEALTHCARE AUTHORITY	DBA HELEN KELLER HOSPITAL ATTN: PAM PATTON, DIRECTOR OF HUMAN RESOURCES 1300 S. MONTGOMERY AVENUE SHEFFIELD, AL 35660	$0.00
0002285	EST. OF ETHEL DARDEN STENNIS	LARRY HELLEN, ADMINISTRATOR 1 N. DALE MABRY HWY, STE. 800 TAMPA, FL 33609	$0.00
0002292	BAIR HILTY, PC	14711 PEBBLE BEND DRIVE HOUSTON, TX 77068-2923	$2,017.01
0002294	NAPHCARE, INC.	ATTN: BRADLEY CAIN, GENERAL COUNSEL 2090 COLUMBIANA RD, STE. 4000 BIRMINGHAM, AL 35216	$0.00
0002299	DONALD ALCORN	P.O. BOX 34. MONTGOMERY, AL 36101	$0.00
0002300	GLENWOOD RESOLUTION AUTHORITY, formerly Glenwood M	ATTN: PHILLIP G. SIVILS P.O. BOX 1334 WEST MONROE, LA 71294	$0.00
0002302	TUNICA CONVALESCENT CENTER, INC.	ATTN: BARBARA LENARD 1024 HIGHWAY 61 SOUTH TUNICA, MS 38676	$0.00
0002314	ARIZONA DEPARTMENT OF INSURANCE	ATTN: KELLY STEPHENS, COMPLIANCE SECTION MGR. 2910 N. 44TH STREET, SUITE 210 PHOENIX, AZ 85018-7256	$3,155.44
			$51,712.34

EXHIBIT

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