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IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

STATE OF OREGON, Acting by and through
Patrick Allen, Director of the Oregon
Department of Consumer and Business Services,

Plaintiff,

v.

OREGON’S HEALTH CO-OP, an Oregon
nonprofit corporation,

Defendant.

Case No. 16CV22052

**ORDER APPROVING RECEIVER’S
SECOND CLAIMS REPORT AND
CLAIMS OBJECTION PROCEDURE**

THIS MATTER came before the court on consideration of the receiver’s Second Claims Report, and his proposal to establish a process to address submitted claims and make interim distributions to priority claimants pending final disposition of the liquidation proceedings. By previous order, the court set a deadline of September 30, 2017 for submission of claims.

IT IS HEREBY ORDERED that:

- 1. the receiver’s Second Claims Report is approved; and
- 2. the receiver’s proposed objection procedure is adopted:
 - A. The receiver will provide to all claimants on the report a “Notice to Claimants” by U.S. mail to the last known address of such persons, as shown in the receiver's files. The Notice to Claimants will provide notice of the receiver’s recommendation, the claim-specific information the receiver used to

1 adjudicate the claim, the objection deadline, and the procedure for filing an
2 objection;

- 3 B. All objections related to claims contained in the report must be filed on or
4 on or before 11:59 p.m. on September 30, 2017 at:

5 Clerk of the Marion County Circuit Court
6 Marion County Courthouse
7 100 High Street NE
8 Salem, OR 32301

and a copy of said objection must be delivered to the receiver at:

9 Receiver of Oregon's Health Co-Op
10 P.O. Box 40087
11 Portland, OR 97209

The court will not consider any objections not timely filed and delivered.

- 12 C. All objections must be accompanied by documentation to support the claim.
13 The court will not consider any information or documentation submitted
14 after the objection is filed.
- 15 D. The receiver shall try to resolve any objections that are filed. In the event an
16 objection cannot be resolved, the receiver shall file a recommendation of a
17 proposed resolution with the court, serving such recommendation on the
18 claimant.
- 19 E. The receiver's recommendations will be approved unless a further objection is
20 filed thereto within a further deadline to be set by the court.
- 21 F. The court will set hearings as necessary to resolve any objections that the
22 receiver cannot settle. The court will not consider any objections not timely
23 filed and served and will not consider any information that is not contained
24 in the filed objection.
- 25 G. Claims for which no timely objections are filed will be allowed as
26 recommended by the receiver.

1 H. The receiver shall not make any distributions pursuant to the report unless
2 the available receivership assets (not counting any contingent recoveries),
3 will be sufficient to pay or partially pay other expected claims entitled to
4 priority under ORS 734.360(2) on the same basis as proposed in the report.
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10 Signed: 9/6/2017 11:44 AM



11 **Circuit Court Judge David Leith**

12 Submitted by:
13 Carolyn G. Wade, OSB #832120
14 Senior Assistant Attorney General
15 Daniel J. Rice, OSB #084536
16 Assistant Attorney General
17 Oregon Department of Justice
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19 Salem, OR 97301
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22 Daniel.Rice@doj.state.or.us
23 Of Attorneys for Receiver
24
25
26

1 **CERTIFICATE OF READINESS**

2 This proposed order is ready for judicial signature because:

3 1. [] Each opposing party affected by this order or judgment has stipulated to the order
4 or judgment, as shown by each opposing party's signature on the document being
submitted.

5 2. [] Each opposing party affected by this order or judgment has approved the order or
6 judgment, as shown by signature on the document being submitted or by written
confirmation of approval sent to me.

7 3. [] I have served a copy of this order or judgment on all parties entitled to service and
8 provided written notice of the objection period, and:

9 a. [] No objection has been served on me as of the date below.

10 b. [] I received objections that I could not resolve with the opposing party
11 despite reasonable efforts to do so. I have filed with the court a copy of the
objections I received and indicated which objections remain unresolved.

12 c. [] After conferring about objections, *[role and name of opposing party]*
13 agreed to file any remaining objection with the court by *[date]*, which
predated my submission.

14 4. [] The relief sought is against an opposing party who has been found in default.

15 5. [] An order of default is being requested with this proposed judgment.

16 6. [X] Service is not required pursuant to UTCR 5.100(3), or by statute, rule, or
otherwise.

17 7. [] This is a proposed judgment that includes an award of punitive damages and
18 notice has been served on the Director of the Crime Victims' Assistance Section
as required by UTCR 5.100(4).

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21 Dated: 8/31/17

s/ Carolyn G. Wade
Carolyn G. Wade, OSB #832120
Senior Assistant Attorney General