

COPY

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

STATE OF TENNESSEE
ex rel. JULIE MIX McPEAK,
COMMISSIONER OF COMMERCE
AND INSURANCE FOR THE STATE OF
TENNESSEE,

DAVIDSON COUNTY CHANCERY COURT
D.C. & M.

No. 03-293-(IV)

Petitioner,

v.

AMERICAN NATIONAL LAWYERS
INSURANCE RECIPROCAL (RRG), a
Tennessee Domiciled Insurance Company,

Respondent.

AMERICAN NATIONAL LAWYERS INSURANCE RECIPROCAL
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 American National Lawyers Insurance Reciprocal (RRG) in Liquidation ("ANLIR"); and through her appointed Special Deputy Receiver, moves the Court, under T.C.A. § 56-9-331, to accept and approve, as final, the Class 6 claim determinations set forth in **Exhibit A** and 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** or **B**, but rather only seeks approval of the listed Class 6 and Class 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 Set Forth 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 in these instances are \$0.00) set forth. The ANLIR Receiver urges the Court to accept this report of final claim amounts and to approve the determined claim amounts for the Class 6 claims set forth in **Exhibit A**. Such acceptance and approval will advance these proceedings toward closure in that it will dispose of the two ANLIR Class 6 claims, both of which were set at \$0.00 / denied.

The Class 6 claim determinations set forth in **Exhibit A** represent 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 ANLIR Receiver recommends that the Court accept this report as to the Class 6 claim determinations set forth in **Exhibit A** and approve the final claim amounts listed for these claims.

b) Class 7 Claim Determinations Set Forth in Exhibit B

The Class 7 claims set forth in **Exhibit B** are late-filed claims that have been reviewed and adjudicated with final recommended claim amounts (which at times are \$0.00) set forth. The ANLIR Receiver urges the Court to accept this report of final claim amounts and to approve the determined claim amounts for the Class 7 claims set forth 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 ANLIR 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 claims that have been reviewed and had determinations issue which 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 approved claim amounts for the listed Class 7 claims. Pursuant to T.C.A. § 56-9-331, the ANLIR 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, first class mail, to the two Class 6 claimants (or their counsel listed in **Exhibit A**). Every Class 7 claimant listed on **Exhibit B** will be sent a postcard to each claimant’s address as shown in the ANLIR Liquidation’s records. That postcard notice will inform the claimant of the filing of this Motion, the hearing date, time and place, the deadline for response to the Motion, a short description of the relief sought in the Motion and a reference to the Tennessee Department of Commerce and Insurance website where a complete copy of this Motion and Exhibits will be posted. Attached as **Exhibit C** is a template of that “postcard” notice.

Notice will be provided to the Virginia Deputy Receiver through mailing a copy of this Motion and Exhibits to counsel. Notice will be provided to the Elliott Lawson and Minor group (the sole remaining group of Class 2 ANLIR claimants with an unresolved claim) through mailing a copy of this Motion and Exhibits to their counsel. Because the other ANLIR Class 2 claims and the Class 3 and 4 claims (if any) have already been finalized and paid, no notice will be provided to them of this Motion. Also, because no payment of approved ANLIR Class 6 and Class 7

claims is requested through this Motion, separate Notice to the ANLIR Class 5 claimants (other than the Virginia Deputy Receiver) is not being provided. But, as to notice to those Class 5 claimants, as well as 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.

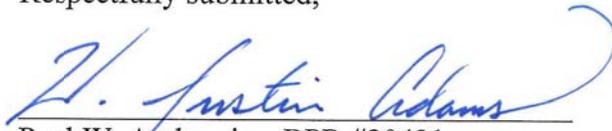
IV. REQUEST THAT ORDER GRANTING REQUESTED RELIEF BE MADE FINAL PURSUANT TO RULE 54.02 TENN. R. CIV. P.

This Motion seeks relief that needs to be relied upon in advancing the progression of the ANLIR 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 ANLIR Liquidation Proceedings. In order to provide certainty with regard to the relief granted, the ANLIR 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 ANLIR Receiver requests this Court, pursuant to T.C.A. §56-9-331, (1) accept **Exhibit A** attached hereto as a report and listing of certain Class 6 claims, (2) approve the claim amounts set forth in **Exhibit A** for each such Class 6 claim, (3) accept **Exhibit B** attached hereto as a report and listing of Class 7 claims, (4) approve the claim amounts set forth in **Exhibit B** for each such Class 7 claim and (5) incorporate the listings set forth in **Exhibits A** and **B** in a final order granting the relief requested herein.

Respectfully submitted,



Paul W. Ambrosius, BPR #20421

W. Justin Adams, BPR #022433

TRAUGER & TUKE

The Southern Turf Building

222 Fourth Avenue North

Nashville, TN 37219

615.256.8585

*Counsel for the ANLIR Receiver and
ANLIR 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 A.M. (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 30th day of November, 2015:

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

Tennessee Dept. of Commerce And Insurance
Attn: Mark Brothers, Lead Tax Analyst
500 James Robertson Pkwy.
Nashville, TN 37243
(Class 6 Claimant)

Tennessee Department of Revenue
Attn: Wilbur E. Hooks, Asst. Director
500 Deaderick Street
Nashville, TN 37424
(Class 6 Claimant)

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

Thomas Garland, Esq.
Milligan & Coleman
230 W. Depot Street
Greeneville, TN 37744
(Counsel for Elliott, Lawson & Minor, PC)

Paul Jennings, Esq.
Bass, Berry & Sims, PLC
150 Third Avenue South, Suite 2800
Nashville, TN 37201
(Counsel for Barker Building Company)

On or before November 30, 2015, a postcard notification will be sent by U.S. Mail, First Class postage prepaid, to all Class 7 claimants of the ANLIR Liquidation Estate, at the claimant's address as shown in the ANLIR Liquidation Estate's records, informing the claimant of the filing of the foregoing, the hearing date, time, and place, deadlines for response, a short description of the relief sought, and that a copy of the foregoing will be posted on the Tennessee Department of Commerce and Insurance website.


Counsel to the ANLIR Special Deputy Receiver

POC NUMBER	CLAIMANT NAME	CLAIMANT ADDRESS	RRAO DETERMINED VALUE
0001569	TN DEPT OF COMMERCE & INSURANCE	ATTN: MARK BROTHERS LEAD TAX ANALYST 500 JAMES ROBERTSON PKWY NASHVILLE, TN 37243	\$0.00
0001602	TENNESSEE DEPARTMENT OF REVENUE	ATTN: WILBER E. HOOKS, ASST. DIRECTOR ANDREW JACKSON STATE OFFICE 500 DEADRICK STREET NASHVILLE, TN 37424	\$0.00
			\$0.00

EXHIBIT A

POC NUMBER	CLAIMANT NAME	CLAIMANT ADDRESS	RRAO DETERMINED VALUE
0000143	JOHN CASSESE	C/O FREDSON & STATMORE 77 PASSAIC AVENUE PASSAIC, NJ 07055	\$0.00
0000225	MARVIN JAFFE	5310 MARKEL ROAD RICHMOND, VA 23230	\$0.00
0000226	MARVIN JAFFE	5310 MARKEL ROAD RICHMOND, VA 23230	\$0.00
0000278	KRAMER & THOMAS	1230 PEACHTREE STREET PROMENADE II, SUITE 900 ATLANTA, GA 30309	\$721.93
0001645	DONALD GOLDER	8912 E. PINNACLE PEAK RD SUITE 9-160 SCOTTSDALE, AZ 85255	\$0.00
0001973	MARY JO KALCHTHALER	PO BOX 2429 WESTFIELD, NJ 07090	\$0.00
0002001	LEONARD M. BITTERMAN & ASSOC.	1373 BROAD ST, SUITE 201 CLIFTON, NJ 07013	\$7,375.20
0002226	KAY COBB	PO BOX 1173 OXFORD, MS 38655	\$958.00
0002343	FIRST AMERICAN TITLE INSURANCE COMPANY	ATTN: DAVID S. SWAN 6 CONCOURSE PARKWAY, SUITE 2150 ATLANTA, GA 30328	\$0.00
0002350	KAY TURNER	OAK COURT MALL 530 OAK COURT DRIVE, #255 MEMPHIS, TN 38117	\$0.00
0002351	TURNER, CASH & BERRY / KAY FARESE TURNER	OAK COURT MALL 530 OAK COURT DRIVE, #255 MEMPHIS, TN 38117	\$0.00
0002412	MARGARET RYDER	1091 OAKWOOD DRIVE BOGART, GA 30622	\$0.00
0002421	JIMMY WATSON	306 GAY ST., STE. 200 NASHVILLE, TN 37201	\$0.00
0002422	DIANE TURNER	306 GAY ST., STE. 100 NASHVILLE, TN 37201	\$0.00
0002424	CLIFFORD & ANGELA DAVIS	12025 MOTT ST. ARLINGTON, TN 38002	\$0.00
0002430	SCOTT & SCOTT, LTD	5 OLD RIVER PLACE, SUITE 204 JACKSON, MS 39202	\$0.00
0002432	BERKOWITZ AND RAIKEN, LLC	16 JEFFERSON STREET HACKENSACK, NJ 07601	\$0.00
0002433	VANDEVENTER BLACK, LLP	500 WORLD TRADE CENTER NORFOLK, VA 23323	\$33,740.40
0002435	JOHN HARRIS, III	1619 JEFFERSON DAVIS HWY. FREDERICKSBURG, VA 22401	\$0.00
0002436	HARRIS & HARRIS, P.C.	1619 JEFFERSON DAVIS HWY. FREDERICKSBURG, VA 22401	\$0.00
0002438	SOUTHERN TITLE COMPANY	ATTN: JOE KELLY, ESQ. P.O. BOX 399 RICHMOND, VA 23218	\$0.00

EXHIBIT B

0002439	ARIZONA DEPARTMENT OF INSURANCE	ATTN: KELLY STEPHENS, COMPLIANCE SECTION MGR. 2910 N. 44TH STREET, SUITE 210 PHOENIX, AZ 85018-7256	\$435.39
0002441	HARTSOE & MANSFIELD, PLC	4084 UNIVERSITY DRIVE, STE. 100A FAIRFAX, VA 22030	\$428.04
0002442	JOE STEWART	57 SHORELINE LANE GULFPORT, MS 39503	\$0.00
0002444	JOSEPH SANZONE	P. O. BOX 1078 LYNCHBURG, VA 24505	\$0.00
0002461	TARRY BEASLEY, II	1850 POPLAR CREST COVE #200 MEMPHIS, TN 38119	\$0.00
0002462	COLORADO DIVISION OF INSURANCE	ATTN: SUZANNE BIRMINGHAM 1560 BROADWAY DENVER, CO 80202	\$0.00
0002463	GMAC MORTGAGE CORPORATION	P. O. BOX 963 HORSHAM, PA 19044	\$36,667.00
0002464	LINDA RANA	11320 RANDOM HILLS ROAD,STE. 525 FAIRFAX, VA 22030	\$0.00
0002465	JOSEPH MECCA	1130 MCBRIDE AVENUE WEST PATERSON, NJ 07424	\$0.00
0002468	STEVEN CLARK	PO BOX 1108 LOS LUNA, NM 87042	\$0.00
0002494	JAMES BABAKITIS	171 CHARLES ST. SECAUCUS, NJ 07094	\$0.00
0002495	THOMPSON & MCMULLAN, P.C.	100 SHOCKOE SLIP, STE. 300 RICHMOND, VA 23219	\$10,260.40
0002497	REM ZELLER LAW GROUP	25 E. SALEM ST. STE. 400 HACKENSACK, NJ 07601	\$0.00
0002498	GEE LAW FIRM, P.C.	5900 MIDLOTHIAN TURNPIKE RICHMOND, VA 23225	\$0.00
0002499	MCEACHIN & GEE, P.C.	5900 MIDLOTHIAN TURNPIKE RICHMOND, VA 23225	\$0.00
0002500	WRIGHT, LINDSEY & JENNINGS, LLP	200 W. CAPITOL, STE. 2300 LITTLE ROCK, AR 72201	\$12,194.86
0002501	MARCIE SOUTHERLAND	1120 JACKSON ST. VICKSBURG, MS 39183	\$34,184.27
0002502	WILLIAMS & ANDERSON, PLC	111 CENTER ST., 22ND FLOOR LITTLE ROCK, AR 72201	\$0.00
0002503	DAVID YOUNG	45 PLEASANT STREET WOODSTOCK, VT 05091	\$0.00
0002504	HOOVER PENROD PLC	342 S. MAIN ST. HARRISONBURG, VA 22801	\$10,010.43
0002506	GLADYS HARRIS	4210 SOUTHHAVEN RD RICHMOND, VA 23235	\$0.00
0002507	MASSACHUSETTS DEPARTMENT OF REVENUE	ATTN: JOHN L. GIAMATTEI, DEPUTY CHIEF P.O. BOX 9564 BOSTON, MA 02114	\$158.76
0002514	HELENE MONAT	3444 FAIRFAX DRIVE, SUITE 106 ARLINGTON, VA 22201	\$128.66
0002524	OLGA BOGDANOV, TRUSTEE	EST. OF R&R ASSOC. OF HAMPTON 99 HIGH STREET, 20TH FLOOR BOSTON, MA 02110-2320	\$0.00

0002525	King & Associates, P.C.	P.O. BOX 54263 ATLANTA, GA 30308	\$0.00
0002579	VOLK LEBER FUNERAL HOME/DANIEL LEBER	c/o BARRY, McTIERMAN & WEDINGER 1024 AMBOY AVENUE EDISON, NJ 08837	\$0.00
0002580	CARLTON CASLER	14586 WEST COLUMBUS AVENUE GOODYEAR, AZ 85338	\$30,732.40
0002582	TONY CARRUTHERS	6502 LANCHER DRIVE MEMPHIS, TN 38115	\$0.00
0002583	BHATURIA (SATISH & ALKA)	121 MIDDLE STREET MANCHESTER, NH 03101	\$0.00
0002585	DYREL KIMBALL	220 SOUTH MAIN STREET AMHERST, VA 24521	\$0.00
0002593	THOMAS, UTELL, VAN DE WATER & RAICHE	24 EASTMAN AVENUE BEDFORD, NH 03110	\$0.00
0002608	MARVIN JAFFE	5310 MARKEL ROAD RICHMOND, VA 23230	\$0.00
0002610	ALAN BURDICK	P.O. BOX 51 HONOLULU, HI 96810-0051	\$0.00
0002611	PATRICIA THOMAS	2 SOUTH MADISON STREET MIDDLEBURG, VA 20117	\$0.00
			\$177,995.74

NOTICE TO ALL CLASS 7 CLAIMANTS IN THE ANLIR (American National Lawyer's Insurance Reciprocal, RRG), LIQUIDATION PROCEEDINGS

On **November 30** _____, 2015, a Motion was filed in the ANLIR Liquidation Proceedings in Davidson County, TN Chancery Court – Case No. 03-293 (IV) – seeking, amongst other matters, acceptance and approval of (1) the adjudicated Class 7 claims listed in Exhibit B to that Motion and (2) the final approved amounts for each such claim. You are receiving this Notice because your claim likely appears on that Exhibit B. **THIS MOTION REQUESTS ONLY ACCEPTANCE AND APPROVAL OF THE LISTED CLASS 7 CLAIMS. IT DOES NOT REQUEST APPROVAL OF ANY DISTRIBUTION OR PAYMENT AS TO THOSE CLAIMS.** Any distribution or payment of any approved Class 7 claim amount will be upon future motion to the Court of which you will receive notice.

Opposition to the **November 30** _____, 2015 Motion is due to the Court and to be served on ANLIR counsel by **December 14** _____, 2015. Hearing on that Motion is set for **December 18** _____, 2015 at **9:00** _____ a.m. (Central Time) in the Chancery Court (Part IV) Courtroom, Metro Courthouse, Nashville, TN.

A copy of the **November 30** _____, 2015 Motion, plus all exhibits, is available on the website for the Tennessee Department of Commerce and Insurance – <http://www.tn.gov/insurance/companyactions.shtml>

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EXHIBIT C