

In the Matter of the Winding Down of:

THE NEW HAMPSHIRE MEDICAL MALPRACTICE
JOINT UNDERWRITING ASSOCIATION

Merrimack Superior Court No. 217-2015-CV-00347

NOTICE OF HEARING ON RECEIVER'S MOTION FOR
APPROVAL OF ASSUMPTION AGREEMENT WITH MEDPRO

The Insurance Commissioner of the State of New Hampshire, as Receiver ("Receiver") of the New Hampshire Medical Malpractice Joint Underwriting Association ("NHMMJUA"), has filed a Motion for Approval of Assumption Agreement with MedPro ("Approval Motion"). The Approval Motion requests approval of an Assumption Agreement between the Receiver and The Medical Protective Company ("MedPro") under which MedPro will assume coverage-related obligations of the NHMMJUA as direct obligations of MedPro. The Approval Motion seeks an order approving the Assumption Agreement and confirming that, as of the closing, the coverage-related obligations of the NHMMJUA will be assumed and novated to MedPro and the Receiver and the NHMMJUA shall have no liability for those obligations. Note that Excluded Claims, as defined in the Assumption Agreement, are not coverage obligations of the NHMMJUA subject to being transferred. Excluded Claims, including any claims arising from the interpleader of the NHMMJUA's remaining assets pursuant to RSA 404-C:-17, III, will remain the obligation of the NHMMJUA and such claims will be foreclosed when the interpleader has occurred and the Receiver is discharged.

For more information the Approval Motion papers, including the Assumption Agreement and schedules, are posted on the New Hampshire Insurance Department website at http://www.nh.gov/insurance/legal/nhid_nhmmjua_recvrshp.htm.

The transfer of the NHMMJUA coverage-related obligations by an assumption agreement with an insurer is part of the required process for the winding down and eventual liquidation of the NHMMJUA directed by statute. RSA 404-C:15-:17. If the Assumption Agreement is approved, the NHMMJUA's rights and obligations with respect to the policies will be transferred to MedPro as specified in the Assumption Agreement. Schedule "C" to the Assumption Agreement lists the historic NHMMJUA policies to be assumed by MedPro, and Schedule "D" lists in-force policies to be assumed by MedPro. MedPro will also assume the contingent liability in the event that insurers issuing the annuities funding certain structured settlements fail to pay, and those annuities are listed on Schedule "A". The Receiver believes that the substitution of MedPro for the NHMMJUA will not diminish the coverage-related benefits to the policyholders or annuity recipients.

Pursuant to RSA 404-C: 17, III, funds that remain in the NHMMJUA after the receiver has arranged for the transfer of all of the JUA coverage-related obligations, payment of the JUA's administrative and operational expenses, transfer or resolution of tax obligations, and payment of receivership expenses, will be interpleaded with the New Hampshire Superior Court for the

purposes of adjudicating all policyholder claims to those funds. You will soon be receiving in the coming months a separate notice concerning the process the Court intends to follow in that regard, whom to contact and what, if anything, further you need to do for that purpose.

If you have questions regarding the Approval Motion or the Assumption Agreement, please contact the Receiver's counsel at the address below or by email at dleslie@rackemann.com or esmith@rackemann.com.

The Court has scheduled a hearing on the Approval Motion at 1:30 PM on August 5, 2016 in Courtroom 1 at the Merrimack Superior Court, 163 North Main Street, Concord, N.H. 03302.

All interested persons seeking to participate in the hearing are required to file a response or opposition to the Approval Motion with the Court on or before July 15, 2016. Filings shall be made with the Court Clerk at the following address:

Tracy A. Uhrin, Clerk
Merrimack Superior Court
163 North Main Street
P.O. Box 2880
Concord, N.H. 03302-2880

The interested person is required to serve a copy of the response or opposition on counsel for the Receiver on or before the date the opposition or other response is filed with the Court Clerk. The address of the Receiver's counsel is:

J. David Leslie/Eric A. Smith
Rackemann, Sawyer & Brewster PC
160 Federal Street
Boston, MA 02110-1700