THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT

Merrimack Superior Court
163 North Main St./PO Box 2880
Concord NH 03302-2880

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
http://www.courts.state.nh.us

NOTICE OF DECISION

J. CHRISTOPHER MARSHALL, ESQ
NH ATTORNEY GENERALS OFFICE - DOJ
33 CAPITOL STREET
CONCORD NH 03301-6397

Case Name: **In the Matter of the Winding Down of: The New Hampshire Medical Malpractice Joint Underwriting Association**
Case Number: **217-2015-CV-00347**

Please be advised that on June 09, 2016 Judge McNamara made the following order relative to:

Receiver's Motion for Order of Notice Regarding Motion for Approval of Assumption Agreement with MedPro

"Granted to the extent that the Order of Notice approved June 9, 2016 shall be disseminated."

Supplemental Filing Regarding Receiver's Motion for Order of Notice Regarding Motion for Approval of Assumption Agreement with MedPro

"Approved."

Order of Notice Regarding Motion for Approval of Assumption Agreement with MedPro

COPY ATTACHED

Hearing scheduled on the Receiver's Motion for Approval of Assumption Agreement with MedPro at 1:30 PM on August 5, 2016, Courtroom 1 at Merrimack County Superior Court.

June 09, 2016

Tracy A. Uhrin
Clerk of Court

(485)

C: Daniel John Mullen, ESQ; W. Scott J. O'Connell, ESQ; Gordon J. MacDonald, ESQ; Kevin M. Fitzgerald, ESQ; Eric A. Smith, ESQ; J. David Leslie, ESQ

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS. SUPERIOR COURT

IN THE MATTER OF THE WINDING DOWN OF: THE NEW HAMPSHIRE MEDICAL MALPRACTICE JOINT UNDERWRITING ASSOCIATION	)	No. 217-2015-CV-00347

~~[PROPOSED]~~

ORDER OF NOTICE REGARDING MOTION FOR APPROVAL OF ASSUMPTION AGREEMENT WITH MEDPRO

On consideration of the motion of Roger A. Sevigny, Insurance Commissioner for the State of New Hampshire, as Receiver ("Receiver") of the New Hampshire Medical Malpractice Joint Underwriting Association ("NHMMJUA"), for issuance of an order of notice regarding the Receiver's Motion for Approval of Assumption Agreement with MedPro, it is hereby ORDERED as follows:

1. The Court shall hold a hearing on the Receiver's Motion for Approval of Assumption Agreement with MedPro (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.

2. All interested persons seeking to participate in the hearing shall file an opposition or other response to the Approval Motion with the Court on or before July 15, 2016. Filings shall be made with the Court Clerk, Tracy A. Uhrin, Clerk, Merrimack Superior Court, 163 North Main Street, P.O. Box 2880, Concord, N.H. 03302-2880. A copy of the opposition or other response shall be served on counsel for the Receiver on or

42

before the date the opposition or other response is filed with the Court. The address of Receiver's counsel is J. David Leslie/Eric A. Smith, Rackemann, Sawyer & Brewster PC, 160 Federal Street, Boston, MA 02210-1700.

3. The Receiver shall file a consolidated response to any responses or oppositions on or before July 26, 2016. A copy of the consolidated response shall be served on the counsel or persons filing a response or opposition to the Approval Motion on or before the date the response is filed with the Court.

4. The Receiver shall post the Approval Motion papers, including the Assumption Agreement and its schedules, and this Order of Notice on the website of the New Hampshire Insurance Department promptly upon receipt of this Order of Notice. The Receiver shall also post the Order of Notice on the NHMMJUA's website.

5. The Notice of Hearing attached as Exhibit A to this Order of Notice is approved. The Receiver shall complete the Notice of Hearing with the information from paragraphs 1 and 2 above and post the completed Notice of Hearing on the New Hampshire Insurance Department's website promptly upon receipt of this Order of Notice. The Receiver shall also post the Notice of Hearing on the NHMMJUA's website.

6. Within 14 days following receipt of this Order of Notice, the Receiver shall mail or arrange to have mailed the completed Notice of Hearing to (a) historic NHMMJUA policyholders at the most recent addresses available from the NHMMJUA records as supplemented or corrected by the information being provided by agreement by counsel for the plaintiff class in the prior action regarding distribution of NHMMJUA surplus (Docket No. 217-2010-CV-00414), (b) in-force NHMMJUA policyholders as of January 31, 2016 at the most recent addresses available from the NHMMJUA records,

(c) claimants with pending claims against NHMMJUA insureds at the most recent addresses available from the NHMMJUA's records or, where the claimant is represented by counsel, at counsel's address, and (d) the structured settlement annuity recipients through the insurers paying those benefits.

7. Within 14 days following receipt of this Order of Notice, the Receiver shall publish the completed Notice of Hearing in two newspapers of general circulation in New Hampshire (the Concord Monitor and Union Leader) for two successive weeks.

8. Notice as provided in accordance with this Order of Notice shall be deemed sufficient and adequate notice of the Approval Motion and the hearing in accordance with RSA 404-C:16, II.

SO ORDERED

Dated: 6/9/, 2016

Richard B McNamara
Presiding Justice

EXHIBIT A

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