

**STATE OF NEW HAMPSHIRE
INSURANCE DEPARTMENT**

**In re: Alieria Healthcare, Inc. (dba The Alieria Companies, Inc.)
& Trinity Healthshare Inc.
Docket No.: INS No. 19-027-EP**

**In re: Alieria Healthcare, Inc. (dba The Alieria Companies, Inc.)
Docket No.: 20-014-EP**

**In re: Trinity Healthshare Inc.
Docket No.: 20-015-EP**

MOTION TO CLOSE ADMINISTRATIVE HEARING

The New Hampshire Insurance Department (NHID) by and through its counsel, moves that the administrative hearings against Alieria Healthcare, Inc., d/b/a The Alieria Companies, Inc., ("Alieria") and Trinity Healthshare, Inc. ("Trinity") be closed, and in support of that motion state as follows:

1. On September 16, 2020, the Merrimack Superior Court ordered that these administrative actions be stayed until the suit raised by Respondents in the courts could be resolved.
2. Since that time, the NHID and Respondents engaged in protracted litigation, with some issues appealed to the New Hampshire Supreme Court.
3. However, on or about July 8, 2021, Respondent Trinity (now known as Sharity Ministries, Inc.) filed for Chapter 11 Bankruptcy in the United States Bankruptcy Court for the District of Delaware.
4. Thereafter, the NHID, through the Attorney General's Office, filed a motion to suspend the briefing scheduling at the NH Supreme Court, to allow the parties time to determine the impact of Trinity's bankruptcy on the proceedings.
5. On or about December 3, 2021, a creditor group filed an involuntary petition for bankruptcy against Respondent Alieria in the United State Bankruptcy Court for the District of Delaware, after securing in courts across the country several adverse judgments against Alieria. In response, Alieria filed a voluntary petition for bankruptcy in United States Bankruptcy Court for the Northern District of Georgia. After motion and argument from both parties, the court transferred the entire matter to the District of Delaware to continue the bankruptcy proceedings.


6. Since the initiation of both bankruptcy proceedings, neither entity has been represented by counsel in the matters before the Merrimack Superior Court and the NH Supreme Court, both counsel having withdrawn from the matter.
7. In February of 2022, the NH Supreme Court warned both Respondents that they needed to obtain counsel to represent them. Both Respondents remain unrepresented in the courts.
8. On or about February 8, 2022, the NH Supreme Court granted the request of the NHID to lift the bankruptcy stay on the matter before the NH Supreme Court.
9. On or about March 7, 2022, the NHID petitioned the Merrimack Superior Court to dismiss the actions brought the Respondents due to lack of prosecution, lift the stay put in place in September of 2021 on the administrative actions, and to lift the bankruptcy stay, as it was not applicable to the action. On or about March 22, 2022, the Court granted the NHID's motion to dismiss as well as a motion to lift the stays, effectively returning this matter to the administrative actions herein.
10. Though disappointed that the Respondents have escaped regulatory penalties for their misconduct in the state, the NHID now moves to close this matter, as proceeding with the administrative action at this date is unlikely to result in any benefit to the State or NH consumers. Both Trinity (now known as Sharity) and Alieria are in bankruptcy, with total liabilities exceeding \$300 million and with assets far below that figure, and as a result, it is exceedingly unlikely any penalty this forum could impose would ever be paid. Likewise, due to the bankruptcies and liquidation, neither entity is currently operating in NH.

WHEREFORE, the NHID requests that the hearings officer:

- A. Grant this Motion; and
- B. Close this Administrative Hearings against the Respondents; and
- C. For other relief as is just and proper.

NEW HAMPSHIRE INSURANCE DEPARTMENT

Date: 4/25/22


Joshua Hilliard, Esq.
MH Bar # 265632
Compliance and Enforcement Counsel

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing Motion to Close was sent this date via first-class mail to Trinity Healthshare Inc., to the following address reflected in its former counsel's withdrawal:

Trinity Healthshare, Inc.
5901 Peachtree Duwoody Rd.
Atlanta, GA 30328

And via first class mail to Alieria Healthcare, Inc., d/b/a Alieria Companies, to its last known addresses at:

Alieria Healthcare, Inc., d/b/a Alieria Companies, Inc.
990 Hammond Drive, Suite 700
Atlanta, GA 30328

Alieria Healthcare, Inc. d/b/a Alieria Companies, Inc.
5901 Peachtree Dunwoody Rd
Building B, Suite 200
Atlanta, GA 30328


Joshua Hilliard, Esq.