

IN THE COURT OF COMMON PLEAS  
FRANKLIN COUNTY, OHIO

FILED  
COMMON PLEAS COURT  
FRANKLIN COUNTY, OHIO  
2007 MAY -9 PM 4:06  
CLERK OF COURTS

MARY JO HUDSON  
Ohio Superintendent of Insurance,  
in her Capacity as Liquidator of  
DayMed Health Maintenance Plan, Inc.,

Case No. 99CVH03-01866

Plaintiff,

Judge Bender

vs.

DayMed Health Maintenance Plan, Inc.,

Defendant.

**MOTION FOR APPROVAL OF PERIODIC ACCOUNTINGS OF LIQUIDATOR  
FOR THE PERIODS OF JANUARY 1, 2006 TO JUNE 30, 2006  
AND JULY 1, 2006 TO DECEMBER 31, 2006**

Plaintiff, Mary Jo Hudson, Ohio Superintendent of Insurance, in her capacity as Liquidator of DayMed Health Maintenance Plan, Inc. ("DayMed"), moves this Court for an Order approving the Statements of Receipts and Disbursements of the Liquidator for the periods January 1, 2006 to June 30, 2006 and July 1, 2006 to December 31, 2006, as set forth in the attached Exhibits A and B. The grounds in support of this Motion are set forth in the accompanying Memorandum in Support.

Respectfully submitted,

MARC DANN  
Attorney General State of Ohio

By Special Counsel:

KEGLER, BROWN, HILL & RITTER  
A Legal Professional Association

  
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*Attorneys for the Liquidator of DayMed Health  
Maintenance Plan, Inc.*

**MEMORANDUM IN SUPPORT**

This Motion is brought by the Liquidator requesting that this Court approve the Statements of Receipts and Disbursements of the Liquidator for the periods January 1, 2006 to June 30, 2006 and July 1, 2006 to December 31, 2006. These receipts and expenditures are described and set forth in the attached Exhibits A and B.

By Order of this Court entered on March 4, 1999, the Ohio Superintendent of Insurance was appointed Liquidator of DayMed Health Maintenance Plan, Inc. ("DayMed") and was empowered, authorized and directed to liquidate all of the property and assets of DayMed in accordance with the laws of Ohio and under the continuing jurisdiction of this Court. As part of the liquidation, the Liquidator collects all debts and moneys due DayMed, and makes payment of necessary expenses.

R.C. 3903.21(A)(4) provides, in pertinent part, that the Liquidator may:

pay reasonable compensation to persons appointed and defray from the funds or assets of the insurer all expenses of taking possession of, conserving, conducting, liquidating, disposing of or otherwise dealing with the business and property of the insurer.

Section 3903.42(A) of the Ohio Revised Code provides that the expenses of administration be given first priority in the distribution of assets.

The Liquidator is also required by R.C. 3903.18(E) to periodically account to the Court, throughout the pendency of the DayMed liquidation proceedings, to be submitted in the form attached hereto as Exhibits A and B. Such accountings may assist the Court in monitoring the progress and status of the liquidation, and in particular, the receipts and disbursements in the DayMed proceedings.

WHEREFORE, for the reasons outlined above, the Liquidator respectfully requests the Court to approve the attached Statements of Receipts and Disbursements of the Liquidator for the periods January 1, 2006 to June 30, 2006 and July 1, 2006 to December 31, 2006, as set forth in the attached Exhibits A and B.

Respectfully submitted,

MARC DANN  
Attorney General State of Ohio

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**EXHIBIT A**

Liquidator of DayMed Health Maintenance Plan, Inc.  
Statement of Receipts and Disbursements  
For The Period 01/01/06 to 06/30/06

|  | CASH              | SECURITIES          | TOTAL               |
|--|-------------------|---------------------|---------------------|
| Balance at 12/31/05                              | 35,843.25         | 8,025,000.00        | 8,060,843.25        |
| <b>RECEIPTS</b>                                  |                   |                     |                     |
| Investment Income                                | 180,049.59        |                     | 180,049.59          |
| Cardizem Antitrust Litigation                    | 606.85            |                     | 606.85              |
| <b>TOTAL RECEIPTS</b>                            | <b>180,656.44</b> | <b>0.00</b>         | <b>180,656.44</b>   |
| <b>DISBURSEMENTS</b>                             |                   |                     |                     |
| Investment Purchases in Repo Agreements (Note 1) | 127,000.00        | (127,000.00)        | 0.00                |
| General Operating Expenses                       | 21,040.95         |                     | 21,040.95           |
| Legal Expenses                                   | 7,961.25          |                     | 7,961.25            |
| Salaries:  |                   |                     |                     |
| Chief Deputy Liquidator                          | 1,432.22          |                     | 1,432.22            |
| Deputy Liquidators                               | 9,071.99          |                     | 9,071.99            |
| Employee Wages, Taxes, & Benefits                | 44,489.22         |                     | 44,489.22           |
| <b>TOTAL DISBURSEMENTS</b>                       | <b>210,995.63</b> | <b>(127,000.00)</b> | <b>83,995.63</b>    |
| <b>Balance at 6/30/06</b>                        | <b>5,504.06</b>   | <b>8,152,000.00</b> | <b>8,157,504.06</b> |

Note 1: The captions "Investment Proceeds in Repo Agreements" or "Investment Purchases in Repo Agreement" represent the difference between total repurchase sales and purchases for the reporting period.

**EXHIBIT B**

**Liquidator of DayMed Health Maintenance Plan, Inc.  
Statement of Receipts and Disbursements  
For The Period 07/01/06 to 12/31/06**

|  | <b>CASH</b>            | <b>SECURITIES</b>          | <b>TOTAL</b>               |
|--|------------------------|----------------------------|----------------------------|
| Balance at 06/30/06                              | 5,504.06               | 8,152,000.00               | 8,157,504.06               |
| <b>RECEIPTS</b>                                  |                        |                            |                            |
| Investment Income                                | <u>207,383.36</u>      | <u>0.00</u>                | <u>207,383.36</u>          |
| <b>TOTAL RECEIPTS</b>                            | <b>207,383.36</b>      | <b>0.00</b>                | <b>207,383.36</b>          |
| <b>DISBURSEMENTS</b>                             |                        |                            |                            |
| Investment Purchases in Repo Agreements (Note 1) | 109,000.00             | (109,000.00)               | 0.00                       |
| General Operating Expenses                       | 40,417.09              | 0.00                       | 40,417.09                  |
| Legal Expenses                                   | 6,465.58               | 0.00                       | 6,465.58                   |
| Salaries:  |                        |                            |                            |
| Chief Deputy Liquidator                          | 1,554.99               | 0.00                       | 1,554.99                   |
| Deputy Liquidators                               | 3,229.25               | 0.00                       | 3,229.25                   |
| Employee Wages, Taxes, & Benefits                | <u>47,011.66</u>       | <u>0.00</u>                | <u>47,011.66</u>           |
| <b>TOTAL DISBURSEMENTS</b>                       | <b>207,678.57</b>      | <b>(109,000.00)</b>        | <b>98,678.57</b>           |
| <b>Balance at 12/31/06</b>                       | <b><u>5,208.85</u></b> | <b><u>8,261,000.00</u></b> | <b><u>8,266,208.85</u></b> |

Note 1: The captions "Investment Proceeds in Repo Agreements" or "Investment Purchases in Repo Agreement" represent the difference between total repurchase sales and purchases for the reporting period.

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MARY JO HUDSON  
Ohio Superintendent of Insurance,  
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DayMed Health Maintenance Plan, Inc.,

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Case No. 99CVH03-01866

Judge Bender

**JOURNAL ENTRY AND ORDER**  
**APPROVING MOTION FOR APPROVAL OF PERIODIC**  
**ACCOUNTINGS OF LIQUIDATOR FOR THE PERIODS OF**  
**JANUARY 1, 2006 TO JUNE 30, 2006 AND**  
**JULY 1, 2006 TO DECEMBER 31, 2006**

FILED  
DOMINICK S. COURT  
FRANKLIN COUNTY, OHIO  
2007 MAY 14 AM 11:44  
CLERK OF COURTS-CY

This matter is before the Court upon the motion of Mary Jo Hudson, Ohio Superintendent of Insurance, in her capacity as Liquidator of DayMed Health Maintenance Plan, Inc. ("DayMed"), for approval of the statement of Receipts and Disbursements of the Liquidator for the periods of January 1, 2006 to June 30, 2006 and July 1, 2006 to December 31, 2006, as set forth in the Exhibits A and B attached to said motion (the "Motion"). Upon consideration of the Liquidator's Motion, Memorandum in Support and Exhibit, the Court finds the Motion is well taken and it is hereby:

ORDERED, ADJUDGED AND DECREED that the Statements of Receipts and Disbursements of the Liquidator for the periods January 1, 2006 to June 30, 2006 and July 1, 2006 to December 31, 2006, as set forth in Exhibits A and B attached to the Motion, are hereby approved.

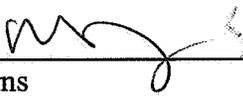
Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge Bender

APPROVED:

MARC DANN  
Attorney General State of Ohio

By Special Counsel:  
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