

IN THE COURT OF COMMON PLEAS, FRANKLIN COUNTY, OHIO

MARY TAYLOR :  
Ohio Superintendent of Insurance, :  
in her Capacity as Liquidator of :  
DayMed Health Maintenance Plan, Inc., :  
 :  
Plaintiff, :  
 :  
vs. :  
 :  
DayMed Health Maintenance Plan, Inc., :  
 :  
Defendant. :

Case No. 99CVH03-01866

Judge John F. Bender

FILED  
COMMON PLEAS COURT  
FRANKLIN CO., OHIO  
2011 MAR 24 PM 12:22  
CLERK OF COURTS - CV

**FINAL CLOSING ORDER**  
**GRANTING PLAINTIFF'S APPLICATION FOR ORDER TERMINATING THE**  
**LIQUIDATION PROCEEDINGS OF DAYMED HEALTH MAINTENANCE PLAN, INC.**

This matter came to be heard upon the Liquidator's Application for Order Terminating the Liquidation Proceedings of DayMed Health Maintenance Plan, Inc. ("Liquidator's Application"). Upon consideration of the Liquidator's Application and Memorandum in Support, as well as the record of proceedings in this case, the Court finds that the Application is well taken and it is hereby

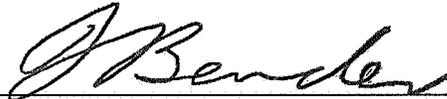
ORDERED, ADJUDGED and DECREED as follows:

1. The Liquidator's Application is GRANTED.
2. Pursuant to R.C. 3903.46 (A) and R.C. 3903.45(B), finding that there is \$43,570.58 representing 83 distribution checks, as set forth on Exhibit A to the Liquidator's Application, that have not been negotiated or reissued because the Liquidator cannot locate the claimants are uneconomic to distribute to known Class 5 claimants and authorizing the Liquidator to immediately transfer these remaining funds to the Ohio Department of Commerce, Division of Unclaimed Funds.
3. Pursuant to R.C. 3903.46(A), finding that the Liquidator shall return to sender any funds received after the termination of this case.
4. Pursuant to R.C. 3903.46(A), authorizing the Liquidator or her designee to retain limited authority for the following purposes: (a) filing a final accounting with the Court; (b) filing a final audit report with the Court; (c) executing the DayMed 2010

and 2011 tax returns and filing the returns with the Internal Revenue Service in the manner provided by law; and (d) taking all related actions as authorized or as deemed necessary and appropriate by the Liquidator to close the DayMed liquidation estate and carry out various sections of R.C. Chapter 3903 and prior orders of this Court.

5. Pursuant to R.C. 3903.46(A) and related sections, authorizing the Liquidator to immediately close DayMed's bank accounts, whereupon any remaining holdback funds will be prepaid to the LMI Liquidation Estate pursuant to the updated AOP attached to the Liquidator's Application as Exhibit B. The payment and receipt of remaining holdback funds will be accounted for respectively in the DayMed final accounting and the LMI periodic accountings, but the expenditure of it is not separately tracked, accounted for or reported pursuant to the practice set forth in the updated AOP attached as Exhibit B to the Liquidator's Application.
6. Pursuant to 3903.20, that the corporate entity of DayMed Health Maintenance Plan, Inc. is hereby dissolved.
7. Pursuant to R.C. 3903.46(A) and 3903.48, approving and authorizing the destruction of the DayMed and Liquidator books, records and documents as follows: (a) all remaining pre-liquidation books and records in any medium, shall be immediately destroyed; (b) all remaining post-liquidation books and records in any medium that the Liquidator determines are no longer essential, or that are not required to be maintained shall be immediately destroyed; and (c) all other books, records and documents in any medium shall be destroyed on or after the date three (3) years following the date of the order granting this application.
8. Pursuant to R.C. 3903.46(A), finding that DayMed's remaining physical assets are uneconomic to distribute, and approving and authorizing the Liquidator to abandon such physical assets.
9. Pursuant to R.C. 3903.46(A) and R.C. 3903.07, discharging and releasing the Liquidator her predecessors, assigns and any and all deputy rehabilitators, deputy liquidators, agents or employees of the Liquidator and employees of the Ohio Department of Insurance, of all claims and liability of any nature whatsoever and whenever incurred (including but not limited to costs, expenses and attorneys' fees) relating to, involving or arising out of any and all actions, decisions, conduct, transactions, or events that were alleged or that could have been alleged in the DayMed rehabilitation and liquidation proceedings or in any other litigation that in any way relates to or involves DayMed, the DayMed rehabilitation and liquidation proceedings, or any proceedings related to DayMed or the DayMed rehabilitation and liquidation proceedings; and, providing protections afforded under R.C. 9.86, 9.87, 109.36 to 109.366 [109.36.6] to the Liquidator, her predecessors and assigns, any and all deputy liquidators, any employee of the department of insurance, any employee appointed by the Superintendent as Liquidator, and any employee who serves under the Liquidator.

10. Finding that all other matters regarding the liquidation of DayMed have been finalized in accordance with the Orders of this Court, and effective immediately, the DayMed liquidation estate is closed and this case is terminated.



John F. Bender, Judge

APPROVED:

MIKE DEWINE  
Attorney General State of Ohio

By Outside Counsel:  
~~KEGLER, BROWN, HILL & RITTER, CO. L.P.A.~~



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