

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

MARY JO HUDSON, Ohio	:	
Superintendent of Insurance, in her Capacity as	:	
Liquidator of Credit General Insurance	:	
Company and Credit General Indemnity	:	
Company,	:	
	:	Case No. 00 CVH 11-9867
Plaintiff,	:	
	:	
v.	:	Judge Beverly Pfeiffer
	:	
CREDIT GENERAL INSURANCE	:	
COMPANY, et al	:	
	:	
Defendants.	:	

**PLAINTIFF'S AMENDED MOTION FOR AUTHORITY TO DESTROY CERTAIN
RECORDS OF CREDIT GENERAL INSURANCE COMPANY AND CREDIT
GENERAL INDEMNITY AT LIQUIDATOR'S WAREHOUSE**

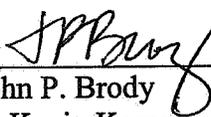
Mary Jo Hudson, Ohio Superintendent of Insurance, in her capacity as Liquidator (the "Liquidator") of Credit General Insurance Company and Credit General Indemnity Company (collectively "Credit General"), hereby moves this Court for an Order authorizing the Liquidator to destroy certain Credit General records that pre-date Phoenix Insurance Group's acquisition of Credit General in 1990 and that have not been used, and will not be used, to administer the Credit General liquidation estate. The destruction of these records is in accord with O.R.C. § 3903.48 and will reduce the administrative expenses associated with storing the records and thereby conserve estate assets. This Amended Motion is supported by the attached Memorandum in Support.

The Liquidator files this Amended Motion in order to correct a statement made in the original motion that no inventory was created of the documents described herein. An inventory was created.

Respectfully submitted,

RICHARD CORDRAY
Attorney General State of Ohio

By Outside Counsel:
KEGLER, BROWN, HILL & RITTER, CO. LPA



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*Attorneys for Mary Jo Hudson, in her
capacity as Liquidator Credit General Insurance
Company and Credit General Indemnity Company*

MEMORANDUM IN SUPPORT

The Liquidation Orders entered in this case on December 12, 2000 and January 5, 2001 respectively and O.R.C. § 3903.48 grant the Ohio Superintendent of Insurance, in her capacity as statutory liquidator of Credit General (the "Liquidator"), the authority to determine when company records are no longer useful and "... recommend to the court and the court shall direct what records should be retained for future reference and what should be destroyed." O.R.C. § 3903.48.

The Liquidator is now requesting the Court to authorize the destruction of certain Credit General records that to date have not been used in the administration of the Credit General liquidation estate and will not be useful in the future administration of the Credit General liquidation estate. These records are 1060 boxes of records (primarily accounting, administration, policy and claims records) from Credit General that pre-date Phoenix Insurance Group's acquisition of Credit General in 1990. (See Affidavit of Deputy Liquidator Richard R. Clayton attached hereto and as Exh. 1 ("Clayton"), ¶3). To the best of the Liquidator's knowledge, Credit General's prior owner stored these records in a warehouse in Columbus, Ohio owned by S. Judd's Moving and Storage prior to Phoenix Insurance Group's acquisition of Credit General in 1990. The records remained in the S. Judd's Moving and Storage facility in Columbus, Ohio from 1990 until Credit General's liquidation in 2001. (Clayton ¶4). Because the documents were stored in a warehouse, there is no indication that these records were used in the regular business operations of Credit General from 1990-2001. (*Id.*). The Liquidator took possession of the documents at the time of liquidation and then moved them to a different warehouse at 3731 Interchange Road in Columbus, Ohio pursuant to a contract that is scheduled to expire on June 30, 2009. (Clayton, ¶¶ 4, 6). None of the documents in any of the 1060 boxes has been retrieved for purposes of the liquidation since the inception of this case. (Clayton, ¶5).

An inventory of the documents was created. The inventory and the documents are available for review upon request until April 3, 2009.

The Liquidator requests and recommends that this Court order the destruction of these 1060 boxes of documents stored at 3731 Interchange Road prior to April 30, 2009 and approve the liquidation estate's expenditure of the funds necessary to do so. The Liquidator seeks the requested relief because she does not require these records to administer the Credit General liquidation estate and destruction should reduce storage expenses. (Clayton ¶¶ 3, 4, 6). The documents the Liquidator requests and recommends be destroyed are no longer useful. (*Id.*; see also O.R.C. § 3903.48). Finally, the records must be destroyed at some point anyway and, by doing so now, the Liquidator hopes to be able to reduce storage costs. The estimated destruction expense of approximately \$6,000 can be paid now rather than being reserved for later. (Clayton ¶ 7).

For the reasons stated above, the Liquidator moves this Court for an order pursuant to the Liquidation Order and O.R.C. § 3903.48, which authorizes her to determine when records are no longer useful and to petition the court for an order of destruction. Specifically, the Liquidator seeks an Order directing the destruction of 1060 boxes of Credit General records that pre-date 1990 and that are stored at 3731 Interchange Road in Columbus, Ohio because these records are no longer useful to administering the Credit General liquidation estate, and authorizing the Liquidator to spend estate assets for such destruction.

Respectfully submitted,

RICHARD CORDRAY
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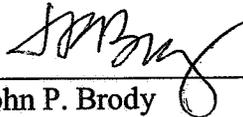
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*Attorneys for Mary Jo Hudson, in her
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing *Plaintiff's Amended Motion for Authority to Destroy Certain Records of Credit General Insurance Company and Credit General Indemnity at Liquidator's Warehouse* was served upon all interested parties on the attached list, via Regular Mail, postage prepaid, on this 19th day of March, 2009.



John P. Brody _____ (0012215)

Exhibit 1

**IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO**

MARY JO HUDSON, Ohio	:	
Superintendent of Insurance, in her Capacity as	:	
Liquidator of Credit General Insurance	:	
Company and Credit General Indemnity	:	
Company,	:	
	:	Case No. 00 CVH 11-9867
Plaintiff,	:	
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CREDIT GENERAL INSURANCE	:	
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Defendants.	:	

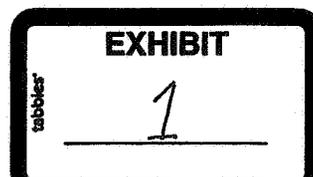
AFFIDAVIT

STATE OF OHIO)
) SS:
COUNTY OF FRANKLIN)

Affiant, Richard R. Clayton, being duly sworn in accordance with law, deposes and states as follows:

1. My name is Richard R. Clayton and I am a Deputy Liquidator of Credit General Insurance Company and Credit General Indemnity Company (collectively, "Credit General") appointed by Mary Jo Hudson, Superintendent for the Ohio Department of Insurance in her capacity as Liquidator of Credit General.

2. In my capacity as Deputy Liquidator, I have knowledge of the documents of the Credit General liquidation estate, and I am one of the people responsible for maintaining those documents.



3. In my capacity as Deputy Liquidator, I recommend the disposal of the 1060 boxes of documents from Credit General that pre-date Phoenix Insurance Group's acquisition of Credit General in or around 1990. The Liquidator keeps these documents in a leased space at 3731 Interchange Road in Columbus, Ohio.

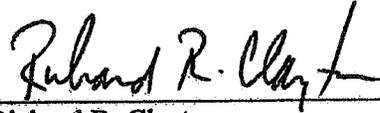
4. To the best of my knowledge and belief these specific boxes of documents are no longer useful because they are pre-liquidation documents that Credit General itself stored in a warehouse in Columbus, Ohio and were received by the Liquidator from S. Judd's Moving and Storage in 2001. Because the documents were stored in a warehouse in Columbus, Ohio, there is no indication that these records were used in the regular business operations of Credit General from 1990-2001.

5. These 1060 boxes of documents have never been accessed or retrieved from the warehouse by the Liquidator for the purposes of liquidation.

6. To the best of my knowledge and belief, disposition of these documents will reduce storage costs of the Liquidation Estate. The Liquidator currently keeps other Credit General records at a second facility at 3691 Interchange Road under an agreement that expires on June 30, 2009. If the Liquidator is permitted to destroy the 1060 boxes described above and that are kept at 3731 Interchange Road, then Liquidator will be able to consolidate these two facilities; thus, saving Credit General its share of the more than \$50,000 annual costs for the 3691 Interchange Road space.

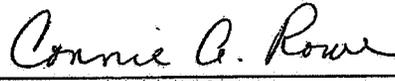
7. I have calculated an estimate of the cost to destroy the 1060 boxes, but the exact cost cannot be known until the boxes are weighed by the vendor who will destroy the documents. My estimated cost at this time for destruction is \$6,000.

FURTHER AFFIANT SAYETH NAUGHT.



Richard R. Clayton
Deputy Liquidator

SWORN TO BEFORE ME AND SUBSCRIBED in my presence this 6th day of March,
2009.



NOTARY PUBLIC

My Commission expires 12-16-2011

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