

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

MARY JO HUDSON,  
Superintendent of Insurance,  
In her Capacity as Liquidator of  
The Physicians Assurance Corporation,

Plaintiff,

vs.

The Physicians Assurance Corporation,

Defendant.

CASE NO. 09CVH 08 12492

JUDGE LAUREL BEATTY

2010 MAR 18 PM 1:34  
CLERK OF COURTS

FILED  
COMMON PLEAS COURT  
FRANKLIN CO. OHIO

**LIQUIDATOR'S MOTION FOR APPROVAL OF PROOF OF CLAIM FORM  
AND ORDER ESTABLISHING MARCH 18, 2011  
AS THE ABSOLUTE AND FINAL BAR DATE  
IN THIS LIQUIDATION PROCEEDING  
AND RELATED ORDERS**

Mary Jo Hudson, in her capacity as the Court-appointed Liquidator ("Liquidator") of The Physicians' Assurance Corporation ("TPAC"), respectfully request that this Court enter an Order granting this Motion and further enter an Order that:

(a) Approves the "Proof of Claim" form, which is attached and hereby incorporated by reference into this Motion as Exhibit A, to be used in submitting claims against TPAC;

(b) Establishes March 18, 2011 as the absolute and final bar date in the TPAC liquidation proceeding for the submittal of claims against TPAC (the "Absolute Final Bar Date");

(c) Directs that all Unspecified Claims and Future Claims, as defined in the Motion, shall be barred and foreclosed after the Absolute Final Bar Date;

(d) Approves the form of Notice of the Absolute Final Bar Date, which is attached and hereby incorporated by reference into this Motion as Exhibit B, regarding establishment of the Absolute Final Bar Date and the procedure for filing proofs of claims among other things;

(e) Directs that the Liquidator mail by first class United States mail, postage prepaid, within twenty-five (25) days of the Court's approval of this Motion, a copy of the Notice (in the form attached hereto as Exhibit B) and a copy of the Proof of Claim form (in the form attached hereto as Exhibit A) to the last known address as indicated in TPAC's records or the records of the Liquidator (unless notices previously sent to such addresses were returned to the Liquidator), to the groups of persons identified in the Motion;

(f) Directs that the Liquidator post on the Liquidator's website, [www.ohliq.com](http://www.ohliq.com), under Open Liquidations – The Physicians Assurance Corp, within five (5) days of the Court's approval of this Motion, a copy of the Notice (in the form attached hereto as Exhibit B) and a copy of the Proof of Claim form (in the form attached hereto as Exhibit A) in a downloadable Portable Document Format (PDF);

(g) Approves the Liquidator's determination not to exercise her discretion to accept after the Absolute Final Bar Date any late-filed Proof of Claim forms in the TPAC liquidation proceeding, and authorizes the Liquidator to reject any attempted filing of a claim after the Absolute Final Bar Date, so that the Liquidator will accordingly issue notice to the person attempting to file a claim advising that the claim will NOT be considered by the Liquidator and shall be treated as if no claim was filed and that the claimant attempting to present such a late-filed claim after the Absolute Final Bar Date shall not be entitled to any further consideration, and also authorizes the Liquidator to reject any requests for POC forms after the Absolute Final Bar Date;

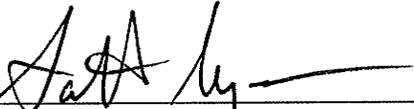
(h) Orders that if any notice sent to the last known address, either provided to the Liquidator by a policyholder or claimant or in the company's records, is returned as undeliverable because the addressee has moved without forwarding address, then this should be noted in TPAC's records and any subsequent mailings or notices, whether ordered by the Court

or otherwise, need not be sent to such address, and further orders that the Liquidator shall have no further obligation to attempt to locate another address.

A Memorandum in Support is attached.

Respectfully Submitted,

**RICHARD CORDRAY**  
**Attorney General State of Ohio**

By:  \_\_\_\_\_

W. Scott Myers (0040686)  
Assistant Attorney General  
Health and Human Services Section  
30 East Broad Street, 26th Flr.  
Columbus, Ohio 43215-3428  
(614) 466-8600

*Attorneys for Mary Jo Hudson, Superintendent of  
Insurance, in her Capacity as Liquidator of The  
Physicians' Assurance Corporation*

**MEMORANDUM IN SUPPORT OF MOTION**

On August 18, 2009, this Court entered the Agreed Order of Liquidation and Order Appointing Liquidator on behalf of The Physicians' Assurance Corporation ("TPAC") (the "Liquidation Order"), finding that TPAC was insolvent as the term is defined in R.C. 3903.01(K), and appointing the Liquidator to take and secure possession and control of all TPAC assets and property and administer them under the general supervision of this Court pursuant to the provisions of the *Insurers Supervision, Rehabilitation, and Liquidation Act*, under R.C. Chapter 3903 (the "Liquidation Act"). Liquidation Order ¶14.

Immediately following the entry of the Liquidation Order, the Liquidator notified all persons which TPAC's books and records revealed have, or may have, claims against TPAC, its property or assets, of the Liquidation Order. As proposed by the Liquidator, the Liquidation Order provided that the Liquidator would wait seven (7) months following the entry of the Liquidation Order before submitting a Proof of Claim form and a recommended Absolute Final Bar Date for the Court's consideration. The Liquidator's recommendation to withhold the submittal and approval of the Proof of Claim form and Absolute Final Bar Date for seven months was to provide time for the Liquidator, in conjunction with the Ohio Life and Health Insurance Guaranty Association (the "IGA"), to investigate outstanding claims arising under the TPAC policies and to resolve and pay those claims which are covered and within the IGA's statutory limits. By proceeding in this manner, the number of proofs of claims that will hereafter be filed in the TPAC estate will be greatly reduced, which, in turn, helps to reduce the administrative expenses incurred by the TPAC estate. However, all creditors, whether policyholders, members, enrollees, health care providers or general creditors, who believe they have outstanding claims against TPAC must be provided the opportunity to file a formal Proof of Claim.

Accordingly, pursuant to paragraph 42 of the Liquidation Order, the Liquidator hereby files this Motion which, among other things: (a) seeks approval of the "Proof of Claim" form to be used in submitting claims against TPAC; (b) recommends the establishment of an absolute final bar date for the submittal of claims against TPAC (the "Absolute Final Bar Date") and seeks the establishment of March 18, 2011 as the Absolute Final Bar Date, which is one (1) year from the filing of this Motion; and (c) seeks approval of a Notice of the Absolute Final Bar Date to be mailed to all remaining claimants and all other persons which TPAC's books and records reveal have, or may have, claims against TPAC, its property or assets, and the procedure for filing proofs of claims.

**I. Proof of Claim Form and Procedure for Filing Proofs of Claim**

The "Proof of Claim" form attached hereto as Exhibit A should be approved by the Court as the form will be used by creditors of TPAC to submit their claims against the TPAC liquidation estate.

Pursuant to R.C. 3903.36(A), the instructions for completion and filing of the TPAC Proof of Claim form specifically require that claimants submit a statement in support of the claim (a brief explanation of the facts and basis surrounding the claim), including the consideration on which it is based, and supporting information to certify the claim. As discussed further in Section II. below, the Liquidator requests that the Court establish March 18, 2011 as the absolute and final bar date in the TPAC liquidation proceedings for the submittal of claims against TPAC (the "Absolute Final Bar Date"). The Absolute Final Bar Date requires any person or entity wishing to make a claim of any sort against TPAC to timely return a properly executed Proof of Claim, with supporting documents, to the Liquidator no later than March 18, 2011, by one of the following methods:

- Mail by depositing it in the United States mail, first class postage prepaid, postmarked by March 18, 2011, addressed to the attention of:

The Physician's Assurance Corporation, In Liquidation  
c/o Office of the Ohio Insurance Liquidator  
50 West Town Street, 3<sup>rd</sup> Floor, Suite 350  
Columbus, Ohio 43215-4197

- Fax to (614) 487-9418 so that it is successfully received by the Liquidator no later than March 18, 2011; or
- Email to [TPAC@OHLIQ.com](mailto:TPAC@OHLIQ.com) so that it is successfully received by the Liquidator no later than March 18, 2011.

## II. Absolute Final Bar Date for Filing Proofs of Claim

For purposes of this Motion, the Liquidator sets forth the following defined terms.

Definitions may include defined terms. Defined terms are capitalized.

**POC** - A "POC" is a Proof of Claim form distributed by the Office of the Ohio Insurance Liquidator in connection with the liquidation of TPAC.

**Blanket Proof of Claim** - A "Blanket Proof of Claim" is a timely-filed POC that includes the following features: (1) the claimant did not provide specific information relating to a claim or cause of action; and (2) the claimant evidences some intent that the POC covers or asserts a claim that might occur or arise after the submission of the Blanket Proof of Claim, including a Future Claim.

**Unspecified Claim** - An "Unspecified Claim" is a demand or right of action, whether or not the claimant asserts that it has been reported to the Liquidator under a POC or Blanket Proof of Claim, that includes: (a) demands that are not capable of being Perfected by March 18, 2011; (b) rights of action that have accrued but the liability has not been determined or the amount thereof liquidated and the claimant has not Perfected the claim by March 18, 2011; (c) demands where the TPAC insured or Liquidator has received reports or notices, whether or not formal demands for payment were included, on the basis that a demand or claim may mature at some point; (d) demands asserted in litigation with the TPAC insured that are reopened and reported after March 18, 2011; and/or (e) claims of minors not asserted or Perfected on or before March 18, 2011.

An "Unspecified Claim" does not include a contingent claim described under R.C. 3903.37, provided that on or before March 18, 2011 the Liquidator is provided with sufficient information under R.C. 3903.36 for the Liquidator to determine and allow the contingent claim.

**Future Claim** - A "Future Claim" is a claim that may be filed in the future that includes one or more of the following features: (a) the claim arises after March 18, 2011; (b) the facts surrounding the claim are presently unknown to the

Liquidator and/or the claimant whether or not intended to be set forth within a Blanket Proof of Claim; and (c) the claim has yet to be asserted against a TPAC insured and/or the Liquidator.

**Perfected** - "Perfected" means that claimants have provided to the Liquidator sufficient information and documentation describing the facts of the claim, including but not limited to: (a) a detailed statement describing the claim; (b) a detailed statement describing the dollar value of the claim; (c) documents evidencing damage; and (d) all other information or documents helpful to proving the claim, all as required by R.C. 3903.36 and the instructions to the POC form.

Despite the instructions for completion and filing of the TPAC POC forms that specifically require claimants to submit a detailed statement in support of their claim and supporting information to certify their claim<sup>1</sup>, certain claimants may file Blanket Proofs of Claim, whether or not asserting an Unspecified or Future Claim. There is no express provision in R.C. 3903.36 or elsewhere in Chapter 3903 that permits an individual to file a Blanket Proof of Claim. Such filings are contrary to paragraph 1 of the Instructions, which provides:

“. . . Do not file a Proof of Claim unless you are aware of a specific claim and can factually support it. If you do not have a claim at this time, you should keep the Proof of Claim form and submit it prior to the Absolute Final Bar Date, together with supporting documentation, should you become aware of a claim made, or to be made against you. **IF YOU FAIL TO ADEQUATELY DESCRIBE AND DOCUMENT YOUR CLAIM, YOUR PROOF OF CLAIM MAY BE REJECTED OR DENIED.**"

If Future Claims are permitted to be asserted after March 18, 2011, the TPAC liquidation could remain open indefinitely until all new claims are determined and all litigation, if any, is resolved. This indeterminate delay would certainly prejudice the orderly administration of the TPAC liquidation because the Liquidator would be unable to calculate the amount of any pro-rata distribution until the value of all claims was determined. Further, the Liquidator would not know at what point in time with any degree of certainty that all Future Claims have been made, since conceivably, they could be submitted for many years to come.

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<sup>1</sup> See "Instructions for Completing and Filing Proof of Claim Form", ¶ 5.

### III. The Bar Date and Discretion to Accept Late-Filed Claims

R.C. 3903.35(A) specifies that “[p]roof of all claims shall be filed with the Liquidator in the form required by section 3903.36 of the Revised Code on or before the last day for filing specified in the notice required under 3903.22 . . .” R.C. 3903.36 specifies that “[p]roofs of claim shall consist of a statement signed by the claimant that includes ... [t]he particulars of the claim” (emphasis added). Pursuant to R.C. 3903.38(B), an insured claimant who does not file a claim with the Liquidator by the bar date specified in the Notice is an “unexcused late-filer.”

Under the statutory scheme, the claim filing deadline (or bar date) is not, in effect, an “absolute and final” bar date. Under R.C. 3903.35(B), the Liquidator is given some discretion. R.C. 3903.35(B) and (D) provide under certain circumstances that the Liquidator “may” permit a creditor who has filed a claim after the bar date to participate in distributions, but only “to the extent that any such payment will not prejudice the orderly administration of the liquidation.”<sup>2</sup>

Establishing an absolute and final bar date after which claims no longer will be accepted is fundamental and integral to the comprehensive and complex scheme under the Liquidation Act for liquidation of insolvent insurance companies. Only following such a final bar date is the Liquidator able to quantify, by class, all claims made against the assets of the estate, determine the validity and the value of all such claims and make distributions in accordance with the provisions of R.C. 3903.36 through 3903.45.

Accepting late-filed claims can create an enormous additional administrative expense in any liquidation proceeding. Permitting late-filed claims would prolong the liquidation process, usually for years. Such a delay would not only be costly and deplete assets that would otherwise be available for distribution, but would also be prejudicial to the holders of timely-filed liquidated claims, which the vast majority of all insureds, claimants and creditors in this

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<sup>2</sup> In any event, R.C. 3903.38 appears to preclude the Liquidator from considering any late-filed claims by an insured, because insureds are designated as “unexcused late filers.” If this Motion is granted, the Liquidator will not consider any attempt by an insured to file a claim after the Final Bar Date.

liquidation estate will be. The Liquidator has determined that it is appropriate to establish the Absolute Final Bar Date to further the orderly administration of this liquidation. Further, the Liquidator has determined it is in the best interest of the TPAC liquidation estate that she will not exercise her discretion under R.C. 3903.35(B) and (D) and will not accept any attempt to late-file claims in the TPAC liquidation proceedings after the Absolute Final Bar Date requested herein.

#### **IV. Why Claim Submissions Should Not Be Accepted After the Absolute Final Bar Date**

##### **A. General Rationale**

In all liquidation proceedings, a firm cut-off date must at some time be established after which no further claims will be permitted, including Unspecified Claims and Future Claims that could potentially be presented under a timely-filed Blanket Proof of Claim. Determining claims at the earliest possible date in the liquidation proceedings will benefit nearly all policyholders, claimants and creditors, since the Liquidator will be able to make a final distribution sooner. In this liquidation proceeding, the only persons who may be disadvantaged by the establishment of the Absolute Final Bar Date and the Liquidator's determination not to exercise her discretion to allow late-filed claims will be any potential claimants who have claims which first become known after the Absolute Final Bar Date. However, those potential claimants are policyholders or third party claimants or other creditors who have had notice and an opportunity to protect their interests. Balancing these interests, the Liquidator believes it would be inequitable to the vast majority of policyholders, claimants and creditors to not establish an Absolute Final Bar Date or to accept late-filed claims thereafter and thereby delay the determination of the total number and amounts of the POCs.

The purpose of the Liquidation Act as set forth in R.C. 3903.02(D) is the protection of the interests of insureds, claimants, creditors and the public generally through, among other things, enhanced efficiency and economy of liquidation and clarification of the law to minimize

legal uncertainty and litigation. That purpose will be advanced in this case if this Motion is granted and an Absolute Final Bar Date is established.

**B. Balancing of Interests**

Significant effort was taken to ensure that essentially all TPAC insureds, claimants and creditors have notice of the TPAC liquidation. To date, 2,252 notices were mailed. The only potential claimants who will be unable to submit documents supporting their claims by the Absolute Final Bar Date will be potential claimants who have no legitimate claims by the time of the Absolute Final Bar Date, but who might have Future Claims and Unspecified Claims.

If untimely-filed claims, including Unspecified Claims and Future Claims, were to be considered and allowed after the Absolute Final Bar Date, it would adversely impact legitimate, timely-filed claimants. In this regard, the date for distribution would likely be extended by several years if late-filed claims were to be accepted after the Absolute Final Bar Date. Moreover, additional administrative expense of the Liquidator's office and employees would surely be incurred. It appears inequitable to delay for a significant period the distribution to a large majority of creditors for the benefit of a small number of "potential" future creditors, who may or may not have claims develop after the Absolute Final Bar Date. For these reasons, the Liquidator believes permitting late-filed claims more than a year and seven months after the order of liquidation would create prejudice to the orderly administration of the TPAC liquidation.

**V. Notice to Claimants**

The proposed form of Notice that the Liquidator asks the Court to approve is attached hereto as Exhibit A. The Liquidator believes that this Notice is calculated to provide the necessary information regarding the Proof of Claim form required to submit a claim against TPAC, the Absolute Final Bar Date deadline of March 18, 2011 for filing proofs of claims and the procedure for doing so.

The Notice, once approved, will be mailed by first class United States mail, postage prepaid, within twenty-five (25) days of the Court's approval of this Motion, along with a copy of the Proof of Claim form (in the form attached hereto as Exhibit A) to the last known address as indicated in TPAC's records or the records of the Liquidator (unless notices previously sent to such addresses were returned to the Liquidator), to the following groups of persons:

1. All insureds of TPAC;
2. All insurance producers or agents of TPAC;
3. All healthcare providers who rendered services to TPAC insureds;
4. All former employees of TPAC;
5. All former officers and directors of TPAC;
6. Reinsurers of TPAC;
7. All remaining claimants;
8. All known creditors or other persons which TPAC's books and records reveal have, or may have, claims against TPAC, its property or assets, including its shareholders and investors;
9. All Insurance Commissioners or Departments of the applicable states, and the National Association of Insurance Commissioners;
10. The Ohio Life and Health Insurance Guaranty Association;
11. The Ohio Secretary of State;
12. The Ohio Attorney General;
13. The Auditor of Franklin County, Ohio;
14. The Internal Revenue Service, both at its national and local offices;
15. The Ohio Department of Taxation;
16. The Department of Justice;

17. All persons who have requested a Proof of Claim form.

The Liquidator will also post on the her website, [www.ohliq.com](http://www.ohliq.com), under Open Liquidations – The Physicians Assurance Corp, within five (5) days of the Court’s approval of this Motion, a copy of the Notice and the Proof of Claim form in a downloadable Portable Document Format (PDF).

The Liquidator also asks the Court to approve, as an administrative matter, that if any Notice sent to the last known address, either provided to the Liquidator by a policyholder or claimant or in the company’s records, is returned as undeliverable because the addressee has moved without forwarding address, then this should be noted in TPAC’s records and any subsequent mailings or notices, whether ordered by the Court or otherwise, need not be sent to such address. The Liquidator asks the Court to order that the Liquidator shall have no further obligation to attempt to locate another address.

This procedure is also critical to a proper and efficient administration of this liquidation case, as otherwise limited staff resources would be utilized and expense incurred in trying to locate creditors who have failed to keep TPAC or the Liquidator informed of their whereabouts.

## **VI. Conclusion**

At this time, the Liquidator seeks an order of this Court:

(a) Approve the “Proof of Claim” form, which is attached and hereby incorporated by reference into this Motion as Exhibit A, to be used in submitting claims against TPAC;

(b) Establish March 18, 2011 as the absolute and final bar date in the TPAC liquidation proceedings for the submittal of proofs of claims against TPAC (the “Absolute Final Bar Date”);

(c) Direct that all Unspecified Claims and Future Claims, as defined in the Motion, shall be barred and foreclosed after the Absolute Final Bar Date;

(d) Approve the form of Notice of the Absolute Final Bar Date, which is attached and hereby incorporated by reference into this Motion as Exhibit B, regarding establishment of the Absolute Final Bar Date and the procedure for filing proofs of claims among other things;

(e) Direct that the Liquidator mail by first class United States mail, postage prepaid, within twenty-five (25) days of the Court's approval of this Motion, a copy of the Notice (in the form attached hereto as Exhibit B) and a copy of the Proof of Claim form (in the form attached hereto as Exhibit A) to the last known address as indicated in TPAC's records or the records of the Liquidator (unless notices previously sent to such addresses were returned to the Liquidator), to the groups of persons identified in the Motion;

(f) Direct that the Liquidator post on the Liquidator's website, [www.ohliq.com](http://www.ohliq.com), under Open Liquidations – The Physicians Assurance Corp, within five (5) days of the Court's approval of this Motion, a copy of the Notice (in the form attached hereto as Exhibit B) and a copy of the Proof of Claim form (in the form attached hereto as Exhibit A) in a downloadable Portable Document Format (PDF);

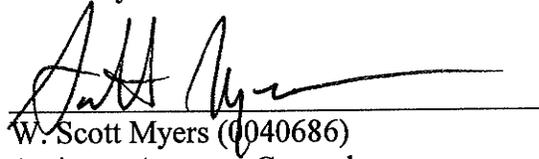
(g) Approve the Liquidator's determination not to exercise her discretion to accept after the Absolute Final Bar Date any late-filed Proof of Claim forms in the TPAC liquidation proceeding, and authorizes the Liquidator to reject any attempted filing of a claim after the Absolute Final Bar Date, so that the Liquidator will accordingly issue notice to the person attempting to file a claim advising that the claim will NOT be considered by the Liquidator and shall be treated as if no claim was filed and that the claimant attempting to present such a late-filed claim after the Absolute Final Bar Date shall not be entitled to any further consideration, and also authorizes the Liquidator to reject any requests for POC forms after the Absolute Final Bar Date;

(h) Order that if any notice sent to the last known address, either provided to the

Liquidator by a policyholder or claimant or in the company's records, is returned as undeliverable because the addressee has moved without forwarding address, then this should be noted in TPAC's records and any subsequent mailings or notices, whether ordered by the Court or otherwise, need not be sent to such address, and further order that the Liquidator shall have no further obligation to attempt to locate another address.

Respectfully Submitted,

**RICHARD CORDRAY**  
**Attorney General State of Ohio**

A handwritten signature in black ink, appearing to read "W. Scott Myers", is written over a horizontal line.

W. Scott Myers (0040686)  
Assistant Attorney General  
Health and Human Services Section  
30 East Broad Street, 26th Flr.  
Columbus, Ohio 43215-3428  
(614) 466-8600

*Attorneys for Mary Jo Hudson, Superintendent of  
Insurance, in her Capacity as Liquidator of The  
Physicians' Assurance Corporation*

# EXHIBIT A

OHIO LIQUIDATION PROCEEDING  
REGARDING  
THE PHYSICIAN'S ASSURANCE CORPORATION

Liquidator's No.:

## PROOF OF CLAIM

ABSOLUTE FINAL BAR DATE FOR FILING OF PROOF OF CLAIM IS MARCH 18, 2011

A Liquidation Proceeding has been opened in Ohio, pursuant to Chapter 3903, in the Franklin County, Ohio Court of Common Pleas, Case No. 09CVH 08 12492, to consider and adjudicate claims under Ohio law as a result of the insolvency of The Physician's Assurance Corporation ("TPAC").

**IF YOU WERE A MEMBER/ENROLLEE OF TPAC, OR A HEALTH CARE PROVIDER WHO RENDERED SERVICES TO A MEMBER/ENROLLEE OF TPAC, AND YOU HAVE ALREADY RECEIVED PAYMENT IN FULL ON YOUR CLAIM FROM A GUARANTY ASSOCIATION, THEN YOU DO NOT NEED TO FILE A PROOF OF CLAIM.**

If, however, you have any outstanding claims against TPAC, then you must fill out this form completely and return it to **The Physician's Assurance Corporation, In Liquidation, no later than March 18, 2011**, which is the Absolute Final Bar Date for filing a Proof of Claim in the TPAC liquidation, by one of the methods provided on page 2.

FAILURE TO HAVE THIS FORM COMPLETED, MAILED AND POSTMARKED, FAXED, OR EMAILED ON OR BEFORE MARCH 18, 2011, WILL AFFECT YOUR LEGAL RIGHTS AND WAIVE AND BAR ANY CLAIM THAT YOU MIGHT OTHERWISE HAVE.

**Please file only one (1) claim per Proof of Claim form. If you have more than one (1) claim against TPAC, you may file as many separate Proofs of Claims as necessary to submit each of your individual claims. Attach all documents supporting your claim.**

### PLEASE PRINT OR TYPE THIS SECTION

1. Name: \_\_\_\_\_  
\_\_\_\_\_

2. Daytime Phone Number  
( ) \_\_\_\_\_ - \_\_\_\_\_

3. Email address (optional): \_\_\_\_\_

4. Address:

\_\_\_\_\_

Street Address

\_\_\_\_\_

City

\_\_\_\_\_

State

\_\_\_\_\_

Zip Code

5. Give a brief explanation of the facts and basis surrounding your claim, including the consideration on which it is based. Attach all documents which are the foundation of or otherwise provide support for the claim, including the appropriate medical billing forms if your claim is one for unpaid medical care, and identify the date on which your claim arose against TPAC (use additional pages if necessary and attach all documentation supporting your claim).

6. Identify the amount of the claim, the identity and amount of security on the claim, if any, payments made on the claim to date, if any, and the right of priority of payment or other specific rights being claimed, if any. (Use additional pages if necessary.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

7. Social Security or Federal Employer ID No.: \_\_\_\_\_  
Provider ID No.: \_\_\_\_\_  
Group ID No.: \_\_\_\_\_  
Employee ID No.: \_\_\_\_\_  
Employer Name: \_\_\_\_\_

8. By signing this Proof of Claim (this form **MUST BE SIGNED**), the Undersigned verifies that the sum claimed is justly owing, that there is no set-off, counterclaim, or defense to the claim, and that the matters set forth in any accompanying documents are true to the best of his/her knowledge and belief.

Name & Address of Attorney (if any):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Printed \_\_\_\_\_  
Title (if applicable) \_\_\_\_\_  
Date Signed: \_\_\_\_\_

**This Proof of Claim form with supporting documentation must be returned to TPAC no later than the Absolute Final Bar Date of MARCH 18, 2011, by one of the following methods:**

- MAIL by depositing it in the United States mail, first class postage prepaid, **postmarked by March 18, 2011**, addressed to the attention of:  
The Physician's Assurance Corporation, In Liquidation  
c/o Office of the Ohio Insurance Liquidator  
50 West Town Street, 3<sup>rd</sup> Floor, Suite 350  
Columbus, Ohio 43215-4197
- FAX to (614) 487-9418 so that it is successfully received by the Liquidator **no later than MARCH 18, 2011**; or
- EMAIL to [TPAC@OHLIQ.com](mailto:TPAC@OHLIQ.com) so that it is successfully received by the Liquidator **no later than MARCH 18, 2011**.

\*\*\*\*\*

**To be Completed by Liquidator:**

Claim I.D. #: \_\_\_\_\_  
Postmarked Date: \_\_\_\_\_  
Received (Mail/ Fax /Email): \_\_\_\_\_

**NOTE:** This Proof of Claim form is posted on the Liquidator's website, [www.ohliq.com](http://www.ohliq.com), in a downloadable Portable Document Format (PDF). You may print off additional claim forms from the website, or call the Liquidator's Office at (614) 487-9200 to request that an additional Proof of Claim form be mailed to you.

# EXHIBIT B

## THE PHYSICIAN'S ASSURANCE CORPORATION, IN LIQUIDATION

### **NOTICE TO CLAIMANTS OF ABSOLUTE FINAL BAR DATE OF MARCH 18, 2011** **FOR FILING PROOFS OF CLAIMS** **AND INSTRUCTIONS FOR COMPLETING AND FILING PROOF OF CLAIM**

On August 18, 2009, The Physician's Assurance Corporation ("TPAC") was ordered liquidated by Judge Laurel Beatty of the Court of Common Pleas, Franklin County, Ohio in Case No. 09CVH 07 12492. The Agreed Order of Liquidation may be viewed at [www.ohliq.com](http://www.ohliq.com).

#### **ABSOLUTE FINAL BAR DATE**

**The Absolute Final Bar Date to file a Proof of Claim Form and supporting documentation for purposes of participating in any distribution of assets that may be made is March 18, 2011.** The Proof of Claim form with supporting documentation must be returned to The Physician's Assurance Corporation, In Liquidation, no later than **March 18, 2011**, by one of the following methods:

- MAIL by depositing it in the United States mail, first class postage prepaid, **postmarked by March 18, 2011**, addressed to the attention of:  
The Physician's Assurance Corporation, In Liquidation  
c/o Office of the Ohio Insurance Liquidator  
50 West Town Street, 3<sup>rd</sup> Floor, Suite 350  
Columbus, Ohio 43215-4197
- FAX to (614) 487-9418 so that it is successfully received by the Liquidator **no later than MARCH 18, 2011**; or
- EMAIL to [TPAC@OHLIO.com](mailto:TPAC@OHLIO.com) so that it is successfully received by the Liquidator **no later than MARCH 18, 2011**.

The Liquidator will reject any attempted filing of a claim after the Absolute Final Bar Date and will return the claim to the person attempting to file it, advising them that the claim will not be considered by the Liquidator and shall be treated as if no claim was filed, and that the claimant attempting to present such a late-filed claim after the Absolute Final Bar Date shall not be entitled to any further consideration. The Liquidator will reject requests for Proof of Claim Forms which are received after the Absolute Final Bar Date.

#### **INSTRUCTIONS FOR COMPLETING AND FILING PROOF OF CLAIM FORM**

1. To have a claim considered in the TPAC Liquidation Estate, the Proof of Claim form must be completed in detail and filed with the Liquidator by the Absolute Final Bar Date of **March 18, 2011**. You should file a separate Proof of Claim for each claim that is known to you. You may print off additional forms from the website, or call the Liquidator's Office at (614) 487-9200 to request that an additional Proof of Claim form be mailed to you. Do not file a Proof of Claim unless you are aware of a specific claim and can factually support it. If you do not have a claim at this time, you should keep the Proof of Claim form and submit it prior to the Absolute Final Bar Date, together with supporting documentation, should you become aware of a claim made, or to be made, against you. **IF YOU FAIL TO ADEQUATELY DESCRIBE AND DOCUMENT YOUR CLAIM, YOUR PROOF OF CLAIM MAY BE REJECTED OR DENIED.**

2. To the extent you are a TPAC insured, member or enrollee, or health care provider whose claims have been paid by a guaranty association prior to your receipt of the Proof of Claim form, there will be no need for you to file a Proof of Claim form. However, if you are a TPAC insured, member or enrollee, health care provider or other creditor of TPAC and you believe upon receipt of the Proof of Claim form that you still have a claim against TPAC, then you must timely file the Proof of Claim form in accordance with these instructions and procedure set forth in the Proof of Claim form or your claim will be forever barred.

3. The Proof of Claim Form must be used to present and file any claims you may have against TPAC, its property or its assets. All outstanding claims, including those presented to TPAC prior to liquidation, must be submitted to the Liquidator on the Proof of Claim form along with supporting information to document the claim. Give a brief explanation of the facts and basis surrounding your claim, including the consideration on which it is based. Attach all documents which are the foundation of or otherwise provide support for the claim, including the appropriate medical billing forms if your claim is one for unpaid medical care, and identify the date on which your claim arose against TPAC.

4. THE PERSON FILING THE CLAIM (the "claimant") must fill in their Society Security or Federal ID No., Provider ID No., Group ID No., Employee ID No. or Employer Name, as applicable, phone number, email (optional), and must sign and date the Proof of Claim. Claims filed by corporations must be signed by an authorized representative of the company.

5. Claimants must submit to the Liquidator sufficient supporting information to document their claim no later than the Absolute Final Bar Date, or their claim will be foreclosed and forever barred. Claimants are required to submit all documents relating to or supporting claims covered by TPAC in writing to the Liquidator, including but not limited to, the appropriate medical billing forms if your claim is one for unpaid medical care, and identify the date on which your claim arose against TPAC. Supporting information and documentation describing all facts of the claim, includes but is not limited to: (a) a detailed statement describing the claim; (b) a detailed statement describing the dollar value of the claim; (c) documents evidencing damage; and (d) all other information or documents helpful to proving the claim, all as required by R.C. 3903.36 and these instructions. Unspecified and future claims will not participate in any pro rata distribution from the liquidation proceeding even if an unsupported "Blanket" Proof of Claim is submitted on or before the Absolute Final Bar Date. If such documents are lost or destroyed, you must provide a statement of that fact and the circumstances of such loss or destruction.

6. **CHANGE OF ADDRESS:** If you move after sending in your Proof of Claim form, please provide us with your new address. Failure to do so may result in your claim being barred from participating in any distribution of assets. Be sure to include the [Liq. No.] Claim I.D. Number with your correspondence.

Requests for Proof of Claim forms and inquiries regarding the liquidation should be directed to: *The Office of the Ohio Insurance Liquidator*, Attn: TPAC, 50 W. Town Street, Third Floor, Suite 350, Columbus, OH 43215, or [TPAC@ohliq.com](mailto:TPAC@ohliq.com), or (614) 487-9200.

Mary Jo Hudson  
Ohio Superintendent of Insurance in her capacity as  
Liquidator of The Physician's Assurance Corporation