

STATE OF MICHIGAN

IN THE 30<sup>th</sup> CIRCUIT COURT FOR THE COUNTY OF INGHAM

In the Matter of:  
KEN ROSS, OFFICE OF FINANCIAL  
AND INSURANCE REGULATION,

Petitioner,

vs.

File No. 98-88265-CR  
Hon. James R. Giddings

MICHIGAN HEALTH MAINTENANCE  
ORGANIZATION PLANS, INC., a  
Michigan health maintenance organization,

Respondent.

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**ORDER DIRECTING NOTICE OF, AND SCHEDULING HEARING ON,  
THE DETROIT MEDICAL CENTER'S MOTION FOR INSTRUCTIONS  
REGARDING DISTRIBUTION OF SETTLEMENT PROCEEDS**

At a session of said Court held in the City of  
Lansing, County of Ingham, State of Michigan  
on October 28, 2010

PRESENT: HONORABLE \_\_\_\_\_  
CIRCUIT COURT JUDGE

The Detroit Medical Center is a member of the Providers Creditor's Committee for Michigan Health Maintenance Organization Plans, Inc., a/k/a "OmniCare." The other Committee members are William Beaumont Hospital, Oakwood Health System, Henry Ford Health System, Trinity Health, St. John Health and Wayne State University Physicians Group.

The Committee was created by this Court's order dated September 7, 2004, for the purpose of pursuing legal action against OmniCare's former parent corporation, United American Health Care Corporation and certain of its officers and directors. The Committee did file suit. The suit was settled and the net settlement proceeds are approximately \$2 million.

The Detroit Medical Center filed a motion seeking instructions as to the distribution of the settlement proceeds. The motion argues, *inter alia*, that the funds should be distributed only among the Committee members. The motion also sought the Court's direction as to the provision of notice to other OmniCare pre-rehabilitation creditors.

Christopher Kerr of the Office of Michigan Attorney General, counsel for Petitioner, and Charles Raimi, counsel for Detroit Medical Center, appeared before the Court on October 13, 2010. The Court, being fully advised in the premises, ORDERS AS FOLLOWS:

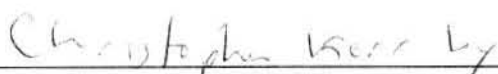
1. **Hearing Date.** **The Detroit Medical Center's motion for instructions shall be brought on for hearing before the Hon. James R. Giddings on Friday, December 10, 2010, at 2:00pm, at his Courtroom located at Ingham County Circuit Court, Veterans Memorial Courthouse, 313 W. Kalamazoo, Lansing, MI 48933.**
2. **Notice.** Due to the very large number of potential OmniCare creditors (roughly 3,800), the passage of time and other factors, it is not possible to provide direct notice to all potential OmniCare creditors. Accordingly, notice shall be provided as follows:
  - A. Detroit Medical Center shall provide copies of this Order, and the DMC's motion, by first class mail to the members of the Providers Creditor's Committee.
  - B. Exhibit A is a list of 27 OmniCare provider creditors holding surplus notes for unpaid pre-rehabilitation claims that exceed the amount of \$5,000, as identified by Petitioner and reflected in OmniCare's Annual Statement for the year ending December 31, 2003. Detroit Medical Center (DMC) shall provide copies of this Order, and the DMC's motion, by first class mail to those entities.
  - C. Detroit Medical Center shall provide copies of this Order, and the DMC's motion, by first class mail to the following:


- i. Michigan State Medical Society, 120 West Saginaw Street, East Lansing, MI 48823.
    - ii. Michigan Health and Hospital Association (MHA), 6215 W. St. Joseph Highway, Lansing, MI 48917.
  - D. DMC will publish notice in the form of exhibit B, one time, in the following publications: Detroit Free Press, Detroit News, Crain's Detroit Business, and the Lansing State Journal.
  - E. Petitioner's official website, [www.michigan.gov/ofir](http://www.michigan.gov/ofir), has a location titled "Who We Regulate," under which is a dedicated destination for OmniCare. The destination has a number of the OmniCare filings from this litigation. Petitioner shall post at that website location (i) the Detroit Medical Center's motion for instructions, and (ii) this Order.
  - F. The notices required by this Order shall be provided at least thirty (30) days prior to the December 10, 2010 hearing on the Detroit Medical Center's motion.
  - G. Detroit Medical Center shall be reimbursed, from the United American settlement proceeds, the direct out-of-pocket costs it incurs in publishing and distributing notice.
3. Proof of claim. OmniCare creditors wishing to pursue a claim against the settlement proceeds must provide documentary support for such claim.

JAMES R. GIDDINGS

CIRCUIT COURT JUDGE

Approved as to form:

  
\_\_\_\_\_  
Christopher Kerr (P57131)  
Assistant Attorney General  
Attorney for Petitioner

  
\_\_\_\_\_  
Charles N. Raimi (P29746)  
Attorney for Detroit Medical Center


*could  
run  
for context  
attached*

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CIRCUIT COURT JUDGE

Approved as to form:

 10/22/10  
Christopher Kerr (P57131)  
Assistant Attorney General  
Attorney for Petitioner

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Charles N. Raimi (P29746)  
Attorney for Detroit Medical Center

**EXHIBIT A**

**TO ORDER DIRECTING NOTICE OF, AND SCHEDULING HEARING ON,  
THE DETROIT MEDICAL CENTER'S MOTION FOR INSTRUCTIONS  
REGARDING DISTRIBUTION OF SETTLEMENT PROCEEDS**

Advanced Ortho Lab, Inc.  
(Advanced Orthopedic Laboratory, Inc.)  
c/o Bruce M. Clark, Registered Agent  
24395 Greenfield  
Southfield, MI 48075

Assoc in Radiation Oncology  
(Associates in Radiation Oncology, P.C.)  
c/o Omar Salazar, M.D., Resident Agent  
1997 Meadow Court  
Bloomfield Hills, MI 48302

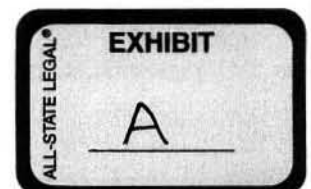
Associates in Medicine, P.C.  
c/o Stig Aronsson, Resident Agent  
1695 W. Twelve Mile Road  
#200  
Berkley, MI 48072

Convenient Care After Hours  
(Convenient Care After Hours Clinic)  
c/o Brent A. Askins, Resident Agent  
201 Westshore Dr.  
Jerome, MI 49249

Crystal Home Health Care Inc.  
c/o Robert McPherson, Resident Agent  
15819 Schoolcraft  
Detroit, MI 48227

E.N.T. Surgical Associates  
c/o Warren Brandes, D.O., Resident Agent  
27483 Dequindre  
Suite 201  
Madison Heights, MI 48071

Farmington Health Care  
c/o CSC-Lawyers Incorporating Service, Resident Agent  
601 Abbott Road  
East Lansing, MI 48823



Garden City Osteopathic Hospital  
c/o Gary R. Rey, Resident Agent  
6245 N. Inkster Road  
Garden City, MI 48135

G.I. Medicine Associates, P.C.  
c/o Robert Veneri, Resident Agent  
28963 Little Mack  
St. Clair Shores, MI 48081

Gary G. Gilyard, M.D., P.C.  
c/o Gary G. Gilyard, Resident Agent  
27800 Wellington  
Farmington Hills, MI 48334

Jure Grahovac, M.D., P.C.  
c/o Jure Grahovac, M.D., Resident Agent  
18181 Oakwood  
Suite 203  
Dearborn, MI 48124

Madan Gupta, M.D.  
6001 W. Outer Drive  
Suite 340  
Detroit, MI 48235

Howard Medical Clinic, P.C.  
c/o Hills Howard, Jr., Resident Agent  
6001 W. Outer Drive  
Detroit, MI 48235

Anne-Mare Ice, M.D., P.C.  
c/o Anne-Mare Ice, M.D., Resident Agent  
22341 West Eight Mile  
Detroit, MI 48219-1217

William L. Jordan, M.D., P.C.  
c/o William L. Jordan, Resident Agent  
12900 W. 9 Mile  
Oak Park, MI 48237

Kaiser Medical Center, P.C.  
c/o Elango Edhayan, M.D., Resident Agent  
11670 Martin  
Warren, MI 48093

MI Surgical Associates  
(Michigan Surgical Associates, P.C.)  
c/o Eric A. Brown, M.D., Resident Agent  
21000 12 Mile Road  
Suite 112  
St. Clair Shores, MI 48081

Michigan Orthopedic Service, LLC  
(Michigan Orthopedic Services, LLC)  
c/o Jason Villeneuve, Resident Agent  
13450 Farmington Road  
Livonia, MI 48150

North Oakland Medical Center  
c/o Michael Derubeis, Resident Agent  
461 W. Huron  
Pontiac, MI 48341-1651

Pediatric Neurosurgery Group  
(The Pediatric Neurosurgery Group, P.C.)  
c/o Steven Ham, Resident Agent  
3901 Beaubien, Second Floor  
Detroit, MI 48201

River Centre Clinic  
NO CURRENT INFORMATION FOUND

St. John Anesthesiologists, P.C.  
c/o Robert VanBeek, M.D., Resident Agent  
22101 Moross Road  
Detroit, MI 48236

Total Family Health Services  
(Total Family Health Services (PPG), P.C.)  
c/o Leon Hochman, M.D., Resident Agent  
29425 Northwestern Highway  
Suite 125  
Southfield, MI 48034

Trinity Medical Center, P.C.  
c/o Victor P. Al-Macci, Resident Agent  
312 E. 13 Mile Road  
Madison Heights, MI 48071

U.S. Medical Equipment, Inc.  
c/o Jim Bogan, Resident Agent  
12844 Farmington Road  
Livonia, MI 48150

Universal Macomb Ambulance  
(Universal-Macomb Ambulance Service, Inc.)  
c/o Brian C. Walker, Resident Agent  
37583 Mound Road  
Sterling Heights, MI 48310

Weissman/Gitlin/Herkowitz, P.C  
(Weissman, Gitlin and Herkowitz, M.D.'s, P.C.)  
c/o Jeffrey S. Fischgrund, M.D., Resident Agent  
26025 Lahser Road  
Southfield, MI 48033

West Florida Dialysis Center  
NO INFORMATION AVAILABLE ON THIS NAME – THERE IS THE FOLLOWING:  
West Florida Nursing Homes, Inc.  
c/o Jay H. Kuiper, Resident Agent  
4303 Old Colony Road  
Kalamazoo, MI 49008

**EXHIBIT B**

**TO ORDER DIRECTING NOTICE OF, AND SCHEDULING HEARING ON,  
THE DETROIT MEDICAL CENTER'S MOTION FOR INSTRUCTIONS  
REGARDING DISTRIBUTION OF SETTLEMENT PROCEEDS**

**LEGAL NOTICE**

**IN RE:** Ken Ross, Office of Financial and Insurance Regulation v. Michigan Health Maintenance Organization Plans, Inc., Ingham County Circuit Court No. 98-88265-CR.

**TO:** Medical providers who are creditors of the former OmniCare corporation. As a result of litigation against OmniCare's former parent corporation, there is a fund of approximately \$2 million. A motion has been filed seeking court instruction as to the distribution of the proceeds. A hearing on the motion is scheduled for December 10, 2010, at 2:00pm, before the Hon. James R. Giddings, in Lansing, Michigan. The motion and Court order scheduling the hearing are posted on the website of the State of Michigan's Office of Financial and Insurance Regulation (OFIR), [www.michigan.gov/ofir](http://www.michigan.gov/ofir), under the section "Who We Regulate" and the subsection "OmniCare."

