

LAW OFFICES  
**COUZENS, LANSKY, FEALK, ELLIS,  
ROEDER & LAZAR, P.C.**

SHELDON A. FEALK  
JACK S. COUZENS, II  
JERRY M. ELLIS  
DONALD M. LANSKY  
BRUCE J. LAZAR  
ALAN C. ROEDER  
RENARD J. KOLASA  
KATHRYN GILSON SUSSMAN  
JEFFREY A. LEVINE  
PHILLIP L. STERNBERG  
LISA J. WALTERS  
DONALD A. WAGNER  
GREGG A. NATHANSON  
CYNTHIA L. M. JOHNSON  
MARK S. FRANKEL  
ERIC J. GOULD  
DAVID A. LAWRENCE  
MARK G. LANDAU  
RONN S. NADIS  
PHILLIP J. NEUMAN

RUSSELL F. ELDER  
GARY SCHWARCZ  
ALISA A. KWANG  
AMBER L. SLUSSER  
JOSEPH H. WENER  
CHRISTOPHER M. WILLIAMS  
KELLY A. HOUGH-BREEN  
HAYLEY E. ROHN  
STACEY L. DIDOMENICO  
MICHAEL K. DOROCAK  
SARAH HEISLER GIDLEY  
  
OF COUNSEL  
  
HAROLD A. LARSON  
DONALD C. HARMS  
MONICA D. MOONS  
KENNETH F. POSNER  
LAWRENCE F. SCHILLER  
ROBERT A. BERLOW

COUNTRY CLUB OFFICE CENTRE  
39395 WEST TWELVE MILE ROAD, SUITE 200  
FARMINGTON HILLS, MICHIGAN 48331

TELEPHONE (248) 489-8600  
TELECOPIER (248) 489-4156

-DETROIT OFFICE-  
PENOBSCOT BUILDING  
645 GRISWOLD STREET, SUITE 1301  
DETROIT, MICHIGAN 48226

TELEPHONE (313) 967-9000  
TELECOPIER (313) 967-0344

WWW.COUZENS.COM

September 19, 2012

Court of Appeals  
925 W. Ottawa  
Lansing, MI 48915

Att: Clerk of the Court

Re: American Community Mutual Insurance Company's Former Officers  
vs. The Office of Financial and Insurance Regulation as Rehabilitator  
of American Community Mutual Insurance Company  
Ingham County Circuit Court Case No. 10-397-CR

Dear Sir or Madam:

Enclosed please find an original with one copy of the following concerning the  
above-referenced matter:

1. Jurisdictional Checklist for Court of Appeals;
2. Claim of Appeal with attachments (copy of two Orders being appealed,  
evidence of transcript ordered - copy of letter dated September 18, 2012 to  
Paul Brandell, court transcriber, and copy of lower court's register of actions);
3. Proof of Service; and
4. Our check in the amount of \$375.00 representing the filing fee.

Kindly file the originals on our behalf and return a time-stamped copy of each to the  
undersigned in the stamped, self-addressed return envelope provided herein.

DEPT. OF  
ATTORNEY GENERAL

SEP 21 2012

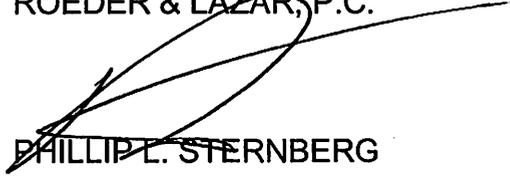
CORPORATE OVERSIGHT  
RECEIVED

Court of Appeals  
September 19, 2012  
Page Two

Thank you for your assistance in this matter.

Very truly yours,

COUZENS, LANSKY, FEALK, ELLIS,  
ROEDER & LAZAR, P.C.



~~PHILLIP L. STERNBERG~~

PLS/jlb  
Enclosures  
cc w/encl: Christopher L. Kerr, Esq.  
Lori McAllister, Esq.  
Daniel R. Brown, Esq.

Trial Court/Tribunal Name:

30<sup>th</sup> JUDICIAL CIRCUIT  
INGHAM COUNTY

## Court of Appeals, State of Michigan

### Jurisdictional Checklist

CASE NO.

Trial Court/Tribunal:  
10-397-CR  
Court of Appeals:

Case Name: American Community Ins. Co's Former Officers v Office of Financial & Ins Regulation as Rehabilitator of American Comm

**INSTRUCTIONS:** Please complete this checklist and file with your claim of appeal. **ALL** of the numbered items are required. Check each box as you confirm that each item is being filed.

1. A **signed** claim of appeal form showing the correct lower court number(s). [MCR 7.204(B)(1) & (D).]
2. A filing fee of \$375.00 or appropriate fee substitute. [MCR 7.202(3) & 7.204(B)(2).] (Where multiple lower court or tribunal numbers are involved, an additional filing fee may be required. Appellants will be advised of any additional amount required.)
3. A copy of the order you are appealing. [MCR 7.204(C)(1).] (This is the order deciding the merits and not an order denying reconsideration, new trial, or other post-judgment relief.)
4. Evidence that the necessary transcript has been ordered. [MCR 7.204(C)(2).] (Only one item from a through e is required).
- a. No transcript will be filed. [MCR 7.204(C)(2) & AO 2004-5 ¶ 8 (A)(1).]
- b. The transcript has already been filed. [MCR 7.210(B)(1)(a).]
- c. The complete transcript has been ordered. [MCR 7.210(B)(1)(a).]
- d. This appeal is from a probate court proceeding which does not require a complete transcript. [MCR 7.210(B)(1)(b).]
- e. A motion has been filed in the lower court or tribunal for submission of the appeal on less than the complete transcript. [MCR 7.210(B)(1)(c).]
- f. The parties have stipulated to submission of the appeal on less than the complete transcript. [MCR 7.210(B)(1)(d).]
- g. The parties have stipulated to a statement of facts. [MCR 7.210(B)(1)(e).]
5. Proof of service demonstrating that all other parties have been served. [MCR 7.204(C)(3).] (*Even if a party is not an appellee, they must be served.*)
6. A **current** register of actions from the lower court or tribunal. [MCR 7.204(C)(5).]

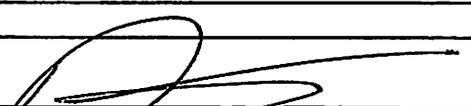
#### Finality of Order Being Appealed

(Check the box that demonstrates your claim of appeal is by right. If neither applies, you do not have an appeal by right.)

- The claim of appeal is from an order defined as a final order by MCR 7.202(6) or MCR 5.801(B)(1). [MCR 7.203(A)(1).] Please specify which category of final order applies: MCR 7.202(6)
- The claim of appeal is from an order which is designated by statute, court rule, or case law as an order appealable by right to the Court of Appeals. Please specify the authority under which you have an appeal by right: \_\_\_\_\_

September 19, 2012

Date

Preparer's Signature  PHILLIP L. STERNBERG - P28435

Approved, SCAO

Original - Court of Appeals/Circuit Court  
1st copy - Trial Court

JIS CODE: COA  
2nd copy - Appellee  
3rd copy - Appellant

<b>STATE OF MICHIGAN</b> JUDICIAL <input type="checkbox"/> CIRCUIT <input type="checkbox"/> DISTRICT COUNTY	<b>CLAIM OF APPEAL</b>	<b>CASE NO.</b> 10-397-CR CIRCUIT DISTRICT PROBATE
--	------------------------	--

**IN THE COURT OF APPEALS** Court telephone no. 517-373-0786

Court address 925 W. Ottawa, Lansing, MI 48915	v	Defendant/Respondent name(s) and address(es) The Office of Financial and Insurance Regulation as Rehabilitator of American Community Mutual Insurance Company
Plaintiff/Petitioner name(s) and address(es) American Community Mutual Insurance Company's Former Officers Michael Tobin, Ellen Downey, Francis Dempsey, Michael McCollom, Beth McCrohan and Leslie Gola		Defendant's attorney, bar no., address, and telephone no. CHRISTOPHER L. KERR (P57131) Assistant Attorney General - Corporate Oversight Division P.O. Box 30755 Lansing, MI 48909 (517) 373-1160
Plaintiff's attorney, bar no., address, and telephone no. PHILLIP L. STERNBERG (P28435) COUZENS, LANSKY, FEALK, ELLIS, ROEDER & LAZAR 39395 W. Twelve Mile Road, Suite 200 Farmington Hills, MI 48331 (248) 489-8600		

Probate In the matter of \_\_\_\_\_  
 Other interested party(ies) of probate matter \_\_\_\_\_

- American Community Mutual Ins. Company's Former Officers, claims an appeal from a final judgment or order entered on Aug. 24, 2012 & Sept. 10, 2012 in the Ingham County Circuit Court of the State of Michigan, by  district judge  circuit judge  probate judge  district court magistrate William E. Collette Bar no. P12056.
- Bond on appeal is  filed.  attached.  waived.  not required.
- a. The transcript has been ordered.  
 b. The transcript has been filed.  
 c. No record was made.
4. THIS CASE INVOLVES A CONTEST AS TO THE CUSTODY OF A MINOR CHILD.

September 19, 2012 Date   
Appellant/Attorney signature PHILLIP L. STERNBERG (P28435)

**PROOF OF SERVICE**

I certify that copies of this claim of appeal and bond (if required) were served on

<u>Christopher L. Kerr</u> Name	on <u>September 19, 2012</u> Date	by _____	<input type="checkbox"/> personal service. <input checked="" type="checkbox"/> first-class mail.
<u>Lori McAllister</u> Name	on <u>September 19, 2012</u> Date	by _____	<input type="checkbox"/> personal service. <input checked="" type="checkbox"/> first-class mail.
<u>Daniel R. Brown</u> Name	on <u>September 19, 2012</u> Date	by _____	<input type="checkbox"/> personal service. <input checked="" type="checkbox"/> first-class mail.

September 19, 2012 Date Signature Janice Barlow

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE 30<sup>TH</sup> JUDICIAL CIRCUIT  
INGHAM COUNTY

KEN ROSS, COMMISSIONER OF  
THE OFFICE OF FINANCIAL AND  
INSURANCE REGULATION,

Case No. 10-397-CR  
Hon. William E. Collette

Petitioner,

vs.

AMERICAN COMMUNITY MUTUAL  
INSURANCE COMPANY,

Respondent.

COUZENS, LANSKY, FEALK, ELLIS, ROEDER &

CHRISTOPHER L. KERR (P57131)  
JASON R. EVANS (P61567)  
ASSISTANT ATTORNEYS GENERAL  
Attorneys for the OFIR Commissioner, as  
Rehabilitator of American Community  
Corporate Oversight Division  
P.O. Box 30755  
Lansing, MI 48909  
(517) 373-1160

LORI McALLISTER (P28435)  
DYKEMA GOSSETT PLLC  
Attorneys for Surplus Noteholders  
Trapeza CDO IX, Ltd. and CDO X, Ltd.  
Capital View  
201 Townsend Street, Suite 900  
Lansing, MI 48933  
(517) 374-9150

PHILLIP L. STERNBERG (P28435)  
COUZENS, LANSKY, FEALK, ELLIS,  
ROEDER & LAZAR, P.C.  
Attorneys for American Community Former  
Officers M. Tobin, E. Downey, F. Dempsey,  
M. McCollom, B. McCrohan and L. Gola  
39395 W. Twelve Mile Road, Suite 200  
Farmington Hills, MI 48331  
(248) 489-8600

DANIEL R. BROWN  
BROWN LEGAL ADVISORS, LLC  
JOHN L. NOUD (P18349)  
NOUD AND NOUD  
Attorneys for HoldCo Advisors, L.P. on  
behalf of Surplus Noteholder Fin.  
Restructuring Partners, Ltd.  
155 West Maple Street  
Mason, MI 48854  
(517) 676-6010

**FINAL ORDER DENYING CLAIMS**

At a session of said Court held in the Circuit Court for the County of Ingham, State of Michigan,  
on the 10<sup>th</sup> day of September, 2012

PRESENT: HON. WILLIAM E. COLLETTE

FILED

This matter having come before this Court pursuant to the claims of American Community Mutual Insurance Company's Former Officers, Michael E. Tobin, Ellen M. Downey, Francis P. Dempsey, Michael A. McCollum, Beth L. McCrohan, and Leslie J. Gola against the rehabilitation estate of American Community Mutual Insurance Company, and the Court having issued its Opinion and Order dated the 24<sup>th</sup> day of August, 2012, for those reasons contained in said Opinion and Order and the Court being otherwise fully advised in the premises:

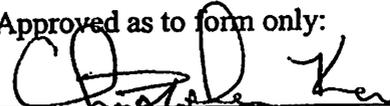
**IT IS HEREBY ORDERED** that the claims of the above named Petitioners are hereby denied and the Rehabilitator's denial of those claims is affirmed.

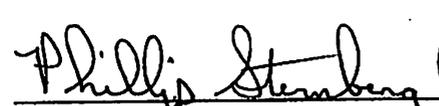
**IT IS FURTHER ORDERED** that pursuant to MCR 2.604(B), this order constitutes a final order on an express determination made in this rehabilitation proceeding and there is no just reason for delay.

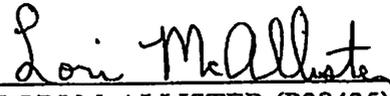
COUZENS, LANSKY, FEALK, ELLIS, ROEDER &

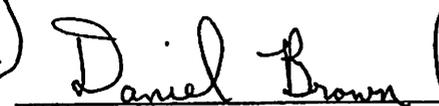
  
Honorable William E. Collette  
Circuit Court Judge

Approved as to form only:

  
CHRISTOPHER L. KERR (P57131)  
JASON R. EVANS (P61567)  
ASSISTANT ATTORNEYS GENERAL  
Attorneys for the OFIR Commissioner, as  
Rehabilitator of American Community

 (by consent via e-mail 9/6/12)  
PHILLIP L. STERNBERG (P28435)  
COUZENS, LANSKY, FEALK, ELLIS,  
ROEDER & LAZAR, P.C.  
Attorneys for American Community  
Former Officers M. Tobin, E. Downey,  
F. Dempsey, M. McCollom, B. McCrohan  
and L. Gola

 (by consent via e-mail 9/6/12)  
LORI McALLISTER (P28435)  
DYKEMA GOSSETT PLLC  
Attorneys for Surplus Noteholders  
Trapeza CDO IX, Ltd. and CDO X, Ltd.

 (by consent via e-mail 9/6/12)  
DANIEL R. BROWN  
BROWN LEGAL ADVISORS, LLC  
JOHN L. NOUD (P18349)  
NOUD AND NOUD  
Attorneys for HoldCo Advisors, L.P. on  
behalf of Surplus Noteholder Fin.  
Restructuring Partners, Ltd.

STATE OF MICHIGAN  
IN THE 30<sup>TH</sup> JUDICIAL CIRCUIT FOR INGHAM COUNTY

KEN ROSS, COMMISSIONER OF THE OFFICER  
OF FINANCIAL AND INSURANCE  
REGULATION

Petitioner,

OPINION AND ORDER

v

10-397-CR

AMERICAN COMMUNITY MUTUAL  
INSURANCE COMPANY,

Respondent.

FILED  
CLERK OF DISTRICT COURT  
INGHAM COUNTY, MICHIGAN

2012 AUG 24 P 2:04

FILED

At a session of said Court  
held in the city of Mason, County of Ingham,  
this 24<sup>th</sup> Day of August 2012.  
PRESENT: HON. WILLIAM E. COLLETTE

This matter comes before this Court pursuant to the claims of Michael E. Tobin, Ellen M. Downey, Francis P. Dempsey, Michael A McCollom, Beth L. McCrohan, and Leslie J. Gola against American Community Mutual Insurance Company. The Court, being fully advised in the premises, makes the following determinations.

**FACTS**

Michael E. Tobin, Ellen M. Downey, Francis P. Dempsey, Michael A McCollom, Beth L. McCrohan, and Leslie J. Gola (hereinafter "Plaintiffs") each had an employment contract<sup>1</sup> (hereinafter "pre-rehabilitation contract") with American Community Mutual Insurance Company (hereinafter "American"), which stated that upon a change in control and discharge without cause the employee would be entitled to severance benefits pursuant to the contract. On April 8, 2010, American consented to a stipulated order by

<sup>1</sup> The Plaintiffs' contracts are dated between September 27, 2004, and May 29, 2009.

this Court placing American into rehabilitation under Ken Ross, Commissioner of the Officer of Financial and Insurance Regulation, as the Rehabilitator. Pursuant to this order, all litigation against American was stayed and all employment contracts of American's officers, managers, and employees were terminated "[s]ubject to any contractual rights and applicable law." American's officers, managers, and employees remained employed as at-will employees until notified otherwise by the Rehabilitator. On April 16, 2010, Michael Tobin was discharged by the Rehabilitator without cause. On August 17, 2010, Ellen Downey was permanently laid-off. The remaining four Plaintiffs voluntarily resigned between December 2010 and August 2011.

On January 18, January 25, and January 26, 2012, four of the six Plaintiffs submitted claims to the Deputy Rehabilitator seeking payment of the severance benefits under their respective pre-rehabilitation contracts. On February 7, 2012, the Rehabilitator and Deputy Rehabilitator responded to the four Plaintiffs' claims, denying the claims pursuant to MCL 500.8137(4). On February 17, 2012, Plaintiff McCrohan also submitted a claim against American and objected to the Rehabilitator's denial of the other Plaintiffs' claims. Thereafter on April 10, 2012, all six Plaintiffs filed a petition with this Court to lift the stay of litigation against American in order to allow their claims to go forward. This Court granted the petition on April 11, 2012, and entered a stipulated order on May 8, 2012, deeming the claims filed, allowing the Surplus Noteholders to participate in the action, and establishing a briefing schedule.

## **DISCUSSION**

Plaintiffs allege that they are entitled to severance benefits pursuant to their pre-rehabilitation contracts because their benefits are for "services rendered" prior to

American entering rehabilitation by agreeing to continue employment with American even though American was in financial distress and that a change in control occurred when American entered rehabilitation. Plaintiffs also argue in the alternative that they are entitled to their severance benefits under the pre-rehabilitation contract under the doctrine of promissory estoppel as Plaintiffs reasonably relied on American's promise of providing severance benefits to their detriment. Plaintiffs also argue that this Court's April 8, 2010 order terminating all contracts of officers, managers, and employees did so "[s]ubject to any contractual rights and applicable law,"<sup>2</sup> thereby allowing their claims under the terminated contracts. The Court disagrees. For the following reasons, this Court finds that the Plaintiffs are not entitled to their pre-rehabilitation contract severance benefits.

A

According to MCL 500.8137(4): "[c]laims made under employment contracts by directors, principal officers, or persons in fact performing similar functions or having similar powers are limited to payment for services rendered prior to the issuance of an order of rehabilitation or liquidation under section 8113 or 8118." In determining the meaning of a statute, the Court's obligation "is to ascertain the legislative intent that may reasonably be inferred from the words expressed in the statute." *Koontz v. Ameritech Services, Inc.*, 466 Mich 304, 312 (2002). In determining the statute's meaning, the Court "must give effect to every word, phrase, and clause in a statute, and must avoid an interpretation that would render any part of the statute surplusage or nugatory." *Id.*

The pertinent part of MCL 500.8137(4) states that payment is limited to "services

---

<sup>2</sup> Stipulated Order Placing American Community Mutual Insurance Company Into Rehabilitation, Approving Appointment and Compensation of Special Deputy Rehabilitators, and Providing Injunctive Relief at 5, ¶8.

rendered prior to the issuance of an order of rehabilitation.” Plaintiffs argue that they satisfy this language because they remained employed with American while it was under financial distress, rendering services requested under the pre-rehabilitation contract. However, Plaintiffs’ right to their severance benefits does not vest until a change in control occurs. Thus, under Plaintiffs’ argument, MCL 500.8137(4) would protect Plaintiffs’ severance benefits under the pre-rehabilitation contract for services rendered before the rehabilitation order that vested after the issuance of the order of rehabilitation and after the Rehabilitator had taken over responsibility of American. The Court does not agree with this interpretation.

The language of MCL 500.8137(4) permits a “limited” avenue for payment to directors, principal officers, or persons performing similar functions under employment contracts. This limited avenue requires two elements to be met in order to be eligible: 1) that the payment is for “services rendered,” and 2) that the services rendered were “prior to the issuance of an order of rehabilitation.” The legislature clearly required payment to directors, principal officers, or other persons performing similar functions to be limited in scope. The legislature effectuated this limitation by requiring that a plaintiff have “rendered” or completed the service that he or she is seeking compensation for prior to the issuance of the order of rehabilitation.

Here, even assuming that Plaintiffs were rendering services as required by MCL 500.8137(4), Plaintiffs had not yet rendered the service required to entitle them to compensation pursuant to their pre-rehabilitation contract severance benefits as a change of control had yet to occur “prior to the issuance of an order of rehabilitation.” Even if the order of rehabilitation placing the Rehabilitator in charge of American is deemed a

change in control as Plaintiffs argue, Plaintiffs did not completely render the service required to receive their pre-rehabilitation contract benefits prior to the rehabilitation order. Instead, the service required under the pre-rehabilitation contract for severance benefits would require service to be performed at least up to the issuance of an order of rehabilitation, where Plaintiffs argue a change of control occurred. Plaintiffs even refer to the severance benefits as “Change in Control benefits.”<sup>3</sup> This requirement does not fit within the express limitation for payment of services rendered under MCL 500.8137(4), where the legislature specifically limited the payment for services “rendered prior to the issuance of an order of rehabilitation.” Allowing Plaintiffs to recover contractual severance benefits based on service completed on or after the issuance of the rehabilitation order would be contrary to the legislature’s intent and would unduly expand the allowable payments to directors, principal officers, or other persons performing similar duties under employment contracts.

Similarly, Plaintiffs’ argument that the termination of their pre-rehabilitation contracts were subject to any contractual rights and applicable law, thereby allowing them to claim severance benefits under their contracts fails as MCL 500.8137(4) clearly bars payment of these benefits. Plaintiffs’ had yet to perform service sufficient to vest their rights to the pre-rehabilitation contract severance benefits, thereby barring payment of the severance benefits under MCL 500.8137(4).

## B

A claim for promissory estoppel requires a promise by the promisor, the promisor to reasonably expect to induce action or forbearance by the promisee, the promisee is

---

<sup>3</sup> Brief in Support of Former Officers’ Claims for Severance And/Or Other Benefits Pursuant to the Terms of Their Executive Employment Agreements at 5.

reasonably induced to perform such action or forbearance, and injustice can only be avoided by enforcement of the promise. *Ypsilanti Twp. V. General Motors Corp.*, 201 Mich App 128, 133-34. Promissory estoppel requires an actual, clear, and definite promise. *Id.* at 134. Reliance is reasonable only if it is induced by an actual promise. *Id.*

Here, American did not make a clear and definite promise that it would pay severance benefits pursuant to the pre-rehabilitation contract in the event of rehabilitation or that these benefits would be paid contrary to Michigan law. Plaintiffs did not reasonably rely on American's promise that they would receive severance benefits in the event of a change in control due rehabilitation where MCL 500.8137(4) limits payment of claims to services rendered prior to the issuance of an order of rehabilitation. Plaintiffs also did not reasonably rely in staying in American's employment through the issuance of the rehabilitation order as this Court's April 8, 2010 order specifically states:

This provision requiring payment of pre-Rehabilitation employee wages does not apply to, and the Rehabilitator shall not pay, any severance or other non-wage payments otherwise due to an American Community officer, manager, or employee upon the termination of his or her employment contract entered into prior to the date of this Order.<sup>4</sup>

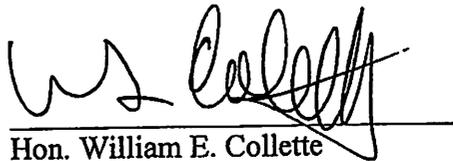
Furthermore, allowing a claim for promissory estoppel based on a terminated employment contract at the issuance of the order of rehabilitation would allow individuals to circumvent MCL 500.8137(4) and nullify the express limitation intended by the legislature. Therefore, Plaintiffs have not asserted an actionable promissory estoppel claim.

**THEREFORE IT IS ORDERED** that Plaintiffs' claims against American Community are **DENIED** under MCL 500.8137(4).

---

<sup>4</sup> Stipulated Order Placing American Community Mutual Insurance Company Into Rehabilitation, Approving Appointment and Compensation of Special Deputy Rehabilitators, and Providing Injunctive Relief at 7, ¶14.

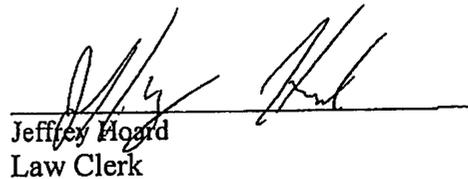
**IT IS FURTHER ORDERED** that the Rehabilitator's denial of Plaintiffs' claims is **AFFIRMED.**



Hon. William E. Collette  
Circuit Court Judge

**PROOF OF SERVICE**

I hereby certify that I mailed a copy of the above ORDER which each attorney of record, or upon the parties, by placing the true copy in a sealed envelope, addressed to each, with full postage prepaid and placing said envelope in the United States mail at Mason, Michigan, on August 24, 2012.



Jeffrey Hoard  
Law Clerk

LAW OFFICES  
COUZENS, LANSKY, FEALK, ELLIS,  
ROEDER & LAZAR, P.C.

SHELDON A. FEALK  
JACK S. COUZENS, II  
JERRY M. ELLIS  
DONALD M. LANSKY  
BRUCE J. LAZAR  
ALAN C. ROEDER  
RENARD J. KOLASA  
KATHRYN GILSON SUSSMAN  
JEFFREY A. LEVINE  
PHILLIP L. STERNBERG  
LISA J. WALTERS  
DONALD A. WAGNER  
GREGG A. NATHANSON  
CYNTHIA L. M. JOHNSON  
MARK S. FRANKEL  
ERIC J. GOULD  
DAVID A. LAWRENCE  
MARK G. LANDAU  
RONN S. NADIS  
PHILLIP J. NEUMAN

RUSSELL F. ELDER  
GARY SCHWARCZ  
ALISA A. KWANG  
AMBER L. SLUSSER  
JOSEPH H. WENER  
CHRISTOPHER M. WILLIAMS  
KELLY A. HOUGH-BREEN  
HAYLEY E. ROHN  
STACEY L. DIDOMENICO  
MICHAEL K. DOROCAK  
SARAH HEISLER GIDLEY

OF COUNSEL

HAROLD A. LARSON  
DONALD C. HARMS  
MONICA D. MOONS  
KENNETH F. POSNER  
LAWRENCE F. SCHILLER  
ROBERT A. BERLOW

COUNTRY CLUB OFFICE CENTRE  
39395 WEST TWELVE MILE ROAD, SUITE 200  
FARMINGTON HILLS, MICHIGAN 48331

TELEPHONE (248) 489-8600  
TELECOPIER (248) 489-4156

-DETROIT OFFICE-  
PENOBSCOT BUILDING  
645 GRISWOLD STREET, SUITE 1301  
DETROIT, MICHIGAN 48226

TELEPHONE (313) 967-9000  
TELECOPIER (313) 967-0344

WWW.COUZENS.COM

September 18, 2012

Ingham County Circuit Court  
341 S. Jefferson  
Mason, MI 48854

Att: Paul Brandell, Court Transcriber  
for the Hon. William E. Collette

Re: Ken Ross, Commissioner of the Office of Financial  
and Insurance Regulation vs. American Community  
Mutual Insurance Company  
Case No. 10-397-CR

Dear Mr. Brandell:

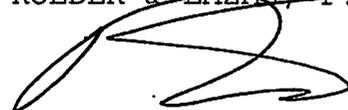
Please allow this letter to serve as my request for the transcript regarding the hearing before Judge William E. Collette on August 15, 2012, concerning the above-referenced matter.

This transcript request is being made in conjunction with an Appeal to be filed with the Court of Appeals. I will be representing the Appellants, American Community's former officers Michael Tobin, Ellen Downey, Francis Dempsey, Michael McCollom, Beth McCrohan and Leslie Gola.

Please call my secretary, Jan Barlow, at (248) 489-8600 and advise the amount of deposit required for the transcript.

Very truly yours,

COUZENS, LANSKY, FEALK, ELLIS,  
ROEDER & LAZAR, P.C.



PHILLIP L. STERNBERG

PLS/jlb

# Ingham County, Michigan - Court Record Search

**Navigation**

[New Search](#)

[Return to ROA Results](#)

[Logout](#)

**Register of Action**

**Case Title:** OFFICE OF FINANCIAL AND INS REG vs AMERICAN COMMUNITY MUTUAL INS CO  
**Case Number:** 10-000397-CR  
**Judge:** WILLIAM COLLETTE  
**PLAINTIFF:** OFFICE OF FINANCIAL AND INS REG  
**DEFENDANT:** AMERICAN COMMUNITY MUTUAL INS CO  
**Case Status:** CLOSED  
**File Date:** 04/08/2010

**Case Events**

- 1 **04/08/2010** COMPLAINT FILED RECEIPT: 246795 DATE: 04/08/2010
- 2 **04/08/2010** SUMMONS ISSUED
- 3 **04/08/2010** STIPULATION AND ORDER PLACING AMERICAN COMMUNITY MUTUAL INS CO INTO REHABILITATION APPROVING APPOINTMENT AND COMPENSATION OF SPECIAL DEPUTY REHABILITATORS AND PROVIDING INJUNCTIVE RELIEF (SIGNED 4/8/10 BY JUDGE WILLIAM E COLLETTE) (13 PAGES)
- 4 **04/08/2010** SUMMONS RETURNED ACKNOWLEDGMENT OF SERVICE SIGNED 4/8/10 BY ? UNABLE TO READ SIGNATURE ON BEHALF OF AMERICAN COPY OF SUMMONS AND COMPLAINT TOGETHER WITH EXHIBITS A-C
- 5 **04/26/2010** MISCELLANEOUS KEN ROSS COMMISSIONER OF THE MI OFFICE OF FINANCIAL AND INS REGULATION EX PARTE PETITION FOR APPROVAL OF CAIN BROTHERS COMPENSATION AS EXCLUSIVE FINANCIAL ADVISOR
- 6 **04/26/2010** EX PARTE ORDER GRANTED/APPROVING CAIN BROTHERS COMPENSATION AS EXCLUSIVE FINANCAIL ADVISOR (SIGNED 4/26/10 BY JUDGE WILLIAM E COLLETTE)
- 7 **04/26/2010** MOTION FEE RECEIPT: 247890 DATE: 04/26/2010
- 8 **05/21/2010** MISCELLANEOUS EX PARTE PETITION FOR APPROVAL OF THE REHABILITATORS PLAN TO ENTER INTO A REINSURANCE AGREEMENT WITH SECURITY LIFE INS CO OF AMERICA RELATIVE TO AMERICAN COMMUNITY MUTUAL INS CO GROUP DENTAL AND GROUP VISION INS POLICIES

- 9 05/21/2010** MOTION FEE RECEIPT: 249756 DATE: 05/21/2010
- 10 05/21/2010** EX PARTE ORDER GRANTED THE REHABILITATORS PLAN TO ENTER INTO A REINSURANCE AGREEMENT WITH SECURITY LIFE INS CO OF AMERICA REALATIVE TO AMERICAN COMMUNITY MUTUAL INS CO GROUP DENTAL AND GROUP VISION INS POLICIES (SIGNED 5/21/10 BY JUDGE JOYCE DRAGANCHUK FOR JUDGE WILLIAM E COLLETTE)
- 11 05/25/2010** DEFAULT - REQUEST, AFFIDAVIT AND ENTRY OF MICHAEL JOSEPH TREBILCOTT; DEFAULT ENTERY
- 12 06/02/2010** HEARING SET: EVENT: MOTION (MISC) FOR APPROVAL ON A TRANSITION PLAN AGREEMENT DATE: 06/09/2010 TIME: 9:00 AM JUDGE: COLLETTE, WILLIAM E LOCATION: MASON COURTHOUSE RESULT: HEARING HELD ON THE RECORD
- 13 06/04/2010** MOTION FEE RECEIPT: 250587 DATE: 06/04/2010
- 14 06/04/2010** MISCELLANEOUS PETITION FOR APPROVAL OF THE REHABILITATORS PLAN TO ENTER INTO A TRANSITION PLAN AGREEMENT WITH GOLDEN RULE INS CO RELATIVE TO AMERICAN COMMUNITY MUTUAL INS CO INDIVIDUAL HEALTH INS POLICIES; NOTICE OF HRG 6/9/10 @ 9:00 AM; W/PS BY MAIL 6/4/10
- 15 06/09/2010** ORDER APPROVING REHABILITATORS PLAN TO ENTER INTO A TRANSITION PLAN AGREEMENT WITH GOLDEN RULE INS CO RELATIVE TO AMERICAN COMMUNITY MUTUAL INS CO INDIVIDUAL HEALTH INS POLICIES (SIGNED 6/9/10 BY JUDGE WILLIAM E COLLETTE)
- 16 06/09/2010** HEARING SET: EVENT: IN-CHAMBERS CONFERENCE DATE: 06/16/2010 TIME: 11:00 AM JUDGE: COLLETTE, WILLIAM E LOCATION: MASON COURTHOUSE RESULT: HELD BUT NOT ON RECORD
- 17 06/09/2010** C30 HEARING HELD ON THE RECORD THE FOLLOWING EVENT: MOTION (MISC) SCHEDULED FOR 06/09/2010 AT 9:00 AM HAS BEEN RESULTED AS FOLLOWS: RESULT: HEARING HELD ON THE RECORD JUDGE: COLLETTE, WILLIAM E LOCATION: MASON COURTHOUSE RESULT STAFF: STAFF: COURT REPORTER: BRANDELL, PAUL CERTIFICATION NUMBER: 4552
- 18 06/10/2010** PROOF OF SERVICE E MAIL AND FIRST CLASS MAIL COPY OF ORDER APPROVING REHABILITATORS PLAN TO ENTER INTO A TRANSITION PLAN AGREEMENT WITH GOLDEN RULE INS CO REALATIVE TO AMERICAN COMMUNITY MUTUAL INS CO INDIVIDUAL HELATH INS POLICIES UPON ATTYS/PARTIES
- 19 06/16/2010** HELD BUT NOT ON THE RECORD THE FOLLOWING EVENT: IN-CHAMBERS CONFERENCE SCHEDULED FOR 06/16/2010 AT 11:00 AM HAS BEEN RESULTED AS FOLLOWS: RESULT: HELD BUT NOT ON RECORD JUDGE: COLLETTE, WILLIAM E LOCATION: MASON COURTHOUSE RESULT STAFF: STAFF: COURT REPORTER: BRANDELL, PAUL CERTIFICATION

- NUMBER: 4552
- 20 06/16/2010** QUARTERLY FINANCIAL STATEMENT FOR THE QUARTER ENDED MARCH 31, 2010
- 21 06/29/2010** HEARING SET: EVENT: MOTION (MISC) FOR APPROVAL TO ENTER AGREEMENT DATE: 07/14/2010 TIME: 10:00 AM JUDGE: COLLETTE, WILLIAM E LOCATION: MASON COURTHOUSE RESULT: HEARING HELD ON THE RECORD
- 22 06/30/2010** NOTICE OF HEARING ON THE PETITION FOR APPROVAL OF REHABILITATORS PLAN 7/14/10 @ 10:00 AM
- 23 06/30/2010** EX PARTE ORDER APPROVING THE REHABILITATORS PLAN TO ENTER INTO A REINSURANCE AGREEMENT WITH SECURITY LIFE INS CO OF AMERICA RELATIVE TO AMERICAN COMMUNITY MUTUAL INS CO GROUP LIKE DISABILITY AND VOLUNTARY AD&D INS POLICIES
- 24 06/30/2010** PROOF OF SERVICE FIRST CLASS MAIL AND EMAIL 6/30/10 COPY OF PETITION FOR APPROVAL OF THE REHABILITATORS PLAN TO ENTER INTO A TRANSITION PLAN AGREEMENT WITH UNITED HEALTHCARE INS CO RELATIVE TO AMERICAN COMMUNITY MUTUAL INS CO SMALL GROUP HEALTH INS POLICIES WITH EXHIBITS A-B UPON PETER ADDEI; MUDASSIR MOHAMED AND CAROLYN R THAGARD
- 25 06/30/2010** PROOF OF SERVICE FIRST CLASS MAIL 6/30/10 COPY OF PETITION FOR APPROVAL OF THE REHABILITATORS PLAN TO ENTER INTO A TRANSITION PLAN AGREEMENT WITH GOLDEN RULE INS CO RELATIVE TO AMERICAN COMMUNITY MUTUAL INS CO INDIVIDUAL HEALTH INS POLICIES WITH EXHIBITS A-B AND NOTICE OF HRG ON PETITION AND THIS PS UPON PETER ADDEI; MUDASSIR MOHAMED AND CAROLYN R THAGARD
- 26 06/30/2010** MISCELLANEOUS EX PARTE PETITION FOR APPROVAL OF THE REHABILITATORS PLAN TO ENTER INTO A REINSURANCE AGREEMENT WITH SECURITY LIFE INS CO OF AMERICA RELATIVE TO AMERICAN COMMUNITY MUTUAL INS CO GROUP LIFE DISABILITY AND VOLUNTARY AD&D INS POLICIES
- 27 06/30/2010** MISCELLANEOUS PETITION FOR APPROVAL OF THE REHABILITATORS PLAN TO ENTER INTO A TRANSITION PLAN AGREEMENT WITH UNITEDHEALTHCARE INS CO RELATIVE TO AMERICAN COMMUNITY MUTUAL INS CO SMALL GROUP HEALTH INS POLICIES
- 28 06/30/2010** MOTION FEE RECEIPT: 252193 DATE: 06/30/2010
- 29 07/14/2010** C30 HEARING HELD ON THE RECORD THE FOLLOWING EVENT: MOTION (MISC) SCHEDULED FOR 07/14/2010 AT 10:00 AM HAS BEEN RESULTED AS FOLLOWS: RESULT: HEARING HELD ON THE RECORD JUDGE: COLLETTE, WILLIAM E LOCATION: MASON COURTHOUSE RESULT STAFF: STAFF: COURT REPORTER: BRANDELL, PAUL CERTIFICATION NUMBER: 4552

- 30 07/14/2010** ORDER GRANTED REHABILITATORS PLAN TO ENTER INTO A TRANSITION PLAN AGREEMENT WITH UNITEDHEALTHCARE INS CO RELATIVE TO AMERICAN COMMUNITY MUTUAL INS CO SMALL GROUP HEALTH INS POLICIES (SIGNED 7/14/10 BY JUDGE WILLIAM E COLLETTE)
- 31 08/03/2010** MOTION FEE RECEIPT: 254268 DATE: 08/03/2010
- 32 08/03/2010** MISCELLANEOUS EX PARTE PETITION FOR APPROVAL TO SETTLE THREE PENDING LAWSUITS AGAINST AMERICAN COMMUNITY
- 33 08/03/2010** EX PARTE ORDER GRANTED SUMMIT COMMERCIAL LLC COMPENSATION AS EXCLUSIVE REAL ESTATE BROKER (SIGNED 8/3/10 BY JUDGE WILLIAM E COLLETTE)
- 34 08/03/2010** EX PARTE ORDER GRANTED SETTLEMENT OF THREE PENDING LAWSUITS AGAINST AMERICAN COMMUNITY (SIGNED 8/3/10 BY JUDGE WILLIAM E COLLETTE)
- 35 08/03/2010** MISCELLANEOUS EX PARTE PETITION FOR APPROVAL OF SUMMIT COMMERCIAL LLC COMPENSATION AS EXCLUSIVE REAL ESTATE BROKER
- 36 10/14/2010** MISCELLANEOUS EX PARTE PETITION FOR APPROVAL OF JILL HUISKENS COMPENSATION AS SPECIAL DEPUTY REHABILITATOR
- 37 10/14/2010** EX PARTE ORDER GRANTED/APPROVING SETTLEMENT OF FIVE PENDING LAWSUITS AGAINST AMERICAN COMMUNITY (SIGNED 10/14/10 BY JUDGE WILLIAM E COLLETTE)
- 38 10/14/2010** EX PARTE ORDER GRANTED/APPROVING JILL HUISKENS COMPENSATION AS SPECIAL DEPUTY REHABILITATOR (SIGNED 10/14/10 BY JUDGE WILLIAM E COLLETTE) (3 PAGES)
- 39 10/14/2010** MOTION FEE ATTORNEY: KERR, CHRISTOPHER L (57131) RECEIPT: 259019 DATE: 10/14/2010
- 40 10/14/2010** MISCELLANEOUS EX PARTE PETITION FOR APPROVAL TO SETTLE FIVE PENDING LAWSUITS AGAINST AMERICAN COMMUNITY
- 41 10/29/2010** MISCELLANEOUS PLS EX PARTE PETITION FOR APPROVAL TO SETTLE TWO PENDING LAWSUITS AGAINST AMERICAN COMMUNITY
- 42 10/29/2010** MOTION FEE ATTORNEY: KERR, CHRISTOPHER L (57131) RECEIPT: 259978 DATE: 10/29/2010
- 43 10/29/2010** EX PARTE ORDER GRANTED/APPROVING SETTLEMENT OF TWO PENDING LAWSUITS AGAINST AMERICAN COMMUNITY (SIGNED 10/29/10 BY JUDGE WILLIAM E COLLETTE) (3 PAGES)
- 44 12/02/2010** MISCELLANEOUS PETITION FOR APPROVAL OF THE REHABILITATORS PLAN TO ENTER INTO A REINSURANCE AND ASSUMPTION AGREEMENT WITH US HEALTH AND LIFE INS CO RELATIVE TO AMERICAN COMMUNITY MUTUAL INS CO

- MICHIGAN AND INDIANA SMALL GROUP HEALTH INS POLICIES
- 45 12/02/2010** EX PARTE ORDER GRANTED THE REHABILITATORS PLAN TO: AMEND THE REINSURANCE AGREEMENT WITH BROOKE LIFE INS CO AND AMEND THE POLICY HOLDER ADMINISTRATION AND SERVICE AGREEMENT WITH UNIFIED LIFE INS CO RELATIVE TO AMERICAN COMMUNITY MUTUAL INS CO INDIVIDUAL LIFE INS AND ANUITY POLICIES (SIGNED 12/2/10 BY JUDGE WILLIAM E COLLETTE)
- 46 12/02/2010** MISCELLANEOUS EX PARTE PETITION FOR APPROVAL OF LUCY R BENHAM PLLC COMPENSATION AS OUTSIDE REAL ESTATE LEGAL COUNSEL
- 47 12/02/2010** EX PARTE ORDER GRANTED LUCY R BENHAM PLLC COMPENSATION AS OUTSIDE REAL ESTATE LEGAL COUNSEL (SIGNED 12/2/10 BY JUDGE WILLIAM E COLLETTE)
- 48 12/02/2010** MOTION FEE RECEIPT: 261960 DATE: 12/02/2010
- 49 12/02/2010** EX PARTE ORDER GRANTED APPROVAL OF THE REHABILITATORS PLAN TO ENTER INTO A REINSURANCE AND ASSUMPTION AGREEMENT WITH US HEALTH AND LIFE INS CO RELATIVE TO AMERICAN COMMUNITY MUTUAL INS CO MICHIGAN AND INDIANA SMALL GROUP HEALTH INS POLICIES (SIGNED 12/2/10 BY JUDGE WILLIAM E COLLETTE)
- 50 12/02/2010** MISCELLANEOUS EX PARTE PETITION FOR APPROVAL OF THE REHABILITATORS PLAN TO: AMEND THE REINSURANCE AGREEMENT WITH BROOKE LIFE INS CO AND AMEND THE POLICY HOLDER ADMINISTRATION AND SERVICE AGREEMENT WITH UNIFIED LIFE INS CO RELATIVE TO AMERICAN COMMUNITY MUTUAL INS CO INDIVIDUAL LIFE INS AND ANUITY POLICIES
- 51 12/14/2010** MOTION FEE RECEIPT: 262664 DATE: 12/14/2010
- 52 12/14/2010** MISCELLANEOUS AMERICAN COMMUNITY QUARTERLY STATEMENT FOR THE PERIOD ENDING 6/30/10 AND PERIOD ENDING 9/30/10
- 53 12/14/2010** HEARING SET: EVENT: MOTION (MISC) FOR RELIEF FROM INJUNCTION TO FILE CAUSE OF ACTION DATE: 01/05/2011 TIME: 9:00 AM JUDGE: COLLETTE, WILLIAM E LOCATION: MASON COURTHOUSE RESULT: C30 ADJOURNED
- 54 12/14/2010** HEARING SET: EVENT: MOTION (MISC) TO APPROVE SALE OF REAL ESTATE DATE: 12/22/2010 TIME: 10:00 AM JUDGE: COLLETTE, WILLIAM E LOCATION: MASON COURTHOUSE RESULT: HEARING HELD ON THE RECORD
- 55 12/14/2010** MISCELLANEOUS PETITION FOR APPROVAL OF THE REHABILITATORS PLAN TO SELL REAL PROPERTY OWNED BY AMERICAN COMMUNITY MUTUAL INS CO; NOTICE OF HRG 12/22/10 @ 10:00 AM; W/PS BY MAIL 12/14/10
- 56 12/14/2010** MISCELLANEOUS EX PARTE PETITION FOR APPROVAL TO

- 57 12/14/2010** SETTLE PENDING CLAIM AGAINST AMERICAN COMMUNITY  
EX PARTE ORDER APPROVING SETTLEMENT OF PENDING  
CLAIM AGAINST AMERICAN COMMUNITY (SIGNED 12/14/10  
BY JUDGE WILLIAM E COLLETTE)
- 58 12/16/2010** MISCELLANEOUS BRONSON METHODIST HOSPITAL PETITION  
FOR RELIEF FROM INJUNCTION TO FILE CAUSE OF ACTION  
AGAINST AMERICAN COMMUNITY MUTUAL INS CO; NOTICE  
OF HRG 1/5/11 @ 9:00 AM; W/PS BY MAIL 12/15/10
- 59 12/16/2010** MOTION FEE RECEIPT: 262785 DATE: 12/16/2010
- 60 12/17/2010** HEARING ADJOURNED THE FOLLOWING EVENT: MOTION  
(MISC) SCHEDULED FOR 01/05/2011 AT 9:00 AM HAS BEEN  
RESULTED AS FOLLOWS: RESULT: C30 ADJOURNED JUDGE:  
COLLETTE, WILLIAM E LOCATION: MASON COURTHOUSE  
RESULT STAFF: STAFF: COURT REPORTER: BRANDELL, PAUL  
CERTIFICATION NUMBER: 4552
- 61 12/22/2010** RE-NOTICE OF HEARING ON BRONSON METHODIST  
HOSPITALS PETITION FOR RELIEF FROM INJUNCTION 2/9/11  
@ 10:00 AM; W/PS BY MAIL 12/17/10
- 62 12/22/2010** ORDER GRANTED/APPROVING THE REHABILITATORS PLAN TO  
SELL REAL PROPERTY OWNED BY AMERICAN COMMUNITY  
MUTUAL INS CO (SIGNED 12/22/10 BY JUDGE WILLIAM E  
COLLETTE) (3 PAGES)
- 63 12/22/2010** C30 HEARING HELD ON THE RECORD THE FOLLOWING  
EVENT: MOTION (MISC) SCHEDULED FOR 12/22/2010 AT  
10:00 AM HAS BEEN RESULTED AS FOLLOWS: RESULT:  
HEARING HELD ON THE RECORD JUDGE: COLLETTE, WILLIAM  
E LOCATION: MASON COURTHOUSE RESULT STAFF: STAFF:  
COURT REPORTER: BRANDELL, PAUL CERTIFICATION  
NUMBER: 4552
- 64 01/20/2011** MOTION FEE RECEIPT: 264643 DATE: 01/20/2011
- 65 01/20/2011** MISCELLANEOUS PETITIONER EX PARTE PETITION FOR  
APPROVAL TO SETTLE PENDING LAWSUIT AGAINST AMERICAN  
COMMUNITY
- 66 01/20/2011** MISCELLANEOUS PETITIONER EX PARTE PETITION TO  
CONFIRM TERMINATION OF JILL HUISKENS APPOINTMENT AS  
SPECIAL DEPUTY REHABILITATOR
- 67 01/20/2011** EX PARTE ORDER GRANTED/APPROVING SETTLEMENT OF  
PENDING LAWSUIT AGAINST AMERICAN COMMUNITY (SIGNED  
1/20/11 BY JUDGE WILLIAM E COLLETTE) (3 PAGES)
- 68 01/20/2011** EX PARTE ORDER CONFIRMING TREMINATION OF JILL  
HUISKENS APPOINTMENT AS SPECIAL DEPUTY  
REHABILITATOR (SIGNED 1/20/11 BY JUDGE WILLIAM E  
COLLETTE) (3 PAGES)
- 69 02/22/2011** MISCELLANEOUS KEN ROSS COMMISSIONER OF THE MI  
OFFICE OF FINANCIAL AND INS REGULATION EX PARTE  
PETITION FOR APPROVAL TO SETTLE ONE PENDING LAWSUIT

- 70 02/22/2011 AND ONE PENDING CLAIM AGAINST AMERICAN COMMUNITY  
KEN ROSS EX PARTE ORDER APPROVING SETTLEMENT OF  
ONE PENDING LAWSUIT AND ONE PENDING CLAIM AGAINST  
AMEERICAN COMMUNITY (SIGNED 2/22/11 BY JUDGE  
WILLIAM E COLLETTE)
- 71 02/22/2011 MOTION FEE RECEIPT: 266675 DATE: 02/22/2011
- 72 03/23/2011 MISCELLANEOUS AMERICAN COMMUNITYS ANNUAL  
STATEMENT FOR THE YEAR ENDED 12/31/10
- 73 04/13/2011 DEPUTY REHABILITATORS FIRST REPORT AND ACCOUNTING
- 74 04/21/2011 MISCELLANEOUS EX PARTE PETITION FOR APPROVAL OF  
JANICE SYLVERTOOTHs COMPENSATION AS ACTING  
PERSONNEL DIRECTOR
- 75 04/21/2011 MOTION FEE RECEIPT: 270738 DATE: 04/21/2011
- 76 04/21/2011 EX PARTE ORDER APPROVING SETTLEMENT OF TWO PENDING  
LAWSUITS AGAINST AMERICAN COMMUNITY (SIGNED  
4/21/11 BY JUDGE WILLIAM E COLLETTE)
- 77 04/21/2011 MISCELLANEOUS EX PARTE PETITION FOR APPROVAL TO  
SETTLE TWO PENDING LAWSUITS AGAINST AMERICAN  
COMMUNITY
- 78 04/21/2011 EX PARTE ORDER APPROVING JANICE SYLVERTOOTHs  
COMPENSATION AS ACTING PERSONNEL DIRECTOR (SIGNED  
4/21/11 BY JUDGE WILLIAM E COLLETTE)
- 79 05/26/2011 MISCELLANEOUS KEVIN CLINTON COMMISSIONER OF THE MI  
OFFICE OF FINANCIAL AND INSURANCE REGULATION EX  
PARTE PETITION FOR APPROVAL TO SETTLE OUTSTANDING MI  
TAX LIABILITY OF AMERICAN COMMUNITY
- 80 05/26/2011 EX PARTE ORDER APPROVING SETTLEMENT OF OUTSTANDING  
MI TAX LIABILITY OF AMERICAN COMMUNITY (SIGNED  
5/26/11 BY JUDGE JANELLE LAWLESS FOR JUDGE WILLIAM E  
COLLETTE)
- 81 05/26/2011 MISCELLANEOUS KEVIN CLINTON COMMISSIONER OF THE MI  
OFFICE OF FINANCIAL AND INSURANCE REGULATION EX  
PARTE PETITION FOR APPROVAL TO SETTLE PENDING  
LAWSUIT AGAINST AMERICAN COMMUNITY
- 82 05/26/2011 EX PARTE ORDER APPROVING SETTLEMENT OF PENDING  
LAWSUIT AGAINST AMERICAN COMMUNITY (SIGNED 5/26/11  
BY JUDGE JANELLE LAWLESS FOR JUDGE WILLIAM E  
COLLETTE)
- 83 05/26/2011 MOTION FEE ATTORNEY: KERR, CHRISTOPHER L (57131)  
RECEIPT: 273069 DATE: 05/26/2011
- 84 06/01/2011 CLERKS NOTICE (CIVIL) CLERKS' NOTICE SENT ON:  
06/01/2011 13:12:19
- 85 06/28/2011 MOTION FEE RECEIPT: 275093 DATE: 06/28/2011
- 86 06/28/2011 MISCELLANEOUS EX PARTE PETITION FOR APPROVAL TO  
SETTLE PENDING LAWSUIT AGAINST AMERICAN COMMUNITY

- 87 06/29/2011** EX PARTE ORDER APPROVING SETTLEMENT OF PENDING LAWSUIT AGAINST AMERICAN COMMUNITY (SIGNED 6/28/11 BY JUDGE CLINTON CANADY FOR JUDGE WILLIAM E COLLETTE)
- 88 07/05/2011** CLERKS NOTICE (CIVIL) CLERKS' NOTICE SENT ON: 07/05/2011 08:55:35
- 89 08/03/2011** MOTION FEE RECEIPT: 277253 DATE: 08/03/2011
- 90 08/03/2011** MISCELLANEOUS EX PARTE PETITION FOR APPROVAL OF THE REHABILITATORS PLAN TO ENTER INTO AN ASSUMPTION AND INDEMNITY REINSURANCE AGREEMENT WITH BANKERS FIDELITY LIFE INS CO RELATIVE TO AMERICAN COMMUNITY MUTUAL INS CO MEDICARE SUPPLEMENT HEALTH INS POLICIES
- 91 08/03/2011** EX PARTE ORDER APPROVING THE REHABILITATORS PLAN TO ENTER INTO AN ASSUMPTION AND INDEMNITY REINSURANCE AGREEMENT WITH BANKERS FIDELITY LIFE INS CO RELATIVE TO AMERICAN COMMUNITY MUTUAL INS CO MEDICARE SUPPLEMENT HEALTH INS POLICIES (SIGNED 8/3/11 BY JUDGE WILLIAM E COLLETTE)
- 92 08/24/2011** MISCELLANEOUS EX PARTE PETITION FOR APPROVAL TO SETTLE PENDING LAWSUIT AGAINST AMERICAN COMMUNITY (GAGE F SKOLA V AMERICAN COMMUNITY)
- 93 08/24/2011** EX PARTE ORDER GRANTED/APPROVING SETTLEMENT OF PENDING LAWSUIT AGAINST AMERICAN COMMUNITY (GAGE F SKOLA V AMERICAN COMMUNITY) (SIGNED 8/24/11 BY JUDGE WILLIAM E COLLETTE)
- 94 08/24/2011** MOTION FEE RECEIPT: 278605 DATE: 08/24/2011
- 95 08/24/2011** EX PARTE ORDER GRANTED/APPROVAL TO SETTLE PENDING LAWSUIT AGAINST AMERICAN COMMUNITY (GENZLINGER V AMERICAN COMMUNITY) (SIGNED 8/24/11 BY JUDGE WILLIAM E COLLETTE)
- 96 08/24/2011** MISCELLANEOUS EXPARTE PETITION FOR APPROVAL TO SETTLE PENDING CLAIM AGAINST AMERICAN COMMUNITY (GENZLINGER V AMERICAN COMMUNITY)
- 97 10/27/2011** EX PARTE ORDER GRANTED SETTLEMENT OF PENDING LAWSUIT AGAINST AMERICAN COMMUNITY ( SIGNED 10/27/11 BY JUDGE JANELL A LAWLESS FOR JUDGE WILLIAM E COLLETTE)
- 98 10/27/2011** MOTION FEE RECEIPT: 282638 DATE: 10/27/2011
- 99 10/27/2011** R KEVIN CLINTON EXPARTE MOTION FOR APPROVAL TO SETTLE PENDING CLAIMS AGAINST AMERICAN COMMUNITY
- 100 10/27/2011** R KEVIN CLINTON EXPARTE MOTION FOR APPROVAL TO SETTLE PENDING LAWSUIT AGAINST AMERICAN COMMUNITY
- 101 10/27/2011** EX PARTE ORDER GRANTED SETTLEMENT OF PENDING CLAIMS AGAINST AMERICAN COMMUNITY ( SIGNED 10/27/11 BY JUDGE JANELL A LAWLESS FOR JUDGE WILLIAM E

- COLLETTE)
- 102 12/14/2011** MISCELLANEOUS PETITION FOR APPROVAL TO PAY VENDOR CLAIMS AGENT COMMISSIONS BENEFITS EQUALIZATION PAYMENTS AND SEVERANCE PAYMENTS; NOTICE OF HRG 1/4/12 @ 10:00 AM; W/PS BY MAIL 12/14/11
- 103 12/14/2011** MISCELLANEOUS EX PARTE PETITION FOR APPROVAL OF THE REHABILITATORS PLAN TO ENTER INTO A DATA RETENTION AND HOSTING SERVICES AGREEMENT WITH MINDSHIFT TECHNOLOGIES INC
- 104 12/14/2011** EX PARTE ORDER GRANTED/APPROVING THE REHABILITATORS PLAN TO ENTER INTO A DATA RETENTION AND HOSTING SERVICES AGREEMENT WITH MINDSHIFT TECHNOLOGIES INC (SIGNED 12/14/11 BY JUDGE WILLIAM E COLLETTE)
- 105 12/14/2011** MOTION FEE RECEIPT: 285644 DATE: 12/14/2011
- 106 12/20/2011** HEARING SET: EVENT: MOTION (MISC) TO APPROVE PAYMENT DATE: 01/04/2012 TIME: 10:00 AM JUDGE: COLLETTE, WILLIAM E LOCATION: MASON COURTHOUSE RESULT: HEARING HELD ON THE RECORD
- 107 01/04/2012** MOTION FEE RECEIPT: 286635 DATE: 01/04/2012
- 108 01/04/2012** MISCELLANEOUS EX PARTE PETITION FOR APPROVAL TO SETTLE PENDING LAWSUIT AGAINST AMERICAN COMMUNITY
- 109 01/04/2012** ORDER GRANTED PAYMENT OF VENDOR CLAIMS AGENT COMMISSIONS BENEFITS EQUALIZATION PAYMENTS AND SEVERANCE PAYMENTS (SIGNED 1/4/12 BY JUDGE WILLIAM E COLLETTE) (3 PAGES)
- 110 01/04/2012** C30 HEARING HELD ON THE RECORD THE FOLLOWING EVENT: MOTION (MISC) SCHEDULED FOR 01/04/2012 AT 10:00 AM HAS BEEN RESULTED AS FOLLOWS: RESULT: HEARING HELD ON THE RECORD JUDGE: COLLETTE, WILLIAM E LOCATION: MASON COURTHOUSE RESULT STAFF: STAFF: COURT REPORTER: BRANDELL, PAUL CERTIFICATION NUMBER: 4552
- 111 01/04/2012** EX PARTE ORDER GRANTED APPROVING SETTLEMENT OF PENDING LAWSUIT AGAINST AMERICAN COMMUNITY (SIGNED 1/4/12 BY JUDGE WILLIAM E COLLETTE) (3 PAGES)
- 112 01/30/2012** MISCELLANEOUS EX PARTE PETITION FOR APPROVAL OF THE REHABILITATORS PLAN TO ENTER INTO AN ASSUMPTION REINSURANCE AGREEMENT WITH CENTRAL UNITED LIFE INS CO RELATIVE TO AMERICAN COMMUNITY MUTUAL INS CO CRITICAL ILLNESS INS POLICIES
- 113 01/30/2012** EX PARTE ORDER GRANTED/APPROVING THE REHABILITATORS PLAN TO ENTER INTO AN ASSUMPTION REINSURANCE AGREEMENT WITH CENTRAL UNITED LIFE INS CO RELATIVE TO AMERICAN COMMUNITY MUTUAL INS CO CRITICAL ILLNESS INS POLICIES (SIGNED 1/30/12 BY JUDGE

- WILLIAM E COLLETTE)  
114 01/30/2012 MOTION FEE RECEIPT: 288221 DATE: 01/30/2012  
115 03/02/2012 MISCELLANEOUS CORRESPONDENCE FROM JAMES GERBER IN  
RE: MONTHLY AMERICAN COMMUNITY MUTUAL FINANCIAL  
STATEMENTS TO BE MADE PART OF THE COURT FILE IN THIS  
MATTER AND MAKE THEM AVAILABLE TO INTERESTED  
PARITES  
116 03/07/2012 HEARING SET: EVENT: MOTION TO COMPEL APPROVAL OF  
SALE OF PROPERTY AND APPROVAL FOR PAYMENT TO  
CREDITOR DATE: 03/21/2012 TIME: 11:00 AM JUDGE:  
COLLETTE, WILLIAM E LOCATION: MASON COURTHOUSE  
RESULT: HEARING HELD ON THE RECORD  
117 03/09/2012 MISCELLANEOUS PETITION FOR COURT DETERMINATION  
REGARDING PROPER PAYEE OF AGENT COMMISSIONS  
118 03/09/2012 MISCELLANEOUS PETITION FOR APPROVAL OF THE  
REHABILITATORS PLAN TO SELL REAL PROPERTY OWNED BY  
AMERICAN COMMUNITY MUTUAL INS CO; NOTICE OF HRG  
3/21/12 @ 11:00 AM; W/PS BY MAIL 3/9/12  
119 03/09/2012 EX PARTE ORDER APPROVING SETTLEMENT OF PENDING  
CLAIM AGAINST AMERICAN COMMUNITY (SIGNED 3/9/12 BY  
JUDGE WILLIAM E COLLETTE) (3 PAGES)  
120 03/09/2012 ORDER GRANTED PETITION FOR COURT DETERMINATION AND  
SETTING BRIEFING SCHEDULE REGARDING AGENT  
COMMISSIONS DISPUTE (SIGNED 3/9/12 BY JUDGE WILLIAM  
E COLLETTE) (3 PAGES)  
121 03/09/2012 MISCELLANEOUS PETITION FOR APPROVAL OF SETTLEMENT  
RESOLVING PRE REHABILITATION CLAIM FOR SUPPLEMENTAL  
RETIREMENT BENEFIT; NOTICE OF HRG 3/21/12 @ 11:00 AM;  
W/PS BY MAIL 3/9/12  
122 03/09/2012 MISCELLANEOUS DEPUTY REHABILITATORS SECOND REPORT  
AND ACCOUNTING  
123 03/09/2012 MISCELLANEOUS EX PARTE PETITION FOR APPROVAL TO  
SETTLE PENDING CLAIM AGAINST AMERICAN COMMUNITY;  
W/PS BY MAIL 3/9/12  
124 03/09/2012 MOTION FEE ATTORNEY: KERR, CHRISTOPHER L (57131)  
RECEIPT: 290964 DATE: 03/09/2012  
125 03/12/2012 PROOF OF SERVICE FIRST CLASS MAIL 3/9/12 COPY OF  
ORDER GRANTING PETITION FOR COURT DETERMINATION  
AND SETTING BRIEFING SCHEDULE REGARDING AGENT  
COMMISSIONS DISPUTE AND THIS PS UPON BROKERS INS  
CORP AND MIDLAND STATES BANK AND POSTING  
ELECTRONIC COPIES  
126 03/21/2012 C30 HEARING HELD ON THE RECORD THE FOLLOWING  
EVENT: MOTION TO COMPEL SCHEDULED FOR 03/21/2012 AT  
11:00 AM HAS BEEN RESULTED AS FOLLOWS: RESULT:  
HEARING HELD ON THE RECORD JUDGE: COLLETTE, WILLIAM

- E LOCATION: MASON COURTHOUSE RESULT STAFF: STAFF:  
COURT REPORTER: BRANDELL, PAUL CERTIFICATION  
NUMBER: 4552
- 127 03/21/2012** ORDER APPROVING THE REHABILITATORS PLAN TO SELL REAL PROPERTY OWNED BY AMERICAN COMMUNITY MUTUAL INS CO (SIGNED 3/21/12 BY JUDGE WILLIAM E COLLETTE) (3 PAGES)
- 128 03/21/2012** MISCELLANEOUS CORRESPONDENCE FROM TRICIA SPURGEON AMERICAN COMMUNITY MUTUAL INS CO IN RE: MONTHLY AMERICAN COMMUNITY MUTUAL FINANCIAL STATEMENT TO BE MADE PART OF THE COURT FILE IN THIS MATTER AND MAKE THEM AVAILABLE TO INTERESTED PARTIES
- 129 03/21/2012** ORDER APPROVING SETTLEMENT RESOLVING PR REHABILITATION CLAIM FOR SUPPLEMENTAL RETIREMENT BENEFIT (SIGNED 3/21/12 BY JUDGE WILLIAM E COLLETTE) (3 PAGES)
- 130 03/22/2012** PROOF OF SERVICE FIRST CLASS MAIL 3/21/12 COPY OF ORDER APPROVING THE REHABILITATORS PLAN TO SELL REAL PROPERTY OWNED BY AMERICAN COMMUNITY MUTUAL INS CO AND THIS PS UPON VIK GHEI; MUDASSIR MOHAMED AND CAROLYN R THAGARD CFA AND ALL OTHER PARTIES IN INTEREST BY POSTING ELECTRONIC COPIES ON THE OFIR WEBSITE
- 131 03/22/2012** PROOF OF SERVICE FIRST CLASS MAIL 3/21/12 COPY OF ORDER APPROVING SETTLEMENT RESOLVING PRE REHABILITATION CLAIM FOR SUPPLEMENTAL RETIREMENT BENEFIT AND THIS PS UPON VIK GHEI; MUDASSIR MOHAMED AND CAROLYN R THAGARD CFA AND ALL OTHER PARTIES IN INTEREST BY POSTING ELECTRONIC COPIES ON THE OFIR WEBSITE
- 132 04/02/2012** NOTICE OF LACK OF HEARING DATE
- 133 04/02/2012** PROOF OF SERVICE FIRST CLASS MAIL 3/30/12 COPY OF MOTION FOR RECONSIDERATION; BRIEF IN SUPPORT AND NOTICE OF LACK OF HEARING DATE AND THIS PS UPON CHRISTOPHER L KERR; DONALD C BONNER; VIK GHEI; MUDASSIR MOHAMED AND CAROLYN R THAGARD
- 134 04/03/2012** DORIS D BONNER AN INTERESTED PARTY MOTION FOR RECONSIDERATION; BRIEF IN SUPPORT; NOTICE OF LACK OF HRG DATE; W/PS BY MAIL 3/30/12
- 135 04/03/2012** MOTION FEE RECEIPT: 292610 DATE: 04/03/2012
- 136 04/04/2012** ORDER FOR EXTENSION OF BRIEFING SCHEDULE REGARDING AGENT COMMISSIONS DISPUTE (SIGNED 3/28/12 BY JUDGE WILLIAM E COLLETTE) (3 PAGES)
- 137 04/09/2012** EX PARTE ORDER APPROVING SETTLEMENT OF PENDING CLAIM AGAINST AMERICAN COMMUNITY (SIGNED 4/9/12 BY JUDGE WILLIAM E COLLETTE) (3 PAGES)

- 138 04/09/2012** ORDER RESOLVING AGENT COMMISSIONS DISPUTE (SIGNED 4/9/12 BY JUDGE WILLIAM E COLLETTE) (8 PAGES)
- 139 04/09/2012** ORDER REGARDING PAYMENT OF SETTLEMENT AMOUNT RESOLVING PRE REHABILITATION CLAIM FOR SUPPLEMENTAL RETIREMENT BENEFIT (SIGNED 4/9/12 BY JUDGE WILLIAM E COLLETTE) (6 PAGES)
- 140 04/09/2012** EX PARTE MOTION FOR APPROVAL TO SETTLE PENDING CLAIM AGAINST AMERICAN COMMUNITY
- 141 04/09/2012** R KEVIN CLINTON COMMISSIONER OF THE MI OFFICE OF FINANCIAL AND INS REGULATION RESPONSE TO DORIS BONNERS MOTION FOR RECONSIDERATION OF ORDER APPROVING SETTLEMENT RESOLVING PRE REHABILITATION CLAIM FOR SUPPLEMENTAL RETIREMENT BENEFIT; W/PS BY MAIL 4/9/12
- 142 04/09/2012** MOTION FEE RECEIPT: 292929 DATE: 04/09/2012
- 143 04/10/2012** PROOF OF SERVICE FIRST CLASS MAIL 4/9/12 COPY OF ORDER RESOLVING AGENT COMMISSIONS DISPUTE AND THIS PS UPON LARRY E PARRES AND LOREN I ETTINGER
- 144 04/10/2012** PROOF OF SERVICE FIRST CLASS MAIL 4/9/12 COPY OF ORDER REGARDING PAYMENT OF SETTLEMENT AMOUNT RESOLVING PRE REHABILITATION CLAIM FOR SUPPLEMENTAL RETIREMENT BENEFIT AND THIS PS UPON JOHN M SHUREB AND DONALD BONNER
- 145 04/11/2012** ORDER TO ALLOW CLAIMS (SIGNED 4/11/12 BY JUDGE WILLIAM E COLLETTE) (1 PAGE)
- 146 04/11/2012** PROOF OF SERVICE FIRST CLASS MAIL 4/10/12 COPY OF PETITION TO ALLOW CLAIMS; PROPOSED ORDER TO ALLOW CLAIMS AND THIS PS UPON CHRISTOPHER L KERR
- 147 04/11/2012** MISCELLANEOUS PETITION TO ALLOW CLAIMS
- 148 04/12/2012** MOTION FEE RECEIPT: 293255 DATE: 04/12/2012
- 149 04/19/2012** MISCELLANEOUS CORRESPONDENCE FROM TRICIA SPURGEON IN RE: MONTHLY AMERICAN COMMUNITY MUTUAL FINANCIAL STATEMENT TO BE MADE PART OF THE COURT FILE IN THIS MATTER AND MAKE THEM AVAILABLE TO INTERESTED PARTIES
- 150 05/08/2012** STIPULATION AND ORDER REGARDING COURTS DETERMINATION OF FORMER OFFICERS CLAIMS (SIGNED 5/8/12 BY JUDGE WILLIAM E COLLETTE)
- 151 05/08/2012** MOTION FEE RECEIPT: 294993 DATE: 05/08/2012
- 152 05/08/2012** EX PARTE ORDER APPROVING SETTLEMENT OF PENDING LAWSUIT AGAINST AMERICAN COMMUNITY (SIGNED 5/8/12 BY JUDGE WILLIAM E COLLETTE)
- 153 05/08/2012** MISCELLANEOUS EX PARTE PETITION FOR APPROVAL TO SETTLE PENDING LAWSUIT AGAINST AMERICAN COMMUNITY
- 154 05/08/2012** MISCELLANEOUS EX PARTE PETITION FOR APPROVAL TO

- 155 05/08/2012** SETTLE PENDING CLAIM AGAINST AMERICAN COMMUNITY  
EX PARTE ORDER APPROVING SETTLEMENT OF PENDING  
CLAIM AGAINST AMERICAN COMMUNITY (SIGNED 5/8/12 BY  
JUDGE WILLIAM E COLLETTE)
- 156 05/09/2012** NOTICE OF HEARING ON ORDER TO ALLOW CLAIMS 8/15/12  
@ 10:00 AM; W/PS BY MAIL 5/8/12
- 157 05/10/2012** NOTICE OF ATTY APPEARANCE LORI MCALLISTER ON BEHALF  
OF TRAPEZA CDO IX LTD AND TRAPEZA CDO X LTD; W/PS BY  
MAIL 5/9/12
- 158 05/21/2012** MISCELLANEOUS CORRESPONDENCE FROM TRICIA  
SPURGEON IN RE: MONTHLY AMERICAN COMMUNITY MUTAL  
FINANCIAL STATEMENT TO MADE PART OF THE COURT FILE IN  
THIS MATTER AND MAKE THEM AVAILABLE TO INTERESTED  
PARTIES
- 159 06/18/2012** APPEARANCE OF JOHN L NOUD ON BEHALF OF HOLDCO  
ADVISORS LP AND FINANCIAL RESTRUCTURING PARTNERS  
LTD (FINANCIAL RESTRUCTURING PARTNERS LTD (FRP)  
HOLDS \$20MM IN AGGREGATE PRINCIPAL IN AMERICAN  
COMMUNITY MUTUAL INS CO SURPLUS NOTES AND HOLDCO  
ADVISORS LP IN TURN MANAGES FRP AND IS AUTHORIZED  
TO ACT ON FRP BEHALF IN THIS MATTER PURSUANT TO  
POWER OF ATTORNEY) W/PS BY MAIL 6/18/12
- 160 06/19/2012** BRIEF IN SUPPORT OF REHABILITATORS DENIAL OF FORMER  
OFFICERS CLAIMS FOR SEVERANCE AND OTHER BENEFITS  
UNDER PRE REHABILITATION EXECUTIVE EMPLOYMENT  
AGREEMENTS; W/PS BY MAIL 6/19/12
- 161 06/19/2012** MOTION FEE RECEIPT: 297627 DATE: 06/19/2012
- 162 06/19/2012** BRIEF OF HOLDCO ADVISORS LP ON BEHALF OF SURPLUS  
NOTEHOLDER FINANCIALS RESTRUCTURING PARTNERS LTD  
IN SUPPORT OF REHABILITATORS DENIAL OF FORMER  
OFFICERS CLAIMS FOR SEVERANCE AND OTHER BENEFITS  
UNDER PRE REHABILITATION EXECUTIVE EMPLOYMENT  
AGREEMENTS; W/PS BY MAIL 6/19/12
- 163 06/19/2012** BRIEF IN SUPPORT OF REHABILITATORS DENIAL OF FORMER  
OFFICERS CLAIMS TO SEVERANCE AND OTHER BENEFITS  
UNDER PRE REHABILITATION EXECUTIVE EMPLOYMENT  
AGREEMENTS; W/PS BY MAIL 6/19/12
- 164 06/19/2012** MISCELLANEOUS JOHN L NOUD MOTION FOR THE TEMPORARY  
ADMISSION OF DANIEL R BROWN PURSUANT TO MCR 8.126;  
W/PS BY MAIL 6/19/12
- 165 06/27/2012** ORDER FOR ADMISSION OF OUT OF STATE ATTORNEY DANIEL  
R BROWN ILLINOIS STATE BAR NUMBER P 6299184 ON  
BEHALF OF FINANCIAL RESTRUCTURING PARTNERS LTD AND  
HOLDCO IS GRANTED (SIGNED 6/27/12 BY JUDGE WILLIAM E  
COLLETTE) W/PS BY MAIL OR EMAIL 6/27/12
- 166 06/29/2012** PROOF OF SERVICE FIRST CLASS MAIL 6/28/12 COPY OF

- ORDER FOR ADMISSION OF OUT OF STATE ATTORNEY UPON PHILLIP L STERNBERG AND LORI MCALLISTER
- 167 07/02/2012** MISCELLANEOUS AMERICAN COMMUNITY MUTUAL FINANCIAL STATEMENTS TO MADE PART OF THE COURT FILE IN THIS MATTER AND MAKE THEM AVAILABLE TO INTERESTED PARTIES
- 168 07/13/2012** MISCELLANEOUS CORRESPONDENCE MONTHLY AMERICAN COMMUNITY MUTUAL FINANCIAL STATEMENTS TO BE MADE PART OF THE COURT FILE IN THIS MATTER AND MAKE THEM AVAILABLE TO INTERESTED PARTIES
- 169 07/20/2012** HEARING SET: EVENT: MOTION (MISC) FOR SETTLEMENT OF CLAIMS DATE: 08/15/2012 TIME: 10:00 AM JUDGE: COLLETTE, WILLIAM E LOCATION: MASON COURTHOUSE RESULT: HEARING HELD ON THE RECORD
- 170 07/27/2012** STIPULATION AND ORDER EXTENDING BRIEFING SCHEDULE REGARDING COURTS DETERMINATION OF FORMER OFFICERS CLAIMS (SIGNED 7/26/12 BY JUDGE WILLIAM E COLLETTE) (3 PAGES)
- 171 07/30/2012** FORMER OFFICERS BRIEF IN RESPONSE TO BRIEF OF HOLDCO ADVISORS LP ON BEHALF OF SURPLUS NOTEHOLDER FINANCIALS RESTRUCTURING PARTNERS LTD IN SUPPORT OF REHABILITATORS DENIAL OF FORMER OFFICERS CLAIMS FOR SEVERANCE AND OTHER BENEFITS UNDER PRE REHABILITATION EXECUTIVE EMPLOYMENT AGREEMENTS; W/PS BY HAND DELIVERY 7/30/12
- 172 08/03/2012** PROOF OF SERVICE FIRST CLASS MAIL 8/2/12 COPY OF STIP AND ORDER EXTENDING BRIEFING SCHEDULE REGARDING COURTS DETERMINATION OF FORMER OFFICERS CLAIMS AND THIS PS UPON LORI MCALLISTER; DANIEL R BROWN; PHILLIP L STERNBERG
- 173 08/08/2012** REPLY BRIEF IN SUPPORT OF REHABILITATORS DENIAL OF FORMER OFFICERS CLAIMS FOR SEVERANCE AND OTHER BENEFITS UNDER PR- REHABILITATION EXECUTIVE EMPLOYMENT AGREEMENTS; W/PS BY MAIL 8/8/12
- 174 08/08/2012** REPLY BRIEF OF HOLDCO ADVISORS LP ON BEHALF OF SURPLUS NOTEHOLDER FINANCIALS RESTRUCTINR PARTNERS LTD REGARDING FORMER OFFICERS CLAIMS FOR SEVERANCE AND OTHER BENEFITS UNDER PRE REHABILITATION EXECUTIVE EMPLOYMENT AGREEMENTS; W/PS BY MAIL 8/8/12
- 175 08/08/2012** TRAPEZA REPLY BRIEF IN SUPPORT OF REHABILITATORS DENIAL OF FORMER OFFICERS CLAIMS TO SEVERANCE AND OTHER BENEFITS UNDER PRE REHABILITATION EXECUTIVE EMPLOYMENT AGREEMENTS; W/PS BY MAIL 8/8/12
- 176 08/15/2012** C30 HEARING HELD ON THE RECORD THE FOLLOWING EVENT: MOTION (MISC) SCHEDULED FOR 08/15/2012 AT 10:00 AM HAS BEEN RESULTED AS FOLLOWS: RESULT:

- HEARING HELD ON THE RECORD JUDGE: COLLETTE, WILLIAM E LOCATION: MASON COURTHOUSE RESULT STAFF: STAFF: COURT REPORTER: BRANDELL, PAUL CERTIFICATION NUMBER: 4552
- 177 08/17/2012** MISCELLANEOUS CORRESPONDENCE FROM AMERICAN COMMUNITY MUTUAL INS CO FINANCIAL STATEMENTS TO BE MADE PART OF THE COURT FILE IN THIS MATTER AND MAKE THEM AVAILABLE TO INTERESTED PARTIES
- 178 08/24/2012** OPINION / ORDER PLS CLAIMS AGAINST AMERICAN COMMUNITY ARE DENIED UNDER MCL 500.8137(4); REHABILITATORS DENIAL OF PLS CLAIMS IS AFFIRMED (SIGNED 8/24/12 BY JUDGE WILLIAM E COLLETTE) W/PS BY MAIL 8/24/12
- 179 08/24/2012** CASE CLOSED C30
- 180 08/29/2012** CLERKS NOTICE (CIVIL) CLERKS' NOTICE SENT ON: 08/29/2012 11:32:54
- 181 09/05/2012** HEARING SET: EVENT: MOTION (MISC) TO APPROVE SALE OF REAL PROPERTY DATE: 09/19/2012 TIME: 10:00 AM JUDGE: COLLETTE, WILLIAM E LOCATION: MASON COURTHOUSE
- 182 09/06/2012** MOTION FEE ATTORNEY: KERR, CHRISTOPHER L (57131) RECEIPT: 302859 DATE: 09/07/2012
- 183 09/06/2012** MISCELLANEOUS PETITIONERS PETITION FOR APPROVAL OF THE REHABILITATORS PLAN TO SELL REAL PROPERTY OWNED BY AMERICAN COMMUNITY MUTUAL INS CO; NOTICE OF HRG 9/19/12 @ 10:00 AM; W/PS BY MAIL 9/6/12
- 184 09/10/2012** MOTION FEE RECEIPT: 302983 DATE: 09/10/2012
- 185 09/10/2012** FINAL ORDER DENYING CLAIMS (SIGNED 9/10/12 BY JUDGE WILLIAM E COLLETTE) 2 PGS
- 186 09/10/2012** MISCELLANEOUS PETITIONER EX PARTE PETITION FOR APPROVAL TO PAY SETTLEMENT AMOUNTS RESOLVING AGENT COMMISSIONS UNDER CRITICAL ILLNESS INS POLICIES
- 187 09/10/2012** EX PARTE ORDER GRANTED/APPROVING PYMT OF SETTLEMENT AMOUNTS RESOLVING AGENT COMMISSIONS UNDER CRITICAL ILLNESS INS POLICIES (SIGNED 9/10/12 BY JUDGE WILLIAM E COLLETTE) 3 PGS
- 188 09/11/2012** PROOF OF SERVICE FIRST CLASS MAIL9/10/12 COPY OF FINAL ORDER DENYING CLAIMS AND THIS PS UPON LORI MCALLISTER; DANIEL R BROWN AND PHILLIP L STERNBERG

[Return to Case Summary](#)

STATE OF MICHIGAN  
IN THE COURT OF APPEALS

KEN ROSS, COMMISSIONER OF  
THE OFFICE OF FINANCIAL AND  
INSURANCE REGULATION,

Court of Appeals Case No: \_\_\_\_\_

Lower Court Case No: 10-397-CR

Petitioner,

vs.

AMERICAN COMMUNITY MUTUAL  
INSURANCE COMPANY,

Respondent.

\_\_\_\_\_ /

In Re the Matter of:

AMERICAN COMMUNITY MUTUAL INSURANCE  
COMPANY'S FORMER OFFICERS MICHAEL TOBIN,  
ELLEN DOWNEY, FRANCIS DEMPSEY, MICHAEL  
McCOLLOM, BETH McCROHAN and LESLIE GOLA,

Claimants/Appellants,

vs.

The Office of Financial and Insurance Regulation as  
Rehabilitator of AMERICAN COMMUNITY MUTUAL  
INSURANCE COMPANY,

Respondent/Appellee.

\_\_\_\_\_ /

CHRISTOPHER L. KERR (P57131)  
JASON R. EVANS (P61567)  
ASSISTANT ATTORNEYS GENERAL  
Attorneys for the OFIR Commissioner, as  
Rehabilitator of American Community  
Corporate Oversight Division  
P.O. Box 30755  
Lansing, MI 48909  
(517) 373-1160

PHILLIP L. STERNBERG (P28435)  
COUZENS, LANSKY, FEALK, ELLIS,  
ROEDER & LAZAR, P.C.  
Attorneys for American Community Former  
Officers M. Tobin, E. Downey, F. Dempsey,  
M. McCollom, B. McCrohan and L. Gola  
39395 W. Twelve Mile Road, Suite 200  
Farmington Hills, MI 48331  
(248) 489-8600

LORI McALLISTER (P28435)  
DYKEMA GOSSETT PLLC  
Attorneys for Surplus Noteholders  
Trapeza CDO IX, Ltd. and CDO X, Ltd.  
Capital View  
201 Townsend Street, Suite 900  
Lansing, MI 48933  
(517) 374-9150

DANIEL R. BROWN (*Pro hac vice pend*)  
BROWN LEGAL ADVISORS, LLC  
JOHN L. NOUD (P18349)  
NOUD AND NOUD  
Attorneys for HoldCo Advisors, L.P. on  
behalf of Surplus Noteholder Fin.  
Restructuring Partners, Ltd.  
155 West Maple Street  
Mason, MI 48854  
(517) 676-6010

---

/

**PROOF OF SERVICE**

STATE OF MICHIGAN     )  
  ) SS  
COUNTY OF OAKLAND    )

Janice Barlow, being first duly sworn, deposes and states that on the 19<sup>th</sup> day of September, 2012, she mailed copies of the following:

1. Jurisdictional Checklist for Court of Appeals;
2. Claim of Appeal with attachments (copy of two Orders being appealed, evidence of transcript ordered - copy of letter dated September 18, 2012 to Paul Brandell, court transcriber, and copy of lower court's register of actions); and
3. Proof of Service

to: Christopher L. Kerr, Esq.  
Assistant Attorney General  
Corporate Oversight Division  
525 W. Ottawa Street, Floor 6  
Lansing, MI 48933

Daniel R. Brown, Esq.  
c/o Noud and Noud  
155 West Maple Street  
Mason, MI 48854

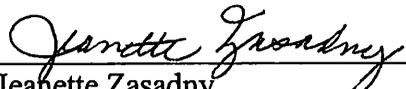
Lori McAllister, Esq.  
Dykema Gossett PLLC  
201 Townsend Street, Suite 900  
Lansing, MI 48933

by placing same in a mail receptacle located in Farmington Hills, Michigan with the proper postage prepaid thereon affixed.

Further, affiant sayeth not.

  
Janice Barlow

Subscribed and sworn to before  
me the 19th day of September, 2012

  
Jeahette Zasadny  
Notary Public, Oakland County, MI  
Acting in Oakland County  
My commission expires: 08/15/2015