

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT
INGHAM COUNTY

PATRICK MCPHARLIN, DIRECTOR
OF THE DEPARTMENT OF INSURANCE AND
FINANCIAL SERVICES,

Petitioner,

v

CONSUMERS MUTUAL INSURANCE OF
MICHIGAN,

Respondent.

Case No. 15-948-CR

HON. JAMES S. JAMO

[IN LIQUIDATION]

In Re: Consumers Mutual Insurance of Michigan
v Borgess Medical Center

PROVIDER PETITION
No. 2

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**ORDER GRANTING PETITION FOR ESTABLISHMENT OF
COURT PROCEDURES TO ADJUDICATE LIQUIDATOR'S CLAIMS
AGAINST BORGESS MEDICAL CENTER**

At a session of said Court
held in the Circuit Courtrooms
for the County of Ingham,
State of Michigan, on the
8 day of November, 2018.

PRESENT: HONORABLE JAMES S. JAMO, CIRCUIT COURT JUDGE

WHEREAS, Patrick M. McPharlin, Director of the Michigan Department of Insurance and Financial Services and duly appointed Liquidator of Consumers Mutual Insurance of Michigan (the "Liquidator"), has filed a Petition for Establishment of Court Procedures to Adjudicate Liquidator's Claims against Borgess Medical Center (the "Petition"); and

WHEREAS, as described in the Petition, there is an unresolved dispute requiring this Court's review and adjudication that has been raised by the Liquidator regarding refunds of overpayments made to Borgess Medical Center ("Borgess") and the determinations on those claims made by the Liquidator and his appointed Special Deputy Liquidator James Gerber (the "Special Deputy Liquidator"); and

WHEREAS, the Court therefore finds it appropriate for the Court's orderly, thorough, and fair adjudication of this dispute, as well as in the interest of judicial economy, to set a schedule for Borgess's response and oral argument and to establish certain other procedures governing the Court's adjudication of this dispute;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Court GRANTS the Liquidator's Petition, and the Court will adjudicate the Liquidator's unresolved claims regarding refunds of overpayments made to Borgess, as described more fully in the Petition and the Exhibits attached thereto.

IT IS FURTHER ORDERED that the Court's adjudication of the Liquidator's claims against Borgess is governed by the following procedures:

- 1) Borgess will file a response to the Petition with the Court and serve its response on the Liquidator's counsel within 30 days of the date of this Order.
- 2) The Court will schedule oral argument to adjudicate the Liquidator's claims against Borgess at an available date and time not earlier than 45 days after Borgess files its response.
- 3) At least 7 days before the oral argument, the Liquidator may file a reply.

IT IS SO ORDERED.



Honorable James S. Jamo
Circuit Court Judge