

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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JUDGMENT 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
22 day of May, 2019.

PRESENT: HONORABLE JAMES S. JAMO, CIRCUIT COURT JUDGE

WHEREAS, Anita G. Fox, Director of the Michigan Department of Insurance and Financial Services (“DIFS”) and duly appointed Liquidator of Consumers Mutual Insurance of Michigan (the “Liquidator”),¹ filed a *Notice of Hearing to Request Entry of Judgment against Borgess Medical Center*, together with Exhibits A – C and the Proof of Service (the “Notice of Hearing”), on April 12, 2019; and

WHEREAS, the Notice of Hearing scheduled a hearing in the sub-captioned matter above (*In Re: Consumers Mutual Insurance of Michigan v Borgess Medical Center*, Provider Petition No. 2) on Wednesday, May 22, 2019 at 3:15 p.m., before the Honorable James S. Jamo in the Veterans Memorial Courthouse, 313 W. Kalamazoo Street, Lansing, Michigan 48933, for the purpose of the Liquidator requesting entry of Judgment against Borgess Medical Center (“Borgess”) in the amount of \$31,599.76; and

WHEREAS, as reflected by the Proof of Service, the Notice of Hearing was served on Borgess on April 12, 2019 via U.S. First Class Mail addressed to both the Resident Agent for Borgess and the last-known address of the Borgess billing and payment department; and

WHEREAS, prior to serving the Notice of Hearing on April 12, 2019, the Liquidator served on Borgess: (a) the *Petition for Establishment of Court Procedures to Adjudicate Liquidator’s Claims against Borgess Medical Center* (the “Petition”), which was re-attached as Exhibit A to the Notice of Hearing and was initially

¹ Governor Gretchen Whitmer appointed Anita G. Fox as the Director of DIFS effective January 14, 2019, making her the Liquidator of Consumers Mutual Insurance of Michigan (“Consumers Mutual”) as of that date.

served on Borgess on November 7, 2018; and (b) the corresponding *Order Granting Petition for Establishment of Court Procedures to Adjudicate Liquidator's Claims against Borgess Medical Center* (the "Order"), which was re-attached as Exhibit B to the Notice of Hearing and was initially served on Borgess on November 9, 2018; and

WHEREAS, Borgess has not responded in any manner to the Notice of Hearing, the Petition, or the Order; and

WHEREAS, Borgess is not an infant or incompetent person, nor is Borgess in the military service; and

WHEREAS, the Court having reviewed the Notice of Hearing, the Petition, and the Order; having received evidence in support of the Notice of Hearing on May 22, 2019; and the Court being otherwise fully advised of the circumstances involving Consumers Mutual and its ongoing receivership proceeding, which was commenced on November 13, 2015, assigned to this Court, and has been conducted under the Court's general supervision;

NOW, THEREFORE, IT IS HEREBY ORDERED that Judgment is entered in favor of Consumers Mutual Insurance of Michigan against Borgess Medical Center in the amount of \$31,599.76.

IT IS FURTHER ORDERED that barring Borgess Medical Center's timely payment of this Judgment within thirty (30) days after entry, the Liquidator may request the Court to impose an additional fine not exceeding \$10,000 due to Borgess obstructing and/or interfering with this Consumers Mutual liquidation proceeding, pursuant to MCL 500.8106 and Paragraph 15 of the Order of Liquidation and

Declaration of Insolvency of Consumers Mutual that the Court entered on February
10, 2016.

IT IS SO ORDERED AND ADJUDGED.

A handwritten signature in black ink, appearing to read "James S. Jamo", written over a horizontal line.

Honorable James S. Jamo
Circuit Court Judge