

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 Neighborhood Diabetes, Inc.

PROVIDER PETITION
No. 18

Christopher L. Kerr (P57131)
Aaron W. Levin (P81310)
James E. Long (P53251)
Assistant Attorneys General
Attorneys for Petitioner
Corporate Oversight Division
P. O. Box 30736
Lansing, MI 48909
(517) 335-7632

**ORDER GRANTING PETITION FOR
ESTABLISHMENT OF COURT PROCEDURES
TO ADJUDICATE LIQUIDATOR'S CLAIMS
AGAINST NEIGHBORHOOD DIABETES, INC.**

At a session of said Court held in the Circuit Courtrooms
for the County of Ingham, State of Michigan, on the
21 day of March, 2019.

PRESENT: HONORABLE JAMES S. JAMO, CIRCUIT COURT JUDGE

WHEREAS, James Gerber, as duly appointed Special Deputy Liquidator (“Special Deputy Liquidator”) of Consumers Mutual Insurance of Michigan (“Consumers Mutual”), has filed a Petition for Establishment of Court Procedures to Adjudicate Liquidator’s Claims against Neighborhood Diabetes, Inc. (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 Neighborhood Diabetes, Inc. and the determinations on those claims made by Special Deputy Liquidator James Gerber; 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 Neighborhood Diabetes, Inc.’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 Neighborhood Diabetes, Inc., 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 Neighborhood Diabetes, Inc. is governed by the following procedures:

- 1) Neighborhood Diabetes, Inc. 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 Neighborhood Diabetes, Inc. at an available date and time not earlier than 45 days after Neighborhood Diabetes, Inc. 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