

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]

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In Re: Consumers Mutual Insurance of Michigan  
v Radiology Associates of Iron Mountain.

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PROVIDER PETITION  
NO. 22

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  
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**PETITION FOR ESTABLISHMENT OF COURT  
PROCEDURES TO ADJUDICATE LIQUIDATOR'S  
CLAIMS AGAINST RADIOLOGY ASSOCIATES OF IRON MOUNTAIN**

**INTRODUCTION**

James Gerber, as duly appointed Special Deputy Liquidator (the "Special Deputy Liquidator") of Consumers Mutual Insurance of Michigan ("Consumers Mutual"), by and through his attorneys, Dana Nessel, Attorney General, and

Christopher L. Kerr and James E. Long, Assistant Attorneys General, files this petition (“Petition”) pursuant to 500.8121(1)(f) for a Court Order establishing procedures for this Court’s adjudication of the Liquidator’s claims for refunds of Consumers Mutual overpayments made to certain healthcare providers, including in this instance, Radiology Associates of Iron Mountain (“Radiology Associates”).<sup>1</sup>

In addition, the Special Deputy Liquidator files this Petition pursuant to MCL 500.8105(1) to prevent Radiology Associates’ interference in this liquidation by refusing to refund Consumers Mutual for overpayments made to Radiology Associates that the Court adjudicates as outstanding, due, and owing to Consumers Mutual and orders Radiology Associates to pay. These refunds represent assets of the Consumers Mutual liquidation estate that the Special Deputy Liquidator has requested Radiology Associates to repay, but to date Radiology Associates has refused, subjecting it to a claim of interference with the Liquidator’s duties and obligations in this proceeding. In support of this Petition, the Special Deputy Liquidator states as follows:

### FACTS

1. On November 13, 2015, the Court entered an Order placing Consumers Mutual into rehabilitation and appointing the then-Director of the Michigan

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<sup>1</sup> Several healthcare providers owe Consumers Mutual similar overpayment refunds. For purposes of identification, this Petition is sub-captioned *In re: Consumers Mutual Insurance of Michigan v Radiology Associates of Iron Mountain, Provider Petition No. 22*.

Department of Insurance and Financial Services (“DIFS”) as the Rehabilitator of Consumers Mutual (the “Rehabilitator”).

2. On February 3, 2016, the Rehabilitator filed with the Court a Petition for Order Converting Rehabilitation to Liquidation and for Judicial Declaration of Insolvency of Consumers Mutual (“Liquidation Petition”), which sought: (a) an order converting the rehabilitation of Consumers Mutual to a liquidation proceeding, pursuant to MCL 500.8116(1) and MCL 500.8117; and (b) a judicial declaration of Consumers Mutual’s insolvency, pursuant to MCL 500.8118(4).

3. On February 10, 2016, the Court granted the Liquidation Petition and entered an Order of Liquidation and Declaration of Insolvency of Consumers Mutual (“Liquidation Order”). Pursuant to the Liquidation Order, the Court appointed the Director as the Liquidator of Consumers Mutual and affirmed the Liquidator’s appointment of James Gerber and Julieanne Gulliver as Special Deputy Liquidators.

4. The Liquidation Order granted the Liquidator all the powers contained in MCL 500.8121, including the power to “collect all debts and money due and claims belonging to” Consumers Mutual, and to “do other acts as necessary or expedient to collect, conserve, or protect the assets or property” of Consumers Mutual. MCL 500.8121(1)(f).

5. MCL 500.8105(1) further authorizes the Liquidator to apply for any order that may be necessary and proper to prevent “[i]nterference with the receiver or with a proceeding under this chapter” and “[w]aste of the insurer’s assets.”

6. Paragraph 14 of the Liquidation Order provides that:

Any person or entity with possession, custody, or control of assets . . . of . . . Consumers Mutual shall immediately:

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(b) Tender possession, custody, and control of such assets . . . to the Liquidator/Special Deputy Liquidators.

7. Pursuant to MCL 500.8106 and paragraph 15 of the Liquidation Order, any interference with the Liquidator in this liquidation proceeding may be punished by a “fine not exceeding \$10,000.00, or imprisonment for a term of not more than 1 year, or both.”

8. As the Liquidator worked to marshal all assets of the Consumers Mutual liquidation estate, the Liquidator identified numerous healthcare providers, including but not limited to Radiology Associates, that had received overpayments from Consumers Mutual and, therefore, owed refunds to Consumers Mutual of the overpayment amounts. These refunds are assets of the Consumers Mutual liquidation estate.

9. In November 2016, the Liquidator mailed demand letters to Radiology Associates and each other provider that owed a refund to Consumers Mutual. A sample of this form letter is attached as Exhibit 1. The letters to the various providers identified each overpayment and the total refund amount due to Consumers Mutual. The letters informed each provider of the Liquidation Order entered by this Court and that if payment was not provided within 30 days, the Liquidator would pursue additional legal action in this Court. Some providers

promptly refunded the overpayments to Consumers Mutual. Radiology Associates, however, did not respond to the November 2016 demand letter. Accordingly, Radiology Associates has refused to provide refunds of overpayments made by and owed to Consumers Mutual. The total amount of refunds due from Radiology Associates is \$1,257.20. Support for the amount of the refund the Liquidator has determined Radiology Associates owes is attached as Exhibit 2.

10. As of the date of this Petition, the Radiology Associates refunds are over 90 days past due. Radiology Associates' refusal to pay refunds has created additional burdens and costs for the Liquidator, which further reduces the assets of the liquidation estate.

11. Contemporaneously with the filing of this Petition, the Liquidator has served a copy of this Petition on Radiology Associates.

12. To allow Radiology Associates the opportunity to provide any information or argument it may have to show why this Court should not order prompt payment of the refunds totaling \$1,257.20, the Liquidator requests that the Court enter the proposed order attached as Exhibit 3, which grants this Petition and sets a schedule for Radiology Associates' response and oral argument.

13. Upon the Court's entry of an order against Radiology Associates requiring prompt payment of all refunds due to Consumers Mutual, Radiology Associates' refusal to pay these refunds as ordered—which are assets of the Consumers Mutual liquidation estate—would constitute interference with the Liquidator's conduct of this proceeding, subjecting Radiology Associates to

additional fines and penalties under MCL 500.8106 and paragraph 15 of the Liquidation Order.

**RELIEF REQUESTED**

WHEREFORE, for the reasons stated above, the Liquidator respectfully requests the Court to grant this Petition for Establishment of Court Procedures to Adjudicate Liquidator's Claims against Radiology Associates of Iron Mountain and to enter the proposed order attached as Exhibit 3.

Respectfully submitted,

Dana Nessel  
Attorney General



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

Dated: March 19, 2019

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11/17/2016

[REDACTED]  
[REDACTED]  
[REDACTED]

Re: Overpayment of Claims

Dear Provider,

CMI has made multiple attempts to recover claims overpayments made to you. As of this date, payment has not been received for claim overpayment(s) listed on the attached sheet.

**Total overpayment refund due CMI: \$ [REDACTED]**

On February 10, 2016, the Honorable James S. Jamo, Ingham County Circuit Court Judge, entered an Order placing Consumers Mutual Insurance of Michigan into Liquidation (Case Number 15-948-CR). This debt is an asset of the Consumers Mutual Insurance of Michigan Liquidation Estate. If payment is not received within 30 days from the date of this letter, the Special Deputy Liquidator will be forced to proceed with legal action to collect this debt in Ingham County Circuit Court.

Please forward a check or money order in the amount listed above to:

**Consumers Mutual Insurance of Michigan  
P.O. Box 1738  
Fort Mill, SC 29716**

If you have questions in regards to this refund request, please contact our office at (877) 371-9112.  
Thank you,

Yours truly,

A handwritten signature in dark ink, appearing to read "James Gerber".

James Gerber  
Special Deputy Liquidator  
Consumers Mutual Insurance of Michigan





11/17/2016

[Redacted]

**Claims Detail**

<u>Member ID</u>	<u>Last Name</u>	<u>First Name</u>	<u>Date of Service</u>	<u>Claim #</u>	<u>Refund Owed</u>
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	\$ [Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	\$ [Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	\$ [Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	\$ [Redacted]

**Total Refund Owed to CMI: \$ [Redacted]**

If you have recently sent payment, please disregard. If you have question regarding refund amount, please contact CMI at 1-877-371-9112 for further assistance.

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Claim #	Incurred From	IncurredTo	Amount	Service Provider	Provider TIN	Payment Provider	Payment Provider	REFUND REASON
5013090402	20150324	20150327	\$12.80	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5020349803	20150630	20150630	\$17.25	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5019041203	20150608	20150608	\$6.15	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5016491002	20150508	20150508	\$11.96	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5020270802	20150630	20150630	\$4.45	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5013714202	20150313	20150313	\$1.35	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5017956703	20150702	20150702	\$18.80	TIMM MD DAVID D	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5010390807	20150211	20150211	\$16.80	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5014464202	20150413	20150413	\$2.35	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5020047602	20150629	20150629	\$5.00	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5020272102	20150704	20150704	\$6.15	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5014467502	20150414	20150414	\$3.70	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5013682702	20150322	20150322	\$3.10	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5013309303	20150327	20150327	\$11.96	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5022784002	20150629	20150629	\$6.15	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING

5022929002	20150722	20150722	\$1.35	TIMM MD DAVID D	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5030846405	20151107	20151107	\$332.10	TO MD JOHN S	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	RETROACTIVE TERMINATION OF COVERAGE
5023947702	20150812	20150812	\$124.40	TO MD JOHN S	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	RETROACTIVE TERMINATION OF COVERAGE
5027968506	20151004	20151004	\$35.10	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	RETROACTIVE TERMINATION OF COVERAGE
5017249611	20150615	20150615	\$1.65	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5016198203	20150610	20150610	\$17.20	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5021458704	20150710	20150710	\$1.95	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5016127502	20150504	20150504	\$7.00	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5013089102	20150326	20150326	\$7.00	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5014638604	20150411	20150411	\$35.70	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5022372903	20150720	20150720	\$19.25	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5015296008	20150515	20150515	\$16.80	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5019420605	20150610	20150610	\$23.10	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5014465002	20150409	20150409	\$10.95	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5021232904	20150705	20150705	\$22.45	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5014034602	20150408	20150408	\$7.25	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING

5012644306	20150317	20150317	\$9.75	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5017516302	20150521	20150521	\$29.27	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5021131304	20150706	20150706	\$1.95	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5020271202	20150701	20150701	\$5.25	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5019167602	20150629	20150629	\$5.25	TO MD JOHN S	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5017468806	20150521	20150521	\$100.00	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	INCORRECT COPAY
5016142902	20150506	20150506	\$7.00	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5016838602	20150505	20150505	\$7.00	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5017238902	20150519	20150519	\$2.35	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5017108806	20150522	20150522	\$16.95	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5013242402	20150326	20150326	\$7.00	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5022461502	20150723	20150723	\$3.45	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5022461602	20150723	20150723	\$2.15	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5016800204	20150630	20150630	\$17.20	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5018408106	20150709	20150716	\$5.00	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5019477502	20150616	20150616	\$2.15	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING



5016143002	20150505	20150505	\$7.00	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5016143302	20150505	20150505	\$7.00	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5022220102	20150720	20150720	\$2.20	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5020272802	20150702	20150702	\$12.25	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5011473402	20150323	20150323	\$13.95	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5016460404	20150512	20150512	\$19.45	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5020173503	20150609	20150609	\$5.65	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5021576102	20150710	20150710	\$1.95	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5012940402	20150323	20150323	\$7.00	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5021077903	20150710	20150710	\$1.95	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5014148204	20150412	20150412	\$1.90	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5022958102	20150723	20150723	\$3.70	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5016460802	20150513	20150513	\$6.95	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5021228202	20150610	20150610	\$3.70	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5016415905	20150630	20150630	\$18.80	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING
5013851502	20150324	20150324	\$7.00	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746	CORRECTED REPRICING

5018353309	20150708	20150708	\$1.95	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746
5018026819	20150705	20150705	\$1.65	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746
5018026820	20150706	20150706	\$1.65	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746
5017239102	20150520	20150520	\$4.35	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746
5009811303	20150319	20150319	\$19.45	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746
5020048202	20150629	20150629	\$7.05	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746
5014462904	20150514	20150514	\$24.90	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746
5016461804	20150512	20150512	\$19.60	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746
5022679802	20150719	20150719	\$3.75	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746
5016142702	20150508	20150508	\$14.95	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746
5013090002	20150326	20150326	\$7.00	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746
5011137002	20150309	20150309	\$1.95	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746
5014538102	20150414	20150414	\$1.80	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746
5014165802	20150414	20150414	\$12.60	ZAPANTA MD DANILO P	383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746
5011066011	20150414	20150414	\$1.16		383186746	RADIOLOGY ASSOCIATES OF IRON M	383186746
			\$1,257.20				

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STATE OF MICHIGAN  
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PATRICK MCPHARLIN, DIRECTOR  
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CONSUMERS MUTUAL INSURANCE OF  
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**ORDER GRANTING PETITION FOR  
ESTABLISHMENT OF COURT PROCEDURES  
TO ADJUDICATE LIQUIDATOR'S CLAIMS  
AGAINST RADIOLOGY ASSOCIATES OF IRON MOUNTAIN**

At a session of said Court held in the Circuit Courtrooms  
for the County of Ingham, State of Michigan, on the  
\_\_\_\_\_ day of \_\_\_\_\_, 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 Radiology Associates of Iron Mountain (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 Radiology Associates of Iron Mountain 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 Radiology Associates of Iron Mountain’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 Radiology Associates of Iron Mountain, 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 Radiology Associates of Iron Mountain is governed by the following procedures:

- 1) Radiology Associates of Iron Mountain 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 Radiology Associates of Iron Mountain at an available date and time not earlier than 45 days after Radiology Associates of Iron Mountain files its response.
- 3) At least 7 days before the oral argument, the Liquidator may file a reply.

**IT IS SO ORDERED.**

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Honorable James S. Jamo  
Circuit Court Judge

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]

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In Re: Consumers Mutual Insurance of Michigan  
v Radiology Associates of Iron Mountain.

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PROVIDER PETITION  
NO. 22

Christopher L. Kerr (P57131)  
Aaron W. Levin (P81310)  
Assistant Attorneys General  
Attorneys for Petitioner  
Corporate Oversight Division  
P. O. Box 30755  
Lansing, MI 48909  
(517) 373-1160

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**PROOF OF SERVICE**

The undersigned certifies that a copy of the **Petition for Establishment of Court Procedures to Adjudicate Liquidator's Claims against Radiology Associates of Iron Mountain**, together with this Proof of Service, was served upon the party listed below by mailing the same to the address indicated with first class postage fully prepaid thereon, on the 20<sup>th</sup> day of March, 2019:

Radiology Associates of Iron Mountain  
1721 S. Stephenson  
Iron Mountain, MI 49801

Louis Mautone, DO, Resident Agent  
N3781 Bass Lake Rd.  
Iron Mountain, MI 49801

In addition, electronic copies of the foregoing documents will be provided to the Department of Insurance and Financial Services, which will provide courtesy notice to other potentially interested individuals/entities by posting the documents on its website, [www.michigan.gov/difs](http://www.michigan.gov/difs), under the section "Who We Regulate," the subsection "Receiverships," and the sub-subsection "Consumers Mutual Ins. of Michigan."

  
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Linda S. Miers, Legal Secretary