

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

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

Petitioner,

No. 10-397-CR

v

HON. WILLIAM E. COLLETTE

AMERICAN COMMUNITY MUTUAL  
INSURANCE COMPANY,

Respondent.

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David W. Silver (P24781)  
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**EX PARTE PETITION FOR APPROVAL OF JILL HUISKEN'S COMPENSATION  
AS SPECIAL DEPUTY REHABILITATOR**

Ken Ross, Commissioner of the Michigan Office of Financial and Insurance Regulation ("OFIR"), as Rehabilitator of American Community Mutual Insurance Company (the "Rehabilitator"), by and through his attorneys, Michael A. Cox, Attorney General, and Christopher L. Kerr, Assistant Attorney General, petitions this Court pursuant to MCL 500.8114(1) to approve the compensation to be paid to Jill Huisken in connection with her appointment as a Special Deputy Rehabilitator of American Community Mutual Insurance

Company ("American Community"). In support of this Ex Parte Petition, the Rehabilitator states as follows:

1. On April 8, 2010, this Court entered an Order placing American Community into Rehabilitation and appointing the Commissioner as the Rehabilitator of American Community.

2. MCL 500.8114(1) authorizes the Rehabilitator to appoint 1 or more Special Deputy Rehabilitators, who shall have all the powers and responsibilities of the Rehabilitator granted under the statute.

3. MCL 500.8114(1) further authorizes the Rehabilitator to fix, with the Court's approval, the compensation of any Special Deputy Rehabilitators whom he appoints.

4. Pursuant to MCL 500.8114(1), any person appointed as a Special Deputy Rehabilitator shall serve at the Rehabilitator's pleasure.

5. Pursuant to the April 8, 2010 Rehabilitation Order, this Court approved the Rehabilitator's appointment of and compensation to be paid to James Gerber and Michael Hogan as Special Deputy Rehabilitators of American Community.

6. Consistent with MCL 500.8114(1), the Rehabilitation Order provided that Mr. Hogan would serve as a Special Deputy Rehabilitator at the Rehabilitator's pleasure, and that the Rehabilitator "reserve[d] the right to appoint other Special Deputy Rehabilitator(s) to replace and/or serve with . . . Mr. Hogan in the future as the need arises."

7. Due to OFIR staffing needs, and pursuant to the Rehabilitator's authority to appoint and/or replace Special Deputy Rehabilitators at his pleasure, the Rehabilitator has appointed Jill Huisken, OFIR Senior Financial Analyst, as a Special Deputy Rehabilitator of American Community to serve in the place of Michael Hogan. Effective with Ms. Huisken's

appointment, Mr. Hogan's appointment as a Special Deputy Rehabilitator, together with the powers and responsibilities granted to Mr. Hogan in that capacity, are terminated.

8. As a Special Deputy Rehabilitator, Ms. Huisken will work under the direction and supervision of Special Deputy Rehabilitator James Gerber. Subject to the supervision and direction of Mr. Gerber, the Rehabilitator, and this Court, Ms. Huisken shall have all the powers and responsibilities of the Rehabilitator granted under MCL 500.8114.

9. Both Mr. Gerber and Ms. Huisken shall continue to serve at the pleasure of the Rehabilitator, who reserves the right to appoint other Special Deputy Rehabilitator(s) to replace and/or serve with Mr. Gerber and Ms. Huisken in the future as the need arises.

10. The Rehabilitator has fixed the compensation of Ms. Huisken as follows, and requests the Court to approve such compensation pursuant to MCL 500.8114(1): Ms. Huisken shall be compensated as a salaried employee of OFIR and shall not receive any additional salary in her capacity as a Special Deputy Rehabilitator of American Community. However, Ms. Huisken's expenses for travel, lodging, meals, and other expenses incurred in connection with her appointment as a Special Deputy Rehabilitator shall be paid out of the funds or assets of American Community as normal administrative expenses pursuant to paragraph 16 of the Rehabilitation Order. Ms. Huisken will separately invoice and submit these expenses, which shall be reimbursed subject to State of Michigan reimbursement rates.

11. If the Rehabilitator so elects in the future, he may allocate to American Community the pro rata portion of Ms. Huisken's salary, at the rate of \$52.94 an hour, attributable to the performance of her duties as a Special Deputy Rehabilitator, which compensation shall be paid out of the funds or assets of American Community pursuant to MCL 500.8114(1). In the event that American Community does not possess sufficient cash or liquid

assets to pay Ms. Huisken's expenses, or her salary if the Commissioner makes the allocation election described in this paragraph, the Rehabilitator may advance the necessary funds, which shall be repaid out of the first available money of American Community pursuant to MCL 500.8114(1).

12. The Rehabilitator has determined that Ms. Huisken's appointment and compensation as a Special Deputy Rehabilitator are appropriate and necessary for the success of this Rehabilitation, will allow the Rehabilitation to proceed effectively and efficiently, and will assist in providing the maximum protection to creditors, policyholders, and the public.

13. Providing personalized notice of this Ex Parte Petition and any resulting Order to all parties that may have an interest in this matter is impossible at this time because there has been no claims submission or other process to identify such parties. Moreover, attempting to identify and personally notify parties in interest would be time-intensive and costly to American Community's Rehabilitation Estate. For this reason, the Rehabilitator requests that the Court authorize and ratify service of this Ex Parte Petition and any resulting Order by posting electronic copies on the OFIR website, [www.michigan.gov/ofir](http://www.michigan.gov/ofir), under the section "Who We Regulate" and the subsection "American Community." Service in this manner is reasonably calculated to give interested parties actual notice of these proceedings and is otherwise reasonable under the circumstances.

WHEREFORE, the Rehabilitator respectfully requests this Court to approve the compensation to be paid to Jill Huisken, as fixed by the Commissioner and described above, in connection with her appointment as a Special Deputy Rehabilitator of American Community. The Rehabilitator further requests the Court to authorize and ratify service of this Ex Parte

Petition and any resulting Order by posting electronic copies on the "American Community" section of OFIR's website.

Respectfully submitted

Michael A. Cox  
Attorney General

A handwritten signature in black ink, appearing to read "Christopher Kerr", written over a horizontal line.

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Dated: October 14, 2010