

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.

Christopher L. Kerr (P57131)
David W. Silver (P24781)
Assistant Attorneys General
Attorneys for Petitioner
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**EX PARTE PETITION TO CONFIRM TERMINATION OF
JILL HUISKEN'S APPOINTMENT 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, Bill Schuette, Attorney General, and Christopher L. Kerr, Assistant Attorney General, petitions this Court pursuant to MCL 500.8114(1) to confirm the Rehabilitator's termination of Jill Huisken's 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, terminate, and/or replace Special Deputy Rehabilitators at his pleasure, in October 2010 the Rehabilitator appointed Jill Huisken, who was then an OFIR Senior Financial Analyst, as a Special Deputy Rehabilitator of American Community to serve in the place of Michael Hogan.

8. On October 14, 2010, the Court entered an Order approving Ms. Huisken's compensation as a Special Deputy Rehabilitator. That Order further provided that effective with Ms. Huisken's appointment, Mr. Hogan's appointment as a Special Deputy Rehabilitator of

American Community, together with the powers and responsibilities granted to Mr. Hogan in that capacity, were terminated. In addition, consistent with MCL 500.8114(1) and the Rehabilitation Order, the Court's October 14, 2010 Order provided that 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."

9. Due to additional OFIR staffing needs, and specifically the promotion of Ms. Huisken to a different position at OFIR, the Rehabilitator has elected to terminate her appointment as a Special Deputy Rehabilitator of American Community effective January 4, 2011.

10. At this time, the Rehabilitator has elected not to appoint another Special Deputy Rehabilitator to replace Ms. Huisken. James Gerber will continue to serve as the sole Special Deputy Rehabilitator of American Community, and his authority in that role remains unchanged. Pursuant to MCL 500.8114(1), Mr. Gerber 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 in the future as the need arises.

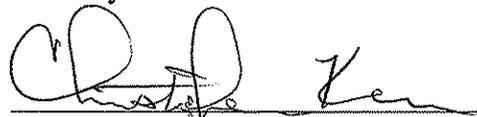
11. The Rehabilitator has the statutory authority to appoint and terminate Special Deputy Rehabilitators in his sole discretion. Nevertheless, the Rehabilitator seeks an Order from this Court confirming the termination of Ms. Huisken as a Special Deputy Rehabilitator so that the Court record is clear and there are no future issues regarding the identity of those persons properly appointed and authorized to act as a Special Deputy Rehabilitator of American Community.

12. Because the Rehabilitator's appointment and termination of Special Deputy Rehabilitators is discretionary, no interested party may rightfully object to the Rehabilitator's termination of Ms. Huisken as a Special Deputy Rehabilitator. Moreover, providing personalized notice of this Ex Parte Petition and any resulting Order to all parties that may have a general interest in this rehabilitation is impossible at this time because there has been no claims submission or other process to identify such parties. Attempting to identify and personally notify parties in interest would also be time-intensive and costly to American Community's Rehabilitation Estate. For these reasons, 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, 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 confirm his termination of Jill Huisken's appointment as a Special Deputy Rehabilitator of American Community. Although no reasonable basis to object exists and service is not statutorily required, 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,

Bill Schuette
Attorney General

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

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Dated: January 20, 2011