

The Order of the Court is stated below:

Dated: December 12, 2024
05:42:01 PM

/s/ JAMES GARDNER
District Court Judge



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Deputy Rehabilitator for Opticare of Utah, Inc. in Rehabilitation*

**IN THE THIRD JUDICIAL DISTRICT COURT
IN AND FOR SALT LAKE COUNTY, STATE OF UTAH**

<p>In re:</p> <p>OPTICARE OF UTAH, INC.,</p> <p>a Utah Limited Health Plan Insurer.</p>	<p>ORDER GRANTING:</p> <p>MOTION FOR DECLARATION OF INSOLVENCY, FOR TERMINATION OF REHABILITATION, FOR LIQUIDATION, AND FOR FURTHER RELIEF</p> <p>Civil No. 240908915</p> <p>Judge James Gardner</p>
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Jane Jacqueline Muro, VIDA Consulting Inc., court-appointed Special Deputy Rehabilitator of Opticare of Utah, Inc ("Opticare"), filed a Motion for Declaration of Insolvency, for Termination of Rehabilitation, for Liquidation, and for Further Relief and the Declaration of Jane Jacqueline Muro. No opposition was filed, there being no party to oppose the motion.

Having reviewed the motion papers and concluding that the motion is well-taken, the Court grants the motion and declares and orders as follows:

- (1) Opticare is insolvent because it is unable to pay its obligations when they are due;
- (2) The rehabilitation of Opticare is terminated because further attempts to rehabilitate would be futile.
- (3) Opticare shall be liquidated because it is insolvent.
- (4) Utah Insurance Commissioner Jonathan T. Pike and his successors in office are appointed as Liquidator of Opticare ("the Liquidator") under Utah Code Ann. § 31A-27a-401 with all powers conferred on the Liquidator by Utah Code Title 31A, Chapter 27a.
- (5) The Liquidator is authorized to take possession of the property of Opticare and administer the property in accordance with Utah Code Ann. § 31A-27a-401(1).
- (6) Title to all of the assets, property, contracts, rights of action, and records of Opticare, wherever located, as of the date of the Liquidation Order is vested in the Liquidator;
- (7) The Liquidator is authorized to take immediate possession of and to lawfully administer the assets, property, contracts, rights of action, and records of Opticare.
- (8) The Liquidator is authorized to do all acts necessary or appropriate to accomplish the liquidation of Opticare pursuant to the Utah Insurance Code.
- (9) The Liquidator is authorized to pursue all appropriate legal remedies on behalf of Opticare and to assert all defenses available to Opticare as against a third party.
- (10) The Liquidator is authorized to exercise any and all rights of Opticare in connection with any collateral or other assets being held for the benefit of Opticare by any person or entity, including any and all trustee accounts and other accounts.
- (11) The Liquidator is authorized to appoint one or more special deputy Liquidators, to serve at the Liquidator's pleasure with all powers and responsibilities of the Liquidator.

(12) The Liquidator is authorized to employ or contract with additional persons as provided by Utah Code § 31A-27a-209(3), with the Court retaining jurisdiction over compensation fixed by the Liquidator.

(13) The Liquidator is authorized to pay, at its discretion, the compensation of deputies and additional persons from Opticare's funds or assets, said compensation not being subject to claim procedures.

(14) The Liquidator is authorized to appoint Jane Jacqueline Muro, VIDA Consulting Inc., as a Special Deputy Liquidator and that appointment is so ordered.

(15) The Liquidator is authorized to take one or more of the actions described in Utah Code § 31A-27a-403(2)(a) through (2)(g) to assure continuation of coverage for enrollees of Opticare.

(16) The Liquidator is authorized to enter into contracts necessary to carry out the Liquidation and to accept or reject contracts to which Opticare is a party.

(17) All proceedings against Opticare in Utah, and elsewhere, are stayed pursuant to Utah Code Ann. § 31A-27a-108, subject to the limitations of Utah Code Ann. § 31A-27a-108(4)(b).

(18) The Court orders the continuance of the restraining orders set forth in the Rehabilitation Order that enjoin all persons and entities including, but not limited to, Opticare's directors, officers, trustees, manager, agents, subagents, employees, affiliates, policyholders, attorneys, and any person participating with them or acting in concert with them, from the following:

- a. The commencement or continuation of a judicial or an administrative or arbitration proceeding, or other any action or proceeding, against Opticare that was or could have been commenced before this proceeding, or to recover a claim against Opticare that arose before the commencement of this proceeding (Utah Code § 31A-27a-108(3)(a), (4));
- b. The enforcement against Opticare or against property of Opticare of a judgment obtained before this proceeding (Utah Code § 31A-27a-108(3)(b));
- c. An act to transfer, waste, dissipate, obtain, or retain any bank accounts, property, assets, or records of Opticare or any act that interferes with the Liquidator's possession, custody or control of same (Utah Code § 31A-27a-108(3)(c));
- d. An act to maintain, create, perfect, or enforce a lien, preference, judgment, attachment or garnishment against property of Opticare or to obtain possession or repossession of such property (Utah Code § 31A-27a-108(3)(c), (d));
- e. An act to collect, assess or recover a claim against Opticare that arose before the commencement of this proceeding (Utah Code § 31A-27a-108(3)(e));
- f. The commencement or continuation of an action or proceeding against a reinsurer of Opticare by the holder of a claim against Opticare and seeking a reinsurance recovery that is contractually due Opticare (Utah Code § 31A-27a-108(3)(f));
- g. The commencement or continuation of an action or proceeding to terminate or revoke an insurance license (Utah Code § 31A-27a-108(3)(g));
- h. An action, described in Utah Code § 31A-27a-108(3)(h)(ii), with respect to any contract, whether or not Opticare is a party, if the sole basis for the action is that

Opticare is the subject of Liquidation or that Opticare' insurance license is suspended or revoked as a result of this proceeding; or,

i. An action that might lessen the value of Opticare' assets or prejudice its rights in the administration of this proceeding (Utah Code § 31A-27a-108(1)).

(19) The Court orders the continuance of the restraining orders set forth in the Rehabilitation Order that enjoin all secured creditors or parties, pledgees, lien holders, collateral holders or other persons claiming a secured, priority, or preferred interest in any property or assets of Opticare from taking any steps whatsoever to transfer, sell, encumber, attach, dispose of or exercise purported rights in or against any property or assets of Opticare without the prior approval of the Liquidator.

(20) The filing, maintenance, or further prosecution of suits, actions, proceedings, or claims at law or in equity of any kind on behalf of or in the name of Opticare without proper authorization of the Liquidator is prohibited.

(21) The Liquidator and Special Deputy Liquidator are granted immunity and indemnification as set forth in Utah Code Ann. § 31A-27a-114.

(22) All rights and liability of Opticare and its creditors, policyholders, members and all other person are fixed as of the date of entry of this liquidation order.

(23) The Liquidator may dispose of records not necessary for the liquidation without further Court order.

(24) The Liquidator shall report to the Court on the status of Opticare within 180 days after the date of this Order and every calendar quarter thereafter unless the Court orders

otherwise, the quarterly report being due within 45 days after the end of the quarter unless otherwise ordered.

Rehabilitator's Statement Re: Certificate of Service

Because Opticare is currently in possession of the courtappointed Rehabilitator who is the only party appearing and movant, because no one has asked to receive notice of proceedings in this matter under Utah Code § 31A-27a-107(1), and because the Rehabilitation Court has not required notice to anyone else, the Special Deputy Rehabilitator has determined that there is no “party” or person who can or should be served notice of this motion under Utah Code § 31A-27a-107(2)(c).

ISSUED under the seal of the court: Official signature appears at the top of the first page.

*****END OF ORDER*****