

## **INSTRUCTIONS FOR FILING AN OBJECTION TO THE RECEIVER'S CLAIM RECOMMENDATION REPORT**

These Instructions are for filing an Objection to the Receiver's Claim Recommendation to the Court by entering your objection into the record.

IF YOU DO NOT OBJECT TO THE RECEIVER'S RECOMMENDATION you need not fill out this form, and need take no further action. The Court will review the Receiver's recommendation as uncontested and will enter an order allowing, allowing in part, or disallowing the claim.

IF YOU DISAGREE WITH THE RECEIVER'S RECOMMENDATION for your claim, you must submit an Objection, through the filing system at <https://claimantportal.fileandservexpress.com/#/login/94cfb638-e0b3-4e97-92d0-414a752582e8>.

Below are instructions for completing the claims recommendation form. **If you have questions which are not answered by these instructions, or if you do not have access to the internet to file an objection, you can contact the Receiver by email at [iicclaimsinfo@delrlb.com](mailto:iicclaimsinfo@delrlb.com); or by calling 877-472-8360.**

### **LOGGING IN**

If you object to the Receiver's recommendation, you must submit an objection. To submit an objection, you must first log into the claim system at [https://claimantportal.fileandservexpress.com/#/login/94cfb638-e0b3-4e97-92d0-](https://claimantportal.fileandservexpress.com/#/login/94cfb638-e0b3-4e97-92d0-414a752582e8)

414a752582e8. The first time you log in, you must use the temporary password emailed to you by noreply@fileandserve.com. At your first log-in, you will register by entering your name and Proof of Claim Number (POC #) and changing your password. You should have recently received a letter and/or email from the Receiver containing your POC #. The POC # is also contained on the Notice of Determination previously sent to you by the Receiver.

If you did not receive a previous letter or email from the Receiver, you can get your POC # and other information by contacting the Receiver by email to iicclaimsinfo@delrlb.com; or by calling 877-472-8360.

### **SUBMITTING AN OBJECTION**

If you have an attorney, or are an attorney representing a claimant, press the “Start With An Attorney” button. You must fill in information about the Objector and the attorney.

If you do not have an attorney, press the “Start Without An Attorney” Button. Only the Objector’s information will need to be provided in the filing form.

You can view or download the instructions for submitting an Objection at: Instructions for Filling out Claim Form. <https://claimantportal-api.fileandserveexpress.com/portal/instructions>

Frequently asked questions about the claims process are here. <https://claimantportal-api.fileandserveexpress.com/portal/FAQ>

## **OBJECTION**

**Proof of Claim No.** This is the number assigned to your Proof of Claim. It should be contained in all communications from the Receiver. This number is prefilled in the form based on your registration and cannot be changed.

**Group No.** This information is contained on the letter you should have recently received from the Receiver. This number is prefilled in the form based on your registration and cannot be changed.

**Policy or Contract No.** This is the policy number for the policy of insurance (where appropriate) covering your claim. This information is contained on the letter you should have recently received from the Receiver. This number is optional, but may aid in processing your claim.

**Claimant Information.** You must provide the claimant's name, mailing address, daytime telephone number and email (if you have one) in the form. If the claimant does not have an email, indicate this on line four.

**Attorney.** If the claimant is represented by an attorney in this matter, provide their information here.

**Claim Type:** You must check one of the three claim types here: "Injury"; "Return of Premium"; or "Other."

Use "Injury" if you are making a claim for bodily injury against a person or entity who was insured by IICRRG or if you are an insured and someone is making

a claim against you under a policy issued by IICRRG.

Use “Return of Premium” if you were an insured of IICRRG and are making a claim for the return of unearned premium.

Use “Other” for any other claim against IICRRG.

**Date of Injury.** If your claim is for an Injury (either as an injured party, or for indemnity for a claim by an injured party), provide the date of the injury. If you do not know the date, provide the approximate date and note that it is an approximation.

If your claim is for a Return of Premium, check the box for the appropriate date of cancellation. All policies were cancelled by the Liquidation Order 30 days after the date of liquidation. If you cancelled this policy before this date, please check the box for “Cancelled Before Liquidation Order” and fill out the date it was cancelled.

If your claim is for a claim other than for an injury or a return of premium, provide the date that your claim was incurred.

**Classification.** The Receiver has assigned a classification under 18 *Del. C.* § 5918(e) to your claim. If you do NOT object to this classification, check the box next to “NO.” If you DO object to this classification, you must check the box next to “YES” and then select the class into which you believe your claim falls in the drop-down menu. Please note that you must explain in detail in the “Basis” section

(discussed below) why you believe the classification should be different from the Receiver's recommendation.

Class I: Administrative Expenses. These are claims for the costs and expenses of the administration of the Estate expressly approved by the Receiver, including, but not limited to: The receiver's actual and necessary costs of taking possession of the insurer, preserving or recovering the assets of the insurer, and otherwise complying with this chapter; and reasonable compensation for all services rendered at the request of and on behalf of the receiver, or that receiver's appointed deputy receiver or receivers, in the liquidation by the receivership's employees and its retained attorneys, accountants, actuaries, claims adjusters, expert witnesses and other consultants.

Class II: Guaranty Association Administration Expenses. This classification is not applicable in this liquidation as, by statute, Risk Retention Groups such as Indemnity Insurance Corp., RRG, may not participate in guaranty associations.

Class III: Claims by policyholders, beneficiaries and insureds. This includes claim by injured parties. This also includes claims for the return of unearned premium. It does NOT include claims under reinsurance contracts, or claims of insurers for contribution, indemnity or subrogation. Claims do not include interest unless there was a PRE-LIQUIDATION judgment. All claims are limited by the actual coverage of the applicable insurance policy, including any policy limit or aggregate limit. If the Proof of Claim was not filed by January 16, 2015, it is treated as a Class VII claim.

Class IV: Taxes or debts to the United States which are entitled to statutory priority under the laws of the United States.

Class V: Claims for compensation of employees of Indemnity Insurance Corporation, RRG ("IICRRG"), OTHER THAN officers or directors, for services rendered to IICRRG in the three months prior to the commencement of the Liquidation proceeding against IICRRG, but not exceeding \$1,000 for each employee.

Class VI: General creditor claim, This also includes claims of reinsurers, claims of insurers for contribution, indemnity or subrogation and

claims of the United States and any state or local government not included within Classes I-V, above.

Class VII: Claims Within Classes I-VI but filed after the Bar Date of January 16, 2015. If you ask the Court to excuse the late-filing of your claim, you must check the box in Question 9 relating to the classification under which you believe your claim would fall if it had been made by the Bar Date, and explain why it was filed after the Bar Date in the response to Question 11.

Class VIII: Surplus or contribution notes or similar obligations.

Class IX: The claims of shareholders or owners arising out of such capacity.

**Value.** The Receiver has recommended a value for your claim. If you do NOT object to this recommendation, check the box next to “NO.” If you DO object to this recommendation, you must check the box next to “YES” and also provide in the form what you believe the value of your claim to be. (*See the Notification on Page 8, below for important information about the value of your claim*)

**Basis.** You must describe in detail the basis for your objection to the Receiver’s recommendation.

Classification. If you objected to the classification assigned by the Receiver, the basis must include an explanation for: (1) why you believe the Receiver’s assignment was incorrect; (2) what you believe is the proper classification; and (3) why you believe that classification is appropriate.

Excuse Late-Filing. If you ask the Court to excuse the late-filing of your

claim, the basis must include an explanation what classification you believe your claim meets if it had been made by the Bar Date, and why it was filed after the Bar Date.

Value. If you objected to the value recommended by the Receiver, the basis must include: (1) what you believe the value of your claim to be; and (2) why you believe that value is appropriate.

**Upload Supporting Documents.** You must upload any documentation you wish the Court to consider in adjudicating your claim. You may supplement this information at a later time up to twenty-one (21) days before the date of your hearing by following the procedure discussed below under “Uploading Additional Documents/Amending your Claim.”

**Claim Submitted By.** You must check the appropriate person who is submitting the objection.

Check “Objector” if you are the claimant submitting the Objection.

Check “Attorney for Objector” if you are an attorney submitting the Objection on behalf of a claimant.

Check “Other” if you are completing the form on behalf of someone else. Fill in the box marked “Relationship to Objector” with your relationship. For example, guardian, executor, president (if a corporation), etc.

**Submit Objection.** Press the “Submit Objection” button to submit your

Objection. Submission of the Objection is a declaration under penalty of perjury under the laws of Delaware that the information provided is true and correct.

The button will remain greyed-out until all necessary information is filled-out.

### **Uploading Additional Documents/Amending your Claim**

In order to upload additional supporting documents or amend your claim, you should go to the “Existing Objection Submissions” and click the down-arrow. Then select your previously submitted claim. Near the bottom will be a box with a down-arrow marked “Amend Objection.” Selecting this box will bring up a text-box where you can provide additional notes, and a button to “Upload Supporting Documents.” In the “Additional Notes” section you must note that you are uploading additional supporting documents. You may upload additional supporting documents until twenty-one (21) days before the date upon which your hearing is scheduled.

### **\*\*\*IMPORTANT NOTICE\*\*\***

**PLEASE TAKE NOTICE THAT** although a final Court determination fixes the class and value for the claim, because IICRRG is insolvent, the amount ultimately paid for that value will be in an amount equal to a *pro rata* share of the determined value. **EVEN IF YOUR CLAIM HAS A VALUE GREATER**

**THAN ZERO, YOU WILL NOT RECEIVE THAT FULL VALUE. IICRRG is insolvent; there are not enough funds in the estate to pay all claims. The amount ultimately paid for each claim will be reduced by an equal percentage of the value for each class. This percentage will be applied to all claims in a class at the same time, after all claims have been considered.** For example, if at the time of final distribution to claimants, the total liabilities of IICRRG, which include the values of the finally determined claims for that class, are 400% greater than the available assets for that class, the distribution that would be made would be in an amount equal to 25% of the Court's final determination of your claim value. Regardless, no claim will be paid until after all claim values in all classes have been finally determined by the Court through this process and upon later application to the Court by the Receiver for final distribution of IICRRG's assets and the closing of the IICRRG liquidation estate. **THIS MEANS THAT REGARDLESS OF YOUR GROUP, ALL MEMBERS OF A CLASS WILL RECEIVE THE SAME PRO RATA VALUE OF THEIR FINALLY DETERMINED CLAIMS AND WILL BE PAID AT THE SAME TIME.**