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5 *Attorneys for Receiver*

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8 SUPERIOR COURT OF ARIZONA

9 COUNTY OF MARICOPA

10 STATE OF ARIZONA, *ex rel.*
11 LESLIE R. HESS, Interim Director
of Insurance,

12 Plaintiff,

13 vs.

14 COMPASS COOPERATIVE MUTUAL
HEALTH NETWORK, INC., dba
15 MERITUS MUTUAL HEALTH
PARTNERS, an Arizona corporation; and
16 COMPASS COOPERATIVE HEALTH
PLAN, INC., dba MERITUS HEALTH
17 PARTNERS, an Arizona corporation,

18 Defendants.

No. CV2016-011872

PETITION NO. 17

**NOTICE OF SUBSTITUTION AND
MOTION TO AMEND CASE
CAPTION**

(Assigned to The Honorable
Daniel Martin)

19
20 This Notice of Substitution and Motion to Amend Case Caption is filed pursuant
21 to and in accordance with Rule 25(d) of the Arizona Rules of Civil Procedure. Leslie R.
22 Hess has resigned from the position of Interim Director at the Arizona Department of
23 Insurance. Keith Schraad has been appointed as the Interim Director and the process has
24 commenced to appoint Keith Schraad as Director.

25 . . .

26 . . .

1 Among other things, Mr. Schraad, as Ms. Hess’s successor in interest, and in his
2 capacity as Interim Director, is the proper party to this action and subject to the Order of
3 Appointment of Receiver and Injunction entered by the Court on August 10, 2016.

4 Rule 25(d), A.R.C.P., specifically addresses these circumstances, as follows:

5 An action does not abate when a public officer who is a party in
6 an official capacity dies, resigns, or otherwise ceases to hold
7 office while the action is pending. The officer’s successor is
8 automatically substituted as a party. The public officer’s
9 counsel must file a notice of the substitution, and later
10 proceedings should be in the substituted party’s name, but any
misnomer not affecting the parties’ substantial rights must be
disregarded. The court may order substitution at any time, but
the absence of such an order does not affect the substitution.

11 The process is underway to change Mr. Schraad’s title from “Interim Director” to
12 “Director.” In order to avoid the need for further filings to amend the caption, leave is
13 requested to amend the caption by deleting the word “Interim” in the event that Mr.
14 Schraad’s title changes from Interim Director to Director.

15 Accordingly, counsel respectfully requests this Court enter an order of substitution
16 and amend the case caption.

17 Dated this 9th day of March, 2018.

18 LEWIS ROCA ROTHGERBER CHRISTIE LLP
19 By: /s/ Justin J. Henderson (#026930)
20 Joel A. Glover
21 Justin J. Henderson
22 Attorneys for Receiver
23
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1 COPY of the foregoing mailed this
2 9th day of March, 2018 to the
3 attached Master Service List

4 /s/ C.J. Scruggs
5 C.J. Scruggs

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1 SUPERIOR COURT OF ARIZONA

2 COUNTY OF MARICOPA

3 No. CV2016-011872 (Assigned to The Honorable Daniel Martin)

4
5 **MASTER SERVICE LIST**

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7 Keith Schraad, Receiver
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15 MERITUS MUTUAL HEALTH
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16 COMPASS COOPERATIVE HEALTH
PLAN, INC., dba MERITUS HEALTH
17 PARTNERS, an Arizona corporation,

18 Defendants.

No. CV2016-011872

ORDER RE PETITION NO. 17

**ORDER OF SUBSTITUTION AND
AMENDING CASE CAPTION**

(Assigned to The Honorable
Daniel Martin)

19
20 Pursuant to the *Notice of Substitution and Motion to Amend Case Caption* and
21 good cause appearing therefore,

22 IT IS ORDERED that the case caption be amended to remove Leslie R. Hess as
23 the name of the Plaintiff and replace it with Keith Schraad.

24 IT IS FURTHER ORDERED that Mr. Schraad, as Ms. Hess's successor in
25 interest, and in his capacity as Interim Director, is substituted as a party pursuant to Rule

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25(d), A.R.C.P. and subject to the Order of Appointment and Receiver and Injunction entered by the Court on August 10, 2016.

IT IS FURTHER ORDERED that, in the event Mr. Schraad’s title changes from Interim Director to Director, the caption shall be changed by removing the word “Interim” without further Order of this Court.

ENTERED this ____ day of _____, 2018

The Honorable Daniel Martin
Maricopa County Superior Court Judge

Scruggs, Colleen

From: CustomerService=turbocourt.com@smtp.turbocourt.com on behalf of TurboCourt
Customer Service <CustomerService@TurboCourt.com>
Sent: Friday, March 09, 2018 1:32 PM
To: Scruggs, Colleen; azturbocourt@lrrc.com
Subject: AZTurboCourt E-Filing Courtesy Notification

PLEASE DO NOT REPLY TO THIS EMAIL.

A party in this case requested that you receive an AZTurboCourt Courtesy Notification.

AZTurboCourt Form Set #2549547 has been DELIVERED to Maricopa County - Superior Court.

You will be notified when these documents have been processed by the court.

Here are the filing details:

Case Number: CV2016-011872 (Note: If this filing is for case initiation, you will receive a separate notification when the case # is assigned.)

Case Title: State Of Arizona, Et.Al. Vs. Compass Cooperative M

Filed By: Justin J Henderson

AZTurboCourt Form Set: #2549547

Keyword/Matter #: 302377-00001

Delivery Date and Time: Mar 09, 2018 1:31 PM MST

Forms:

Summary Sheet (This summary sheet will not be filed with the court. This sheet is for your personal records only.)

Attached Documents:

Petition: Petition No. 17 - Notice of Substitution and Motion to Amend Case Caption

Proposed Order/Judgment (Supporting): Order re Petition No. 17 - Order of Substitution and Amending Case Caption