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6 Attorneys for Receiver

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8 SUPERIOR COURT OF ARIZONA
9 COUNTY OF MARICOPA

10 STATE OF ARIZONA, *ex rel.*
11 BARBARA RICHARDSON, Executive
Deputy Director of Insurance,

12 Plaintiff,

13 vs.

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

17 Defendants.
18

No. CV2016-011872

PETITION NO. 59

**PETITION TO APPROVE
RECEIVER'S ADJUDICATION OF
CLAIMS**

(Assigned to The Honorable
Dewain Fox)

19 Darren Ellingson, in his capacity as the Special Deputy Receiver of Compass
20 Cooperative Mutual Health Network, Inc. doing business as Meritus Mutual Health
21 Partners (“Meritus Mutual”) and Compass Cooperative Health Plan, Inc. dba Meritus
22 Health Partners (“MHP”) (collectively referred to as the “Meritus Companies”), appointed
23 pursuant to A.R.S. § 20-611, *et seq.*, hereby submits Petition No. 59, the Petition to
24 Approve Receiver’s Adjudication of Claims.

25 1. In an Order dated August 10, 2016, this Court placed Meritus Mutual and
26 MHP into receivership under orders of liquidation.

27 2. In an Order dated March 8, 2017, this Court issued its Order Re: Petition No.
28 7, Order Approving Liquidation Plan.

1 3. As set forth in the Declaration of Special Deputy Receiver Regarding
2 Receiver's Adjudication of Claims, the Receiver has implemented the Liquidation Plan
3 and completed its Adjudication of Claims, which claims it now submits to this Court for
4 review and approval.

5 a. Consistent with the Liquidation Plan as approved by this Court, a Proof of
6 Claim Form and related communications were sent to the known creditors of Meritus
7 Mutual.

8 b. Consistent with the Liquidation Plan as approved by this Court, a Proof of
9 Claim Form and related communications were sent to the known creditors of MHP.

10 c. Declarations Exhibit 1 and 2 identify those claims with respect to which the
11 Receiver accepted and approved the claims and/or those which were expressly agreed to
12 by the creditor and remain subject to Court approval.

13 d. As indicated in Declaration Exhibits 1 and 2, the Receiver is not aware of
14 any objections to the Receiver's Claim Adjudications. For the overwhelming majority of
15 the claims, the Receiver relied on the proof of claim in making the claim adjudication.
16 Questions or concerns about claim adjudication were addressed via follow-up
17 communications.¹

18 4. Accordingly, the Receiver requests entry of a Court Order in the form of the
19 attached proposed order that confirms that the Receiver's claim adjudication as to priority
20 level and amount for each and every claim shall be approved and entered by the Court
21 unless a creditor provides written notice of an objection to that amount and requests a
22 hearing.

23 a. Declaration Exhibits 3 and 4 include proposed language for providing notice
24 to each Claimant of the final adjudication of the claim, including the priority level and
25 amount, subject to the right of each claimant to file timely notice of objection and request
26 for hearing.

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28 _____
¹ While claims asserted by the United States Government were contested, those claims have been resolved by Court Orders and agreement. Accordingly, those claims are not included in this report.

1 b. Among other things, Declaration Exhibits 3 and 4 include notice to each
2 claimant that the Receiver's proposed claim adjudication will be final unless timely notice
3 of objection and request for a hearing is filed.

4 c. To the extent any objections and requests for hearing are timely filed, the
5 Receiver will contact the claimant and confer regarding the objection and hearing before
6 reporting to the Court regarding scheduling the hearing.

7 5. In order to protect the privacy of claimants' information, the final list of Claimant,
8 Claim Priority Level and Claim Amount shall be retained in the books and records of MHP
9 and Meritus Mutual but shall not be filed with the Court. If there is a timely objection and
10 a hearing is requested, then additional steps can be taken to present the information to the
11 Court for resolution of the dispute subject to a protective order.

12 6. Undeliverable Notices of Determination. For any Notice of Determination that was
13 undeliverable, the Receiver made reasonable efforts under the circumstances to locate the
14 correct address of the Claimant. Where no correct address could be located, the Receiver
15 seeks confirmation that the Receiver's Adjudication of Claim is deemed unopposed. The
16 Receiver will seek to confirm the correct contact information before any payments would
17 be made and if the Claimant cannot be located then the respective amounts would be
18 handled as unclaimed property under Arizona law subject to further order of this Court.

19 WHEREFORE, the Receiver requests that the Court enter an Order granting the
20 following relief:

21 1. Approving the Receiver's Claim Adjudication with respect to each and every
22 claim as identified generally in Declaration Exhibits 1 and 2, subject to the right of each
23 claimant to provide written notice to the Receiver of objections to such claim adjudication.

24 2. Order that, within thirty (30) days after the date of such order, the Receiver is
25 authorized and ordered to send to each claimant a completed Notice of Determination in
26 the form of Declaration Exhibits 3 and 4, providing notice of the Court's Order regarding
27 the Receiver's Claim Adjudication and the claimant's right to object within thirty (30)
28 days after the notice is sent.

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3. Ordering that, in the absence of a timely objection, each and every of the Receiver's Claim Adjudication is fully and finally determined and that the Receiver is authorized and order to rely on such Claim Adjudication for the future distribution of estate assets.

4. Granting such further relief as may be necessary or appropriate under the circumstances.

Dated this 21st day of December 2023.

FAEGRE DRINKER BIDDLE & REATH LLP

By: /s/ Joel Glover (#034018)
Joel A. Glover
Attorneys for Receiver

COPY of the foregoing mailed this 21st day of December, 2023 to the attached Master Service List

/s/ Michelle Cline
Michelle Cline

1 SUPERIOR COURT OF ARIZONA

2 COUNTY OF MARICOPA

3
4 No. CV2016-011872 (Assigned to The Honorable Dewain Fox)

5 **MASTER SERVICE LIST**

6 Executive Deputy Director Barbara Richardson, Receiver
7 The Arizona Department of Insurance
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Mesa, Arizona 85201

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10 STATE OF ARIZONA, *ex rel.*
11 BARBARA RICHARDSON, Executive
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13 vs.

14 COMPASS COOPERATIVE MUTUAL
HEALTH NETWORK, INC., dba MERITUS
15 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. 59

**DECLARATION OF SPECIAL
DEPUTY RECEIVER REGARDING
RECEIVER'S ADJUDICATION OF
CLAIMS**

(Assigned to The Honorable
Dewain Fox)

19 By signing below, I, Darren Ellingson, state to the Court under penalty of law, that
20 the information stated on these pages is true and correct to the best of my knowledge and
21 belief.

22 1. I am over eighteen years of age, and I have personal knowledge of the facts
23 herein. I acquired my personal knowledge in my capacity as Special Deputy Receiver of
24 Meritus Mutual Health Partners, in liquidation ("Meritus Mutual") and of Meritus Health
25 Partners, in liquidation ("MHP"). I have served as Special Deputy Receiver since the
26 commencement of the Meritus Mutual and MHP receiverships and, in that capacity, I am
27 familiar with and have personal knowledge of the books and records of Meritus Mutual
28 and MHP. In acquiring my personal knowledge, I relied upon work performed by one or

1 more persons that worked under my direction with respect to the Meritus Mutual and MHP
2 receiverships.

3 2. Attached as Declaration Exhibit 1 is the Receiver's Report regarding Claim
4 Adjudication Information with respect to Meritus Mutual. Attached as Declaration Exhibit
5 2 is the Receiver's Report regarding Claim Adjudication Information with respect to MHP.
6 Declaration Exhibits 1 and 2 are incorporated herein by reference. Based on my
7 knowledge and belief and the determinations I have made in my capacity as Special
8 Deputy Receiver, the Declaration Exhibits report on and present the Receiver's Claim
9 Adjudication Information based on the books and records of Meritus Mutual and MHP
10 calculated on a liquidation basis and subject to the accompanying Notes.

11 3. Regarding the Receiver's Claims Adjudication Information, the following
12 information is accurate to the best of my knowledge:

13 a. Consistent with the Liquidation Plan as approved by this Court, a Proof of
14 Claim Form and related communications were sent to the known creditors of Meritus
15 Mutual.

16 b. Consistent with the Liquidation Plan as approved by this Court, a Proof of
17 Claim Form and related communications were sent to the known creditors of MHP.

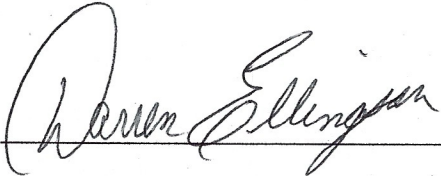
18 c. Declarations Exhibit 1 and 2 identify those claims with respect to which the
19 Receiver accepted and approved the claims and/or those which were expressly agreed to
20 by the creditor and remain subject to Court approval.

21 d. As indicated in Declaration Exhibits 1 and 2, the Receiver is not aware of
22 any objections to the Receiver's Claim Adjudications. For the overwhelming majority of
23 the claims, the Receiver relied on the proof of claim in making the claim adjudication.
24 Questions or concerns about claim adjudication were addressed via follow-up
25 communications.¹

26
27
28 ¹ While claims asserted by the United States Government were contested, those claims have been resolved by Court
Orders and agreement. Accordingly, those claims are not included in this report.

1 e. Declaration Exhibits 3 and 4 include proposed language for providing notice
2 to Claimants in the event the Court enters the proposed Order regarding the Receiver's
3 Claims Adjudication.

4
5 By signing below, I state to the Court, under penalty of law, that the information stated on
6 these pages is true and correct to the best of my knowledge and belief.

7
8
9  _____

Date: 12/20/2023

10
11 Darren Ellingson, Special Deputy Receiver

Declaration Exhibit 1
 Meritus Mutual Health Partners, in Liquidation
 Receiver's Report - Claim Adjudication Information

Claim Priority Level	Number of Claims	Amount of Claims	Adjudication Status
Class 1 Administrative	1	\$10,338	No objections to Receiver's Claim Adjudication.
Class 2 Guaranty Association	1	\$3,659,548.80	No objections to Receiver's Claim Adjudication.
Class 3 Provider – Out of Network	2	1,243	No objections to Receiver's Claim Adjudication
Class 4 US Government	*	ACA: \$755,917.53	*See Note 5. Class 4 Claims already adjudicated, determined and paid by offset.
Class 5 Employees	None	None	None
Class 6 State Taxes	1	\$11,848	No objections to Receiver's Claim Adjudication
Class 7 Providers – In Network	None	None	No objections to Receiver's Claim Adjudication
Class 8 General Creditors	1	\$14,808	No objections to Receiver's Claim Adjudication
Class 9 Untimely POCs	None	None	No objections to Receiver's Claim Adjudication
Class 10 Surplus Notes	*	\$93,826,261.25	*See Note 5. Class 9 Claims already adjudicated and determined.

Notes Re Meritus Mutual Receiver's Claims Adjudications:

1. Liquidation Plan. The Receiver's Claims Adjudications reported on herein were made subject to and in accordance with the Order re: Petition No. 7, Order Approving Liquidation Plan.
2. Receivership Act. References to the Receivership Act are to the version of the Receivership Act in force at the time of the commencement of the Receivership proceedings. Subsequent amendments and/or modifications of the Receivership Act are not applicable unless retroactivity is expressly declared therein. A.R.S. § 1-244.

3. Class 1 Claims – Administrative Expenses. Administrative expenses of the Receiver that continue to be incurred subject to and in accordance with the Receivership Act and orders of the Receivership Court are not included. Payments to consultants are subject to the reporting process as previously ordered by this Court, with compensation rates subject to Court approval.
4. Receivership Liquidation Fund. Pursuant to A.R.S. § 20-648, the Receiver previously made payments to the Receivership Liquidation Fund in accordance with the Receivership Court’s Order Regarding Petition No. 4, Regarding Receivership Liquidation Fund Per A.R.S. § 20-648. To the extent additional payments to the Receivership Liquidation Fund are anticipated, the Receiver reserves all rights to update and/or modify applicable financial reporting as necessary or appropriate under the circumstances.
5. Prior Determination – U.S. Claims. All claim amounts related to the United States, including but not limited to claims from the Center for Medicare and Medicaid Services (“CMS”) have been fully and finally determined based on Order re Petition No. 26 Granting Claim Determination and Setoff Related to Claims of the United States (the “Setoff Order”) and Order Approving Petition No. 50 – Unopposed Petition to Approve Settlement with United States Related to Claims Under the Affordable Care Act (the “Settlement Order”). Pursuant to the Setoff Order and Settlement Order, all Class 4 Claims 4 Claims have been fully and finally paid via offset. The remaining Surplus Note claims, Class 10 Claims attributable to Meritus Health Partners have not yet been paid and are not subject to offset. For completeness, this Exhibit reports on the numbers but the figures are not subject to further review and approval in light of the Setoff Order and Settlement Order already entered by this Court.
6. Federal Government Release Program. The United States Government offers a release program in which, upon request, the United States Government reviews potential claims against insurers in liquidation and, depending on the circumstances, may enter into a release with such insurers. Here, the release program is not necessary in light of the release already agreed to by the United States and approved in the Settlement Order which, among other things, provides as follows:

Upon entry of judgment and Meritus’ receipt of payment, the United States releases, waives, and abandons all claims, counterclaims, and offsets against Meritus arising out of, related to, or otherwise that were asserted, could have been asserted, or may be asserted in the future in the POCs (including but not limited to, any related claims for costs, expenses for costs, expenses, interest, and damages of any sort), with the exception that the United States shall retain its claims asserted in the POCs for the Surplus Notes accorded as Class 10 priority level claims under A.R.S. § 20-629 as provided for in the Receivership Claims Order. The United States further stipulates that it will not dispute or object to Meritus’ allocation of payment of the judgment between the Meritus entities (or their estates) in this case, Daniels v. United States, No. 19-1499C, or otherwise, so long as such allocation is approved by the Receivership Court.

7. Undeliverable Notices of Determination. For any Notice of Determination that was undeliverable, the Receiver made reasonable efforts under the circumstances to locate the correct address of the Claimant. Where no correct address could be located, the Receiver's Adjudication of Claim is deemed unopposed. The Receiver will seek to confirm the correct contact information before any payments would be made and if the Claimant cannot be located then the respective amounts would be handled as unclaimed property under Arizona law.

Declaration Exhibit 2
 Meritus Health Partners, in Liquidation
 Receiver's Report
 Claim Adjudication Information

Claim Priority Level	Number of Claims	Amount of Claims	Adjudication Status
Class 1 Administrative	None	None	None
Class 2 Guaranty Association	None	None	None
Class 3 Provider – Out of Network	431	\$5,084,613	No objections to Receiver's Claim Adjudication
Class 4 US Government	*	ACA: \$50,650,121	*See Note 5. Class 4 Claims already adjudicated, determined and paid by offset.
Class 5 Employees	None	None	None
Class 6 State or Local Government	1	\$730,505	No objections to Receiver's Claim Adjudication
Class 7 Providers – In Network	439	\$4,112,148	No objections to Receiver's Claim Adjudication
Class 8 General Creditors	15	\$52,099,268	See Note 8 re Class 8 Claims.
Class 9 Untimely POCs	None	None	None
Class 10 Surplus Notes	None	None	None

Notes Re Meritus Mutual Receiver's Claims Adjudications:

1. Liquidation Plan. The Receiver's Claims Adjudications reported on herein were made subject to and in accordance with the Order re: Petition No. 7, Order Approving Liquidation Plan.
2. Receivership Act. References to the Receivership Act are to the version of the Receivership Act in force at the time of the commencement of the Receivership proceedings. Subsequent amendments and/or modifications of the Receivership Act are not applicable unless retroactivity is expressly declared therein. A.R.S. § 1-244.

Receiver's Report – MHP Claims

Page 1

US.361054622.01

3. Class 1 Claims – Administrative Expenses. Administrative expenses of the Receiver that continue to be incurred subject to and in accordance with the Receivership Act and orders of the Receivership Court are not included. Payments to consultants are subject to the reporting process as previously ordered by this Court, with compensation rates subject to Court approval.
4. Receivership Liquidation Fund. Pursuant to A.R.S. § 20-648, the Receiver previously made payments to the Receivership Liquidation Fund in accordance with the Receivership Court’s Order Regarding Petition No. 4, Regarding Receivership Liquidation Fund Per A.R.S. § 20-648. To the extent additional payments to the Receivership Liquidation Fund are anticipated, the Receiver reserves all rights to update and/or modify applicable financial reporting as necessary or appropriate under the circumstances.
5. Prior Determination – U.S. Claims. All claim amounts related to the United States, including but not limited to claims from the Center for Medicare and Medicaid Services (“CMS”) have been fully and finally determined based on Order re Petition No. 26 Granting Claim Determination and Setoff Related to Claims of the United States (the “Setoff Order”) and Order Approving Petition No. 50 – Unopposed Petition to Approve Settlement with United States Related to Claims Under the Affordable Care Act (the “Settlement Order”). Pursuant to the Setoff Order and Settlement Order, all Class 4 Claims 4 Claims have been fully and finally paid via offset. The remaining Surplus Note claims, Class 10 Claims attributable to Meritus Health Partners have not yet been paid and are not subject to offset. For completeness, this Exhibit reports on the numbers but the figures are not subject to further review and approval in light of the Setoff Order and Settlement Order already entered by this Court.
6. Federal Government Release Program. The United States Government offers a release program in which, upon request, the United States Government reviews potential claims against insurers in liquidation and, depending on the circumstances, may enter into a release with such insurers. Here, the release program is not necessary in light of the release already agreed to by the United States and approved in the Settlement Order which, among other things, provides as follows:

Upon entry of judgment and Meritus’ receipt of payment, the United States releases, waives, and abandons all claims, counterclaims, and offsets against Meritus arising out of, related to, or otherwise that were asserted, could have been asserted, or may be asserted in the future in the POCs (including but not limited to, any related claims for costs, expenses for costs, expenses, interest, and damages of any sort), with the exception that the United States shall retain its claims asserted in the POCs for the Surplus Notes accorded as Class 10 priority level claims under A.R.S. § 20-629 as provided for in the Receivership Claims Order. The United States further stipulates that it will not dispute or object to Meritus’ allocation of payment of the judgment between the Meritus entities (or

their estates) in this case, Daniels v. United States, No. 19-1499C, or otherwise, so long as such allocation is approved by the Receivership Court.

7. Undeliverable Notices of Determination. For any Notice of Determination that was undeliverable, the Receiver made reasonable efforts under the circumstances to locate the correct address of the Claimant. Where no correct address could be located, the Receiver's Adjudication of Claim is deemed unopposed. The Receiver will seek to confirm the correct contact information before any payments would be made and if the Claimant cannot be located then the respective amounts would be handled as unclaimed property under Arizona law.
8. Meritus Health Partners Class 8 Claims. Of the 15 Class 8 Claims, \$51,652,071 is a claim owed to Meritus Mutual related to Surplus Note Claims. The total amount for the remaining 14 Class 8 claimants is \$447,197.

NOTICE OF DETERMINATION

Meritus Mutual Health Partners, in Liquidation (“Meritus Mutual”)

Case No. CV2016-011872 (“Receivership Court”)

Notice Date: <<insert date sent>>

Claim Adjudication Information	
Claimant	<<insert name>>
Mailing Address	<<insert mailing address>>
Claim Number	<<MM-<<Class>>-<<claim ID number>>
Adjudicated Claim Priority Level	<<insert class #>>
Adjudicated Claim Amount	<<insert amount>>
Objection Deadline	<<insert date for deadline >>

The Receiver of Meritus Mutual has adjudicated the above Claimant’s claim against Meritus Mutual subject to and in accordance with the Order Approving Liquidation Plan and Arizona Law. As part of the adjudication, unless otherwise noted, the Receiver relied on the claim amount as proposed by Claimant or otherwise agreed by Claimant in writing.

The Receiver sought approval from the Receivership Court that the above-referenced Claim against Meritus Mutual be fully and finally adjudicated and determined at the Adjudicated Claim Priority Level and for the Adjudicated Claim Amount as specified above.

Dated <<Order date>>, the Receivership Court entered an Order and approved the Receiver’s Claim Adjudication subject to the right of each Claimant to object timely and to request a hearing.

If you object to the Adjudicated Claim Priority Level or the Adjudicated Claim Amount you MUST provide written notice of such objection on or before the Objection Deadline. Any objection MUST BE RECEIVED by the Objection Deadline or it will be forever barred. Late filed Objections will not be considered. Include all Claim Adjudication Information in any Objection.

No Objection: If no objection is received by the Objection Deadline, pursuant to Receivership Court Order, the Receiver’s Claim Adjudication will be fully and finally approved. The priority level and amount will be relied upon by the Receiver for distributions of estate assets.

Objection: If you object to the Claim Adjudication Information, you MUST include the basis the opposition in the objection. The Receiver will notify the Receivership Court that the adjudication is opposed and the basis as provided. Further information will be provided regarding the opportunity for a hearing regarding the disputed claim.

Receiver Contact Information:

<<insert mailing address and email address for Receiver>>

[Declaration Exhibit 3]

NOTICE OF DETERMINATION

Meritus Health Partners, in Liquidation (“Meritus Health Partners”)

Case No. CV2016-011872 (“Receivership Court”)

Notice Date: <<insert date sent>>

Claim Adjudication Information	
Claimant	<<insert name>>
Mailing Address	<<insert mailing address>>
Claim Number	<<MHP-<<Class>>-<<claim ID number>>
Adjudicated Claim Priority Level	<<insert class #>>
Adjudicated Claim Amount	<<insert amount>>
Objection Deadline	<<insert date for deadline>>

The Receiver of Meritus Health Partners has adjudicated the above Claimant’s claim against Meritus Health Partners subject to and in accordance with the Order Approving Liquidation Plan and Arizona Law. As part of the adjudication, unless otherwise noted, the Receiver relied on the claim amount as proposed by Claimant or otherwise agreed by Claimant in writing.

The Receiver sought approval from the Receivership Court that the above-referenced Claim against Meritus Health Partners be fully and finally adjudicated and determined at the Adjudicated Claim Priority Level and for the Adjudicated Claim Amount as specified above.

Dated <<Order date>>, the Receivership Court entered an Order and approved the Receiver’s Claim Adjudication subject to the right of each Claimant to object timely and to request a hearing.

If you object to the Adjudicated Claim Priority Level or the Adjudicated Claim Amount you MUST provide written notice of such objection on or before the Objection Deadline. Any objection MUST BE RECEIVED by the Objection Deadline or it will be forever barred. Late filed Objections will not be considered. Include all Claim Adjudication Information in any Objection.

No Objection: If no objection is received by the Objection Deadline, pursuant to Receivership Court Order, the Receiver’s Claim Adjudication will be fully and finally approved. The priority level and amount will be relied upon by the Receiver for distributions of estate assets.

Objection: If you object to the Claim Adjudication Information, you MUST include the basis the opposition in the objection. The Receiver will notify the Receivership Court that the adjudication is opposed and the basis as provided. Further information will be provided regarding the opportunity for a hearing regarding the disputed claim.

Receiver Contact Information:

<<insert mailing address and email address for Receiver>>