

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

FOR THE FIFTH JUDICIAL CIRCUIT

Michael Wise, as Director of the South
Carolina Department of Insurance,

C.A. No. 2017-CP-40-05195

Petitioner,

**ORDER APPROVING
NINTH CLAIMS REPORT
& RECOMMENDATION
OF LIQUIDATOR**

vs.

Oceanus Insurance Company, a Risk
Retention Group,

Respondent.

1. This matter comes before the Court pursuant to the Liquidator's Ninth Claims Report, Recommendation & Application for Order Approving Same ("the Application") filed in accordance with S.C. Code Ann. § 38-27-620 (2015). Attached as Exhibit A to the Application is a schedule containing the names and addresses of claimants holding a class 2 claim as defined by S.C. Code Ann. § 38-27-610(2) (2015), and recommended amounts to be paid on each claim. Also attached as Exhibit B to the Application is a schedule containing the names and addresses of claimants holding a class 2 claim as defined by S.C. Code Ann. § 38-27-610(2) (2015), and the revised valuation of the claim. Also attached to the Application as Exhibit C is a detailed Affidavit of the duly-appointed Special Deputy Liquidator filed in support of the Application. It appearing that the Recommendation is in the interests of these claimants and other creditors in this matter, the Application is hereby approved.

2. **IT IS THEREFORE ORDERED** that pursuant to S.C. Code Ann. §§ 38-27-10 et seq., the Ninth Claims Report & Recommendation is APPROVED.

IT IS FURTHER ORDERED that if any additional factors hereafter come to the attention of the Liquidator or his Special Deputy that may require modification, the Liquidator shall promptly file an application to modify these claims or the Recommendation thereon.

AND IT IS SO ORDERED.

_____, 2025
Columbia, South Carolina

Daniel Coble
Chief Administrative Judge
Fifth Judicial Circuit



Richland Common Pleas

Case Caption: Raymond G Farmer , plaintiff, et al vs Oceanus Insurance Company

Case Number: 2017CP4005195

Type: Order/Other

So Ordered

s/ Daniel Coble, 2774

**STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND**

Michael Wise, as Director of the South
Carolina Department of Insurance,

Petitioner,

vs.

Oceanus Insurance Company, a Risk
Retention Group,

Respondent.

**IN THE COURT OF COMMON PLEAS
FOR THE FIFTH JUDICIAL CIRCUIT**

C.A. No. 2017-CP-40-05195

**LIQUIDATOR'S NINTH CLAIMS
REPORT, RECOMMENDATION
& APPLICATION FOR ORDER
APPROVING SAME**

Comes now Petitioner Michael Wise, as Liquidator of the above-captioned insurance company (Oceanus), by and through the undersigned counsel and files herewith his Ninth Claims Report, applies to the Court for an Order approving the Liquidator's undisputed claim determinations specified herein and recommends approval thereof.

This application is made pursuant to the South Carolina Insurers Rehabilitation and Liquidation Act, S.C. Code Ann. §§ 38-27-10 *et seq.*, specifically, S.C. Code Ann. § 38-27-620(a) (2015), wherein the Liquidator is required to review all claims duly filed in the liquidation proceedings, make such further investigation as he deems necessary, and submit a claims report to the Court containing his claim recommendations.

In support of his report, recommendation and application, the Liquidator would respectfully show the following:

1. On September 21, 2017, the Court entered an Order Commencing Liquidation Proceedings & Granting an Injunction & Automatic Stay of Proceedings regarding Oceanus.
2. Between the Liquidation Date of September 21, 2017, and March 20, 2018, the Claims Bar Date, the Liquidator issued seven thousand one hundred and sixty-two (7,162) Notices

of Liquidation and Proof of Claim (POC) forms, with instructions to policyholders, third-party claimants and other potential claimants and/or creditors of Oceanus.

3. For five (5) consecutive days commencing October 27, 2017, notice of the liquidation was published in the New York Times, a newspaper of nationwide circulation, informing interested parties of the liquidation proceedings and including contact information and instructions for the timely filing of a POC.

4. For two (2) consecutive days commencing October 22, 2017, notice of the liquidation was published in the Miami Herald, a newspaper of countywide circulation in Miami-Dade, Broward, and Monroe Counties, informing interested parties of the liquidation proceedings and including contact information and instructions for the timely filing of a claim.

5. On or before the Bar Date of March 20, 2018, the Liquidator received one thousand four hundred and nineteen (1,419) timely-filed POCs. The Liquidator also received fifty-three (53) late-filed claims, fifteen (15) of which have now been deemed timely filed, with the remaining thirty-eight (38) pending review.

6. Nine hundred and ninety-one (991) claims have previously been adjudicated and submitted to the Court for approval, with such approval granted by orders entered June 26, 2019, February 21, 2020, October 29, 2020, May 24, 2022, September 13, 2023, April 10, 2024, August 7, 2024, and January 22, 2025.

7. Forty-five (45) additional POC's have now been completely adjudicated. All remaining POCs received are presently under evaluation.

8. Attached as Exhibit A and incorporated herein is a Schedule listing the names and addresses of forty-five (45) claimants holding a class 2 claim as defined by S.C. Code Ann. § 38-27-610(2) (2015), the POC number assigned by the Liquidator, the original claim amount, and the

valuation of the claim proposed by the Liquidator and as agreed to by the claimant.

9. Attached as Exhibit B is the Liquidator's revised recommendation for five (5) claims previously submitted in the Fourth, Fifth, Sixth and Eighth Claim Reports and approved by the Court on May 24, 2022, September 13, 2023, April 10, 2024, and January 22, 2025. This Exhibit B incorporates the listing of names and addresses of five (5) claimants holding a class 2 claim as defined by S.C. Code Ann. § 38-27-610(2) (2015), the POC number assigned by the Liquidator, the original class code, the Liquidator's revised class code, if applicable, the original Court allowed amount, the original Claims Report, payments received by the claimant, if any, and the revised valuation of the claim proposed by the Liquidator.

10. In further support of this report, recommendation and application, the Liquidator has attached as Exhibit C, the affidavit of Michael J. FitzGibbons, Special Deputy Liquidator.

WHEREFORE, the Liquidator prays the Court issue an Order approving this Ninth Claims Report and Recommendation, as well as such other relief as the Court deems just and proper.

Respectfully submitted,

HAYNSWORTH SINKLER BOYD, P.A.

s/John C. Bruton, Jr.

John C. Bruton, Jr., Esq. (SC Bar No. 975)

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Attorneys for Special Deputy Liquidator

May 15, 2025

Oceanus Insurance Company, a RRG in Liquidation
Ninth Claims Report
Exhibit A

POC	Claimant	Contact	Contact II	Address	City	State	Zip	Class Code	Claim Amount	LIQUIDATOR'S RECOMMENDED AMOUNT
1001456	H.R.	Eric R. Byrd		601 West Main Ave Suite 700	Spokane	WA	99201	2	20,000.00	0.00
1001407	J.B., MD	Kathleen Sweet	Gibson McAskill & Crosby	69 Delaware Ave Suite 900	Buffalo	NY	14202	2	unstated	0.00
1001313	S.Z	Lynn Bochenek, Esq	Lipsitz Green Scime Cambria LLP	42 Delaware Ave, Suite 120	Buffalo	NY	14202	2	10,000,000.00	600,000.00
1001298	S.	James V. Hatem	Nixon Peabody, LLP	900 Elm Street, Suite 1400	Manchester	NH	3101	2	unstated	0.00
1001254	N.H.	John McChristian, Esq	Ray McChristian & Jeans	101 Summet Ave Suite 705	Ft. Worth	TX	76102	2	175,000.00	0.00
1001246	B.L.R.	John McChristian, Esq	Ray McChristian & Jeans	101 Summit Ave, Suite 705	Ft. Worth	TX	76102	2	unstated	0.00
1001203	M.A.P.	Brian Sutter, Esq	Sugarman Law Firm	1600 Rand Bldg, 14 Lafayette Sq	Buffalo	NY	14203	2	2,000,000.00	0.00
1001147	A.S. as Executriz of R.S.	Anna Schwartz	VOUTÉ, LOHRFINK, McANDREW, MEISNER & ROBERTS, LLP	170 Hamilton Ave	White Plains	NY	10601	2	unstated	0.00
1001036	J.L.	Kathleen Sweet	Gibson, McAskill & Crosby	69 Delaware Ave Suite 900	Buffalo	NY	14202	2	unstated	0.00
1001034	R.M.C.	Nicholas Allis	Law Office of Nicholas R Allis	1805 Micheal Lane	Pacific Palisades	CA	90272	2	250,000.00	217,008.11
1001022	M.B.	Sean Maraynes	DOPF, P.C.	112 West 34th Street, Suite 1555	New York	NY	10120	2	1,300,000.00	0.00
1001019	U.V.C.	Sean Maraynes	DOPF, P.C.	112 West 34th Street, Suite 1555	New York	NY	10120	2	1,000,000.00	0.00
1001018	Q.M. of NY	Sean Maraynes	DOPF, P.C.	112 West 34th Street, Suite 1555	New York	NY	10120	2	1,000,000.00	0.00
1001009	J.D.R.	Michael Flomenhaft, Esq	The Flomenhaft Law Firm PLLC	90 Broad St Suite 1901	New York	NY	10004	2	20,000,000.00	20,000.00
1001002	K.R.W.	Kelly R. Will	11970 N. Central Expy	Suite 510	Dallas	TX	75243	2	1,648,005.00	0.00
1000999	A.P.	Phillip Rakhunov, Esq.	Pollack Solomon Duffy LLP	31 St. James Ave Suite 940	Boston	MA	2116	2	1,326,376.07	0.00
1000822	H.F.M.G.	Andrew S Regenbaum, Esq	Feldman Kleidman Coffey Sappe & Regenbaum	995 Main St, PO Box A	Fishkill	NY	12524	2	125,000.00	0.00
1000813	E.C.	John McChristian, Esq	Ray McChristian & Jeans	101 Summit Ave, Suite 705	Fort Worth	TX	76102	2	unstated	0.00
1000740	L.L.	William T. Burdo	Levine & Grossman	114 Old Country Road, #460	Mineola	NY	11501	2	1,000,000.00	0.00
1000723	M.S., MD	Steven T. Russell		982 Montauk Highway	Bayport	NY	11705	2	unstated	2,959.00
1000705	Estate of G.A.U./ T.U. & E.R. PRs	J. Clancey Bounds, ESQ	Bounds Law Group	1751 N Park Ave	Maitland	FL	32751	2	250,000.00	0.00
1000692	H.M.	Mary Reilly	Lawrence, Worden, Rainis & Bard, P.C.	175 Pinelawn Rd Ste 308	Melville	NY	11747	2	unstated	0.00
1000672	C.A. as Admin of the Estate of R.A.	Ingrid H. Heide	Trolman, Glaser & Lichtman, P.C	747 3rd Ave, 23rd Floor	New York	NY	10017	2	unstated	0.00
1000576	D.B., MD	Dana Brenner MD		9 Emma's Way	Port Jefferson Station	NY	11776	2	unstated	0.00
1000515	B.B.	Bassam Batarse	22259 Roberts Drive		Northville	MI	48167	2	unstated	35,407.98
1000494	P.H., MD	Andrew Kaplan	Aaronson Rappaport Feinstein & Deutsch LLP	600 3rd Ave	New York	NY	10016	2	unstated	26,001.36
1000446	D.T.	Rodney Stilwell	Tracy & Stilwell, P.C	94 Lincoln Ave	Staten Island	NY	10306	2	unstated	0.00
1000409	V.R.	Phillip Rakhunov, Esq.	Pollack Solomon Duffy LLP	31 St. James Ave Suite 940	Boston	MA	2110	2	unstated	0.00
1000315	L.G.	Mary Ellen Duffy	Duffy & Duffy, PLLC	1370 RXR Plaza	Uniondale	NY	11556	2	unstated	0.00
1000311	E.M, MD	Andrew Regenbaum, Esq	Feldman, Kleidman, Coffey, Sappe & Regenbaum LLP	POBox A, 995 Main St.	Fishkill	NY	12524	2	unstated	0.00
1000297	J.B.	John McChristian, Esq	Ray McChristian & Jeans	101 Summit Ave, #705	Fort Worth	TX	76102	2	unstated	0.00
1000296	J.S.	Mark Connely Esq	Hall, Hieatt & Connely, LLP	444 Higuera Street Third Floor	San Luis Obispo	CA	93401	2	25,000.00	0.00
1000292	W.L.			786 Montauk Highway	West Islip	NY	11795	2	1,000,000.00	0.00
1000270	M.L.	Robert Avallone, Esq	Lewis Johns Avallone Aviles, LLP	One CA Plaza, Ste. 225	Islandia	NY	11749	2	unstated	0.00
1000134	L.V. Admstrator of Estate of M.V.	Eleni Coffinas, Esq	Sullivan, Papain, Block, McManus, Coffinas and Cannavo	120 Broadway, 27th Floor	New York	NY	11218	2	5,000,000.00	250,000.00
1000075	D.G. as Administratrix of L. Estate	Steve Hamilton Esq.	Hamilton Law Firm	606 Ontario St.	Storm Lake	IA	50588	2	350,000.00	20,000.00
1000484	R.L.	Ilisa Hoffman	Hoffman Fabano, P.A	P.O.Box 188	Coral Gables	FL	33146	2	Unstated	33,591.50
1001202	S.V., PA			148 Hammocks Dr.	Orchard Park	NY	14203	2	2,000,000.00	0.00
1001289	L.H.I. . d/b/a L.H.C.	Wendy A. Kinsella, Esq.	Harris Beach PLLC	333 W. Washington St., Ste. 200	Syracuse	NY	13202	2	2,000,000.00	0.00
1001290	G.V.G. d/b/a L.H.M.G.	Wendy A. Kinsella, Esq.	Harris Beach PLLC	333 W. Washington St., Ste. 200	Syracuse	NY	13202	2	2,000,000.00	0.00
1001291	E.H.P.I. d/b/a L.H.M.G.	Wendy A. Kinsella, Esq.	Harris Beach PLLC	333 W. Washington St., Ste. 200	Syracuse	NY	13202	2	2,000,000.00	0.00
1001075	J. & G. LLP Trust Acct fbo T.R.	Charles M. Johnstone	Johnstone & Gabhart LLP	P.O. Box 313	Charleston	WV	25321	2	1,000,000.00	250,000.00
1001444	M.L., PLLC f/b/o M.V.	Randall J. Phillips	Maginnis Howard	6842 Carnegie Blvd., Ste. 100	Charlotte	NC	28211	2	2,000,000.00	150,000.00
1001443	M.L., PLLC f/b/o C.T.	Randall J. Phillips	Maginnis Howard	6842 Carnegie Blvd., Ste. 100	Charlotte	NC	28211	2	750,000.00	125,000.00
1000645	A.C.	Brian M. Worstell	Phillips Branch & Hodges	P.O. Box 2808	Columbus	GA	31902	2	5,000,000.00	425,000.00
Total									63,219,381.07	2,154,967.95

Oceanus Insurance Company, a RRG in Liquidation
Ninth Claims Report
Exhibit B

POC	Claimant	Contact	Contact II	Address	City	State	Zip	Original Class Code	Liquidator's Revised Class Code	Court Allowed Amount	Court Order	Payments Received from Others	Liquidator's Revised Recommended Amount
1001453	F.L.S., MD	Joseph Pareres	Silverson, Pareres & Lombardi LLP	170 Hamilton Avenue, Suite 310	White Plains	NY	10601	8	2	N/A	4	0.00	0.00
1001223	I.O.	Mary Beth Reilly	Lawrence, Worden, Rainis & Bard, P.C.	175 Pinelawn Rd Ste 308	Melville	NY	11747	2	N/A	19,880.11	8	0.00	19,886.11
1001069	A.C./ T.C.	Daniel J Tuczinski Esq	O'Connell & Aronowitz	54 State Street	Albany	NY	12207	2	N/A	50,000.00	6	22,000.00	28,000.00
1001031	D.L.	Stephen S. La Rocca	c/o Harris, Keenan & Goldfarb	233 Broadway Suite 900	New York	NY	10279	2	N/A	50,000.00	5	300,000.00	0.00
1000461	A.	Kevin McCarrell		2 W. Washington St. Suite 1100	Greenville	SC	29601	2	N/A	-	5	0.00	975,000.00
Total										119,880.11		322,000.00	1,022,886.11

Exhibit C**STATE OF SOUTH CAROLINA****COUNTY OF RICHLAND**Michael Wise, as Director of the South
Carolina Department of Insurance,

Petitioner,

vs.

Oceanus Insurance Company, a Risk
Retention Group,

Respondent.

IN THE COURT OF COMMON PLEAS**FOR THE FIFTH JUDICIAL CIRCUIT**

C.A. No. 2017-CP-40-05195

**AFFIDAVIT OF MICHAEL J.
FITZGIBBONS
IN SUPPORT OF LIQUIDATOR'S
NINTH CLAIMS REPORT,
RECOMMENDATION &
APPLICATION FOR ORDER
APPROVING SAME**

Michael J. FitzGibbons, being first duly sworn, deposes and says as follows:

1. I am the Special Deputy Liquidator of Oceanus Insurance Company, a Risk Retention Group ("Oceanus"). I was appointed to my position by the Liquidator, Raymond G. Farmer, Director of the South Carolina Department of Insurance, which designation was approved by the Court on September 21, 2017.

2. I am over 21 years of age and suffer no legal disability.

3. By virtue of my appointment as Special Deputy Liquidator, I have been actively and personally involved in the liquidation of Oceanus at all times since it was placed into liquidation, including the matters addressed in this Affidavit. My responsibilities as the Special Deputy Liquidator include supervision and oversight of and direct involvement in the liquidation process. I am familiar with the claims process and with the claims that have been filed. Therefore, I have personal knowledge of the matters addressed in this Affidavit.

4. The claims process has included the following components, each and every one of which has been followed:

a. Notice of Oceanus' liquidation was given in accordance with S.C. Code Ann. § 38-

27-410(a) (2015).

- b. In accordance with S.C. Code Ann. § 38-27-410(b) (2015), the notice specified that the last date to file a timely proof of claim with the Liquidator was March 20, 2018. Proofs of claim had to be postmarked no later than 5:00 P.M. Eastern Daylight Time on that date to be considered timely.
- c. The Liquidator's Proof of Claim (POC) forms are in compliance with S.C. Code Ann. § 38-27-550(a) (2015) and provided notice of the liquidation of Oceanus in accordance with S.C. Code Ann. § 38-27-410(b) (2015).
- d. As the duly-appointed Special Deputy Liquidator, I have considered each of the forty-five (45) POCs subject to this Claims Report, in accordance with the requirements of the South Carolina Insurers Rehabilitation and Liquidation Act, S.C. Code Ann. §§ 38-27-10 *et seq.*
- e. I am administering the claims process. I initially retained as Oceanus employees Tim Morris and Jennifer Arias to assist me in the adjudication of claims under policies for losses incurred. Mr. Morris and Ms. Arias are no longer employees of Oceanus. In their stead, I have engaged Glynloen Consulting and Arp Insurance Law with the responsibility to make recommendations to the Liquidator as to the validity, valuation and priority of each POC. The Liquidator and/or his duly-appointed Special Deputy then independently approves or denies these recommendations, in whole or in part, and submits the same to this Court for approval.
- f. Each POC subject to this Claims Report contains the necessary claim file documentation for the Liquidator's recommendation thereon.

g. To the extent this Claims Report includes claims that were denied in whole or in part, notice of such denial complying with S.C. Code Ann. § 38-27-580(a) (2015) was provided to the affected claimants and either no timely objection was made by the affected claimants, the objection was resolved by mutual agreement, or decided pursuant to the Order Approving Procedures Governing Referee's Participation in Claims Administration.

5. I am submitting this Affidavit in support of the Liquidator's Ninth Claims Report, Recommendation & Application for Order Approving Same ("Report, Recommendation and Application"), which pertains to forty-five (45) Class 2 claims as prescribed by S.C. Code Ann. §§ 38-27-610 & -620 (2015).

6. Between the entry of the Liquidation Order on September 21, 2017, and March 20, 2018, I caused to be issued seven thousand one hundred and sixty-two (7,162) Notices of Liquidation and Proof of Claim (POC) forms, with instructions to policyholders, third-party claimants, and/or other potential claimants and creditors of Oceanus.

7. For five (5) consecutive days commencing October 27, 2017, I caused to be published Notice of the liquidation in the New York Times, a newspaper of nationwide circulation, informing interested parties of the liquidation proceedings and including contact information and instructions for the timely filing of a claim.

8. For two (2) consecutive days commencing October 22, 2017, I caused to be published Notice of the liquidation in the Miami Herald, a newspaper of countywide circulation in Miami-Dade, Broward and Monroe Counties, informing interested parties of the liquidation proceedings and including contact information and instructions for the timely filing of a claim.

9. On or before the Bar Date of March 20, 2018, I received one thousand four hundred

and nineteen (1,419) timely filed POCs, and I received fifty-three (53) late-filed claims. Fifteen (15) of the fifty-three (53) late-filed claims have been deemed timely filed, with thirty-eight (38) pending further review.

1. Nine hundred and ninety-one (991) claims have previously been adjudicated and submitted to this Court for approval, with such approval granted by orders entered June 26, 2019, February 21, 2020, October 29, 2020, May 24, 2022, September 13, 2023, April 10, 2024, August 7, 2024, and January 22, 2025.

10. Forty-five (45) additional claims have now been adjudicated and are the subject of this application. All remaining unadjudicated POCs are under evaluation.

11. Attached to the Report, Recommendation and Application and incorporated by reference as Exhibit A is a listing of the names and addresses of forty-five (45) claimants with Class 2 claims as defined in S.C. Code Ann. § 38-27-610(2) (2015), the POC number assigned, the original claim amount, and the Liquidator's valuation and recommendation pursuant to S.C. Code Ann. § 38-27-620 (2015).

2. Also attached to this Application and incorporated by reference is Exhibit B, which is a Schedule listing the names and addresses of five (5) claimants holding a class 2 claim as defined by S.C. Code Ann. § 38-27-610(2) (2015), the POC number assigned by the Liquidator, the original class code, the Liquidator's revised class code, if applicable, the original Court allowed amount, the original Claims Report, payments received by the claimant, if any, and the revised valuation of the claim proposed by the Liquidator.

12. To the best of my knowledge and belief, the claims and recommendations thereon subject to this Report and Application are not subject to modification. If any additional factors hereafter come to my attention which may require any modification, such as third-party payments

or releases of any such claims, I will immediately notify the Liquidator, and he and/or I will promptly bring those matters to the attention of this Court in an amendment to modify such claims and recommendation.

FURTHER AFFIANT SAYETH NOT.



Michael J. FitzGibbons
Special Deputy Liquidator

SWORN to before me this 15th day of May, 2025

Sarah E. Alexander
Notary Public for the State of Arizona
My commission expires 09/15/2026

