

Frequently Asked Questions About Oceanus Insurance RRG in Liquidation

The Court of Common Pleas for Richland County, South Carolina (Court) declared Oceanus Insurance Company a Risk Retention Group, (“Oceanus”) insolvent and has ordered the company into liquidation effective September 21, 2017. This document will help to answer frequently asked questions about making claims and the liquidation proceeding.

1. What is a liquidation proceeding?

- A.** Liquidation is a type of receivership and is similar to bankruptcy. When a South Carolina insurance company such as Oceanus is ordered into liquidation, the South Carolina Insurance Code authorizes the Director of the South Carolina Department of Insurance, in his or her capacity as Liquidator, to liquidate the insurance company.

The Liquidation Order directs the Liquidator, to (i) take possession of and safeguard the property of the insurer, (ii) conduct the insurer’s business, and (iii) take such steps needed to liquidate (wind-up the affairs of) the business of the insurer under the supervision of the Court and as the Court may direct.

2. Who is in charge of Oceanus during Liquidation?

- A.** The Liquidator is in charge of Oceanus during Liquidation. On September 21, 2017, the Court entered the Liquidation Order (Order), which appointed the Director of Insurance as Liquidator of Oceanus. The Order also appointed Michael J. FitzGibbons as the Special Deputy Liquidator (“SDL”) to carry out the responsibilities of the Liquidator with respect to the liquidation of Oceanus. Only persons engaged by the Liquidator or the SDL to assist in liquidating Oceanus will have authority to act on behalf of Oceanus.

3. Why was Oceanus placed into Liquidation?

- A.** The Company’s June 30, 2017 financial statement indicated that Oceanus was insolvent.

4. What happened to my coverage under my Oceanus insurance policy?

- A.** All policies in effect at the time of the issuance of the Liquidation Order were terminated no later than 30 days from the date of the Liquidation, October 21, 2017.

5. What do I do if I have Loss Run requests or Credentialing requests?

- B.** All Loss Run requests and Credentialing requests must be submitted to credentialing@oceanusinsurance.com

6. Is there Guaranty Association Coverage to Pay Claims?

- B.** No. Oceanus is a Risk Retention Group, and therefore there is no guaranty association coverage.

7. Which claims have priority?

- A.** South Carolina Code of Laws Section 38-27-610 dictates the priority of Distribution by Class. Please refer to the “Priority of Distribution – Class Codes” available on the website under “Important Links” for more information.

The Liquidator expects all assets to be exhausted following distributions to Class 2 claimants, claims under policies.

8. Will my Class 2 claim be paid in full by the Liquidator?

- A.** No. It is too early to determine what pro rata amount of policyholder claims will be paid, however it will be less than 100%

9. Will I be issued a refund for my premium?

- A.** No. Unearned premium claims are a subordinate claim and since Class 2 claimants will not receive 100%, claims subordinate will receive nothing. .

10. If my claim is not a policyholder claim will my claim be paid?

- A.** No. We do not expect, at this time, to have sufficient assets to pay policyholder level claims in full and therefore no subordinate claims will be paid.

11. Am I required to file a Proof of Claim with the Liquidator?

- A.** Yes. If you have a claim against Oceanus and wish to pursue that claim, you must have filed a Proof of Claim (POC) by March 20, 2018 for your claim to be considered timely.

You can file claims after March 20, 2018, but those claims will likely be considered late filed, a claim subordinate to Class 2 claims

12. How do I file a claim against Oceanus?

- A.** You must submit a Proof of Claim at the address noted on the Proof of Claim form. The Proof of Claim form is accompanied with a set of instructions. All Proofs of Claim must be signed and notarized, and the original signatures of the claimant and notary must be submitted to the address in the Proof of Claim Instructions. Proofs of Claim *cannot* be submitted electronically or by facsimile. Documents that support your claim must be attached to the Proof of Claim. Please answer all applicable questions.

(Answer cont'd)

Missing information will slow the processing of your claim.

Also be advised that you must submit a separate Proof of Claim for each claim that you have against Oceanus. For instance, if you are a policyholder and have both a claim for a return of premium and a claim arising out of an alleged third-party claim under a policy, please submit a separate Proof of Claim for each of those claims.

Provide as much detail as needed to support your claim.

All POC filers are requested to keep the Liquidator advised of address changes.

13. Where do I mail my POC?

Oceanus Insurance A Risk Retention Group, in Liquidation
Administration Office
8701 E. Vista Bonita Dr., Ste. 200
Scottsdale, AZ 85255

14. What happens to my claim against Oceanus?

A. The proof of claim process provides for a streamlined and consistent adjudication methodology. The Liquidation Order included an automatic stay of any pending litigation against Oceanus and certain other affected parties. This stay was necessary to promote an orderly POC process, so all creditors are treated fairly and evenly in accordance with the Orders of the Court. Unfortunately, most stays have now been lifted.

The Liquidator continues to adjudicate and value claims of both insureds and third party claimants. Once this process is complete, the Liquidator will then be in a position to make final pro-rata distributions to policyholder claimants.

On April 28, 2024, following approval by the Liquidation Court, the Liquidator made his initial distribution to Class 2 claimants of 20%. See # 24 below.

15. What happens if I have, or want to bring, a lawsuit against Oceanus?

A. No action at law or equity may be brought against Oceanus, its policy holders or the Liquidator, whether in South Carolina or elsewhere, nor shall any such existing actions be maintained or prosecuted after issuance of the Liquidation Order.

16. What happened to my service contract with Oceanus?

A. The Liquidation Order enjoins any vendor or other party under any contract from proceeding to act for or on behalf of Oceanus or from binding Oceanus without express written authorization from the Liquidator, the SDL or the Court. You might be authorized to continue providing services under your contract if the Liquidator or the SDL

determines that it is in Oceanus's best interest. Without the express written authorization of the Liquidator or SDL, no vendor or other contracting party may take any action concerning Oceanus's assets, business or affairs.

17. May I file a contingent claim?

A. Yes. Under South Carolina law a person may file a claim even if it is a "contingent claim." A "contingent claim" is one where the liability of the company is not yet determined or is dependent on the outcome of an event. If you file a contingent claim, complete the Proof of Claim, and indicate in the space for Amount of Claim "undetermined." When further information becomes available, it is your responsibility to immediately inform the Liquidator of the particulars and supplement your Proof of Claim.

18. Whom can I contact if I have a question regarding Oceanus and/or the Liquidation Proceeding?

A. For a prompt response please email Claimant Services at ClaimantServices@oceanusinsurance.com or call at **480-948-4351**

The Administration Office address:

Oceanus Insurance Company, a RRG in Liquidation

**8701 E. Vista Bonita Dr., Ste. 200
Scottsdale, AZ 85255
Phone Number: 480-948-4351**

19. Will I receive payment for my stock?

A. No. Claims of shareholders or other owners is subordinate to policyholder level claims. There is no expectation the Liquidator will make any distributions to creditors subordinate to Class 2 policyholders

20. I no longer have Defense Counsel to represent me, what should I do?

A. As part of our notice to all policyholders on September 2017, the Liquidator advised that Oceanus would no longer defend or pay for the defense of Oceanus' Insureds and insureds make needed arrangements to employ independent counsel to defend themselves. Any legal fees incurred by Oceanus' insureds can be included in your filed Proof of Claim, as a supplement. Supplements can be mailed to Oceanus Insurance Company, a RRG in Liquidation, Administration Office, 8701 E. Vista Bonita Dr., Ste. 200 Scottsdale, AZ 85255.

21. I did not file a Proof of Claim, can I still do so now?

A. Yes, but it may be considered a late filed claim.

22. My Proof of Claim has been approved by the Liquidation Court. When can I expect payment?

A. On April 10, 2024, the Liquidation Court approved an initial 20% distribution to all Class 2 claimants with Court allowed claims. The Court further ordered that any subsequent Class 2 claims approved by the Court are entitled to a 20% distribution also. If you have not received your distribution check after completing and sending an MMSEA Form 1 to the administration office, please contact the Administration Office at (480) 948-4351.

23. What is an MMSEA Form 1?

A. Under Section 111 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (MMSEA), insurers are required to report certain information to the Centers for Medicare and Medicaid Services (CMS) when they are settling a claim. The purpose of these reporting requirements, among other things, is to determine if a claimant in a litigation matter is a Medicare beneficiary. And, if so, under certain circumstances, Medicare may consider itself a “Secondary Payer” if it has made payments for medical bills.

Thus, in this case Oceanus must determine if a claimant is a Medicare beneficiary utilizing the MMSEA Form 1 for each claimant. Each claimant that has a Court approved claim is required to fill out the MMSEA Form 1 that the administration office sends to them, and fax or mail it to the administration office.

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8701 E. Vista Bonita Dr., Ste. 200
Scottsdale, AZ 85255**

**Office: (480) 948-4351
Fax: (480) 454-1694**

Please be advised, if you are a Medicare beneficiary, any distributions made by Oceanus may be subject to recovery by Medicare for amounts the Medicare program paid for medical expenses related to this claim. You are solely responsible for verification and reimbursement of any payments made by Medicare, and/or any Medicare Advantage Plan(s) related to any distributions.