

STATE OF WYOMING)
) ss.
COUNTY OF LARAMIE)

IN THE DISTRICT COURT
FIRST JUDICIAL DISTRICT

STATE OF WYOMING ex rel., the Honorable)
Tom Glause, Wyoming Insurance Commissioner,)
)
Petitioner,)
)
v.)
)
WINHEALTH PARTNERS,)
)
Respondent.)

Docket No. 184-929

FILED
JAN 12 2016

DIANE SANCHEZ
CLERK OF THE DISTRICT COURT

ORDER TO LIQUIDATE WINHEALTH PARTNERS

THIS MATTER has come before the Court upon the State of Wyoming's Motion for Order to Liquidate Winhealth Partners and, after holding a hearing, reading the pleadings, and being fully advised in this matter, this Court finds that legal grounds exist under Wyo. Stat. Ann. §§ 26-28-105(a)(i), 26-28-106, and 26-28-128(a) to order the continuation of the Wyoming Insurance Commissioner's appointment as receiver, adjudge Winhealth insolvent, and order the liquidation of Winhealth.

IT IS ORDERED, that

1. Under Wyo. Stat. Ann. § 26-28-105(a)(i) and (ix), the Commissioner, Tom Glause, shall continue in his role as receiver of Winhealth.
2. Under Wyo. Stat. Ann. § 26-28-128(a), Winhealth is hereby adjudged insolvent.
3. Under Wyo. Stat. Ann. § 26-28-110(a)(i), the Commissioner shall take possession of any Winhealth property not yet within his control.
4. Under Wyo. Stat. Ann. § 26-28-110(a)(i), the Commissioner shall liquidate Winhealth's business.
5. Under Wyo. Stat. Ann. § 26-28-110(a)(iii), the Commissioner is authorized to deal with Winhealth's property and business in the name of Winhealth Partners.
6. Under Wyo. Stat. Ann. § 26-28-112(f), the Commissioner is authorized to employ special deputy commissioners, counsel, clerks, and staff as he deems necessary

without prior notice to or prior approval by the Court. The Commissioner may, subject to the Court's approval, fix the compensation of the same and pay their compensation out of Winhealth's funds or assets. This Court's approval of rates of compensation prior to this Order shall continue to be valid during the liquidation proceedings.

7. Under Wyo. Stat. Ann. § 26-28-112(b), the title to all of Winhealth's assets, property, contracts, rights of action, and books and records regardless of their location shall continue to be vested with the Commissioner. The Commissioner may record and take possession of Winhealth's assets, property, contracts and rights of action and its books and records, except that ancillary receivers in reciprocal states, as to assets located in their states, have the rights and powers prescribed in Wyo. Stat. Ann. § 26-28-112(b).

8. The Commissioner is authorized to take any and all actions that he deems appropriate in connection with the liquidation of Winhealth and as provided in Wyo. Stat. Ann. §§ 26-28-101 through -131 and any other applicable law.

9. Under Wyo. Stat. Ann. § 26-28-104, Winhealth and all its agents or employees shall continue to be enjoined from transacting business on Winhealth's behalf unless directed to do so by the Commissioner.

10. Under Wyo. Stat. Ann. § 26-28-104, Winhealth and all its agents or employees shall continue to be enjoined from wasting or disposing of Winhealth's assets or property.

11. Under Wyo. Stat. Ann. § 26-28-118, all individuals or entities shall continue to be enjoined from commencing or prosecuting any action against Winhealth.

12. Winhealth and its agents shall continue to be enjoined from commencing or prosecuting any claim on Winhealth's behalf unless directed by the Commissioner.

13. Under Wyo. Stat. Ann. § 26-28-118, all individuals and entities shall continue to be enjoined from obtaining or enforcing any preference, judgment, attachment, security interest, or any other lien against Winhealth's property. The sole method for pursuing a claim shall be the claims process described in this Order.

14. Under Wyo. Stat. Ann. § 26-28-104, all individuals except the Commissioner, or an individual directed by the Commissioner, shall continue to be

enjoined from withdrawing any funds from Winhealth's accounts and from removing any Winhealth property.

15. The Commissioner may impose moratoria on any payments as he deems necessary for the protection of the insureds and creditors. Further, that the terms of any moratoria shall apply in the same manner to all similarly situated persons and, under no circumstances, shall the Commissioner or his representatives be liable to any person for a good faith decision to impose or refrain from imposing such moratoria.

16. Under Wyo. Stat. Ann. § 26-28-123, the rights and liabilities of Winhealth, its creditors, policyholders, stockholders, members, subscribers, and any other persons interested in its estate are fixed as of the date this Order is filed in the office of the clerk of this Court.

17. Under Wyo. Stat. Ann. § 26-28-128(a), all creditors with claims against Winhealth shall file their claims with the Commissioner by 5:00 PM on January 2, 2017.

18. Under Wyo. Stat. Ann. §§ 26-28-104(b)(i) and -116(c), the Commissioner shall have a ninety-day grace period from the entry of this Order to notify creditors and implement a process to pay claims. Further, that for good cause, the Commissioner shall not be required to report claims received during the grace period until it expires so that he has time to implement a system to track and pay claims.

19. Under Wyo. Stat. Ann. § 26-28-128(b), the Commissioner shall publish notice of Winhealth's insolvency and the liquidation proceedings on three separate days in three Wyoming newspapers of general circulation. The notice shall indicate that all creditors with claims against Winhealth shall file their claims with the Commissioner within the deadline fixed by this Court or the claims shall be forever barred.

20. Under Wyo. Stat. Ann. § 26-28-118(b), the Commissioner shall notify all persons whom the Commissioner has reason to believe may have claims against Winhealth and direct them to file claims with him. The notice shall indicate that all creditors with claims against Winhealth shall file their claims with the Commissioner within the deadline fixed by this Court or the claims shall be forever barred.

21. Under Wyo. Stat. Ann. § 26-28-116(a), all creditors filing a claim under paragraph 17 of this order shall include with the filing: (1) the amount of the claim, or a basis by which the amount can be ascertained; (2) a statement of the facts upon which the claim is based; (3) the priority, if any, the creditor believes the claim should receive; and (4) an affidavit supporting the claim from the claimant, or someone acting on its behalf with knowledge of the facts underlying the claim. A claim failing to satisfy these requirements shall not be considered received for the purposes of Wyo. Stat. Ann. § 26-28-116(c). The Commissioner shall have the discretion to reject any claim that fails to satisfy the requirements of this paragraph until the claim is refiled with the proper documentation.

22. The Commissioner as receiver may issue any directives as he deems appropriate to memorialize and provide notice of the exercise of his authority under this Court's Order and applicable law.

DATED this 12 day of Jan, 2016.



Judge Thomas Campbell

Ryan T. Schelhaas (WSB No. 6-3321)
Deputy Attorney General
Mackenzie Williams (WSB No. 6-4250)
Senior Assistant Attorney General
Jonathan C. Coppom (WSB No. 7-5548)
Assistant Attorney General
Office of the Attorney General
Kendrick Building
2320 Capitol Avenue
Cheyenne, Wyoming 82002
(307) 777-7886
(307) 777-3687 fax

STATE OF WYOMING COUNTY OF LARAMIE, SS CHEYENNE

I Diane Sanchez, Clerk of the District Court in and for the County of Laramie, Wyoming, do hereby certify that the within and foregoing is a full true and correct copy of the original thereof as the same appears on file or of record in my office and that the same is in full force and effect as of this date.

Witness my hand and seal of said court this 12 day of Jan 2016

DIANE SANCHEZ
Clerk of District Court

By 
Deputy

Clerk of District Court certifies copies were distributed on 1/12/16 to:

J. Coppom - all copies