

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
EIGHTH 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 Eighth 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 is 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 Eighth Claims Report and 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 EIGHTH 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 Eighth 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 forty-three (943) 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, and August 7, 2024.

7. Forty-six (46) 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-six (46) 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 two (2) claims previously submitted in the Second, Fourth, Fifth, and Sixth Claim Reports and approved by the Court on February 21, 2020 and May 24, 2022. This Exhibit B incorporates the listing of names and addresses of two (2) 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, 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 Eighth Claims Report and recommendation, as well as such other relief as the Court deems just and proper.

HAYNSWORTH SINKLER BOYD, P.A.

s/John C. Bruton, Jr.

John C. Bruton, Jr., Esq.

SC Bar No. 975

1201 Main Street, 22nd Floor

Columbia, SC 29201-3226

(803) 779-3080 Telephone

(803) 765-1243 Facsimile

jbruton@hsblawfirm.com

Attorneys for Special Deputy Liquidator

January 16, 2025

POC	Claimant	Contact	Contact II	Address	City	State	Zip	Claim Amount	Liquidator's Recommended Amount	20% Distribution
1001409 M.F., MD	Anna R. Schwartz	VOUTÉ, LOHRFINK, McANDREW, MEISNER & ROBERTS, LLP	170 Hamilton Ave	White Plains	NY	10601	unstated	0.00	0.00	
1001402 S.R., M.D.	Kathleen Sweet	Gibson, McAskill & Crosby	69 Delaware Ave Suite 900	Buffalo	NY	14202	unstated	0.00	0.00	
1001399 C.M., P.A.	Kathleen Sweet	Gibson, McAskill & Crosby	69 Delaware Ave Suite 900	Buffalo	NY	14202	unstated	0.00	0.00	
1001371 C.W.E., MD	Kenneth Burford	Schiavetti Corgan DiEdwards Weinberg	709 Westchester Ave Suite 205	White Plains	NY	10604	unstated	0.00	0.00	
1001359 J.L.G. and D.G.	Wm Andre Wills II	Wm Andrew Wills II PC	PO BOX 38494	Colorado Springs	CO	80937	1,000,000.00	900,000.00	180,000.00	
1001302 H.A.S.	James V. Hatem	Nixon Peabody, LLP	900 Elm Street, Suite 1400	Manchester	NH	3101	unstated	21,310.75	4,262.15	
1001288 L.H.M.-G.V.G.	Wendy A. Kinsella, Esq	Harris Beach PLLC	333 W. Washing St, Ste. 200	Syracuse	NY	13202	2,000,000.00	0.00	0.00	
1001271 W.J.M., M.D.	Kathleen Sweet	Gibson, McAskill & Crosby	69 Delaware Ave Suite 900	Buffalo	NY	14202	unstated	0.00	0.00	
1001223 I.O.	Mary Beth Reilly	Lawrence, Worden, Rainis & Bard, P.C.	175 Pinelawn Rd Ste 308	Melville	NY	11747	unstated	19,880.11	3,976.02	
1001218 A.P.	Philip Rakhunov	Pollack Solomon Duffy LLP	31 St. James Ave Suite 940	Boston	MA	2116	1,016,341.93	0.00	0.00	
1001155 M.M.H.S.	Kieran Bastible	Kirschenbaum & Kirschenbaum PC	200 Garden City Plaza, Suite 315	Garden City	NY	11530	unstated	0.00	0.00	
1001067 A.T.S.	Philip Rakhunov	Pollack Solomon Duffy LLP	48 Wall St - 26th Flr	New York	NY	10005	1,340,294.49	0.00	0.00	
1001066 S.A.	Christopher B. Meagher, Esq.	Meagher & Meagher	111 Church St	White Plains	NY	10601	unstated	0.00	0.00	
1001059 M.A.A., MD	Kathleen Sweet	Gibson, McAskill & Crosby	69 Delaware Ave Suite 900	Buffalo	NY	14202	unstated	0.00	0.00	
1001030 B.B. MD	Bassam Batarse. MD		22259 Roberts Dr.	Northville	MI	48167	unstated	0.00	0.00	
1001000 H.B.	Kenny Ramirez	Law Office of Kenny Ramirez	325 W Hospitality Lane, Suite 204	San Bernardino	CA	92408	1,000,000.00	250,000.00	50,000.00	
1000998 V.R.	Phillip Rakhunov, Esq.	Pollack Solomon Duffy LLP	101 Huntington Ave, Suite 530	Boston	MA	2199	1,326,376.07	0.00	0.00	
1000981 H. & A.F.	Carmine Rubino	Kramer Dillof Livingston & Moore	217 Broadway	New York	NY	10007	10,000,000.00	1,000,000.00	200,000.00	
1000962 M.H., as admin of Estate of M.H.	Ingrid H. Heide	Trolman, Glaser & Lichtman, P.C	747 Third Avenue, 6th Floor	New York	NY	10017	unstated	0.00	0.00	
1000827 A.R. MD	Phillip Rakhunov, Esq.	Pollack Solomon Duffy LLP	43 W 43rd St. #174	New York	NY	10036	2,053,093.39	0.00	0.00	
1000812 S.B. MD	Mark B. Connely	Hall, Hieatt & Connely, LLP	1319 Marsh St., 2nd Floor	San Luis Obispo	CA	93401	unstated	0.00	0.00	
1000809 H.F.M.G.	Andrew S Regenbaum, Esq	Feldman Kleidman Coffey Sappe & Regenbaum	995 Main St, PO Box A	Fishkill	NY	12524	10,000.00	0.00	0.00	
1000772 S.B. OB Gyn/D.L. MD	Denise Brusack	South Bay Ob Gyn	320 Montauk Highway	West Islip	NY	11795	unstated	0.00	0.00	
1000024 C.H.	Fred D. Smith	PO Box 991		Martinsville	VA	24112	300,000.00	40,000.00	8,000.00	
1000771 S.B. OB Gyn/D.L. MD	Denise Brusack	South Bay Ob Gyn	320 Montauk Highway	West Islip	NY	11795	unstated	0.00	0.00	
1000759 S.B. OB Gyn/M.J. MD	Denise Brusack	South Bay Ob Gyn	320 Montauk Highway	West Islip	NY	11795	unstated	0.00	0.00	
1000754 S.B. OB Gyn/P.J. MD	Denise Brusack	South Bay Ob Gyn	320 Montauk Highway	West Islip	NY	11795	unstated	0.00	0.00	
1000746 M.B.	Magdi Bebawi	Magdi Bebawi	51 Burton Ave	Staten Island	NY	10309	unstated	25,000.00	5,000.00	
1000742 M.B.	Michael Kelton, Esq	Magdi Bebawi	51 Burton Ave	Staten Island	NY	10309	unstated	56,752.43	11,350.49	
1000732 M.H., M.D.	Michael Hill	O'Conner, Haftel & Angell, PLLC	800 N. Magnolia Ave Ste. 1350	Orlando	FL	32803	250,000.00	49,000.00	9,800.00	
1000727 S.A.S., M.D.	Howard Snyder	Bower Law P.C.	1220 RXR Plaza	Uniondale	NY	11556	unstated	0.00	0.00	
1000726 S.A.S., M.D.		Lawrence, Worden, Rainis & Bard, P.C.	225 Broad Hollow RD, Suite 105E	Melville	NY	11747	unstated	0.00	0.00	
1000699 L.S.T. MD	Scott Kerew	Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC	3344 Peachtree Rd NE	Atlanta	GA	30326	unstated	0.00	0.00	
1000664 K.R.D., M.D.	William G. Spratt	Shaub Ahmuty Citrin & Spratt LLP	1983 Marcus Ave	Lake Success	NY	11042	unstated	0.00	0.00	
1000640 M.L., MD	Marc Lussier, MD		24510 Town Center Dr. Suite 180	Valencia	CA	91355	Unstated	29,999.99	6,000.00	
1000562 D.D.I.S., PC	Mark Gelfand		560 S Broadway	Hicksville	NY	11801	Unstated	0.00	0.00	
1000555 R.G., MD	Richard Gaston	6032 Titleist Ln		Burlington	KY	41005	unstated	0.00	0.00	
1000386 R.F.	Joel Douglas, Esq	355 S. Grand	Suite 1750	Los Angeles	CA	90071	10,000,000.00	0.00	0.00	
1000381 S.T.	Les Weisbrod or Robert Wolf, Esqs.	Miller Weisbrod LLP	11551 Forest Central Dr. Forest Central II, Suite 300	Dallas	TX	75243	1,000,000.00	500,000.00	100,000.00	
1000380 S.Y.P., MD			2 Utopia Drive	Colts Neck	NJ	7722	unstated	212,700.87	42,540.17	
1000365 R.T. as Admin. Of Estate of A.S.	John Bonina, Esq	Bonina & Bonina, PC	16 Court St, Suite 1800	Brooklyn	NY	11241	2,500,000.00	0.00	0.00	
1000195 EB by L.M., mother	Rhonda Meyer, Esq	Duffy & Duffy, PLLC	1370 RXR Plaza	Uniondale	NY	11556	unstated	275,000.00	55,000.00	
1000192 D.F. (R. case)	Lawrence Kobak, Esq.	Frier Levitt, Attorneys at Law	101 Greenwich St Suite 8B	New York	NY	10006	unstated	0.00	0.00	

POC	Claimant	Contact	Contact II	Address	City	State	Zip	Claim Amount	Liquidator's Recommended Amount	20% Distribution
1000191	D.F. (V. case)	Lawrence Kobak, Esq.	Frier Levitt, Attorneys at Law	101 Greenwich St Suite 8B	New York	NY	10006	8,500.00	0.00	0.00
1000182	W.H.	John Sandberg, Esq	Sandberg, Phoenix & Von Gontard PC	600 Washington Ave., 15th Floor	St. Louis	MO	63101	1,000,000.00	0.00	0.00
1000179	T.T.	John Sandberg, Esq	Sandberg, Phoenix & Von Gontard PC	600 Washington Ave., 15th Floor	St. Louis	MO	63101	1,000,000.00	0.00	0.00
									3,379,644.15	675,928.83

POC	Claimant	Contact	Contact II	Address	City	State	Zip	Original Class Code	Liquidator's Revised Class Code	Court Allowed Amount	Claims Report	Payments Received by Others	Liquidator's Revised Recommended Amount
1001437	T.A.P., MD	Maureen M. Arciero	Arciero & Burgess, PC	220 White Plains Road Suite 280	White Plains	NY	10591	8	2	N/A	4	N/A	24,610.16
1000044	C. &N.M.	Stanley Landers, Esq.	Landers & Cernigliaro	One Old Country Road Suite 400	Carle Place	NY	11514	2	N/A	75,000.00	2	N/A	375,000.00
										75,000.00			399,610.16

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
EIGHTH 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 twenty-seven (27) 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 Eighth Claims Report, Recommendation & Application for Order Approving Same ("Report, Recommendation and Application"), which pertains to twenty-seven (27) 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.

10. Nine hundred and forty-three (943) 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, and August 7, 2024.

11. Forty-six (46) additional claims have now been adjudicated and are the subject of this application. All remaining unadjudicated POCs are under evaluation.

12. Attached to the Report, Recommendation and Application and incorporated by reference as Exhibit A is a listing of the names and addresses of forty-six (46) 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).

13. Also attached to this Application and incorporated by reference is Exhibit B, which is a Schedule listing the names and addresses of two (2) 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, and the revised valuation of the claim proposed by the Liquidator.

14. 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 14th day of January, 2025

Sarah E. Alexander

Notary Public for the State of Arizona
My commission expires 09-15-2026



SARAH E. ALEXANDER
Notary Public - Arizona
Maricopa Co. / #633463
Expires 09/15/2026