



**IN THE COURT OF CHANCERY OF THE STATE OF DELAWARE**

IN THE MATTER OF: )  
 ) C.A. No. 8601-VCZ  
INDEMNITY INSURANCE CORPORATION, )  
RRG, IN LIQUIDATION )

**OMNIBUS ORDER CONCERNING  
FIFTH REPORTED CLAIM RECOMMENDATIONS**

WHEREAS:

A. On April 10, 2014, the Delaware Chancery Court placed Indemnity Insurance Corporation RRG (“IICRRG”) into liquidation by a Liquidation and Injunction Order with Bar Date (“Liquidation Order”), pursuant to the Delaware Uniform Insurers Liquidation Act (“DUILA”), 18 *Del. C.* § 5901, *et seq.*

B. The Liquidation Order appointed the Delaware Insurance Commissioner as Receiver (“Receiver”) and set a bar date of January 15, 2015, for the filing of proofs of claims against IICRRG and information for filing claims, including a Proof of Claim (“POC”) form, was sent to potential claimants of IICRRG.

C. Pursuant to 18 *Del. C.* § 5902(a) and the Plan for the Receiver’s Claim Recommendation Report and Final Determination of Claim By The Court (the “Claim Final Determination Plan”),<sup>1</sup> the Receiver has filed the Fifth Report of Claims Recommendations Pursuant to Paragraph (C) 8 and 9 of the Claim Final

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<sup>1</sup> Docket Item (“D.I.”) 899.

Determination Plan (“Fifth Report”);<sup>2</sup> the Court has entered an Order to Show Cause fixing a time, date, and objection deadline to respond to the claim recommendations in the Fifth Report;<sup>3</sup> the Court and Receiver have given notice to claimants whose claims are in the Fifth Report;<sup>4</sup> and the January 29, 2024 Objection Deadline passed with the submission of three objections via the Claimant Portal, POC #'s 1076, 0992, and 1090 (collectively, the “Objections”).<sup>5</sup>

D. A telephonic hearing on the Objections was held on February 27, 2024, at 9:15 a.m. The Court considered the Receiver’s Claim Recommendation in view of the Objections and supporting materials as submitted through the Claimant Portal under an abuse of discretion standard.<sup>6</sup>

E. The Objection in POC # 0992 was **CONTINUED**, to be heard with any objections to the Sixth Report of Claims Recommendations Pursuant to Paragraph (C) 8 and 9 of the Claim Final Determination Plan.

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<sup>2</sup> D.I. 1002.

<sup>3</sup> D.I. 1008.

<sup>4</sup> D.I. 1009, 1013.

<sup>5</sup> Materials submitted by the claimant and Receiver via the Claimant Portal in connection with the objections for POC Nos. 1076 ad 1090 are docketed under seal as exhibits to this Order.

<sup>6</sup> *Matter of Scottish Re (U.S.), Inc.*, 273 A.3d 277, 293 (Del. Ch. Mar. 31, 2022) (“Black letter authorities generally state that an abuse of discretion standard applies when a court reviews the decision of an insurance commissioner acting as a receiver for a delinquent insurer.” (collecting authorities)).

F. The Receiver submitted to the Court for *in camera* review its notices of determination for the Fifth Report claims for which no objection was received (the “Unopposed Determinations”). The Court reviewed the Unopposed Determinations under an abuse of discretion standard.<sup>7</sup>

NOW, THEREFORE, IT IS HEREBY **ORDERED** as follows:

1. The Objection in POC # 1076 is **DENIED**. No person appeared at the hearing to press this Objection. The Receiver valued the loss amount as the indemnity value less the partial payment received. I see no abuse of discretion in the Receiver’s valuation.

2. The Objection in POC # 1090 is **DENIED**. No person appeared at the hearing to press this Objection. The proposed objection value was offered as a “placeholder.” No objection value was substantiated. I see no abuse of discretion in the Receiver’s valuation.

3. The Court has excused the late filing of POC No. 2736 in accordance with the Receiver’s determination that good cause exists to do so.

4. The Unopposed Determinations are confirmed. The Court saw no basis to conclude the Receiver abused its discretion in making those Determinations.

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<sup>7</sup> *See id.*

5. This Order shall be sent to the Objectors through the Claimant Portal, and served on counsel for the Receiver. This Order will be publicly available to claimants in the Unopposed Determinations.

SO ORDERED this 27th day of February, 2024.

*/s/ Morgan T. Zurn*  
Vice Chancellor Morgan T. Zurn