



State of New Jersey

OFFICE OF THE ATTORNEY GENERAL
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF LAW
PO Box 117
TRENTON, NJ 08625-0117

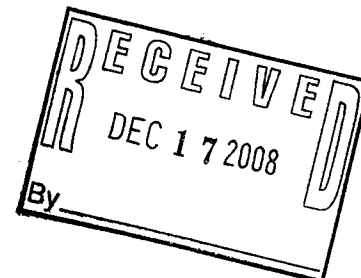
ANNE MILGRAM
Attorney General

ROBERT J. GILSON
Director

JON S. CORZINE
Governor

December 16, 2008

VIA HAND DELIVERY
State of New Jersey
Mercer County Courthouse
Chancery Division - General Equity Part
209 South Broad Street
Trenton, N.J. 08650-6111
Att: Hon. Maria M. Sypek, P.J. Ch. Div.



Re: I/M/O The Liquidation of MIIX Insurance Company
Docket No.: C-086-04

Dear Judge Sypek:

Our office represents the Plaintiff, Steven Goldman-Commissioner of Banking and Insurance (Commissioner"), Liquidator of MIIX Insurance Company ("MIIX"), in the above matter. Enclosed for filing are the original and two copies of a Notice of Motion to Extend the Bar Date for the Assertion of Claims against MIIX; Certification of Kenneth A. Watson in support of the Motion; proposed form of order; and certification of service. Please file the original, and return a copy marked 'filed' to the undersigned in the enclosed, stamped self-addressed envelope.

Respectfully submitted,

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY

By: Paul G. Witko

Paul G. Witko
Deputy Attorney General

w/encs.

cc: Clerk of the Superior Court (w/encs.)
All persons on attached certification of service (w/encs.)



as "excluded claims") against MIIX Insurance Company must be asserted by one year -- from April 9, 2009 to April 9, 2010.

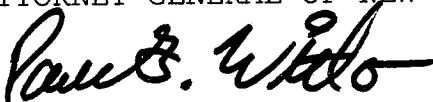
PLEASE TAKE FURTHER NOTICE that, in support of its Motion, the Commissioner shall rely upon the Certification of Kenneth A. Watson, Deputy Liquidator, filed herewith.

PLEASE TAKE FURTHER NOTICE that, pursuant to R.1:6-2, oral argument is requested if any opposition is received by the Court.

A proposed form of Order is filed herewith.

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY

By: _____


Paul G. Witko
Deputy Attorney General
Attorney for Commissioner of
Banking and Insurance, Liquidator
of MIIX Insurance Company

DATED: December 16, 2008

ANNE MILGRAM
Attorney General of New Jersey
Attorney for Commissioner of Banking and Insurance
22 South Clinton Avenue
Station Plaza #4 – 2nd Floor
P.O. Box 117
Trenton, New Jersey 08625

STATE OF NEW JERSEY
CHANCERY DIVISION
GENERAL EQUITY PART – MERCER COUNTY
DOCKET NO.: C-086-04

I/M/O THE LIQUIDATION OF)
MIIX INSURANCE COMPANY)
_____)

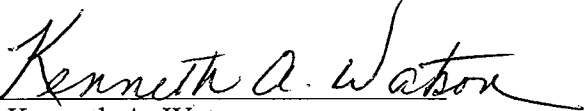
**CERTIFICATION OF
KENNETH A. WATSON**

Kenneth A. Watson, of full age, does hereby certify as follows:

- 1) I am the Deputy Liquidator of MIIX Insurance Company (“MIIX”), having been appointed by the Commissioner of Banking and Insurance (“Commissioner”) pursuant to N.J.S.A. 17:30C-17. As Deputy Liquidator, I oversee the day-to-day operations of MIIX, and am fully familiar with the facts set forth herein.
- 2) This certification is submitted in support of the Commissioner’s application to extend the Claim Bar Date against MIIX from April 9, 2009 to April 9, 2010.
- 3) On April 9, 2008, this Court entered an Order of Liquidation which established a Claim Bar Date of April 9, 2009.
- 4) The statute of limitations in New Jersey for a medical malpractice claim is two years; however, that limitations period is tolled if a minor is involved, as well as by the discovery rule. As a result, physicians in New Jersey (particularly obstetricians/gynecologists, pediatricians and other physicians who treat minors) face potential exposure for an extended period of time for their treatment.
- 5) In addition, MIIX stopped writing new policies in August of 2002. Insurance coverage under the last policy issued by MIIX ended on August 2003. Post-liquidation claims against MIIX policies have been handled and paid by the New Jersey Property-Liability Insurance Guaranty Association (“PLIGA”) pursuant to N.J.S.A. 17:30A-6 et seq.

- 6) Moreover, MIIX receives new cases filed against its insured physicians on an ongoing basis, and expects to continue to do so for the foreseeable future.
- 7) As a result, if the Claim Bar Date of April 9, 2009 is not extended, a significant number of claimants will be left without relief, and many insured physicians face an increased risk of personal exposure.
- 8) Allowing PLIGA to handle such claims for another year will allow insured physicians the additional time necessary to fully evaluate whether they need to purchase "gap coverage," i.e., supplemental insurance for as-yet unreported incidents that occurred prior to the termination of their coverage with MIIX.
- 9) There will be no additional operating costs to the MIIX estate to extend the Claim Bar Date with regard to these claims, as any such costs will be offset by interest income and other revenue earned by the MIIX estate.
- 10) For these reasons, the current Claim Bar Date of April 9, 2009 should be extended to April 9, 2010 with respect to all claims against MIIX except for those classified as "Excluded Claims."
- 11) "Excluded Claims" are those claims that would not be cost effective to process beyond the current Claim Bar Date of April 9, 2009, where the books and records of MIIX are already complete, and for which an extension of the current Claim Bar Date of April 9, 2009 is not necessary.
- 12) MIIX considers "Excluded Claims" to include:
 1. insurance coverage claims of MIIX policyholders with respect to their contract rights vis-à-vis MIIX arising out of the terms and conditions of the insurance policies purchased by them; and
 2. claims for compensation from current and former employees of MIIX.
- 13) For these reasons, the current Claim Bar Date of April 9, 2009 should not be extended with respect to the "Excluded Claims."

I certify that the forgoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.


Kenneth A. Watson
Deputy Liquidator

Date: December 15, 2008

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
22 South Clinton Avenue
Station Plaza #4 -- 2nd Floor
P.O. Box 117
Trenton, New Jersey 08625
Attorney for Commissioner of Banking
and Insurance

By: Paul G. Witko
Deputy Attorney General
(609) 292-7669

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
GENERAL EQUITY PART - MERCER COUNTY
DOCKET NO. C-086-04

Civil Action

I/M/O THE LIQUIDATION OF)
MIIX INSURANCE COMPANY)

ORDER EXTENDING BAR DATE
FOR ASSERTION OF CLAIMS

This matter having been opened to the Court by Anne Milgram, Attorney General of New Jersey, by Paul G. Witko, Deputy Attorney General, as attorney for plaintiff, Steven M. Goldman, Commissioner of Banking and Insurance ("Commissioner"), Liquidator of MIIX Insurance Company ("MIIX"), upon application for an Order that extends the date by which all claims against MIIX Insurance Company must be asserted by one year -- from April 9, 2009 to April 9, 2010 -- with proper notice having been given to all interested parties; and the Court having considered the Liquidator's application as well as any opposition thereto; and for good cause shown,

IT IS on this day of , 2009;

ORDERED that the Liquidator's motion be and hereby is granted; and it is further

ORDERED that the bar date for the assertion of claims against MIIX is extended for one year, and that all claims against MIIX (with the exception of "Excluded Claims" as defined herein) must be asserted no later than April 9, 2010, or such claims will be forever barred against MIIX; and it is further

ORDERED that the bar date for the assertion of "Excluded Claims" against MIIX remains April 9, 2009; and it is further

ORDERED that "Excluded Claims" means:

- a) insurance coverage claims of MIIX policyholders with respect to their contract rights arising out of the terms and conditions of the insurance policies held by them; and
- b) claims of current and former employees for compensation;

and it is further

ORDERED that a copy of this Order be served upon all interested parties within 30 days of the entry of this order.

Hon. Maria M. Sypek, P.J. Ch. Div.

This motion was _____ opposed _____ unopposed.

ANNE MILGRAM
ATTORNEY GENERAL OF NEW JERSEY
22 S. Clinton Ave., 4 Station Plaza, 2nd Fl.
P.O. Box 117
Trenton, New Jersey 08625-0117
Attorney for the Commissioner of
of Banking and Insurance

By: Paul G. Witko
Deputy Attorney General
(609) 292-7669

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
GENERAL EQUITY PART-MERCER COUNTY
Docket No.: C-086-04

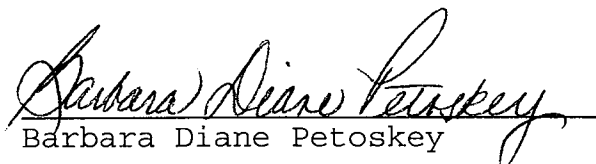
_____ : Civil Action
I/M/O THE LIQUIDATION :
OF MIIX INSURANCE : **CERTIFICATION OF SERVICE**
: :
: :
_____ :

BARBARA DIANE PETOSKEY, of full age, hereby certifies and
says:

1. I am a Legal Secretary in the Division of Law, Department
of Law and Public Safety, State of New Jersey.

2. On December 16, 2008, at the direction of Paul G. Witko,
Deputy Attorney General, I caused to be served a copy of a Notice
of Motion to Extend Claim Bar Date against MIIX Insurance Company,
Certification of Kenneth A. Watson, proposed form of order and
certification of service by overnight UPS delivery to the parties
on the attached service list.

3. I hereby certify that the foregoing statements made by me
are true. I am aware that if any of the foregoing statements are
willfully false, I am subject to punishment.


Barbara Diane Petoskey

Dated: December 16, 2008

SERVICE LIST

I/M/O the Liquidation of MIIX Insurance Company

STATE GUARANTY FUNDS

Joseph L. DellaFerra
New Jersey Property-Liability Ins. Guaranty Assoc.
222 Mount Airy Road
Basking Ridge, NJ 07920

Arizona Insurance Guaranty Funds
Suite 270
1110 West Washington
Phoenix, AZ 85007

Paul Gulko, President
Guaranty Fund Mgt. Services
(CT, NH, DC, RI, ME, MA, VT & VA)
One Bowdon Square
Boston, MA 02114-2916

Delaware Ins. Guaranty Assoc.
Suite 309
220 Continental Drive
Newark, DE 19713

Jerry D. Service, General Manager
Florida Insurance Guaranty Assoc.
10151 Deerwood Park Blvd., Ste. 400
P.O. Box 10366
Jacksonville, FL 32247-0366

Georgia Insurers Insolvency Pool
Suite R, 2177 Flintstone Dr.
Tucker, GA 30084

Illinois Insurance Guaranty Fund
Suite 1910, 120 So. LaSalle St.
Chicago, IL 60603

Roger H. Schmelzer, President
The National Conf. of Ins. Guaranty Funds
300 No. Mendian St., Suite 1020
Indianapolis, IN 46204

Kentucky Insurance Guaranty Assoc.
10605 Shelbyville Rd., Ste. 102
Louisville, KY 40223-3167

Joseph R. Petr, Exec. V.P.
Maryland Prop. & Cas. Ins. Guar. Corp.
305 Washington Ave., Ste. 600
Towson, MD 21204-4715

Michigan Prop. & Cas. Guaranty Assoc.
39810 Grand River, Suite 120
Novi, MI 48375

Charles F. Renn, Exec. Director
Missouri Prop. & Cas. Ins. Assoc.
994 Diamond Ridge, Ste. 102
Jefferson City, MO 65109

Nevada Ins. Guaranty Assoc.
Suite 100, 3821 W. Charleston Blvd.
Las Vegas, NV 89102-1859

Steven Harris, Esq.
NY State Ins. Dept., Liq. Bureau
123 William St., 2nd Fl.
New York, NY 10038

North Carolina Ins. Guaranty Assoc.
5401 Six Forks Road
Raleigh, NC 27609

Ohio Ins. Guaranty Assoc.
(Ohio & WV)
1840 Mackenzie Drive
Columbus, OH 43220

Homer A. Rhule, Exec. Director
PA Prop. & Cas. Assoc.
One Penn Center
1617 J.F. Kennedy Blvd., Ste. 1850
Philadelphia, PA 19103

Smitty Harrison, Exec. Dir.
South Carolina Prop. & Cas.
Ins. Guar. Assoc.
240 Stoneridge Dr., Ste. 101
Columbia, SC 29210

Ivi Niemann, Admin.
TN Ins. Guaranty Assoc.
1600 Division St., #680
Nashville, TN 37203

TX Prop, & Cas, Ins. Guaranty Assoc.
9120 Burnet Road
Austin, TX 78758

Western Guaranty Fund Services
(WY, CO, MT, ID, WA & KS)
Suite 408, 1720 So. Bellaire St.
Denver, CO 80222

ATTORNEYS ON INFORMAL ADVISORY COMMITTEE

E. Drew Britcher, Esq.
BRITCHER, LEONE & ROTH, LLC
175 Rock Road
Glen Rock, NJ 07452

Carol L. Forte, Esq.
BLUME GOLDFADEN BERKOWITZ
DONNELLY FRIED & FORTE
1 Main Street
Chatham, NJ 07928

Robert Ross, Esq.
KLINE & SPECTER
1800 Chapel Ave., Ste. 302
Cherry Hill, NJ 08002

Lawrence Downs, General Counsel
Medical Society of NJ
2 Princess Road
Lawrenceville, NJ 08648

Jay Scott MacNeill, Esq.
POST POLAK GOODSSELL MACNEIL
& STRAUCHLER, P.A.
425 Eagle Rock Ave., Ste. 200
Roseland, NJ 07068-1717

David J. D'Aloia, Esq.
Saiber Schlesinger
Gateway One
Newark, NJ 07102

(rev. 12-16-08)