

**DONALD W. ABSHIRE, ET AL.**

**19<sup>TH</sup> JUDICIAL DISTRICT COURT**

**-versus-**

**CIV. ACTION NO. 377713, SEC. 26**

**THE STATE OF LOUISIANA, ET AL.**

**EAST BATON ROUGE PARISH  
STATE OF LOUISIANA**

**CONSOLIDATED WITH**

**ARTHUR A. LEWIS, ET AL.**

**19<sup>TH</sup> JUDICIAL DISTRICT COURT**

**-versus-**

**CIV. ACTION NO. 412265, SEC. 26**

**THE STATE OF LOUISIANA, ET AL.**

**EAST BATON ROUGE PARISH  
STATE OF LOUISIANA**

**[PROPOSED] ORDER FOR DEPOSIT OF UNCLAIMED SETTLEMENT FUNDS INTO  
THE REGISTRY OF THE COURT**

Upon review and consideration of Class Counsel's Unopposed Motion for Deposit of Unclaimed Settlement Funds into the Registry of the Court, including the supporting affidavit filed therewith,

**IT IS ORDERED** that Rust Consulting, the court-approved claims administrator, shall deposit the sum of \$2,123.66, representing the total unclaimed proceeds belonging to class member John Lonnie Myer, into the registry of the Court, with said funds to be distributed to John Lonnie Myer or his successors upon further order of the Court.

Signed on this 23 day of April, 2021 in the city of Baton Rouge, East Baton Rouge Parish, Louisiana.

  
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**JUDGE RICHARD MOORE**  
**19<sup>TH</sup> JUDICIAL DISTRICT COURT**

DONALD W. ABSHIRE, ET AL.

19<sup>TH</sup> JUDICIAL DISTRICT COURT

-versus-

CIV. ACTION NO. 377713, SEC. 26

THE STATE OF LOUISIANA, ET AL.

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STATE OF LOUISIANA

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CIV. ACTION NO. 412265, SEC. 26

THE STATE OF LOUISIANA, ET AL.

EAST BATON ROUGE PARISH  
STATE OF LOUISIANA

**UNOPPOSED MOTION FOR DEPOSIT OF UNCLAIMED SETTLEMENT FUNDS  
INTO THE REGISTRY OF THE COURT**

NOW INTO COURT, through undersigned counsel ("Class Counsel"), comes the Plaintiff Class<sup>1</sup> ("Plaintiffs or the "Class") who moves this Court for an order directing the deposit of remaining unclaimed settlement funds into the registry of the Court for the reasons set forth in the Memorandum of Points and Authorities incorporated herein.

<sup>1</sup>The Plaintiff Class is defined in the Court's Order granting class certification dated September 14, 2016 as follows:

All persons or entities in the United States who filed suit against the State of Louisiana and/or its Department of Insurance or Office of Financial Institutions for damages caused by the State's conduct in connection with the failure of Public Investors Life Insurance Company, Inc., and whose claim was consolidated into Civil Action No. 377,713 or No. 412,265 (captioned *Donald W. Abshire, et al., vs. The State of Louisiana, et al.*);

All persons or entities in the United States who filed suit against the State of Louisiana and/or its Department of Insurance or Office of Financial Institutions for damages caused by the State's conduct in connection with the failure of Public Investors, Inc., and whose claim was consolidated into Civil Action No. 377,713 or No. 412,265 (captioned *Donald W. Abshire, et al., vs. The State of Louisiana, et al.*);

All persons or entities in the United States who filed suit against the State of Louisiana and/or its Department of Insurance or Office of Financial Institutions for damages caused by the State's conduct in connection with the failure of Midwest Life Insurance Company, and whose claim was consolidated into Civil Action No. 377,713 or No. 412,265 (captioned *Donald W. Abshire, et al., vs. The State of Louisiana, et al.*);

Excluded from the Class are any persons or entities to the extent their claims in Civil Action No. 377,713 or No. 412,265 have been resolved by a final, unappealable judgment, including those claims dismissed as a result of the rulings of the United States District Court, Western District of Louisiana, No. 06-1368.

All defendants in this case were dismissed without prejudice by order of this Court dated April 29, 2019.<sup>2</sup> As a result, this motion is unopposed.

This Motion will be available on the date of filing for review by Class members and any other Claimants at the website of Class Counsel Smith Segura Raphael & Leger, LLP: <http://www.ssrlp.com/abshire-class-action-information.html>.

### **MEMORANDUM OF POINTS AND AUTHORITIES**

On April 29, 2019, this Court entered a Final Approval Order approving a \$5.81 million global settlement between the Plaintiff Class and the Defendants. Thereafter, on January 29, 2020, this Court entered an Order for the Distribution of Net Settlement Fund (the "Distribution Order"), which approved the Accepted Claims submitted the Rust Consulting ("Rust"), the Court-appointed claims administrator, and ordered Rust to distribute to each approved claimant.

As can be seen by reference to the Declaration of Amy Fringer, Senior Project Manager at Rust, filed herewith, on April 14, 2020 Rust mailed 436 checks to the individuals or entities who submitted court-approved claims in amounts determined in accordance with the Distribution Order. Of those issued checks, all have now cleared except for one, namely a check in the amount of \$2,123.66 issued to John Lonnie Myer, whose approved claim provided the mailing address 10900 East Taylor Rd Apt 159D Gulfport, MS 39503. *See* Fringer Decl. at ¶4. The claim check mailed to this address was not returned undeliverable, however subsequent efforts to locate the claimant have been unsuccessful. *See* Fringer Decl. at ¶5.

Given that the distribution of the settlement fund is now complete with the exception of the unclaimed proceeds belonging to John Lonnie Myer, and in order to avoid incurring additional administrative costs in excess of the amounts approved in the Distribution Order and available from the litigation fund, Class Counsel respectfully seeks an order directing Rust to pay the unclaimed proceeds into the registry of the Court, with said funds to be distributed to John Lonnie Myer or his successors only upon further order of the Court.

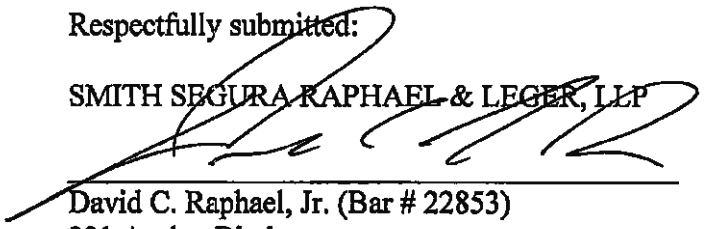
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<sup>2</sup> The named defendants ("Defendants") were the State of Louisiana by and through its Department of Insurance, Office of Risk Management, and Office of Financial Institutions, Admiral Insurance Company, Westchester Fire Insurance Company, Lexington Insurance Company, National Union Fire Insurance Company of Pittsburgh, Pa., and American Excess Insurance Association and each of its members ("AEIA").

April 21, 2021

Respectfully submitted:

SMITH SEGURA RAPHAEL & LEGER, LLP



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David C. Raphael, Jr. (Bar # 22853)  
221 Ansley Blvd.  
Alexandria, LA 71303  
Tel: 318-445-4480

*Co-Lead Class Counsel*

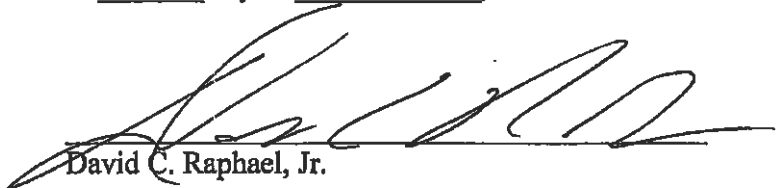
ODOM & DES ROCHEs, LLC

John Gregory Odom (Bar #1109)  
Stuart E. Des Roches (Bar #21902)  
Christopher T. Stow-Serge (Bar #34779)  
Suite 2020, Poydras Center  
650 Poydras Street  
New Orleans, LA 70806  
Tel: 504-522-0077

*Co-Lead Class Counsel*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the above and foregoing has been served on all counsel of record via-mail transmission on this 21<sup>st</sup> day of April, 2021.



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David C. Raphael, Jr.