

**FILED**  
**05-02-2024**  
**CIRCUIT COURT**  
**DANE COUNTY, WI**  
**2023CV001310**

STATE OF WISCONSIN : CIRCUIT COURT : DANE COUNTY  
BRANCH 15

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In the Matter of the Liquidation of:

Wisconsin Reinsurance Corporation and 1<sup>st</sup> Auto &  
Casualty Insurance Company

Case No. 2023CV1310

Case Code: 30703

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**NOTICE OF MOTION AND MOTION FOR LEAVE TO FILE UNDER SEAL**

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TO: All Interested Parties

**NOTICE**

PLEASE TAKE NOTICE that the Commissioner of Insurance of the State of Wisconsin, Nathan Houdek, as Liquidator of Wisconsin Reinsurance Corporation and 1<sup>st</sup> Auto & Casualty Insurance Company (the “Commissioner” or the “Liquidator”), brings this motion for leave to file under seal the commutation agreement appended to the Liquidator’s Motion to Approve Commutation. This motion will be heard, if necessary, before the Circuit Court for Dane County, in the Dane County Courthouse, 215 S. Hamilton Street, Madison, WI 53703-3285, on a date and at a time to be determined by the Court. Objections to the Motion, along with supporting documentation, shall be filed with the Court and served on the Liquidator, by his attorneys, James A. Friedman, Zachary P. Bemis, and Anthony S. Baish of Godfrey & Kahn, S.C., and any other party who has filed an appearance in this action, within 14 days of the filing of the Motion.

**MOTION**

The Commissioner, as Liquidator of Wisconsin Reinsurance Corporation (“WRC”) and 1<sup>st</sup> Auto & Casualty Insurance Company (“1<sup>st</sup> Auto” and collectively, the “Companies”), hereby

moves the Court, pursuant to Wis. Stat. § 801.21, for leave to file under seal the commutation agreement (the “Commutation Agreement”) between the Liquidator and Employers Mutual Casualty Company (“EMC”), appended as Exhibit A to the Liquidator’s Motion to Approve Commutation (the “Commutation Motion”). As grounds for this Motion, the Commissioner states as follows:

1. After conducting extensive due diligence, the Liquidator has concluded the Commutation Agreement would be in the best interest of the Companies’ policyholders and the public.

2. The Commutation Agreement imposes confidentiality obligations on the parties thereto, and explicitly calls for filing the Commutation Agreement under seal in seeking the Court’s approval.

3. Maintaining confidentiality of the Commutation Agreement is in the best interest of the Companies’ policyholders, other creditors, and the public, in that it will maximize the Liquidator’s ability to recover assets for distribution to policyholders and other creditors.

- a. The Companies have entered into reinsurance agreements with entities other than EMC, whereby those entities have committed to reinsure certain risks insured or reinsured by the Companies.
- b. The Liquidator anticipates it will negotiate potential commutation agreements pertaining to some or all of the Companies’ additional reinsurance relationships.
- c. The Liquidator’s ability to negotiate favorable terms of other commutation agreements would be compromised if the terms of the Commutation Agreement are publicly known.

4. The Liquidator will limit the information maintained under seal by publicly filing the Commutation Motion, filing under seal only the Commutation Agreement itself.

NOW, THEREFORE, for the reasons stated above, the Liquidator asks the Court to enter an order granting leave to file the Commutation Agreement under seal.

Dated at Madison, Wisconsin this 2nd day of May, 2024.

Respectfully submitted,

GODFREY & KAHN, S.C.

By: Electronically signed by James A. Friedman

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