

FILED
09-24-2024
CIRCUIT COURT
DANE COUNTY, WI
2023CV001310

STATE OF WISCONSIN : CIRCUIT COURT : DANE COUNTY
BRANCH 15

In the Matter of the Liquidation of:

Wisconsin Reinsurance Corporation and 1st Auto &
Casualty Insurance Company

Case No. 2023CV1310

Case Code: 30703

NOTICE REGARDING RECORDS RETENTION AUTHORIZATIONS

On August 27, 2024, the Department of Administration's Public Records Board (the "Board") issued a series of authorizations pertaining to the retention and disposition of records pertaining to insurers in liquidation. Specifically, the Board issued authorizations pertaining to the Office of the Commissioner of Insurance's retention and disposition of insurer financial records, corporate records, policy and claim documents, and non-financial records. Copies of the authorizations are attached hereto as Exhibits A-D.

The Commissioner of Insurance of the State of Wisconsin, Nathan Houdek, as Liquidator of Wisconsin Reinsurance Corporation and 1st Auto & Casualty Insurance Company, will retain and dispose of documents in this liquidation in accordance with the newly issued authorizations.

Dated at Madison, Wisconsin this 24th day of September, 2024.

Respectfully submitted,

GODFREY & KAHN, S.C.

By: Electronically signed by James A. Friedman

James A. Friedman
State Bar No. 1020756
Zachary P. Bemis
State Bar No. 1094291
Anthony S. Baish
State Bar No. 1031577

*Attorneys for Petitioner Nathan Houdek,
Commissioner of Insurance of the State of
Wisconsin*

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EXHIBIT A

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STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
PUBLIC RECORDS BOARD
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<http://publicrecordsboard.wi.gov>

Records Retention / Disposition Authorization

<ul style="list-style-type: none"> Read instructions provided on pages 2-3 before completing. In accordance with Wis. Stat. § 16.61, this form must be completed and approved by the Agency and the Public Records Board (PRB) within one year of creation of the records series and prior to disposition of any public record. Agency Records Officer: Forward original to the PRB. Maintain an agency copy during the PRB review process. 	1. RDA # 154	2. Record Series Title Liquidated Company - Liquidator Financial Records
	3. RDA Status (Check One): <input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Renewal	
	4. Agency #: 145	5. Unit #: 300
	6. Agency Name Office of the Commissioner of Insurance	
Division Name Financial Regulation	Subdivision Name	
7. Records Year of Creation 1975	8. Medium for Records Storage (Check all appropriate) <input checked="" type="checkbox"/> Electronic/Digital <input checked="" type="checkbox"/> Microform <input checked="" type="checkbox"/> Paper <input type="checkbox"/> Other (Specify)	
9. Retention Time Period - Specify Actual Period Yrs Mo Wks Days Permanent* 3 <input type="checkbox"/>	10. Event that Initiates the Start of the Retention Time Period (Check One) Creation Fiscal Other (Specify) <input type="checkbox"/> (CR) <input type="checkbox"/> (FIS) <input checked="" type="checkbox"/> Close of liquidation	
*If selecting Permanent, cite supporting statute, code, other legal authority, or sufficient justification in Box 12, Record Series Description.		
11. Disposition (Check One): <input type="checkbox"/> Destroy <input checked="" type="checkbox"/> Destroy Confidential <input type="checkbox"/> Transfer - State Archives (WHS) <input type="checkbox"/> Transfer - UW Archives <input type="checkbox"/> Transfer - Other Location (Specify):		

12. Records Series Description

Records are for insurance companies where OCI has filed a Petition for Liquidation based on the grounds for liquidation outlined in Wis. Stat. § 645.41 and there has been a court order issued pursuant to Wis. Stat. § 645.42 that appoints the commissioner and their successors in office as the liquidator which shall take possession of the assets of the insurer and administer them under the orders of the court.

Financial records accumulated during the liquidation, include, but are not limited to, books, general ledger journals, lists of insurer's assets, assessment records, paid invoice files, payroll records, cancelled checks, tax records, and other financial records of the liquidator.

The official record will be maintained electronically for the full retention period. To comply with Wis. Stat. §§ 16.61(7) and 137.20 for authenticity, accuracy, and accessibility the original input documents will be imaged or reformatted and subject to review, to ensure the images of these applications are electronically stored and the quality of these images is acceptable. After verification of the quality and retention of the electronic images, the paper documents will be kept on site for 3 months and then destroyed confidentially.

Box 16 – Confidential or Limited Access – Wis. Stat. § 601.465.

Reason for Creation: Upon agency review it was determined no existing RDA covered these records.

13. Records Contain Personally Identifiable Information (PII): <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	14. PII Registry Exemptions (Check YES if PII is exempted): <input type="checkbox"/> Yes <input type="checkbox"/> No
15. Name of: <input checked="" type="checkbox"/> Program Contact or <input type="checkbox"/> Records Officer or Custodian: Mary Sue Gilardi Telephone: 608-266-0091 Email: marysue.gilardi@wisconsin.gov	
16. Records Series Contains Content that is Confidential or Access is Protected: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, enter Statute/Code/ or explain other Legal Authority in Box 12, Record Series Description.	

17. DocuSign Authority Representative: <u>Amy J Malin</u> Date (mm/dd/ccyy): 7/1/2024 2:03 PM CDT	DocuSigned by: <u>Kendra Lazzaroni</u> Date (mm/dd/ccyy): 7/1/2024 1:15 PM CDT
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PUBLIC RECORDS BOARD APPROVAL – Authorization is contingent on restrictions to record destruction contained in Wis. Stat. § 19.35(5), (Open Records Law), and that no records are destroyed if litigation or audit involving these records has commenced or is anticipated.			
<u>Allyson M... State Archivist</u>	<u>8/27/24</u> Date (mm/dd/ccyy)	<u>W... Executive Secretary – PRB</u>	<u>8/27/24</u> Date (mm/dd/ccyy)

Approval subject to 10-year sunset per Wis. Stat. § 16.61(4)(c). Action required before: August 2034

EXHIBIT B

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Records Retention / Disposition Authorization

Form section containing fields 1-6: 1. RDA # 155, 2. Record Series Title Liquidated Insurer Records - Corporate and Financial, 3. RDA Status (New checked), 4. Agency #: 145, 5. Unit #: 300, 6. Agency Name Office of the Commissioner of Insurance.

Form section containing fields 7-8: 7. Records Year of Creation 1975, 8. Medium for Records Storage (Electronic/Digital checked, Microform checked, Paper checked, Other unselected).

Form section containing fields 9-10: 9. Retention Time Period (1 Yrs, Permanent* unselected), 10. Event that Initiates the Start of the Retention Time Period (See box 12 checked).

Form section containing fields 11-12: 11. Disposition (Destroy Confidential checked), 12. Records Series Description (Insurance company liquidation records).

Records are for insurance companies where OCI has filed a Petition for Liquidation based on the grounds for liquidation outlined in Wis. Stat. § 645.41 and there has been a court order issued pursuant to Wis. Stat. § 645.42 that appoints the commissioner and their successors in office as the liquidator which shall take possession of the assets of the insurer and administer them under the orders of the court.

Form section containing fields 13-14: 13. Records Contain Personally Identifiable Information (PII) (Yes checked), 14. PII Registry Exemptions (No checked).

Form section containing field 15: 15. Name of: Program Contact or (checked), Mary Sue Gilardi, Telephone: 608-266-0091, Email: marysue.gilardi@wisconsin.gov

Form section containing field 16: 16. Records Series Contains Content that is Confidential or Access is Protected: (Yes checked)

Form section containing field 17: 17. APPROVAL SIGNATURES (see instructions). Signatures of Amy J Malin and Alexandra Lazzeroni with dates 7/26/2024.

Form section containing PUBLIC RECORDS BOARD APPROVAL: Authorization is contingent on restrictions to record destruction contained in Wis. Stat. § 19.35(5), (Open Records Law), and that no records are destroyed if litigation or audit involving these records has commenced or is anticipated. Signatures of State Archivist and Executive Secretary - PRB with date 8/27/24.

Approval subject to 10-year sunset per Wis. Stat. § 16.61(4)(c). Action required before: August 2034

EXHIBIT C

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Records Retention / Disposition Authorization

1. RDA # 156
2. Record Series Title Liquidated Insurer Records - Policy and Claim Documents
3. RDA Status (Check One): [X] New [] Amended [] Renewal
4. Agency #: 145 5. Unit #: 300
6. Agency Name Office of the Commissioner of Insurance

7. Records Year of Creation 1975
8. Medium for Records Storage (Check all appropriate)
[X] Electronic/Digital [X] Microform [X] Paper [] Other (Specify)

9. Retention Time Period - Specify Actual Period
1 Yrs | Mo | Wks | Days | Permanent* []
10. Event that Initiates the Start of the Retention Time Period (Check One)
[] Creation [] Fiscal [] Other (Specify) [] (CR) [] (FIS) [X] See box 12

11. Disposition (Check One): [] Destroy [X] Destroy Confidential [] Transfer - State Archives (WHS) [] Transfer - UW Archives
[] Transfer - Other Location (Specify):

12. Records Series Description
Records are for insurance companies where OCI has filed a Petition for Liquidation based on the grounds for liquidation outlined in Wis. Stat. § 645.41 and there has been a court order issued pursuant to Wis. Stat. § 645.42 that appoints the commissioner and their successors in office as the liquidator which shall take possession of the assets of the insurer and administer them under the orders of the court.

Box 10 - Court established late claim filing deadline or until the close of the liquidation, whichever comes first.

Records of the liquidated insurance company: Policy records prior to liquidation include insurance policy forms and indices to the files. Records covered include those policies for which no claim was presented against the estate and files for which a claim was presented during the liquidation.

Additional records may include, but are not limited to, insurance claim files against the company prior to liquidation as well as during the liquidation, proof of claim files, special claims, third party claims, disputed claims, claims of surety, secured creditors' claims, qualified financial contracts, and claims filed with ancillary receivers or security or guaranty funds. Includes reinsurance claims, reinsurance treaties or contracts needed for such claims. Files may include correspondence regarding the claim, claim determination, dividend check copies, etc.

The official record will be maintained electronically for the full retention period. To comply with Wis. Stat. §§ 16.61(7) and 137.20 for authenticity, accuracy, and accessibility the original input documents will be imaged or reformatted and subject to review, to ensure the images of these applications are electronically stored and the quality of these images is acceptable. After verification of the quality and retention of the electronic images, the paper documents will be kept on site for 3 months and then destroyed confidentially.

Box 16 - Confidential or Limited Access - Wis. Stat. § 601.465.

Reason for Creation: Upon agency review it was determined no existing RDA covered these records.

13. Records Contain Personally Identifiable Information (PII): [X] Yes [] No
14. PII Registry Exemptions (Check YES if PII is exempted): [] Yes [X] No

15. Name of: [X] Program Contact or [] Records Officer or Custodian: Mary Sue Gilardi
Telephone: 608-2660091 Email: marysue.gilardi@wisconsin.gov

16. Records Series Contains Content that is Confidential or Access is Protected: [X] Yes [] No
If yes, enter Statute/Code/ or explain other Legal Authority in Box 12, Record Series Description.

17. APPROVAL SIGNATURES (see instructions)
DocuSigned by: Amy J Malon 7/1/2024 | 2:03 PM CDT
DocuSigned by: Kendra Lazzaroni 7/1/2024 | 1:15 PM CDT

PUBLIC RECORDS BOARD APPROVAL - Authorization is contingent on restrictions to record destruction contained in Wis. Stat. § 19.35(5), (Open Records Law), and that no records are destroyed if litigation or audit involving these records has commenced or is anticipated.
State Archivist: [Signature] 8/27/24
Executive Secretary - PRB: [Signature] 8/27/24

Approval subject to 10-year sunset per Wis. Stat. § 16.61(4)(c). Action required before: August 2034

EXHIBIT D

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Records Retention / Disposition Authorization

Form fields including: 1. RDA # 157, 2. Record Series Title Liquidator Non-Financial Records, 3. RDA Status (Check One) [X] New, 4. Agency #: 145, 5. Unit #: 300, 6. Agency Name Office of the Commissioner of Insurance, 7. Records Year of Creation 1975, 8. Medium for Records Storage (Check all appropriate) [X] Electronic/Digital [X] Microform [X] Paper [] Other (Specify), 9. Retention Time Period - Specify Actual Period, 10. Event that Initiates the Start of the Retention Time Period (Check One) [X] Close of liquidation, 11. Disposition (Check One) [X] Destroy Confidential, 12. Records Series Description

Records are for insurance companies where OCI has filed a Petition for Liquidation based on the grounds for liquidation outlined in Wis. Stat. § 645.41 and there has been a court order issued pursuant to Wis. Stat. § 645.42 that appoints the commissioner and their successors in office as the liquidator which shall take possession of the assets of the insurer and administer them under the orders of the court.

These are records of the liquidator that are not financial in nature, including reports of the liquidator i.e. audit reports, court reports, etc. Additional records may include, but are not limited to, correspondence and Memorandums between Special Deputy Liquidator and the Office of the Commissioner of Insurance, policyholders, creditors, legal, and guaranty or security funds, etc., final claim disposition statistical reports i.e. litigation and depositions/statements/interrogatories, legal actions issued filed by the liquidator and against the liquidator, civil actions, actuarial firms, lawyers, etc.

The official record will be maintained electronically for the full retention period. To comply with Wis. Stat. §§ 16.61(7) and 137.20 for authenticity, accuracy, and accessibility the original input documents will be imaged or reformatted and subject to review, to ensure the images of these applications are electronically stored and the quality of these images is acceptable. After verification of the quality and retention of the electronic images, the paper documents will be kept on site for 3 months and then destroyed confidentially.

Box 16 – Confidential or Limited Access – Wis. Stat. § 601.465.

Reason for Creation: Upon agency review it was determined no existing RDA covered these records.

Form fields including: 13. Records Contain Personally Identifiable Information (PII): [X] No, 14. PII Registry Exemptions (Check YES if PII is exempted): [] Yes [] No, 15. Name of: [X] Program Contact or [] Records Officer or Custodian: Mary Sue Gilardi, Telephone: 608-266-0091, Email: marysue.gilardi@wisconsin.gov, 16. Records Series Contains Content that is Confidential or Access is Protected: [X] Yes [] No

Signature section with fields for Designated Authority Representative (Amy J Malin) and Records Officer or Custodian (Kendra Lazzeroni) with dates and times.

PUBLIC RECORDS BOARD APPROVAL – Authorization is contingent on restrictions to record destruction contained in Wis. Stat. § 19.35(5), (Open Records Law), and that no records are destroyed if litigation or audit involving these records has commenced or is anticipated.

Approval signatures and dates for State Archivist (Alfred M... 8/27/24) and Executive Secretary - PRB (Donna Brown 8/27/24).

Approval subject to 10-year sunset per Wis. Stat. § 16.61(4)(c). Action required before: August 2034