

IN THE DISTRICT COURT OF LANCASTER COUNTY, NEBRASKA

STATE OF NEBRASKA, EX REL.)	Case No.	CI 14 2486
BRUCE R. RAMGE,)		
DIRECTOR OF INSURANCE OF)		
THE STATE OF NEBRASKA,)		
)		
PETITIONER,)	ORDER OF LIQUIDATION	
)	AND INJUNCTION	
v.)		
)		
OMNI DENTAL ASSOCIATES, INC.)		
)		
RESPONDENT.)		

This matter came on for consideration on September 30, 2014, on the Petition of the Director of Insurance for the State of Nebraska, Bruce R. Ramge, ("Director") pursuant to the Insurers Supervision, Rehabilitation and Liquidation Act ("Act"), Neb. Rev. Stat. § 44-4801 et. seq., for an Order of Liquidation and for such further relief as appropriate with respect to Omni Dental Associates, Inc. ("Omni"). Present at said hearing was Jody Gittins, of the Nebraska Attorney General's Office, representing the Petitioner. Respondent was also present at the hearing without the presence of counsel. The court, upon reviewing the evidence adduced at hearing and the applicable law, finds as follows:

ORDER OF LIQUIDATION

LANCASTER COUNTY
 2014 SEP 30 PM 12 11
 CLERK OF THE
 DISTRICT COURT

1. Omni Dental Associates, Inc., is a Nebraska domiciled Prepaid Dental Service Corporation with its home office located at 6846 Pacific Street, Omaha, NE 68145.
2. The court has jurisdiction over the subject matter and the parties, and venue is proper in this court pursuant to Neb. Rev. Stat. § 44-4804.



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3. Omni is in such condition that the further transaction of business by Omni would be hazardous, financially or otherwise, to its insureds, creditors or the public.
4. Grounds exist under Neb. Rev. Stat. § 44-4817 authorizing the director to request an order to liquidate Omni and for the court to enter an Order of Liquidation pursuant to Neb. Rev. Stat. § 44-4818.
5. The immediate appointment of a liquidator is necessary to protect the creditors, claimants and policyholders of Omni and it is in their best interest and in the best interests of the public that an Order of Liquidation be entered appointing the Director as Liquidator of Omni pursuant to Neb. Rev. Stat. § 44-4818.

IT IS, THEREFORE, ORDERED AND ADJUDGED AND DECREED that:

1. Omni is in such condition that the further transaction of business would be hazardous, financially or otherwise, to its insureds or creditors or the public, and is insolvent, two criteria for liquidation pursuant to Neb. Rev. Stat. § 44-4817.
2. An Order of Liquidation is entered under Neb. Rev. Stat. § 44-4818 authorizing the liquidation of Omni.
3. Bruce R. Ramage, Director of the Department of Insurance for the State of Nebraska, and successor in office, is appointed Liquidator of Omni pursuant to Neb. Rev. Stat. §44-4818.
4. The Liquidator is authorized and directed to forthwith take possession and control of the assets of Omni and administer them under the general

supervision of this Court. The Liquidator is directed to exercise any and all rights of Omni in connection with any collateral or other assets being held for the benefit of Omni by any person or entity. Pursuant to Neb. Rev. Stat. § 44-4818, the Liquidator shall be vested by operation of law with title to all of the property, contracts, and rights of action and all of the books and records of Omni, wherever located, as of the entry of this Order of Liquidation.

5. The Liquidator shall have, exercise and be subject to all of the rights, powers and duties of a Liquidator under Neb. Rev. Stat. §§ 44-4801 et. seq.
6. All officers, managers, directors, trustees, owners, employees, or agents of Omni shall cooperate with the Liquidator as required by Neb. Rev. Stat. § 44-4806.
7. The Liquidator shall file financial reports and accounting with this Court pursuant to Neb. Rev. Stat. § 44-4818(5) for the period ending October 31, 2014, and at least annually thereafter. Such reports shall include at a minimum the assets and liabilities of Omni and all funds received or disbursed by the Liquidator during the current period, and all be submitted to this Court for approval without necessity of a hearing.
8. This Court shall retain jurisdiction of this matter for the purpose of granting such other and further relief as shall be just and equitable and the Liquidator shall apply to this Court for further instructions as necessary.

INJUNCTION

1. This court has jurisdiction over the subject matter and the parties, and venue is proper in this court pursuant to Neb. Rev. Stat. § 44-4804.

2. Under Neb. Rev. Stat. § 44-4805 (1), the court is authorized to grant injunctions and other orders which are necessary and proper to prevent any actions that might lessen the value of Omni's assets, prejudice the rights of its policyholders, creditors and shareholders or prejudice the administration of any proceeding involving Omni under the Nebraska Insurers Supervision, Rehabilitation and Liquidation Act ("Liquidation Act"), Neb. Rev. Stat. §§ 44-4801 et. seq.
3. In order that Omni's assets not lessen in value, that the rights of Omni's policyholders, creditors and shareholders are not prejudiced and that the administration of proceedings involving Omni under the Liquidation Act are not prejudiced, it is necessary and proper for the court to grant injunctive relief and other orders as provided for under Neb. Rev. Stat. § 44-4805.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. That an Injunction be issued restraining and enjoining Omni, its directors, officers, managers, agents, employees, and all other persons and legal entities, except the Liquidator of Omni from:
 - A. Engaging in further transactions of Omni business;
 - B. Transferring Omni property;
 - C. Interfering with the Liquidator, his employees and assistants or with proceedings involving Omni under the Liquidation Act;
 - D. Wasting Omni assets;
 - E. Dissipating or transferring bank accounts of Omni;
 - F. The institution of further prosecution of any action or proceedings;

- G. Obtaining preferences, judgments, attachments, garnishments, or liens against Omni, its assets or its policyholders;
- H. Levying execution against Omni, its assets or policyholders;
- I. Making any sale or deed for nonpayment of taxes or assessments which would lessen the value of the assets of Omni;
- J. Withholding from the Liquidator any books, accounts, documents or other records relating to the business of Omni; and
- K. Any other threatened or contemplated action that might lessen the value of Omni assets or that might prejudice the rights of policyholders, creditors, shareholders, or the administration of any proceeding involving Omni under the Nebraska Insurers Supervision, Rehabilitation and Liquidation Act.

2. This Court shall retain jurisdiction of this matter for the purpose of granting such other and further relief as shall be just and equitable and the Liquidator shall apply to this Court for further instructions as necessary.

DATED this 30th day of Sept, 2014.

BY THE COURT:



Robert R. Otte, District Judge