

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT
INGHAM COUNTY

LINDA A. WATTERS, COMMISSIONER,
MICHIGAN DEPARTMENT OF LABOR AND
ECONOMIC GROWTH, OFFICE OF FINANCIAL
AND INSURANCE SERVICES

Petitioner,

Case No. 05-1472-CR

Hon. William E. Collette

v.

ULTIMED HMO OF MICHIGAN, INC.,
a Michigan health maintenance organization,

IN LIQUIDATION

Respondent.

E. John Blanchard (P28881)
Christopher L. Kerr (P57131)
Assistant Attorneys General
**Michigan Department of Attorney General
Insurance & Banking Division**
Attorneys for Petitioner / Liquidator
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Harley K. Brown
In Pro Per

Business Address:
2401 20th Street
Detroit, Michigan 48216

Residence Address:
18221 Hamilton Road
Highland Park, Michigan 48203

**ORDER ADJUDGING AND PUNISHING
HARLEY BROWN'S CONTEMPT OF COURT**

At a session of said Court
held in the Circuit Courtrooms
for the County of Ingham,
State of Michigan, on the
13th day of Sept, 2006

PRESENT: HONORABLE _____
Circuit Court Judge

This matter having come before the Court pursuant to the Liquidator's Ex Parte Motion for Order to Show Cause Why the Court Should Not Hold Harley Brown in Contempt of Court for Disobeying the Court's April 10, 2006 Corrected Liquidation Order (the "Motion"); the Court having reviewed the Motion, together with the Exhibits attached thereto; having entered the Liquidator's requested Ex Parte Order to Show Cause on August 22, 2006, which Order required Harley Brown to appear before the Court on September 13, 2006 at 10:00 a.m. to show cause why he should not be held in contempt for disobeying the Court's April 10, 2006 Corrected Liquidation Order; the Court having reviewed any response brief filed by Harley Brown in connection with the Motion; having heard oral arguments at the show cause hearing on September 13, 2006; and being otherwise fully advised;

NOW, THEREFORE, upon due consideration thereof, and for the reasons stated on the record,

IT IS HEREBY ADJUDGED that Harley Brown is guilty of contempt for the reason that he has disobeyed the April 10, 2006 Corrected Liquidation Order by:

- (1) Interfering with Special Deputy Liquidator James Gerber's attempt to relocate, from the former liquidation site to the new liquidation site, approximately 100 boxes of documents relating to Ultimed's contracts with Wayne County to provide HMO services to the County's indigent health care limited benefits programs, known as the PlusCare and Adult Benefits Waiver programs; and
- (2) Failing to reimburse the Ultimed liquidation estate the \$2,500 in moving costs that it incurred as a result of the above-referenced interference.

ACCORDINGLY, IT IS HEREBY ORDERED that, as punishment for Harley Brown's contempt, he shall tender a check in the amount of \$2,500, payable to "Ultimed HMO of Michigan, Inc.," to Special Deputy Liquidator James Gerber within three (3) business days after

entry of this Order, or by September 18, 2006 at 4:30 p.m., for the purpose of reimbursing the Ultimed liquidation estate its moving costs incurred as a direct result of Mr. Brown's contempt.

IT IS FURTHER ORDERED that Harley Brown shall tender an additional check in the amount of \$ 300.00^{vse}, payable to "Ultimed HMO of Michigan, Inc.," to Special Deputy Liquidator James Gerber within three (3) business days after entry of this Order, or by September 18, 2006 at 4:30 p.m., for the purpose of reimbursing the Ultimed liquidation estate its expenses, including attorney fees, incurred in preparing and filing the Motion and pursuing entry of this Order.

~~**IT IS FURTHER ORDERED** that pursuant to MCL 500.8106(4) and Paragraph 10 of the Corrected Liquidation Order, Harley Brown shall pay a fine to the Court in the amount of \$ _____ by tendering a check in that amount made payable to the "Ingham County Circuit Court" within three (3) business days after entry of this Order, or by September 18, 2006 at 4:30 p.m., for the purpose of vindicating the Court's authority, ensuring compliance with the Court's rulings and orders, and preventing Mr. Brown from further interfering with the liquidation proceeding.~~

IT IS FURTHER ORDERED that upon Harley Brown's failure to comply with any provision of this Order and the Liquidator's submission of an ex parte application and affidavit establishing this fact, the Court shall issue a bench warrant for the arrest of Harley Brown based upon his further contempt of Court, and upon Mr. Brown's arrest for such further contempt, he shall be imprisoned until such time as he fully complies with the terms of this Order.

IT IS SO ORDERED.



CIRCUIT COURT JUDGE