

THE STATE OF NEW HAMPSHIRE

MERRIMACK, SS.

SUPERIOR COURT

Docket No. 217-2010-CV-414

Georgia Tuttle, M.D., et al.

vs.

New Hampshire Medical Malpractice  
Joint Underwriting Association, et al.

**FIRST STATUS REPORT**  
**ON THE DISTRIBUTION OF COMMON FUND PROCEEDS<sup>1</sup>**

Class Representatives Georgia Tuttle, M.D., LRGHealthcare, and Derry Medical Center, on behalf of themselves and the class of similarly-situated policyholders of the New Hampshire Medical Malpractice Joint Underwriting Association (“NHMMJUA”), through Class Counsel submit this First Status Report on the Distribution of Common Fund Proceeds.

1. On September 7, 2018, this Court (McNamara, J.) entered its order approving the Class Representatives’ Plan of Allocation, Case Contribution Awards and Legal Fees and Expenses (the “Allocation Order”).

2. On September 11, 2018, this Court (McNamara, J.) entered its order authorizing Class Counsel to open a custodial account for the purpose of holding all funds tendered by the Receiver (the “Custodial Account Order”).

3. On September 11, 2018, this Court (McNamara, J.) in the Receivership Action entered an order authorizing the Receiver to make an interim distribution of \$60,000,000 to be

---

<sup>1</sup> Capitalized terms have the same meaning as contained in the Plan of Allocation.

held by Class Counsel (the “Interim Distribution Order”) for distribution according to the Allocation Order.

4. On September 13, 2018, the Receiver issued a wire transfer of \$60 million to the Custodial Account.

5. On November 8, 2018, this Court (McNamara, J.) in the Receivership Action entered an order authorizing the Receiver to make a second interim distribution of \$25,736,000 to be held by Class Counsel (the “Second Interim Distribution Order”) for distribution according to the Allocation Order.

6. On November 15, 2018, the Receiver issued a wire transfer of \$25,736,000 to the Custodial Account.

7. On December 6, 2018, Class Counsel wired \$64,000,000 to the Claims Administrator with instructions to distribute these funds to Class Members in accordance with the Allocation Order. The amount wired represents the Net Distribution Fund which was calculated as follows:

- Gross Distribution Fund as of December 6, 2018: \$ 86,060,064.85
  - Withhold of 25% for approved legal fees: \$ (21,515,016.21)
  - Withhold for Class Counsel’s approved expenses \$ (3,759.00)
  - Withhold for approved case contribution awards \$ (75,000.00)
  - Withhold for Claims Administrator’s fee \$ (250,000.00)<sup>2</sup>
  - Withhold for Nixon Peabody’s Estimated taxes for earnings

---

<sup>2</sup> Amount withheld is an estimate.

in Custodial Account	\$	(123,420.23) <sup>3</sup>
○ Withhold for bank fees	\$	(15,774.68)
○ Wire to Claims Administrator for distribution to Class	\$	(64,000,000.00)

**Remaining Unreserved Assets in Custodial Account**                    \$            **77,094.73**

8. The Remaining Unreserved Assets in the Custodial Account have been re-invested in 30 day U.S. Treasury bills with a maturity date of January 5, 2019

9. Class Counsel, in furtherance of their duties to the Class, and in accordance with the September 6, 2018 Order on the Custody of Excess Surplus Funds (McNamara, J.), will await confirmation from the Claims Administrator that it has issued distribution checks to Class Members pursuant to the Allocation Order and has not encountered any material issues with the mailing which it expects to occur during the week of December 17, 2018. After this confirmation has been received, Case Contribution Awards, Class Counsel’s approved legal fees, Class Counsel’s approved expenses, and other expenses such as bank fees and the Claims Administrator’s fees will be released from the custodial account.

10. According to the Second Interim Distribution Order, the Receiver is withholding approximately \$494,000 to pay final expenses associated with the liquidation of the NHMMJUA. Funds remaining after the court ordered dissolution will be tendered to Class Counsel for distribution, together with the Remaining Unreserved Assets in the Custodial Account, to Class Members in accordance with the Allocation Order.

11. Class Counsel will submit further Status Reports to detail the distribution of awards, fees and expenses approved by the Allocation Order.


---

<sup>3</sup> Amount withheld is an estimate.

Respectfully submitted,

***CLASS COUNSEL***

NIXON PEABODY LLP

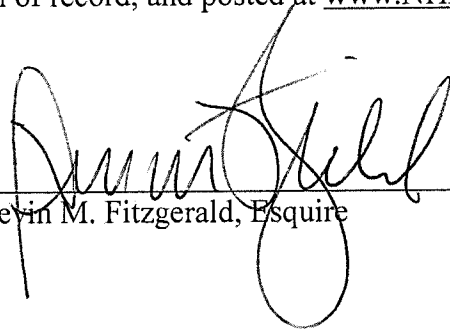


Kevin M. Fitzgerald, Esquire (NH BAR #806)  
W. Scott O'Connell, Esquire (NH BAR #9070)  
900 Elm Street, 14<sup>th</sup> Floor  
Manchester, NH 03101-2031  
TEL: (603) 628-4000

Dated: December 12, 2018

**CERTIFICATE OF SERVICE**

I hereby certify that on this 12<sup>th</sup> day of December, 2018, a copy of the foregoing *First Status Report on the Distribution of Common Fund Proceeds* was served by first class mail, postage prepaid, on J. David Leslie, Esquire, Eric A. Smith, Esquire, J. Christopher Marshall, Esquire, and Daniel J. Mullen, Esquire, counsel of record, and posted at [www.NHMMJUA-Class-Action.com](http://www.NHMMJUA-Class-Action.com).



Kevin M. Fitzgerald, Esquire