

STATE OF SOUTH CAROLINA
RICHLAND COUNTY

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Raymond G. Farmer, as Director of the South
Carolina Department of Insurance, and the
South Carolina Department of Insurance,

Plaintiffs,

vs.

Jessica K. Altman, as Rehabilitator of Senior
Health Insurance Company of Pennsylvania,
Patrick H. Cantilo, as Special Deputy
Rehabilitator of Senior Health Insurance,
Company of Pennsylvania, and Senior Health
Insurance Company of Pennsylvania in
Rehabilitation,

Defendants.

Civil Action No. 2020-CP-40-05802

MOTION TO SUBSTITUTE
A DEFENDANT

Plaintiffs, Raymond G. Farmer, as Director of the South Carolina Department of Insurance, and the South Carolina Department of Insurance, by and through the undersigned counsel, hereby move the Court for an order pursuant to Rule 25(d), SCRCP substituting, Michael Humphreys, Acting Insurance Commissioner for Pennsylvania, for Jessica K. Altman, as Rehabilitator of Senior Health Insurance Company of Pennsylvania, as a Defendant in the above-captioned matter. As grounds for this motion, Plaintiffs would show the following:

1. Jessica K. Altman is named as a Defendant in this matter in her official capacity as Rehabilitator of Senior Health Insurance, Company of Pennsylvania, and Senior Health Insurance Company of Pennsylvania in Rehabilitation (SHIP).

2. By order of the Commonwealth Court of Pennsylvania dated January 29, 2020, “Insurance Commissioner Jessica K. Altman *and her successors in office* [emphasis added] were

“appointed Rehabilitator of” Senior Health Insurance Company of Pennsylvania (“SHIP”) in the matter of *In re Senior Health Insurance Company of Pennsylvania in Rehabilitation*, No. 1 SHP 2020. *See generally* SHIP, Court Documents. < <https://www.shipltc.com/court-documents>>.

3. On February 28, 2022, Michael Humphreys was named Acting Insurance Commissioner for Pennsylvania, succeeding the Defendant Altman. *See* Pennsylvania Insurance Department, Meet the Insurance Commissioner, <<https://www.insurance.pa.gov/Pages/Homepage/MeettheCommissioner.aspx>>.

4. By operation of the January 29, 2020, Pennsylvania order appointing Commissioner Altman “and her successors in office” as Rehabilitator of SHIP, Michael Humphreys, as successor in office to Commissioner Altman, is now the Rehabilitator of SHIP.

5. Accordingly, for the purposes of the instant action, and pursuant to Rule 25(d), SCRCPP, Michael Humphreys, in his capacity as Rehabilitator of Senior Health Insurance Company of Pennsylvania, is now an appropriate Defendant in the instant proceedings and should be substituted for Jessica K. Altman.

6. Rule 25(d), SCRCPP provides, in pertinent part, “When a public officer is a party to an action in his official capacity and during its pendency dies, resigns, or otherwise ceases to hold office, the action does not abate and his successor is automatically substituted as a party. Proceedings following the substitution shall be in the name of the substituted party, but any misnomer not affecting the substantial rights of the parties shall be disregarded. An order of substitution may be entered at any time.”

For the foregoing reasons, Plaintiffs respectfully pray the Court for an order substituting “Michael Humphreys, as Rehabilitator of Senior Health Insurance Company of Pennsylvania,” for “Jessica K. Altman, as Rehabilitator of Senior Health Insurance Company of Pennsylvania” as a

Defendant in the instant proceedings and providing that the caption of this matter be changed accordingly to reflect this substitution.

Although substitution is required by rule, and the purpose of this motion is merely to request an order of substitution implementing the automatic substitution provisions of Rule 25(d)(1), the undersigned certifies that he has consulted with counsel for the Defendants, and is authorized to state that they have no objection to this motion.

Respectfully submitted,

March 3, 2022

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