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1 SHP 2022

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Michael Humphreys, Acting Insurance Commissioner of the Commonwealth of Pennsylvania in his capacity as the Statutory Rehabilitator of Senior Health Insurance Company of Pennsylvania, Plaintiff	:	
	:	DOCKET NO.: 1 SHP 2022
v.	:	
Brian Wegner 12862 Tuskany Boulevard Carmel, IN 46032	:	
Paul Lorentz: 214 Wellington Parkway Noblesville, IN 46060	:	JURY TRIAL DEMANDED
Barry Staldine 6789 South Foster Branch Court Pendleton, IN 46064	:	
Protiviti Inc. 2884 Sand Hill Road Menlo Park, CA 94025 Defendants.	:	

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Acting Insurance Commissioner of the Commonwealth of Pennsylvania,
as Statutory Rehabilitator of Senior Health Insurance Company of Pennsylvania

NOTICE TO DEFEND

You have been sued in court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this complaint and notice are served, by entering a written appearance personally or by attorney and filing in writing with the court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint of for any other claim or relief requested by the plaintiff. You may lose money or property or other rights important to you.

You should take this paper to your lawyer at once. If you do not have a lawyer or cannot afford one, go to or telephone the office set forth below to find out where you can get legal help.

Central Pennsylvania Legal Services, Inc.
213 North Front Street
Harrisburg, Pennsylvania 17101
(717) 232-0581

and

Public Services and Lawyers Referral Committee
Dauphin County Bar Association
213 North Front Street
Harrisburg Pennsylvania 17101
(717) 232-7536

AVISO

Le han demandado a usted en la corte. Si usted quiere defenderse de estas demandas expuestas en las paginas siguientes, usted tiene veinte (20) dias de plazo al partir de la fecha de la demanda y la notificacion. Hace falta ascentar una comparencia escrita o en persona o con un abogado y entregar a la corte en forma escrita sus defensas o sus objeciones a las demandas en contra de su persona. Sea avisado que si usted no se defiende, la corte tomara medidas y puede continuar la demanda en contra suya sin previo aviso o notificacion. Ademas, la corte puede decider a favor del demandante y requiere que usted cumpla con todas las provisiones de esta demanda. Usted puede perder dinero o sus propiedades u otros derechos importantes para usted.

Lleve esta demanda a un abogado immediatamente. Si no tiene abogado o si no tiene el dinero suficiente de pagar tal servicio. Vaya en persona o llame por telefono a la oficina cuya direccion se encuentra escrita abajo para averiguar donde se puede conseguir asistencia legal.

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Protiviti Inc. 2884 Sand Hill Road Menlo Park, CA 94025 Defendants.	:	

REHABILITATOR'S PRELIMINARY OBJECTION TO DEFENDANT PAUL LORENTZ'S FIRST PRELIMINARY OBJECTION

Michael Humphreys, Acting Insurance Commissioner of the Commonwealth of Pennsylvania, in his capacity as the Statutory Rehabilitator ("Rehabilitator") of Senior Health Insurance Company of Pennsylvania ("SHIP"), by and through his undersigned counsel, hereby asserts the following Preliminary Objection to Defendant Paul Lorentz's Preliminary Objection improperly raising the affirmative defense of statute of limitations.[1] In support hereof, the Rehabilitator respectfully avers as follows:

THE PARTIES AND JURISDICTION

1. Michael Humphreys is the Acting Insurance Commissioner of the Commonwealth of Pennsylvania (the "Commissioner" or "Acting Commissioner"). The prior Commissioner, Jessica K. Altman, was appointed as the Statutory Rehabilitator of SHIP on January 29, 2020. Former Commissioner Altman and Acting Commissioner Humphreys have appeared in this action in the capacity of Statutory Rehabilitator of SHIP. (Am. Compl. ¶¶ 1, 2.)

[1] This Preliminary Objection to Defendant Paul Lorentz's First Preliminary Objection addresses only Defendant Lorentz's First Preliminary Objection improperly raising the affirmative defense of statute of limitations, and the facts and argument herein are limited to that issue. In addition, the Rehabilitator is filing a response to Defendant Lorentz's Preliminary Objections as well as a Brief in Opposition to Defendant Lorentz's Preliminary Objections. To the extent necessary, the Rehabilitator incorporates the recitation of facts set forth in those documents.

2. SHIP is a Pennsylvania stock limited life insurance company that administers a closed block of long-term care insurance policies. SHIP is domiciled in the Commonwealth of Pennsylvania with its principal place of business in Carmel, Indiana. (Am. Compl. ¶ 3.)

3. Defendant Lorentz is an individual residing at 214 Wellington Parkway, Noblesville, Indiana 46060. Defendant Lorentz served as SHIP's Chief Financial Officer from 2008 until February 2017. While he served as SHIP's Chief Financial Officer, Defendant Lorentz also served as one of SHIP's directors and as the treasurer of Fuzion Analytics, Inc. ("Fuzion"), at the time SHIP's sister company and now SHIP's wholly owned subsidiary. (Am. Compl. ¶ 5.)

4. The Commonwealth Court of Pennsylvania has jurisdiction over this matter pursuant to 42 Pa. C.S. § 761(a) and Sections 504 and 516 of the Pennsylvania Insurance Department Act, 40 P.S. §§ 221.4(d) and 221.16(c). Venue is proper in this Court under 40 P.S. § 221.4(b) in that SHIP is a Pennsylvania domiciled insurance company.

RELEVANT BACKGROUND

5. The Rehabilitator's claims against Defendant Lorentz arise out of his mismanagement of SHIP, an insurer domiciled in Pennsylvania and now within the Court's jurisdiction and supervision through rehabilitation proceedings docketed at

In re Senior Health Insurance Company of Pennsylvania in Rehabilitation, 1 SHP 2020.

6. The Rehabilitator initiated this action by filing a Complaint against Defendant Lorentz and others on January 28, 2022.[2]

7. The Rehabilitator filed the operative Amended Complaint against Defendant Lorentz and others on June 22, 2022.

8. Defendant Lorentz filed his Preliminary Objections to the Amended Complaint on August 26, 2022.

9. In his First Preliminary Objection, Defendant Lorentz raises the affirmative defense of statute of limitations.

10. This Preliminary Objection to Defendant Paul Lorentz's First Preliminary Objection raises the Rehabilitator's procedural objection to the improper assertion of the affirmative defense of statute of limitations.

REHABILITATOR'S PRELIMINARY OBJECTION
TO DEFENDANT LORENTZ'S FIRST PRELIMINARY OBJECTION
Failure to Conform to Law and Rule of Court
Pursuant to Pa. R.C.P. 1028(a)(2)

11. The Rehabilitator incorporates the foregoing paragraphs as though fully set forth herein.

[2] The Rehabilitator is filing separate Preliminary Objections to Preliminary Objections for each defendant, as well as separate responses to Preliminary Objections and briefs in opposition to Preliminary Objections for each defendant.

12. Pennsylvania Rule of Civil Procedure 1028(a)(2) authorizes a preliminary objection for "failure of a pleading to conform to law or rule of court."

13. Defendant Lorentz's First Preliminary Objection improperly asserts the affirmative defense of statute of limitations by way of Preliminary Objections, and thus Defendant Lorentz's First Preliminary Objection Preliminary Objection fails to conform to the rules of this Court.

14. The affirmative defense of statute of limitations must be raised in a "New Matter" pleading, not preliminary objections. *See* Pa. R.C.P. 1030(a) ("all affirmative defenses including but not limited to . . . statute of limitations . . . shall be pleaded in a responsive pleading under the heading 'New Matter.'").

15. In addition, Rule 1028—the rule authorizing and governing preliminary objections—provides that "[t]he defense of the bar of a statute of frauds or statute of limitations can be asserted only in a responsive pleading as new matter under Rule 1030" rather than by Preliminary Objection. Pa. R.C.P. 1028(a)(4), *Note*.

16. Accordingly, Defendant Lorentz's First Preliminary Objection raising the affirmative defense of statute of limitations must be overruled at this time.

17. Defendant Lorentz concedes that statute of limitations defenses are usually pled in an answer as a new matter (First Preliminary Objection ¶ 33), ignoring that Rule 1030 in fact *requires* the submission of a statute of limitations

defense as New Matter and Rule 1028 *prohibits* the submission of a statute of limitations defense as a preliminary objection.

18. To justify his disregard for the Rules of Civil Procedure, Defendant Lorentz claims that "the Court recognizes an exception to this general rule where an affirmative defense 'is apparent on the face of the complaint,'" citing *Baney v. Fisher*, No. 752 M.D. 2018, 2020 WL 5033421 (Pa. Commw. Ct. 2020). (*See* First Preliminary Objection ¶ 33.)

19. Defendant Lorentz's First Preliminary Objection contains no further discussion or analysis of the scope of this purported exception, and Defendant Lorentz fails to show how this purported exception would apply here such that he may assert his statute of limitations defense at this stage.

20. *Baney* is an unpublished Memorandum Opinion without precedential value under Internal Operating Procedure 414. Defendant Lorentz notes that *Baney* "cit[ed] cases" in support of the purported exception allowing consideration of a statute of limitations defense at the preliminary objections stage, but the decisions cited in *Baney* all suggest that the exception Defendant Lorentz invokes is too narrow to permit consideration of his statute of limitations defense at this stage, even if that exception exists.

21. Four of the five cited cases involve affirmative defenses other than the statute of limitations defense, which appears not only in Rule 1030 as an affirmative

defense but also in the notes to Rule 1028 as an *excluded* preliminary objection. *See Greenberg v. Aetna Ins. Co.*, 427 Pa. 511, 515, 517-18 (1967) (permitting consideration of the litigation privilege affirmative defense on preliminary objections because the complaint "was defective on its face" by seeking defamation damages based solely on an absolutely privileged statements made in the course of litigation and for which no liability could ever attach); *Feldman v. Hoffman*, 107 A.3d 821, 835 (Pa. Commw. Ct. 2014) (permitting immunity defense on preliminary objections where defense was question of law and plaintiff could not show additional facts were needed); *Iudicello v. Commonwealth Dep't of Transp.*, 34 Pa. Cmwlth. 361, 362-63 (1978) (permitting immunity defense on preliminary objections where plaintiff admitted that the case law supported defendant's position and immunity was "transparently clear on the face of the complaint, as it is here from plaintiffs own allegations"); *Pelagatti v. Cohen*, 370 Pa. Super. 422, 439-440 (1987) (defense of truth permitted on preliminary objections to defamation claim where statements "were discernibly true from the face of the complaint").

22. *Cooper v. Downingtown School District*, the remaining case cited in *Baney*, involved the statute of limitations defense on appeal. *See Cooper v. Downingtown School Dist.*, 238 Pa. Super. 404, 407 (1976). *Cooper* stands only for the proposition that an appellate court may overlook the trial court's procedural error in the interests of judicial economy if the issue is fully briefed *and* the right to

dismissal is clear, neither of which is the case here. Moreover, *Cooper* involved consideration of Rule 1017, in which certain statute of limitations defenses were permitted and others were not—unlike current Rule 1028, which states that statute of limitation defenses should not be considered on preliminary objection. *See Cooper*, 238 Pa. Super. at 407 n.2 (quoting text of prior version of Rule 1017).

23. The non-binding decision in *Baney* itself is not persuasive authority here, as it arose on unique facts and it extended the purported exception for affirmative defenses beyond the existing circumstances in which the statute of limitations defense could be considered at the preliminary objections stage. In *Baney*, the Commonwealth Court entertained a statute of limitations defense on preliminary objections where the complaint was filed two years after the expiration of the statute of limitations, and the plaintiff's tolling defense of fraudulent concealment was disproven by his own complaint, in which the inmate-plaintiff himself described filing suit for the wrongdoing at issue in his complaint, and by law, which prohibited the Commonwealth from disclosing the documents the inmate-plaintiff claimed had been concealed. *Baney*, 2020 WL 5033421, at *6.

24. Thus, even if *Baney* were binding here (and it is not), and even if *Baney* properly applied the existing law regarding preliminary objections (and it did not), the *Baney* analysis would not permit this Court to consider the statute of limitations defense in violation of Rules 1028 and 1030.

25. Defendant Lorentz's arguments assert that SHIP and the Rehabilitator had inquiry notice of the injuries prior to the filing of the first Complaint in January 2022, making the claims untimely. (*See* First Preliminary Objection ¶ 36.) Even assuming the Court follows the non-binding and unpersuasive authority in *Baney*—Defendant Lorentz can assert his statute of limitations defense now only if he can cite allegations in the Complaint which disprove the Rehabilitator's tolling arguments by showing that SHIP learned the truth even as Defendants concealed it.

26. Defendant Lorentz cannot meet this burden. In *Baney*, for example, the inmate-plaintiff alleged in his Complaint filed in 2019 that he had filed prior litigation "seeking to vindicate his rights upon learning of the illegality of the initial pen register in 2014," five years before the matter at bar, in which the inmate-plaintiff "contend[ed] that the initial investigatory pen register . . . was used illegally by Commonwealth respondents…." 2020 WL 503342, at *6. Thus, the inmate-plaintiff alleged and admitted that the claims filed in 2019 asserting the illegality of the initial pen register were based on information he *personally* obtained in 2014 showing the illegality of the initial pen register.

27. *Baney* is an outlier case, in which an inmate-plaintiff admitted to the very knowledge he alleged had been concealed. In contrast, Defendant Lorentz does not highlight any admissions even remotely similar to the admissions in *Baney*, and certainly no admissions of the Rehabilitator himself. Instead, Defendant Lorentz

instead asks this Court to piece together and draw negative inferences from a set of disparate allegations related to information that was potentially available to SHIP prior to the rehabilitation order, when Defendant Lorentz and his co-conspirators were still in charge and concealing information from SHIP itself and from regulators.

28. Defendant Lorentz's First Preliminary Objection is, essentially, a trial argument that ignores or mischaracterizes the allegations in the Amended Complaint, injuring SHIP and the Rehabilitator should this Court resolve Defendant Lorentz statute of limitations defense before the issue is ripe for decision.

29. SHIP has alleged that its claims are timely under the discovery rule, which tolls the statute of limitations "until a plaintiff could reasonably discover the cause of his action, including in circumstances where the connection between the injury and the conduct of another are not readily apparent." *In re Risperdal Litig.*, 665 Pa. 649, 661 (Pa. 2019) (citing *Wilson v. El-Daief*, 964 A.2d 354, 365 (Pa. 2009)). Under the rule, a claim accrues only when the plaintiff would have discovered both the injury and its cause at the *hands of the defendant* through reasonable diligence. *Gleason v. Borough of Moosic*, 15 A.3d 479, 485 (Pa. 2011). Reasonable diligence is a question for the jury, and not one for the Court to resolve at preliminary objections. *Id.*

30. Here, SHIP has alleged it was prevented from discovering its claims against the Defendants—principally due to the Defendants' own misrepresentations

and concealment—until after the rehabilitator was appointed on January 29, 2020. The Amended Complaint avers in detail that each of the Defendants, and Defendant Lorentz in particular, made numerous misrepresentations and concealed key facts relating to Beechwood, Roebling Re, and the actual value of SHIP's reserves. For example, the Amended Complaint avers that Defendant Lorentz, along with his co-conspirators, "were aware of the underpricing of SHIP's policy premiums" given its true actuarial position and future liabilities, but continually misrepresented those circumstances to the Trustees and the PID in financial statements and failed to correct facts they knew to be materially false. (Am. Compl., ¶¶ 31-35.) These misrepresentations continued until at least March 2019. The Amended Complaint further alleges that Wegner, in conspiracy with Lorentz and Staldine, misrepresented the Beechwood Re transactions as "senior secure loans that were rated NAIC 1 and 2." (Am. Compl., ¶ 49-50). Moreover, the Amended Complaint alleges that Defendant Lorentz engaged in schemes to misrepresent the Beechwood and Roebling Re transactions, and SHIP's true actuarial and financial position, together with Wegner and Staldine. Pursuant to the conspiracy Defendant Lorentz joined, when Defendant Wegner was replaced as Chief Executive Officer by Defendant Lorentz, and then by Defendant Staldine in 2016, Defendants Lorentz and Staldine continued Defendant Wegner's malfeasance and misrepresentations.

31. The Defendants, as senior officers of SHIP, controlled the flow of information related to these transactions and SHIP's actuarial position. Those same Defendants used their position as officers of SHIP to make both affirmative misrepresentations and material omissions regarding the true nature of these transactions and their impact on SHIP's financial position, effectively preventing SHIP from discovering the facts underlying its claims.

32. Against this clear application of the discovery rule, Defendant Lorentz asks the Court to preclude this matter from proceeding to discovery because during 2018, or before, (a) SHIP had *some* indication of concerns regarding Beechwood and Roebling Re; (b) at least one person in senior management raised concerns about Lorentz's performance; and (c) Mr. Lorentz ultimately left his position as CEO of SHIP. (P.O. ¶ 39-43). This is essentially an argument that SHIP failed to exercise reasonable diligence because it was aware of certain facts prior to January 29, 2020. This argument is not proper at the preliminary objection stage, even if the Court overlooks Rule 1030, because the Court to accept the facts pled as true and to make all reasonable inferences in favor of SHIP. Indeed, the Pennsylvania Supreme Court has instructed trial courts to avoid resolving questions of reasonable diligence at any stage and instead advised courts to leave the issue for the jury. *See Gleason v. Borough of Moosic*, 15 A.3d 479, 484-88 (Pa. 2011) (reasonable awareness of injury

and cause of injury are to be decided by jury unless "facts are so clear that reasonable minds cannot differ").

33. Moreover, none of the cherry-picked facts identified by Defendant Lorentz would have notified SHIP that it had suffered significant financial losses because of the Defendants' misconduct. Even if the Court were to focus only on these allegations and ignore the averments regarding Defendants' concealment, none of these facts show notice to the Trustees or PID that Defendants had any role in causing financial losses at SHIP. Nor do any of these facts indicate that the Trustees or PID either knew or could have discovered through reasonable diligence that the Defendants were misrepresenting these transactions from 2016 to 2020.

34. None of these averments are sufficient to show inquiry notice or a lack of reasonable diligence by SHIP as a matter of law, particularly at the pleading stage. *Gleason v. Borough of Moosic*, 15 A.3d 479, 485 (Pa. 2011). They do not indicate, let alone prove as a matter of law, that SHIP knew the full extent of its financial deterioration or the malfeasance that occurred related to the Beechwood and Roebling Re transactions. Nor do they indicate, let alone prove as a matter of law, that SHIP was aware that its losses were the result of Defendants' malfeasance and that Defendants had been misrepresenting the Beechwood and Roebling Re transactions and SHIP's actuarial and financial position while knowing the true circumstances.

35. Accordingly, the discovery rule renders SHIP's claims timely—or will render the claims timely upon development of further facts—and Defendant Lorentz's arguments to the contrary, while they might be revived at trial or summary judgment, are no basis for dismissal at the preliminary objection stage.

36. Moreover, Defendant Lorentz cannot identify facts in the Amended Complaint that will overcome SHIP's pleading of facts supporting the adverse domination doctrine, which tolls the statute of limitations for claims against bad-actor directors, officers, accountants, auditors, actuaries, and attorneys. *See, e.g., Resolution Trust Corp. v. Farmer*, 865 F.Supp.1143 (E.D. Pa. 1994) (applying doctrine to board's attorneys); *see also In re O.E.M.*, 405 B.R. 779, 786 (Bankr. W.D. Pa. 2009) (finding that the court could not decide the adverse domination issue on a motion to dismiss because the doctrine raised "various questions of material fact"). Pennsylvania courts assess (i) the degree of influence by the dominating/controlling directors or officers on the company, and (ii) the degree of culpability of the dominating/controlling directors or officers. Under the doctrine of adverse domination, the statute of limitations is tolled for as long as a corporate plaintiff is controlled by the alleged wrongdoers. *Id*. at 1151.

37. SHIP has alleged in its Amended Complaint that the Defendants controlled its management from the inception of the misconduct at issue through SHIP's placement into rehabilitation on January 29, 2020. Indeed, Defendants were

the senior officers of SHIP during that entire period, ending only when Defendant Staldine—whom Defendant Wegner groomed as one of his successors—stepped down as CEO and was replaced by the Rehabilitator. *See Farmer*, 865 F. Supp. at 1158-59 (noting that "the fact that a regulatory body—even the eventual plaintiff—acquired knowledge of the wrong and possessed certain power over the institution…does not negate the adverse domination doctrine or constitute, standing alone, the necessary cessation of domination so that it could or should have brought a lawsuit"). These allegations appropriately invoke the adverse domination doctrine and SHIP is entitled to discovery on the issues identified in *Farmer*, namely the degree to which Defendants influenced SHIP during this period and their degree of culpability.

38. In addition, SHIP argues in its brief opposing Defendant Lorentz's preliminary objections that SHIP's claims are also timely because, in this case, the public policy surrounding the rehabilitation process weighs heavily in favor of a finding that SHIP's claims did not accrue until the order of rehabilitation was entered on January 29, 2020. SHIP's arguments invoke equitable analyses requiring the consideration of competing facts, and the Court should not resolve these public policy considerations at the preliminary objection stage, before SHIP has an opportunity to respond by way of Reply to New Matter or following discovery.

39. The purpose of Pennsylvania's insurance receivership statutory scheme "is to protect the general public against the substantial costs and exigencies related to a major commercial insolvency." *Foster v. The Mutual Fire, Marine & Inland Ins. Co.*, 614 A.3d 1086, 1084 (Pa. 1992), *cert denied sub nom. Allstate Ins. Co. v. Maleski*, 113 S. Ct. 1047 (1993). Accordingly, the Commissioner is afforded broad powers to "effectuate equitably the intent of the Rehabilitation statutes, i.e., to minimize the harm to all affected parties." *Id.* The Commissioner has a fiduciary duty to "marshall [sic] and preserve all assets of the insolvent entity," and due to the exigent circumstances surrounding a major insolvency, it may be necessary to compromise "individual interests…to avoid greater harm to a broader spectrum of policyholders and the public." *Id.* at *19-20 (citing *Vickodil v. Commonwealth Ins. Dep't*, 559 A.2d 1010, 1013 (1989)).

40. *Foster* is strikingly on point. In materially identical circumstances – where the Pennsylvania insurance company plaintiff brought claims under the direction of Rehabilitator – the *Foster* court found that the plaintiff's claims did not accrue until it requested supervision from the PID and was further tolled until the Order of Rehabilitation pursuant to 40 P.S. § 221.17(b). In so doing, the court rejected the very same argument that Defendant Lorentz raises here—that the plaintiff and the PID were aware of the losses resulting from the defendant's alleged misconduct prior to requesting supervision by PID. *Id.* The court noted that "indeed,

[the insurer] must have been aware of its losses, as it sought supervision from the Insurance Department." *Id.* But the insurer did not know who was responsible for those losses, and reasonable diligence did not include discovering the defendants' wrongdoing because the defendants had fiduciary obligations to the plaintiff. *Id.*

41. The Defendants owed fiduciary duties to SHIP; they used those fiduciary duties to conceal their wrongdoing from the Trustees and the PID; while SHIP (and, to a lesser extent, PID) had some indication that it had suffered financial losses, it did not know – and had no reason to investigate – that those losses were caused by malfeasance and deception by the Defendants; and, the Defendants were officers of SHIP who controlled the company until supervision by the PID was requested.

42. Pursuant to *Foster*, public policy considerations dictate that Defendants—who were the officers in control of SHIP until its entry into Rehabilitation—be precluded from avoiding liability for the extraordinary financial losses caused by their malfeasance by virtue of their coordinated concealment. The fact that control of the company rested with these Defendants is undisputed. Multiple Pennsylvania legal doctrines are designed specifically to avoid such an unjust result, particularly at the pleading stage.

43. SHIP and the Rehabilitator must be permitted to address the factual components of this argument; deciding the statute of limitations argument on

preliminary objections, rather than by way of Reply to New Matter or at summary judgment or trial, deprives SHIP and the Rehabilitator of that opportunity to their detriment.

44. For these reasons, Defendant Lorentz fails to show that he would fall within the scope of the alleged exception to the prohibition on asserting a statute of limitations defense on preliminary objections, as set forth in Rule 1028 and 1030, even if that exception exists.

WHEREFORE, Plaintiff respectfully requests that the Court sustain the Rehabilitator's Preliminary Objection to Defendant Lorentz's First Preliminary Objection, and overrule and deny Defendant Lorentz's First Preliminary Objection improperly raising the affirmative defense of statute of limitations in violation of Pennsylvania Rules of Civil Procedure 1028 and 1030.

Dated: October 17, 2022

Respectfully submitted,

COZEN O'CONNOR

/s/ Michael J. Broadbent

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v.	:	
Brian Wegner, Paul Lorentz: Barry Staldine, and Protiviti Inc. Defendants.	:	JURY TRIAL DEMANDED

[PROPOSED] ORDER

AND NOW, this ____day of _____, 202__, upon consideration of the Rehabilitator's Preliminary Objection to Defendant Paul Lorentz's First Preliminary Objection, it is hereby ORDERED, ADJUDGED and DECREED that the Rehabilitator's Preliminary Objection is SUSTAINED, and Defendant Paul Lorentz's First Preliminary Objection is OVERRULED and DENIED.

_____
MARY HANNAH LEAVITT, President Judge Emerita

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CERTIFICATE OF SERVICE

I, Michael J. Broadbent, hereby certify that on October 17, 2022, I caused to be filed the foregoing REHABILITATOR'S PRELIMINARY OBJECTION TO DEFENDANT PAUL LORENTZ'S FIRST PRELIMINARY OBJECTION through the Court's PACFile system, and that notice was provided to all parties entering an appearance in this matter and listed on the Master Service List associated with 1 SHP 2020. Each of the parties associated with 1 SHP 2022 was served by electronic means through the Court's PACFile system. In addition, I hereby certify that electronic copies of the foregoing documents will be posted on SHIP's website at https://www.shipltc.com/courtdocuments.

By: /s/ Michael J. Broadbent
Michael J. Broadbent