

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

BEFORE THE INDIANA  
COMMISSIONER OF INSURANCE  
CAUSE NUMBER: 10202-CO11-0330-006

IN THE MATTER OF: )

Alfa Vision Insurance Corporation )  
P.O. Box 11000 )  
Montgomery, AL 36116 )  
NAIC No.: 12188 )

Auto-Owners Insurance Company )  
6101 Anacapri Blvd. )  
Lansing, MI 48917 )  
NAIC No.: 61263 )

Respondents )

**FILED**

APR 15 2011

STATE OF INDIANA  
DEPT. OF INSURANCE

**FINAL ORDER**

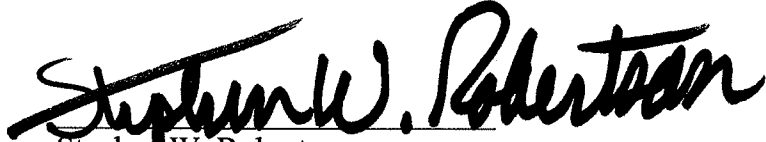
The Indiana Department of Insurance (“Department”) and Alfa Vision Insurance Corporation and Auto-Owners Insurance Company (collectively, “Respondents”) signed an Agreed Entry which purports to resolve all issues involved in the above cause number. The Agreed Entry has been submitted to the Commissioner of Insurance (the “Commissioner”) for approval.

The Commissioner, after reviewing the Agreed Entry, finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Commissioner hereby incorporates the Agreed Entry as if fully set forth herein, and approves and adopts in full the Agreed Entry as a resolution of this matter.

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. All parties will abide by the proposed method of settlement of the claims for Mr. Lopke and Rex Byers, Inc. as prescribed by the Agreed Entry.

ALL OF WHICH IS ORDERED this 15<sup>th</sup> day of April, 2011.

  
Stephen W. Robertson,  
Commissioner,  
Indiana Department of Insurance

Distribution:

Larry A. Johnson  
Alfa Vision Insurance Corporation  
P.O. Box 11000  
Montgomery, AL 36116

Elizabeth Trefil  
Auto-Owners Insurance Company  
6101 Anacapri Blvd.  
Lansing, MI 48917

Nikolas P. Mann  
**INDIANA DEPARTMENT OF INSURANCE**  
311 West Washington Street, Suite 300  
Indianapolis, Indiana 46204-2787

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**AGREED ENTRY**

This Agreed Entry is executed by Nikolas P. Mann, Attorney for and on behalf of the State of Indiana, Indiana Department of Insurance (“Department”), Alfa Vision Insurance Company, an insurance company holding a certificate of authority to do business in Indiana and Auto-Owners Insurance Company, an insurance company holding a Certificate of Authority to conduct business in Indiana, (collectively, “Respondents”), to resolve all issues in the above cause number. This Agreed Entry is subject to the review and approval of Stephen W. Robertson, Commissioner, Indiana Department of Insurance.

WHEREAS, on or around January 27, 2011, the Department received a complaint from Edward Lopke against Respondents relating to claims presented to both companies

resulting from an automobile accident on January 26, 2011 involving persons insured by the respective Respondents; and

WHEREAS, said accident involved four automobiles, described by the Indiana Offer's Standard Crash Report as follows:

- a.) A 2000 Chevrolet Venture, owned and driven by Janice Collins ("Vehicle 1"),
- b.) A 2003 Dodge Neon, owned and driven by Amber Solomon ("Vehicle 2"),
- c.) A 2004 Freightliner Sprinter owned by Rex Byers, Inc. and driven by Brian Dunham (Vehicle 3"),
- d.) A 1998 Pontiac Sunfire, owned and driven by Edward Lopke ("Vehicle 4");

and

WHEREAS, Respondent Alfa Vision insures Vehicle 1; and

WHEREAS, Respondent Auto-Owners insures Vehicle 2; and

WHEREAS, while Respondents agree that the owners of Vehicle 3 and Vehicle 4 hold no liability for the damages caused by said accident, they currently disagree as to the whether or not their respective insureds are liable for the damages; and

WHEREAS, Mr. Lopke does not carry first-party collision coverage on Vehicle 4, and is therefore forced to await the resolution of the liability dispute between Respondents; and

WHEREAS, it is not unusual for liability disputes between insurance companies to take several months to be resolved; and


WHEREAS, in an effort to alleviate the burden felt by Mr. Lopke of waiting for Respondents to resolve their liability dispute and in an effort to settle all issues with the Department concerning this complaint, the parties agree to the following terms:

1. The Commissioner has jurisdiction over the subject matter and Respondents in this administrative action.
2. This Agreed Entry is executed voluntarily by the parties.
3. Respondents voluntarily and freely waive the right to a public hearing in this matter.
4. Respondents voluntarily and freely waive the right to judicial review of this matter.
5. Respondents agree that Mr. Lopke and Rex Byers, Inc. are not liable for the damages caused during the automobile accident of January 6, 2011.
6. Respondents agree to cooperate in making Mr. Lopke and Rex Byers, Inc. whole while the dispute of liability between Respondents continues.
7. Because Respondent Alfa Vision Insurance Corporation has already inspected and evaluated the damage to the Vehicle 3 and Vehicle 4, they will make a good faith effort to settle these claims with the respective owners.
8. Once Respondent Alfa-Vision Insurance Corporation has settled the claims with Mr. Lopke and Rex Byers, Inc., they will notify the Department of the amount settled with each party.

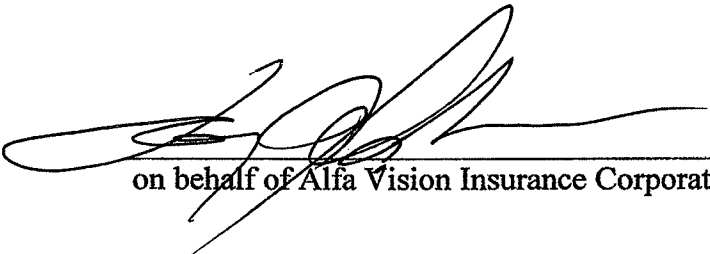
9. Respondent Alfa Vision Insurance Corporation will, after settling with Mr. Lopke and Rex Byers, Inc., subrogate Respondent Auto-Owners Insurance Company for fifty per cent (50%) of the damages paid to each of the owners.
10. It is agreed that the purpose of this Agreed Entry is solely for the purpose of accommodating Mr. Lopke and Rex Byers, Inc. who do not hold any liability in the disputed accident
11. All parties agree that the acceptance of this Agreed Entry in no way binds either Respondent to accept any amount of liability with regards to the subrogation of damages for Vehicle 1 or Vehicle 2. The Parties are free to subrogate each other with respect to damages for the vehicles they insure. Respondents are free to pursue any and all means of resolving the liability dispute normally available to them to resolve inter-company disputes.
12. All parties agree that the acceptance of this Agreed Entry in no way binds the Respondents to entering in to this type of agreement with the Department or each other in the future.
13. The Department agrees to accept Respondents' compliance with the terms of this agreement as full and final resolution of the complaint.
14. Should this Agreed Entry not be accepted by the Commissioner, it is agreed that presentation to and consideration of this Agreed Entry by the Commissioner shall not unfairly or illegally prejudice the Commissioner from further participation in or resolution of these proceedings.

15. Respondents have carefully read and examined this agreement and fully understand its terms.

4/12/11  
Date Signed

  
\_\_\_\_\_  
Nikolas P. Mann, Attorney  
Indiana Department of Insurance

4/5/11  
Date Signed

  
\_\_\_\_\_  
on behalf of Alfa Vision Insurance Corporation

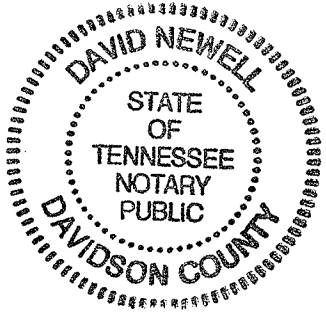
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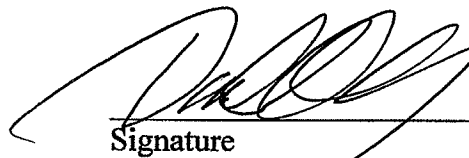
\_\_\_\_\_  
on behalf of Auto Owners Insurance Company

STATE OF Tennessee  
COUNTY OF Davidson ) SS:

Before me a Notary Public for Davidson County, State of Tennessee, personally appeared Larry A. Johnson, on behalf of Alfa Vision Insurance Corporation, and being first duly sworn by me upon his/her oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 5 day of April, 2011.





Signature

David Newell

Printed


My Commissioner expires: 5/8/12

County of Residence: Williamson, TN



15. Respondents have carefully read and examined this agreement and fully understand its terms.

4/12/11  
Date Signed

  
\_\_\_\_\_  
Nikolas P. Mann, Attorney  
Indiana Department of Insurance

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
on behalf of Alfa Vision Insurance Corporation

4/1/11  
Date Signed

  
\_\_\_\_\_  
on behalf of Auto Owners Insurance Company

STATE OF Indiana)  
COUNTY OF Howard) SS:

Before me a Notary Public for Howard County, State of Indiana, personally appeared Elizabeth Trefil on behalf of Auto Owners Insurance Company, and being first duly sworn by me upon his/her oath, says that the facts alleged in the foregoing instrument are true.

Signed and sealed this 1st day of April, 2011.

Dollie A. Linville  
Signature

Dollie A. Linville  
Printed

My Commissioner expires: 2-13-2016

County of Residence: Howard