

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

IN THE MATTER OF THE) **This Proceeding is CONFIDENTIAL**
CONSERVATION OF NEXTLEVEL) **Under 215 ILCS 5/188.1 and Pursuant to**
HEALTH PARTNERS, INC) **Court Orders**
) **No. 2020 CH 4431**

**NEXTLEVEL HEALTH PARTNERS, INC.’S
MOTION FOR LIMITED LIFT OF SEQUESTRATION**

NEXTLEVEL HEALTH PARTNERS, INC. (“NextLevel” or the “Company”), by and through its attorneys, hereby moves the Court for entry of an order in the form submitted herewith (the “Agreed Order”) authorizing a limited lift of sequestration. In support of this Motion, NextLevel states:

1. On June 9, 2020, NextLevel was placed into conservation pursuant to this Court’s order entered that date (the “**Conservation Order**”) and Section 188.1, 215 ILCS 5/188.1, of the Illinois Insurance Code, 215 ILCS 5/1 *et seq.* Among other things, the Conservation Order affirmed the Director of Insurance and successors of that office as Conservator of NextLevel, and directed that the Conservator take immediate possession and control of the property, books, records, accounts, assets, business, and affairs of NextLevel and of the premises currently occupied, or thereafter occupied, by NextLevel for the transaction of business, to conserve them for the benefit of the policyholders and creditors of NextLevel and of the public, and to take such actions that the nature of this cause and interests of the policyholders and creditors of NextLevel or the public may require, subject to further orders of the Court.

2. On June 4, 2020, Judge Tailor entered an Order of sequestration directing that “the court file in this case is hereby sealed and sequestered from the public view until further order of this Court; and . . . all records of . . . NextLevel . . . shall be held confidential, and all persons having knowledge of these proceedings and of this Order . . . are hereby restrained and

FILED DATE: 5/14/2021 1:38 PM 2020CH04431

enjoined from disclosing . . . any facts in their knowledge concerning the Defendant, to members of the public, or otherwise”

3. As they advised the Court during a recent status hearing, the Conservator and NextLevel have been diligently developing and anticipate presenting to the Court a petition seeking entry of an order setting a claim filing deadline and procedure in order to facilitate the wind-up of NextLevel’s business and corporate dissolution subject to any applicable regulatory requirements. At present, NextLevel has resolved almost all claims and sold off most of its business. The entry of an order establishing a claim filing deadline and a procedure for filing claims against NextLevel’s assets is an important step in the process of dissolving NextLevel’s corporate existence.

4. The Court will recall that the Illinois Department of Health and Family Services (“**IDHFS**”) is a creditor of NextLevel. The Conservator wishes to speak with representatives of IDHFS in respect of its claims, and NextLevel has agreed the Conservator may do so.

5. 215 ILCS 5/188.1(5) provides that:

In conservation proceedings and judicial reviews thereof, all records of the company, other documents, and all insurance department files and court records and papers, so far as they pertain to and are a part of the record of the conservation proceedings, shall be and remain confidential except as is necessary to obtain compliance therewith, unless and until the court, after hearing arguments in chambers from the Director and the company, shall decide otherwise, or unless the company requests that the matter be made public.

6. The Special Deputy Conservator has advised NextLevel that he would like the Court to lift the sequestration order for the limited purpose of facilitating his communication with IDHFS.

7. NextLevel is amendable to such limited relief.

FOR EACH OF THESE REASONS, NextLevel respectfully requests that the Court grant

the relief requested in this Motion and enter the Agreed Order submitted herewith.

Dated May 14, 2021

Respectfully submitted,

NEXTLEVEL HEALTH PARTNERS, INC.

By: /s/ Stephen W. Schwab
One of its attorneys

DLA Piper LLP (US)
Stephen W. Schwab
Counsel for NextLevel Health Partners, Inc.
444 West Lake Street, Suite 900
Chicago, Illinois 60606
(312) 368-4000
Attorney Code # 43034
stephen.schwab@us.dlapiper.com

CERTIFICATE OF SERVICE

I, Stephen W. Schwab certify that on this 14th day of May, 2021, I served this Motion for Limited Lift of Sequestration via electronic mail to:

Kwame Raoul
Attorney General
State of Illinois

Maggie Jones
Assistant Attorney General
General Law Bureau
100 W. Randolph Street, 13th Floor
Chicago, Illinois 60601
(312) 814-4061
MaJones@atg.state.il.us

J. Kevin Baldwin
Daniel A. Guberman
Dale A. Coonrod
Counsel to the Director as Receiver
Office of the Special Deputy Receiver
222 Merchandise Mart Plaza, Suite 960
Chicago, Illinois 60654
(312) 836-9500
kbaldwin@osdchi.com
dguberman@osdchi.com
dcoonrod@osdchi.com

/s/ Stephen W. Schwab
Stephen W. Schwab

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT, CHANCERY DIVISION**

IN THE MATTER OF THE) **This Proceeding is CONFIDENTIAL**
CONSERVATION OF NEXTLEVEL) **Under 215 ILCS 5/188.1 and Pursuant to**
HEALTH PARTNERS, INC) **Court Orders**
) **No. 2020 CH 4431**

AGREED ORDER

This cause coming on Motion of NextLevel Health Partners, Inc. (“NextLevel”) for limited lift of sequestration in the above-captioned proceedings, due notice having been given, the parties having agreed, and the Court having found that NextLevel has provided the Court with proof of service on the represented parties as required by Supreme Court Rule 13(c)(2),

IT IS HEREBY ORDERED:

1. Subject to the further order of the Court, the Conservator may have up to 21 days from the date of entry of this Order within which to communicate with the Illinois Department of Health and Family Services (“IDHFS”); and
2. The Order of Sequestration entered on June 4, 2020 in this proceeding otherwise shall remain in full force and effect, subject to its terms and further order of this Court.

This order shall be effective immediately.

ENTERED: _____
Judge Presiding

DLA Piper LLP (US)
Stephen W. Schwab
Counsel for NextLevel Health Partners, Inc.
444 West Lake Street, Suite 900
Chicago, Illinois 60606
(312) 368-4000
Attorney Code # 43034
stephen.schwab@us.dlapiper.com