

**NO. D-1-GV-13-000384**

**THE STATE OF TEXAS** § **IN THE DISTRICT COURT OF**  
v. § **TRAVIS COUNTY, TEXAS**  
§ **UNIVERSAL HMO OF TEXAS, INC.,** § **345th JUDICIAL DISTRICT**

**MOTION FOR PERMISSION TO DESTROY RECORDS**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Jean Johnson, Special Deputy Receiver (“SDR”) of Universal HMO of Texas, Inc., (“Universal Texas”), who files this *Motion for Permission to Destroy Records* (the “Motion”). In support of this Motion the SDR would respectfully show the Court the following:

**THE RELIEF SOUGHT BY THIS MOTION**

This is a motion which seeks permission to destroy records which are no longer useful or needed to be maintained for the further administration of the Universal Texas estate. The Motion additionally seeks permission to donate to charity certain promotional items that are no longer useful for the further administration of the Universal Texas estate.

**I. BACKGROUND**

1. Universal Texas was placed in rehabilitation by this Court’s *Agreed Order Appointing Rehabilitator and Granting Permanent Injunction* (the “Rehabilitation Order”) on April 18, 2013 (the “Receivership Estate”). This Rehabilitation Order appointed the Texas Commissioner of Insurance as Rehabilitator of the Universal Texas receivership (“Receiver.”) The Receiver designated Jean G. Johnson as Special Deputy Receiver of Universal Texas (“Special Deputy Receiver”) on April 29, 2013. Universal Texas was subsequently placed into liquidation on May 17, 2013 by this Court’s *Order of Liquidation* (the “Liquidation Order.”)

2. Jean Johnson is fully authorized to file this Motion pursuant to Section 443.154 of the Code.

3. TEX. INS. CODE §443.354 provides for the disposition of records during and after termination of receivership.

## **II. AUTHORITY**

1. This Court has jurisdiction over the subject matter of this Motion pursuant to Chapter 443 of the Code.

2. Under Section 443.154(a) of the Code, the SDR has all the powers of the Receiver, unless specifically limited by the Receiver.

3. The SDR is authorized to dispose of records during and after termination of receivership by direction of this Court pursuant to Section 443.354(a) of the Code.

4. The SDR is further authorized to transfer custody of any records maintained after the closing of the delinquency proceeding to the custody of the commissioner, and the commissioner may retain or dispose of the records as appropriate, at the commissioner's discretion, pursuant to Section 443.354(b) of the Code.

## **III. ANALYSIS AND RECOMMENDATION**

1. The SDR has identified certain records, documents and promotional items that are not essential and do not need to be maintained for the further administration of the Universal Texas estate. It is the recommendation of the SDR that these records and documents be destroyed and the promotional items donated to charity.

2. This motion is limited to certain materials listed in Exhibit "A" to the Affidavit of Jean Johnson. These records or items were chosen for destruction or donation because they are

no longer necessary for further administration of the Universal Texas estate. The records to be destroyed include the following:

- a. 16 boxes of 2013 Provider/Pharmacy Directories;
  - b. 174 boxes of 2013 Enrollment Guides;
  - c. 11 boxes of Enrollment forms;
  - d. 1 box of 2013 Universal Sales Training Programs;
  - e. 1 partial box of Universal Member First (HMO)-Universal Healthy Living (HMN SNP) Brochures;
  - f. 160 Universal Trust (HMO SNP)-For People with Medicare and Medicaid Brochures;
  - g. 1 partial box of Health Guide Booklets for Members;
  - h. 1 partial box of Contact Cards for Sales; and
  - i. 1 partial box of Universal Health Care Pocket Folders.
3. The promotional items to be donated to charity include the following:
- a. 3 partial boxes of Band-aids in cases;
  - b. 1 box of back scratchers;
  - c. 12 stress balls;
  - d. About 20 bottle openers;
  - e. 1 large case of cardstock;
  - f. 1 partial box of clips for bags of chips;
  - g. 1 large box of eyeglass repair kits;
  - h. 3 grocery shopping bags;
  - i.  $\frac{3}{4}$  of a box of highlighters;

- j. About 20 key chains;
  - k. 3 partial boxes of letter openers;
  - l. 1 ¼ boxes of lip balm;
  - m. 2 partial boxes of magnetic business card holders;
  - n. 1 box of magnets;
  - o. 1 box of mints in tins; and
  - p. 1 sack of paper goods (including plates and napkins)
4. The SDR makes this motion on the basis that destruction of these records and donation of the promotional items will reduce expenses, including costs to store and maintain the records and items, and is in the best interest of the Universal Texas estate.
5. This Motion is supported by the Affidavit of Jean Johnson, attached hereto as Exhibit “A” and incorporated herein for all purposes.

#### **NOTICE**

1. The SDR sent notice of the submission of this Motion to all known parties of interest shown on the Certificate of Service. As stated above, the Certificate of Service includes all who have requested to be placed on the Certificate of Service. The SDR will also post this Motion on its website located at [www.universalmotexasreceiver.com](http://www.universalmotexasreceiver.com).

#### **RELIEF REQUESTED**

1. Based on the foregoing, the SDR respectfully requests that the Court enter an order permitting destruction of the records and donation of the promotional items.

2. The SDR also requests all other just and equitable relief.

Respectfully submitted,

**Wisener Nunnally Roth, L.L.P.**

Original signed by

By: \_\_\_\_\_

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Receiver of UNIVERSAL HMO OF TEXAS, INC.*

## Certificate of Service

One copy of the foregoing document was sent to the persons set forth below by email on December 28, 2015.

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/s/Michael C. Roth  
Michael C. Roth

THE STATE OF TEXAS	§	IN THE DISTRICT COURT OF
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**AFFIDAVIT OF JEAN JOHNSON IN SUPPORT OF  
THE SDR'S MOTION FOR PERMISSION TO DESTROY RECORDS**

TO THE HONORABLE JUDGE OF SAID COURT:

Came before me, a notary public, Jean Johnson, Special Deputy Receiver (“SDR”) of Universal HMO of Texas, Inc., (“Universal Texas”), who, being duly sworn, did subscribe and swear that:

1. I am Jean Johnson. I am the SDR of Universal Texas. I have personal knowledge of the facts to which I attest. I obtained my knowledge in my role as SDR.

2. I, acting as SDR, have identified certain records, documents and items that are not essential to and do not need to be maintained for the further administration of the Universal Texas estate. It is my recommendation that these records and documents be destroyed and the promotional items be donated to charity.

3. I believe it is in the best interest of the Universal Texas estate to permit the destruction of any records and documents and the donation of any promotional items which are no longer useful to the estate and reduce the expenses associated with storage of the same I ask for permission to destroy all the records and donate the promotional items identified in Exhibit “A” None of these files or items are necessary to the further administration of the Universal Texas estate.



Original signed by

Jean Johnson

Subscribed and sworn to on this 23 day of December, 2015, by Jean Johnson, before me, a notary public.

Original signed by

Notary Public



# Exhibit A

Inventory  
 December 22, 2015  
 Universal HMO of Texas, Inc.  
 San Antonio

**Inventory of Printed Marketing Materials**

<b>Document/Booklet</b>	<b>Amount</b>
<i>2013 Provider/Pharmacy Directories</i> Texas Other PD-18/Rx TX	16 boxes
<i>2013 Enrollment Guide</i> PEB-401, PEB- 501, PEB-502, or PEB-503	174 boxes
Enrollment forms: "Any"-Y0068_02875CY13 Approved 08/31/12 "HMO"-Y0068_02874CY13 Approved 09/14/12	11 boxes
<i>2013 Universal Sales Training Program</i>	1 box
<i>Universal Member First (HMO)-Universal Healthy Living (HMN SNP)</i> Brochure Y0068_02636CY13 Accepted 09/04/12	1 partial box
<i>Universal Trust (HMO SNP)-For People with Medicare and Medicaid</i> Brochure	160 brochures
Health Guide Booklet for Members	1 partial box
Contact Card for Sales	1 partial box
Universal Health Care Pocket Folder	1 partial box

**Inventory of Advertising/Give away items**

<b>MarketingSupplies</b>	<b>Amount</b>
Band-aids in cases	3 partial boxes
Back scratchers	1 overfull box
Balls (blue "stress" type)	12
Bottle openers	20 or less
Cardstock (blank)	1 large case
Clips for chip bags	1 partial box
Eyeglass repair kits	1 large box
Grocery shopping bags (small, blue, cloth)	3
Highlighters (various colors)	¾ box
Key chains	20 or less
Letter openers: Small white Large white Large blue	1 partial box 1 partial box 1 partial box
Lip balm	1.25 boxes
Magnetic holders for business cards (2 types)	2 partial boxes
Magnets (business card type)	1 box
Mints (small tin boxes)	1 small box
Paper goods (plates, napkins, etc)	1 sack

Pens- assorted	1 large case + 1 box
Pens –“doctor” (Cross-style pens)	1.75 boxes
Pill boxes: Small, blue and clear Large white	1 partial box 1 partial box
Plastic bags (large and small)	1 partial box (each)
Plastic cups	1 partial box
Posters and banners and other presentation information	Less than 50
Presentation cardboard (flattened)	250-500
Puzzle books (Crossword Suduko)	4.5 boxes
Sewing kits	1 large box
Shoe horns	50 or less
Spray bottles (antibacterial)	1 large partial box
Tablecloths	1 box
Toothbrush/toothpaste combination sets	1 partial box
Whistles (metal, assorted colors)	1 box