

1 Larry J. Caldwell (SBN 88867)
2 larry.caldwell@caldwellfirm.net
3 CALDWELL LAW FIRM
4 401 Wilshire Boulevard, 12th floor
5 Santa Monica, CA 90401
6 Telephone: (310) 689-9769

7 J. Graham Matherne (*Admitted Pro Hac Vice*)
8 gmatherne@wyattfirm.com
9 WYATT, TARRANT & COMBS, LLP
10 333 Commerce Street, Suite 1050
11 Nashville, TN 37201-1837
12 Telephone: (615) 251-6708

13 Bynum E. Tudor III (*Admitted Pro Hac Vice*)
14 btudor@berrytudor.com
15 BERRY & TUDOR, P.C.
16 5123 Virginia Way, Suite B-23
17 Brentwood, Tennessee 37027
18 Telephone: (615) 726-1000

19 Attorneys for Court-Appointed
20 Independent Fiduciary Receivership Management, Inc.

21 **UNITED STATES DISTRICT COURT**
22 **CENTRAL DISTRICT OF CALIFORNIA**

23 **MARTIN J. WALSH, Secretary of**
24 **Labor, United States Department of**
25 **Labor**

26 **Plaintiff,**

27 **v.**

28 **RIVERSTONE CAPITAL, LLC, a**
California limited liability
corporation; et al.,

Defendants.

CASE NO. 19-CV-778-MWF (MAAx)
Honorable Michael W. Fitzgerald

DECLARATION OF ROBERT E. MOORE, JR. IN SUPPORT OF INDEPENDENT FIDUCIARY'S MOTION FOR COURT TO APPROVE INDEPENDENT FIDUCIARY'S RECOMMENDATION TO PAY APPROVED AMOUNTS OF MEMBER PROOFS OF CLAIM

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I, Robert E. Moore, Jr., pursuant to 28 U.S.C. §1746, declare as follows:

1. I am of majority age and have personal knowledge of the facts stated in this Declaration or am knowledgeable of documents that set forth the facts stated in this Declaration.

2. I am President of Receivership Management, Inc., which is the Court-appointed Independent Fiduciary (“IF”) over the Riverstone MEWA and Participating Plans.

3. On or about November 1, 2019, the IF posted its Proof of Claim and Process on the Riverstone Website (www.receivermgmt.com/riverstone-nexgenhealthplan). That posting had the POC Form and POC Definitions and Instructions attached and clearly stated a January 31, 2020 deadline for submissions of POCs.

4. The POC Definitions and Instructions made it clear that a Member Claim for reimbursement of Plan Responsibility Amounts the Member paid to a Medical Provider (and which had not been reimbursed to the Member by the Plan Sponsor) would be prioritized in payment, second only to the costs and expenses of the IF.

5. One hundred forty (140) Member POCs were submitted to the IF.

6. The IF reviewed the Member POCs. The result of the IF’s review of the Member POCs was that it issued Notices of Determination (“NODs”) as to all of the 140 Member POCs. Ninety-one (91) of the Member POCs were denied for reasons such as failing to respond to requests for additional information, improperly requesting reimbursement for Member Responsibility Amounts (as opposed to Plan Responsibility Amounts) and failing to show proof of payment of claimed Plan Responsibility Amounts. Forty-nine (49) of the Member POCs were allowed. The NODs issued by the IF that were not objected to became final pursuant to the Court-approved

1 Revised Liquidation Plan (D.E. #98-1 at p. 11, lines 22-23). There were three (3)
2 objections/requests for reconsideration lodged by Members to the IF's NODs. Those
3 objections/requests for reconsideration were reviewed and determined and further communication
4 as to those objections were sent, in writing, to the objecting claimant regarding the IF's further
5 review and determination, said review and determination – pursuant to the Court-approved
6 Revised Plan of Liquidation – being final (see D.E. #98-1, p. 11, lines 23-25).

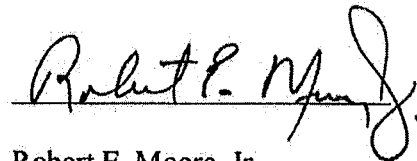
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8 7. The result of the IF's efforts relating to a) review and determination of the Member
9 POCs, b) review and determination of objections (where applicable) and c) finalization of the
10 Member POCs is that 49 of the Member POCs have been approved and finalized as to the amounts
11 set forth in Exhibit 1 to this Declaration – an amount totaling \$41,420.89.

12
13 8. The IF maintains that the assets in the Riverstone MEWA Liquidation Estate –
14 approximately \$2.5 million – allow for payment of the \$41,420.89 in approved Member POC
15 claims while also reserving amounts that might be needed regarding administrative expenses in
16 pursuit of remaining matters regarding the Riverstone MEW Liquidation Estate, as well as for later
17 distribution, pro rata or otherwise, to other claimants of lesser priority than the Member POC
18 claimants.

19
20 9. The approved and finalized amounts of the Member POCs, as set forth in the
21 attached Exhibit 1, are amounts paid out-of-pocket by the Members which are Plan Responsibility
22 Amounts that should have been paid by the Sponsoring Employer's self-funded employee benefit
23 plan/the Sponsoring Employer. Through the POC process, the IF confirmed that the approved
24 amounts for the Member POC claims had not be reimbursed to the Member from the particular
25 Sponsoring Employer.

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I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct and that I executed this Declaration on May 15, 2023 in Nashville, Tennessee.



Robert E. Moore, Jr.

Exhibit 1

Riverstone Approved and Finalized Member/Participant POC Claims¹

POC Number	Class Type	Approved Claim Amount
6	Member	\$108.00
7	Member	\$598.31
8	Member	\$2,258.39
36	Member	\$225.72
39	Member	\$250.00
46	Member	\$250.00
58	Member	\$218.86
59	Member	\$270.00
84	Member	\$60.23
134	Member	\$3,502.02
141	Member	\$250.00
142	Member	\$250.00
144	Member	\$550.00
165	Member	\$130.00
166	Member	\$130.00
167	Member	\$341.94
168	Member	\$754.00
169	Member	\$361.07
172	Member	\$250.00
174	Member	\$79.22
175	Member	\$1,011.70
176	Member	\$423.51
205	Member	\$499.00
233	Member	\$500.00
285	Member	\$384.04
291	Member	\$64.00
298	Member	\$130.33
356	Member	\$1,133.56
359	Member	\$847.00
360	Member	\$3,334.58

¹ Please note, to protect each Member/Participant's privacy rights, the Independent Fiduciary has identified each approved and finalized amount by the Member/Participant's corresponding POC number.

361	Member	\$101.09
400	Member	\$500.00
430	Member	\$422.00
449	Member	\$10,901.20
450	Member	\$250.00
505	Member	\$178.88
524	Member	\$528.90
659	Member	\$268.00
688	Member	\$260.86
747	Member	\$311.31
751	Member	\$1,260.00
765	Member	\$153.00
771	Member	\$174.70
773	Member	\$2,305.00
775	Member	\$100.00
778	Member	\$1,671.16
779	Member	\$1,082.86
793	Member	\$1,601.46
794	Member	\$184.99
	TOTAL:	\$41,420.89