

TENNESSEE RESTAURANT ASSOCIATION - SELF  
INSURED WORKERS'  
COMPENSATION TRUST  
IN LIQUIDATION

P.O. Box 680638  
Franklin, TN 37068

J. P. KEANE  
SPECIAL DEPUTY LIQUIDATOR

Telephone (615) 261-9442  
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January 30, 2006

To All Members/Insureds

Re: Liquidation of the Tennessee Restaurant Association Self Insured Workers'  
Compensation Trust

Dear Members:

The purpose of this letter is to provide you with information regarding the Liquidation of the Tennessee Restaurant Association Self Insured Workers' Compensation Trust (TRA-SIWCT). TRA-SIWCT is sending this mailing via certified mail to the addresses it has on file for members of TRA-SIWCT dating back to 1993. Since TRA-SIWCT has additional location addresses for some members, TRA-SIWCT is sending this mailing, via first class mail, to the location addresses it has on file.

### General Information

TRA-SIWCT was placed in liquidation by order of the Chancery Court of Davidson County, Tennessee, Case Number 05-3043-I, on December 9, 2005. A copy of the Order of Liquidation is enclosed. The Court appointed Paula A. Flowers, Commissioner of the Department of Commerce and Insurance, State of Tennessee, to be the Liquidator of TRA-SIWCT. Commissioner Flowers appointed me Special Deputy Liquidator.

TRA-SIWCT policies were terminated effective December 31, 2005.

### Workers' Compensation Claims/Cases Covered by the TRA-SIWCT

An employee who has a pending workers' compensation (WC) case against you for an injury that occurred during your policy period, may pursue the case against you unless and until a proof of claim for that employee's WC claim is filed in the Liquidation. Likewise, an employee who has a WC claim subject to future payments, such as open medicals or installment payments on settlements, may engage in collection efforts against you unless and until a proof of claim for that employee's WC claim is filed in the Liquidation. The Order of Liquidation contains an injunction against employees (or anyone else) pursuing claims or collection efforts against you to recover *any claim for which a proof of claim was or is filed with the Liquidation*, until further notice of the Court. (Order of Liquidation, p. 11, ¶ 27(4))<sup>1</sup> In order to trigger this injunction, I suggest that you file a proof of claim for each

<sup>1</sup> When a proof of claim is filed in the Liquidation for a pending WC case, the injunction is triggered, and the case moves into the Liquidation for resolution. (Your attorney will need to advise the forum in which the WC case is pending of the injunction.) The Liquidation will attempt to settle the WC case with the employee. If the employee does not settle, he or she will have an opportunity to pursue the case before the Workers' Compensation Benefit Review Board or a Referee appointed by the Liquidation Court.

employee who has a pending WC case against you for an injury that occurred during your policy period, and for each employee who has a WC claim subject to future payments, such as open medicals or installment payments on settlements. A proof of claim form and instructions are enclosed.

### **Records of Workers' Compensation Claims/Cases Covered by the TRA-SIWCT**

As a courtesy to TRA-SIWCT members, the Liquidation is in the process of reviewing TRA-SIWCT files to identify employees who may be entitled to future payments or future medical coverage, as well as employees with pending cases against you for injuries that occurred during your policy period. The Liquidation will be unable to guaranty the accuracy or completeness of the information it gathers; however, it will share this information with you, as applicable, so that you may file proofs of claim for those WC claims/cases.

### **Defense Counsel Legal Fees**

TRA-SIWCT stopped paying defense counsel as of December 9, 2005. In the event the Liquidation requires a defense attorney's assistance in order for the Liquidation to resolve a pending case, the Liquidation will issue prior written approval for the attorney to be paid for the limited work required by the Liquidation.

If your defense attorney has unpaid legal fees, he or she must submit a proof of claim in order for the unpaid fees to be eligible for payment through the Liquidation. (Defense attorneys have been notified of this.)

If you paid for legal fees on or before December 9, 2005, and have not been reimbursed for the payment(s), then you should submit a proof of claim to the Liquidation for the fees that you paid.

I hope the information in this letter is helpful. If you have any questions, please Lauren Klueber at 1-800-292-1625.

Sincerely,

**TRA-SIWCT IN LIQUIDATION**

By:   
J.P. Keane, Special Deputy Liquidator

Enclosures: Notice of Liquidation  
Proof of Claim Form  
Order of Liquidation  
IRS Form W-9