

Commissioner of Securities and Insurance

Troy Downing
Commissioner



Office of the
Montana State Auditor

December 21, 2021

Legislative Fiscal Division
ATTN: Susie Lindsay
VIA EMAIL ONLY: SLindsay@mt.gov

RE: October 2021-December 2021 Quarterly Demand Report

Dear Ms. Lindsay:

In accordance with Section 4 of House Bill 358 (2021), the Office of the Montana State Auditor, Commissioner of Securities and Insurance ("CSI") submits the enclosed quarterly report for the period beginning October 1, 2021, and ending December 31, 2021.

The quarterly report lists, for the relevant period, all civil claims or complaints received by CSI or for which service of process has been perfected on CSI with initial demands seeking \$10,000 or more in monetary compensation, exclusive of initial demands made in mediations or settlement conferences in which court rules or orders preclude disclosure of demands. The report includes the identity of the court or entity of the state where each such claim or complaint has been filed. For purposes of the report, claims for injunctive relief are not considered as seeking monetary compensation.

Demands deemed to be frivolous by governmental entities need not be reported in the quarterly report, but a governmental entity must disclose the number of claims or complaints not disclosed under that exemption. The number of claims or complaints not disclosed under that exemption by CSI in the enclosed report is: 0. **Nothing in the report, including but not limited to CSI's disclosure of any claim or complaint, is to be construed as an admission that any claim or complaint is not frivolous or otherwise as a waiver of any defenses in connection with the claim or complaint.**

Please feel free to direct any questions about the quarterly report to Kirsten Madsen, by email to Kirsens.Madsen@mt.gov or by phone to (406) 444-4328.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ole Olson", with a long horizontal line extending to the right.

Ole Olson
Chief Legal Counsel

Commissioner of Securities and Insurance

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October 2021- December 2021 Quarterly Demand Report

| Claim/Complaint Name | Case Number | Summary of Claim/Complaint | Venue |
|-------------------------------------|--------------------|--|---|
| Victory Insurance Co. v. Downing | DDV-2021-1089 | Alleges improper use of administrative enforcement action and seeks Writ of Prohibition and Declaratory Judgment. Also, alleges violation of Due Process Clause of Montana and US Constitutions by virtue of §33-2-1605(1)(c). | Montana First Judicial District, Lewis & Clark County |