

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**  
**Civil Division**

**DISTRICT OF COLUMBIA,** :  
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 **Petitioner,** :  
 :  
 **v.** : **Civil No. 2013 CA 006110 2**  
 : **Judge Judith Bartnoff**  
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 **OCEAN RISK RETENTION GROUP,** :  
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 :  
 **Respondent.** :  
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**ORDER (1) EXTENDING STAY AND INJUNCTION UNTIL DECEMBER 9, 2017 AND (2) DENYING MOTION OF CYNTHIA SCHOENBERG TO LIFT ORDER STAYING AND ENJOINING ALL LITIGATION AS TO POCONO CAB COMPANY, LLC ONLY**

The District of Columbia, at the request of and on behalf of the Liquidator of Ocean Risk Retention Group, Inc. (Ocean), has filed a Motion to Extend Stay and Injunction Currently Expiring on December 9, 2016. The Court initially entered an Order on September 24, 2013 Staying and Enjoining All Litigation, which was clarified by a Supplementary Order Clarifying September 24, 2013 Order Staying and Enjoining All Litigation, which was entered on December 9, 2013. The stay was extended in 2014 and again in an order entered December 9, 2015, which extended the stay and injunction to December 9, 2016. The District of Columbia now is seeking a further extension of the stay and injunction to December 9, 2017. The District explains in its motion that at least that much additional time is required in order to complete the liquidation.

Also before the Court is a motion filed by a non-party, Cynthia Schoenberg, to lift the order staying and enjoining all litigation as to Pocono Cab Company, LLC only. Ms. Schoenberg is the Administratrix of her late husband's estate and is attempting to pursue litigation against Pocono Cab Company and other co-defendants in Pennsylvania relating to the death of her

husband. The Pennsylvania litigation is currently stayed because Pocono Cab Company, LLC is a policyholder of Ocean Risk Retention Group, Inc. The policy limit of Ocean Risk Retention Group's liability coverage to Potomac Cab Company on her claim is \$15,000, which she is willing to waive as a condition of the lifting of the stay.

The District opposes Ms. Schoenberg's motion on a variety of grounds. The primary focus of its opposition is that although Ms. Schoenberg is willing to waive \$15,000 of her claim against Pocono Cab Company, she cannot provide any assurance that the other defendants in the Pennsylvania litigation will not assert claims for contribution against Pocono Cab Company, should she prevail in her claims against them in that case. It appears to the Court that Ms. Schoenberg's waiver alone is not sufficient to satisfy the purpose of this Court's stay of all litigation against Ocean Risk Retention Group, for purposes of a fair and orderly liquidation, at least in the absence of any comparable agreement by the other defendants in the Pennsylvania litigation. Because of the possibility of claims against Pocono Cab Company, and therefore against Ocean Risk Retention Group, by parties to the Pennsylvania case other than Ms. Schoenberg, her motion to lift the stay as to litigation against Pocono Cab Company will be denied, without prejudice to its renewal, should she be able to provide further assurances to the Court that the liquidation will not be affected.

Based on the foregoing and the entire record, the Court finds: (1) that this Court has the power to enter orders modifying and extending its previous Orders, pursuant to D.C. Official Code § 31-1304 (2012 Repl.); (2) that the District has established good cause for the Order staying and enjoining all litigation to be extended to December 9, 2017; and (3) that Ms. Schoenberg's motion should be denied, without prejudice.

It therefore is by the Court this **6<sup>th</sup> day of December, 2016**

**ORDERED** that the Motion to Extend the Stay and Injunction Until December 9, 2017 be and it hereby is **GRANTED**, and it is

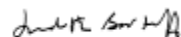
**FURTHER ORDERED** that the Court's September 24, 2013 Stay Order (as clarified by this Order of December 9, 2013) remains in effect and is extended such that:

- a. All litigation pending against Ocean hereby remains stayed until further order of this Court;
- b. All persons and entities hereby remain enjoined until further order of this Court from commencing or continuing any litigation against Ocean;
- c. All litigation pending against any Policyholder be and hereby is stayed for an additional one (1) year, until December 9, 2017; and
- d. All persons and entities be and they hereby are enjoined from commencing or continuing any litigation against a Policyholder for an additional one (1) year, until December 9, 2017.

It is **FURTHER ORDERED** that no provision of this Order, the September 24, 2013 Stay Order, the December 9, 2013 Clarifying Order, or the December 9, 2015 Extension Order shall be construed, interpreted, or understood to stay, enjoin, or otherwise interfere with Ocean's right as plaintiff to take legal action to recover assets from any person, including a Policyholder, and it is

**FURTHER ORDERED** that this Court retains jurisdiction to modify or extend the stay and injunction provided herein, and it is

**FURTHER ORDERED** that the Motion of Cynthia Schoenberg to Lift Order Staying and Enjoining All Litigation as to Pocono Cab Company, LLC Only be and it hereby is **DENIED**, without prejudice.



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Judge Judith Bartnoff  
Signed in Chambers

Copies via electronic service to:

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Robert H. Myers, Jr., Esq.

John J. Hathway, Esq.