1. January 20, 2020 Executive Committee Meeting Agenda (PDF)
   Documents:
   JANUARY 20, 2020 EXECUTIVE COMMITTEE MEETING AGENDA.PDF

2. January 20, 2020 Executive Committee Meeting Packet (PDF)
   Documents:
   JANUARY 20, 2020 EXECUTIVE COMMITTEE MEETING PACKET.PDF
County Board Executive Committee

MEETING NOTICE
Monday, January 20, 2020
10:00 AM
County Board Room 114
Walworth County Government Center
100 W. Walworth St., Elkhorn, Wisconsin

Dave Weber, Chair        Charlene Staples, Vice-Chair
Supervisor Susan Pruessing  Supervisor Nancy Russell  Supervisor Dan Kilkenny

(Posted in compliance with Sec. 19.84 Wis. Stats.)

A quorum of the Agriculture and Extension Education, Land Conservation and Park Committees will be in attendance. It is possible that a quorum of the county board or any of its other committees could be in attendance at this meeting.

Agenda enclosures are available upon request from the County Administrator’s Office or on the County’s web page (www.co.walworth.wi.us). The agenda packet, including supporting documents, may be large, depending upon the number of enclosures. Downloading it will require ample computer memory and may take significant time.

A G E N D A

Note: all agenda items are subject to action.

1. Call to order
2. Roll call of committee members
3. Agenda withdrawals, if any
4. Agenda approval
5. Approval of Minutes
   a) January 14, 2020 Special Executive Committee Meeting (encl. pgs. 3-4)
6. Public Comment Period
7. Consent Items – expense/mileage reimbursement claims submitted by:
   a) Richard Kuhnke, Sr., county representative on WRRTC, in the amount of $125.40 (encl. pg. 5)
   b) Alan Polyock, county representative on WRRTC, in the amount of $137.00 (encl. pg. 6)
8. Appointments. Recommendations regarding County Administrator’s nominations:
   a) County Surveyor – appointment of Robert Merry (encl. pg. 7)
   b) Board of Adjustment – appointment of Barbara Fischer as an alternate member (encl. pgs. 8-10)
9. New business
   a) Ordinance Amending Section 2-131 of the Walworth County Code of Ordinances
      Relative to the Coordination of Criminal Justice Resources (encl. pgs. 11-14)
b) Ordinance Amending Section 2-144 of the Walworth County Code of Ordinances Relating to Committee Meeting Times (encl. pgs. 15-17)


d) Distribution of committee packets

10. Reports/announcements by Chairperson

11. Set/confirm next meeting date and time – Monday, February 17, 2020 at 10:00 a.m.

12. Claims and litigation. The committee may discuss the following topic(s) in open session. The committee may convene in closed session pursuant to the exemption contained in Section 19.85(1)(g) of the Wisconsin Statutes, “conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved,” relative to the items listed below:

   a) Notice of Injury – Lydia Mikheyev on behalf of Andrey Mikheyev (encl. pg. 21)
   b) Notice of Circumstances of Event – Robert J. Volk (encl. pgs. 23-26)
   c) Notice of Circumstances of Event – Tabitha Volk (encl. pgs. 27-30)
   d) Claim for Vehicle Damage – Owners Insurance Company as Subrogee of Diane W. Ridenour (encl. pgs. 31-68)
   e) U.S. Bankruptcy – Insys Therapeutics, Inc., et al. (encl. pgs. 69-79)

   The committee will reconvene in open session and may discuss and/or take action on the above-referenced agenda item(s).

13. Adjournment

Submitted by: Dave Weber, Committee Chairperson
David A. Bretl, County Administrator

Posted: January 16, 2020
Memorandum

To: Walworth County Executive Committee

From: David A. Bretl, County Administrator

Date: January 16, 2020

RE: January 20, 2020 Executive Committee Meeting

Consent Items. Expense and mileage reimbursement claims submitted by Richard Kuhnke, Sr. and Allan Polyock, county representatives on WRRTC, are included on the agenda for approval.

Appointments

County Surveyor. The County contracts with Southeastern Wisconsin Regional Planning Commission (SEWRPC) to provide surveyor services. SEWRPC has nominated Robert Merry as the County Surveyor. Mr. Merry has been the County Surveyor since 2015. I recommend his appointment.

Board of Adjustment. I am forwarding the nomination of Barbara Fischer to serve as an alternate member on the Board of Adjustment. Our Code of Ordinances require Board of Adjustment applicants be interviewed by the Executive Committee. Ms. Fischer has been invited to attend our meeting. She would be filling the seat recently vacated by Joseph Pappa.

New Business

Ordinance Amending Section 2-131 of the Walworth County Code of Ordinances Relative to the Coordination of Criminal Justice Resources. Enclosed in your packet is a draft ordinance dissolving a County Board created Criminal Justice Coordinating Committee (CJCC). Given the sensitive information which the CJCC addresses, it is the preference of the group to meet as a body organized by the Court.

Ordinance Amending Section 2-144 of the Walworth County Code of Ordinances Relating to Committee Meeting Times. Enclosed in your packet is a draft resolution outlining proposed changes to committee times. These proposed changes include swapping the committee meeting times of the Land Conservation Committee and Park/Agriculture and Extension Education Committees.


Distribution of committee packets. Effective January 16, 2020, the committee packet courier service will no longer be offered. The County ended its contracted courier service late last year. An existing County employee currently handles interdepartmental mail. If you wish to restore the courier service, you would need to
go out for bid to hire a new service to provide home deliveries. The committee packets will be mailed to each Supervisor via United States Postal Service Priority Mail. Supervisors can also choose to pick up their committee packets instead of having them mailed or may opt to receive them via e-mail.

**Claims and litigation.** Your agenda includes five (5) claim matters for discussion in closed session.

Please call with any questions you may have.

DAB/nh
The meeting was called to order at 1:30 p.m. by Chair David Weber.

Roll call confirmed the following members were present: Chair David Weber, Vice Chair Charlene Staples, Supervisors Daniel G. Kilkenny, Susan M. Pruessing and Nancy Russell. A quorum was declared.

**Others in Attendance**

County Board Supervisors: Tim Brellenthin; Jerry Grant; Kenneth Monroe; and William Norem

County staff: County Administrator David Bretl; Sheriff Kurt Picknell; Captain of Communications Jamie Green; and Finance Director Jessica Conley

Members of the public: Richard H. Tuma

On motion by Vice Chair Staples, second by Supervisor Pruessing, the agenda was approved with no withdrawals.

On motion by Supervisor Russell, second by Vice Chair Staples, the minutes of the December 17, 2019 meeting were approved.

**Public Comment** – There was none.

**New Business**

a) Resolution No. 81-01/20 – Approving an Intergovernmental Agreement with the City of Lake Geneva to Provide Public Service Answering Point (PSAP) Back-Up to the Walworth County Sheriff’s Office

A revised version of the memorandum of understanding (MOU) outlining several changes was distributed at the meeting.

County Administrator Bretl explained the purpose for the special meeting and expressed the importance of providing backup for Walworth County’s PSAP. Sheriff Kurt Picknell, Captain of Communications Jamie Green, and Consultant to Walworth County Richard H. Tuma were in attendance. Bretl stated the purpose of the proposed resolution is to switch back-up from the City of Delavan to the City of Lake Geneva.

Picknell stated after several months of conversations, an MOU was sent to the City of Lake Geneva. The City of Lake Geneva edited the MOU and those changes are indicated in red on the revised version. It is the anticipated the MOU will be executed in February.

Administrator Bretl stated he has reviewed and approves the changes. Picknell announced the MOU will be revisited after the new system has been installed.

**Supervisor Kilkenny offered a motion, second by Supervisor Russell, to approve the proposed Memorandum of Understanding/Inter-Governmental Agreement. Motion carried 5-0.**

**Reports/announcements by Chairperson** – There were none.

**Confirmation of next meeting date and time:** The next meeting was confirmed for Monday, January 20, 2020 at 10:00 a.m.
Adjournment

On motion by Vice Chair Staples, second by Supervisor Russell, Chair Weber adjourned the meeting at 1:35 p.m.

Submitted by Patricia Sommers, Administrative Assistant. Meeting minutes are not considered final until approved by the committee at the next regular meeting.
**Form 1-651-A: 2019 BUSINESS EXPENSE**

**REIMBURSEMENT FORM**

By my signature of this form, I certify that I have a valid drivers license and required vehicle liability insurance, available upon request.

<table>
<thead>
<tr>
<th>Date of Expense</th>
<th>Description</th>
<th>Destination / Location</th>
<th>Mileage</th>
<th>Parking &amp; Tolls</th>
<th>Lodging</th>
<th>Breakfast</th>
<th>Lunch</th>
<th>Dinner</th>
<th>*Depart Time from Wal Cty OR Home</th>
<th>*Return Time to Wal Cty OR Home</th>
<th>Overnight stay Y/N</th>
<th>Misc Exp</th>
<th>Total Non-Mileage</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/06/19</td>
<td>Wisconsin River Rail Transit Commission Meeting</td>
<td>Dane County Highway Garage, 2302 Fish Hatchery Rd, Madison</td>
<td>130.0</td>
<td></td>
<td></td>
<td></td>
<td></td>
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</table>

**TOTAL MILEAGE** 130.0 0.00 **TOTAL PARKING**

*TIME NEEDED IF CLAIMING MEALS/LODGING*

Note: Please attach all receipts to a separate 8 1/2 X 11 piece of paper.

Claimant’s Statement - I declare, under penalty of perjury, that the account of expenses is true and correct in conformity with applicable county policies, related travel schedules and instructions. This claim represents reasonable and actual expenses necessarily incurred by me personally in performance of my official duties and no portion of this claim was provided free of charge or covered by my registration fee, or previously reimbursed to me by the County or any other source.

Supervisor’s Statement - I certify that I have reviewed this expense claim and find it to be reasonable and in compliance with established policy and the mission of the department.

<table>
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<tr>
<th>Non-Mileage</th>
<th>Mileage ($0.58)</th>
<th>Total Travel Expense</th>
<th>Less Advances</th>
<th>Total Reimbursement</th>
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<tbody>
<tr>
<td>53325</td>
<td>53310</td>
<td>125.40</td>
<td>-</td>
<td>125.40</td>
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</table>

**Supervisor’s Signature**

**Date**

Print Supervisor's Name
Form 1-651-A: 2019 BUSINESS EXPENSE

REIMBURSEMENT FORM

Department Name: County Board
Claimant's Name: Allan Polyock
Vendor # or Empl #: P.O. Box 43, Zenda, WI 53195

By my signature of this form, I certify that I have a valid driver's license and required vehicle liability insurance, available upon request.

<table>
<thead>
<tr>
<th>Date of Expense</th>
<th>Description</th>
<th>Destination / Location</th>
<th>Mileage</th>
<th>Parking &amp; Tolls</th>
<th>Lodging</th>
<th>Breakfast</th>
<th>Lunch</th>
<th>Dinner</th>
<th>*Depart Time from Wat Cty OR Home</th>
<th>*Return Time to Wat Cty OR Home</th>
<th>Overnight stay Y/N</th>
<th>Misc Exp</th>
<th>Total Non-Mileage</th>
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<tr>
<td>12/4/19</td>
<td>Wisconsin River Rail Transit Commission meeting</td>
<td>Dane County Highway Garage, 2302 Fish Hatchery Rd, Madison</td>
<td>150.0</td>
<td></td>
<td></td>
<td></td>
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<td>Per Diem</td>
<td>50.00</td>
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</table>

TOTAL MILEAGE 150.0 0.00 TOTAL PARKING

* TIME NEEDED IF CLAIMING MEALS/LODGING

Note: Please attach all receipts to a separate 8 1/2 x 11 piece of paper

Claimant's Statement - I declare under penalty of perjury, that this account of expenses is true and correct in conformity with County policy, related travel schedules and instructions. This claim represents legitimate and actual expense necessarily incurred by me personally in performing my official duties and no portion of this claim was provided free of charge or covered by my registration fee, or previously reimbursed to me by the County or any other source.

Allan Polyock 12/4/19

Supervisor's Statement - I certify that I have reviewed this expense claim and find it to be reasonable and in compliance with established policy, and the mission of the department.

Allan Polyock 12/4/19

Non-Mileage 53325 50.00
Mileage (50.58) 53310 87.00
Total Travel Expense: 137.00
Less Advances: -
Total Reimbursement: 137.00

PRINT SUPERVISOR'S NAME

Page 6 of 79
Nomination for Committee/Board/Commission Appointment

Committee: County Surveyor

Nominee: Robert Merry

Address: Southeastern Wisconsin Regional Planning Commission (SEWRPC)
P.O. Box 1607
Waukesha, WI 53187-1607

Submitted by: David Bretl, County Administrator

Authority: Section 59.18, Wisconsin Statutes

Who will the nominee replace? The nominee is the incumbent.

When did/does the incumbent’s current term expire? Dec 31, 2020

Was this vacancy advertised? 

Comment: Upon confirmation, Robert Merry will be appointed as County Surveyor, which term will end on December 31, 2020.

Names of individuals who have expressed interest in serving in this position:

For incumbents, committee attendance, if known:

Nomination for Committee/Board/Commission Appointment

Committee: Board of Adjustment
Nominee: Barbara A. Fischer
Address: N6221 Tamarack Court
Elkhorn, WI 53121

Submitted by: David Bretl, County Administrator
Authority: Section 59.18, Wisconsin Statutes

Who will the nominee replace? Joseph Pappa

When did/does the incumbent’s current term expire? Jun 30, 2022
Was this vacancy advertised? Yes

Comment
Upon confirmation, Barbara Fischer would be appointed as an alternate member to fill the unexpired term of Joseph Pappa, which will expire on June 30, 2022.

Names of individuals who have expressed interest in serving in this position:

For incumbents, committee attendance, if known:


WALWORTH COUNTY
NOTICE OF INTEREST TO SERVE AS A CITIZEN REPRESENTATIVE

Name: Barbara A Fischer
Mailing Address: N6221 Tamarack Ct
                Elkhorn WI 53121-4009

Date: 01-07-2020
Phone: 262-215-6444

RECEIVED
JAN 07 2020

WALWORTH COUNTY ADMINISTRATION

I reside in: [ ] the Town of Lafayette
            [ ] the Village of _________________
            [ ] the City of _________________

Please consider me for appointment to:
Board of Adjustment - citizen representative

I am interested in serving as a citizen representative because:
I have a lot of knowledge regarding land use in the County in both my current job and previous positions.
I understand and enjoy the legal process by which to approach the applications as well.

Special skills, experience or qualifications I possess related to this appointment are:
See attached please.

Check one of the following:

[ ] I am a resident of Walworth County and reside in the appropriate jurisdiction to serve on the board or commission for which I am applying.
[ ] I am not a resident of Walworth County.

I certify that the information I have provided is truthful to the best of my knowledge.

Signature of Applicant 01-07-2020

Feel free to attach any additional documentation to this form.
Barbara A Fischer – attachment

Application for consideration of appointment to the
Walworth County Board of Adjustment – citizen representative

Special skills, experience or qualifications:

Currently Clerk-Treasurer for the Town of LaFayette. I assist property owners and applicants with all of their land use applications to the Town, as well as work directly with the Walworth County Land Use and Resource Department to gather all information necessary to help the property owners and applicants, as well as the Town Plan Commission members to present a complete and accurate application, thus, saving time and resources for all parties.

I train new Town of LaFayette Plan Commission members on the resources they have at hand including Walworth County Zoning Ordinances, GIS system, and background documents on any past actions or applications on the same property(ies).

I assisted the Town in beginning preparation of the Land Use Planning and all updates.

I worked at a title company in abstracts many years ago and was able to get into all land title documents within the Walworth County system to follow the trail related to ownership, taxes, and uses.
ORDINANCE NO. ** – 02/20

AMENDING SECTION 2-131 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATIVE TO THE COORDINATION OF CRIMINAL JUSTICE RESOURCES

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART I: The Criminal Justice Coordinating Committee previously created by Ordinance No. 295-04/05 is hereby dissolved.

PART II: That Section 2-131 of the Walworth County Code of Ordinances is hereby amended to read as follows (additions are underlined; deletions are shown in strike-through text):

“Sec. 2-131. Executive Committee.

(8) Assist in the coordination of criminal justice resources.

   a. In carrying out this responsibility, it is the policy of the County Board that criminal justice resources be allocated on evidence-based models to further the following objectives:

      1. Public safety;
      2. Prevention of re-offending or recidivism;
      3. Appropriate punishment;

   b. For purposes of carrying out this paragraph, there is hereby created a Criminal Justice Coordinating Committee; the Executive Committee may consider the recommendations of a Criminal Justice Coordinating Committee or similar committee (hereinafter “CJCC”) that may be created by the Court. The County Board Chairperson, County Administrator, Director of Health and Human Services and any personnel from the Sheriff’s Office are authorized to participate in a CJCC.

   1. The Criminal Justice Coordinating Committee shall advise the Executive Committee with respect to criminal justice issues. In fulfillment of the CJCC’s mission, it shall regularly inform the Executive Committee regarding the status of criminal justice issues in the County, the need for improvements in the criminal justice system and resources needed to implement those improvements.

   2. The CJCC is comprised of policy-level stakeholders who promote cost-effective and evidence-based practices in the County benefitting citizens who are impacted by the criminal justice system. Members of the Criminal Justice Coordinating Committee shall serve without per diem or reimbursement and shall consist of the following members:

      i. Every Circuit Court judge is a voting member but only one judge shall be counted for purposes of determining a quorum of the Committee;
ii. County Board Chairperson or a County Board Supervisor designated by the County Board Chairperson;

iii. Sheriff or designee of the Sheriff’s Office if authorized by the Sheriff;

iv. District attorney or an assistant district attorney designated by the district attorney;

v. Health and Human Services Director or an Assistant Director if designated by the Health and Human Services Director;

vi. Public Defender or an attorney designated by the Public Defender;

vii. Probation and parole agent or a designee of that office if authorized by the member agent;

viii. Representative from Walworth County Chief of Police Association or a County police chief if designated by the member police chief;

ix. Representative from higher education;

x. Clerk of Circuit Court;

xi. District Court Administrator;

xii. Treatment Court Coordinator.

xiii. The County Administrator shall be a non-voting, ex officio member.

3. The member designated in 2.ix. shall be subject to confirmation by the County Board.

4. The Committee shall, at its May meeting, by a majority vote of the Committee, elect a Chairperson and Vice-Chairperson which officers shall serve for up to two consecutive, two-year terms. Terms of office shall begin at the close of the meeting in which officers are elected.

5. The County Administrator shall provide the Committee with one or more persons to serve as staff to the Committee. Staff’s duties shall include, but are not limited to, conducting research and preparing reports or other information in response to the interests and established priorities of the Committee, working with the Chair to set agendas for Committee meetings, and attending Committee, subcommittee and other meetings requested by the Chairperson.

6. Consistent with the Wisconsin Open Meetings Law, all meetings of the Committee and any of its subcommittees are open to the public. Only members or authorized designees of the Committee may vote on business items.

7. The Committee may adopt its own bylaws consistent with this ordinance, and amend the same from time to time, to provide for its internal operations.”

PART II: That this ordinance shall become effective upon passage and publication.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 11th day of February 2020.
Policy and Fiscal Note is attached.
Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

_________________________  _______________________
Michael P. Cotter          Date                Jessica Conley       Date
Corporation Counsel        Finance Director

____________  ______________
Mark W. Luberda            Date
County Administrator

If unsigned, exceptions shall be so noted by the County Administrator.
I. **Title:** Amending Section 2-131 of the Walworth County Code of Ordinances Relative to the Coordination of Criminal Justice Resources

II. **Purpose and Policy Impact Statement:** The purpose of this ordinance amendment is to dissolve the Criminal Justice Coordinating Committee (CJCC).

III. **Is this a budgeted item and what is its fiscal impact:** Passage of this ordinance amendment will not fiscally impact the County budget.

IV. **Referred to the following standing committee(s) for consideration and date of referral:**

   Committee: Executive Committee  
   Date: January 20, 2020

   Vote:

   County Board Meeting Date: February 11, 2020

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Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached ordinance.

<table>
<thead>
<tr>
<th>Michael P. Cotter</th>
<th>Date</th>
<th>Jessica Conley</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corporation Counsel</td>
<td></td>
<td>Finance Director</td>
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<table>
<thead>
<tr>
<th>Mark W. Luberda</th>
<th>Date</th>
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<tbody>
<tr>
<td>County Administrator</td>
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ORDINANCE NO. ** – 02/20

AMENDING SECTION 2-144 OF THE WALWORTH COUNTY CODE OF ORDINANCES RELATING TO COMMITTEE MEETING TIMES

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART I: That section 2-144 of the Walworth County Code of Ordinances is hereby amended to read as follows (additions are underlined; deletions are shown in strike-through text):

“Sec. 2-144. Committee procedures.

(e) Meetings. To provide predictability to the public, media and Supervisors wishing to attend Standing Committee meetings and to ensure adequate staff support of Committee meetings, the following rules shall apply:

(1) Except as provided in subsections (2) and (3), meetings of the Standing Committees shall be held in accordance with the following schedule:

a. Executive Committee: 10:00 a.m. on Monday the week following the regularly scheduled monthly County Board meeting;

b. Agriculture and Extension Education Committee: 10:00 a.m. on Monday the week following the regularly scheduled monthly County Board meeting (normally alternating months with the Park Committee);

c. Park Committee: 1:00 p.m. on Monday the week following the regularly scheduled monthly County Board meeting (normally alternating months with the Agriculture and Extension Education Committee);

d. Land Conservation Committee: 2:00 p.m. on Monday the week following the regularly scheduled monthly County Board meeting;

e. Public Works Committee: 3:00 p.m. on Monday the week following the regularly scheduled monthly County Board meeting;

f. Lakeland Health Care Center Board of Trustees: 1:00 p.m. on Wednesday the week following the regularly scheduled monthly County Board meeting;

g. Health and Human Service Board: 2:00 p.m. on Wednesday the week following the regularly scheduled monthly County Board meeting;

h. Human Resources Committee: 3:30 p.m. on Wednesday the week following the regularly scheduled monthly County Board meeting;

i. Children with Disabilities Education Board: 4:30 p.m. on Wednesday the week following the regularly scheduled monthly County Board meeting;

j. Finance Committee: 9:30 a.m. on Thursday the week following the regularly scheduled monthly County Board meeting;

k. County Zoning Agency:

1. Public hearings: 5:30 p.m. on the third Thursday of each month;
2. Plat review, staff reports and old business: no earlier than 3:00 p.m. on the third Thursday of each month."

PART II: That this ordinance shall become effective upon passage and publication.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 11th day of February 2020.

______________________________  ______________________________
Nancy Russell      Kimberly S. Bushey
County Board Chair  Attest: County Clerk

County Board Meeting Date: February 11, 2020

Action Required: Majority Vote _____  Two-thirds Vote X  Other _____

Policy and Fiscal Note is attached. Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

______________________________  ______________________________
Michael P. Cotter   Jessica Conley
Corporation Counsel  Finance Director

______________________________
Mark W. Luberda
County Administrator

If unsigned, exceptions shall be so noted by the County Administrator.
Ordinance No. ** - 02/20
Fiscal Note and Policy Impact Statement

I. Title: Amending Section 2-144 of the Walworth County Code of Ordinances Relating to Committee Meeting Times

II. Purpose and Policy Impact Statement: The purpose of this ordinance amendment is to change the committee meeting times of the Land Conservation, Park and Agriculture and Extension Education Committees.

III. Is this a budgeted item and what is its fiscal impact: Passage of this ordinance will not fiscally impact the County Budget.

IV. Referred to the following standing committee(s) for consideration and date of referral:

Committee: Executive Committee Date: January 20, 2020

Vote:

County Board Meeting Date: February 11, 2020

Policy and fiscal note has been reviewed and approved as an accurate statement of the probable policy and fiscal impacts associated with passage of the attached ordinance.

Michael P. Cotter Date                Jessica Conley Date
Corporation Counsel Finance Director

Mark W. Luberda Date
County Administrator

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RESOLUTION NO. 2019-57S

RESOLUTION BY INDIVIDUAL SUPERVISORS IN SUPPORT OF 2019 ASSEMBLY BILL 33 AND 2019 SENATE BILL 39 RELATING TO THE EXPUNGEMENT OF CRIMINAL AND CIVIL CONVICTION AND NON-CONVICTION RECORDS

To the Honorable Members of the Racine County Board of Supervisors:

WHEREAS, Wisconsin law allows a conviction to be removed from an offender’s circuit court case record under certain circumstances through a process known as expungement; and

WHEREAS, under current law related to adult criminal court records, a person under the age of 25 at the time he or she commits an offense eligible for expungement, the court may order, at the time of sentencing, that the person’s court record be expunged upon successful completion of the sentencing the court determines the person will benefit and not be harmed by expungement; and

WHEREAS, if a court orders expungement, upon successful completion of the sentence, the clerk of court must do all of the following pursuant to Wisconsin Supreme Court Rule 72.06: (1) remove any paper index and nonfinancial court record and place them in the case file; (2) electronically remove any automated nonfinancial record except the case number; (3) seal the entire case file; and (4) destroy expunged court records in accordance with the court’s retention schedule; and

WHEREAS, 2019 Assembly Bill 33 (“AB 33”) and 2019 Senate Bill 39 (“SB 39”) eliminate the condition that a person must have been under the age of 25 years old at the time he or she committed an offense to be eligible for expungement; and

WHEREAS, AB 33 and SB 39 also provide that a record of a conviction for a violation of chs. 341 to 348 Stats. – offenses primarily consisting of traffic violations – is not eligible for expungement; and

WHEREAS, AB 33 and SB 39 also create a new process for a person to seek expungement of his or her criminal court record in the county of conviction if at least one year has passed since the person successfully completed his or her sentence and there are no criminal charges pending against the person; and

WHEREAS, AB 33 and SB 39 provide that a person has successfully completed the sentence if the person has completed any period of incarceration, parole, or extended supervision to which he or she was sentenced; the person has paid all fines, costs, fees, surcharges, and restitution assessed and has completed any court-ordered community service; the person has not been convicted of a subsequent crime; and, if probation was imposed, the probation has not been revoked; and
WHEREAS, AB 33 and SB 39 provide a process for notification to be made to
the victim of a petition for expungement; and

WHEREAS, AB 33 and SB 39 has a delayed effective date of approximately one
year and first applies to any conviction for which sentencing has occurred, but for which
the record has not been ordered expunged on the effective date; and

WHEREAS, the Racine County Board of Supervisors recognizes that passage of
AB 33 and SB 39 is likely to have a positive economic impact in Racine County by
allowing people to move beyond their criminal record and assist in meeting area
workforce demands.

NOW THEREFORE BE IT RESOLVED that the Racine County Board of
Supervisors supports 2019 Assembly Bill 33 and 2019 Senate Bill 39 relating to the
expungement of criminal and civil conviction and non-conviction records and urges the
Wisconsin legislature to pass, and urges Governor Tony Evers to sign, these bills; and

BE IT FURTHER RESOLVED by the Racine County Board of Supervisors that
the Racine County Clerk shall send copies of this resolution to Governor Evers, all
Wisconsin legislators, and the Clerks of the counties of Wisconsin.

Respectfully submitted,

INDIVIDUAL SPONSORS

1st Reading  9-10-19
2nd Reading  12-3-19

BOARD ACTION
Adopted  yes
For
Against

VOTE REQUIRED: Majority
Prepared by: Corporation Counsel

Don Trottier
Fabie Maklich
Janet Bernberg

Melissa Kaprielian-Becker
The foregoing legislation adopted by the County Board of Supervisors of
Racine County, Wisconsin, is hereby:

Approved:

Vetoed:  

Date:  

Jonathan Delagrave, County Executive

INFORMATIONAL ONLY

WHEREAS, 2019 SB 39 has been successfully voted out of committee.
TO WHOM IT MAY CONCERN:

I, Wendy M. Christensen, County Clerk in and for the County of Racine, State of Wisconsin, do hereby certify that the attached is a true and correct copy of a Resolution that was adopted by the Racine County Board of Supervisors on December 3, 2019.

Wendy M. Christensen
Racine County Clerk
To whom it may concern,

My name is Lydia Mikheyev and I am writing this Notice of Injury under Wisconsin statute 893.80. I am writing this on behalf of my disabled husband, Andrey Mikheyev. His rights as a patient/client of the Winnebago Health Institute were violated on November 14th, 2019 while in custody of Walworth County.

He was transported from Aurora Health in Elkhorn to the Winnebago Health Institute on November 6th by Williams Bay police department after suffering a mental breakdown and an attempted suicide. A hearing was held on November 8th to determine his mental health status and what the next steps should be concerning his health. He was transported from Winnebago in Oshkosh to Elkhorn via VIP transport system. On the same day, he was transported back via the same means of transport.

Andrey's final hearing was scheduled for the 14th of November and the VIP Transport vehicle that was meant to transport him had a collision on the day prior. Instead of rescheduling the hearing, or having the police department transport him again, it was decided that he should be transported via a private security company. Andrey was placed in shackles that were connected to a chain around his waist and he was then transported in a vehicle that he could not sit up fully in. The combination of these factors along with being treated like an inmate caused him great trauma. He suffered an anxiety attack for the duration of the transport, which was two and a half hours.

It took Andrey nearly 45 minutes after arrival at the Elkhorn Court to recover enough to carry out the hearing. It was previously determined by his psychiatrist at the Winnebago Institute that he was able to move from Oshkosh to a less intensive Dane County Care Center in Madison. This anxiety attack jeopardized his ability to be placed in the Madison facility. After the court determined that his behavior was brought on by anxiety that day, he was deemed able to move to Madison. However, he had only the option to take the same transport or to sit in a holding cell until the sheriff's department was finished with a meeting. He opted for the holding cell and sat for two hours in an anxious immobile state.

Andrey has the right to be treated according to his disability and this right has been violated. He is awaiting assessment from a new psychiatrist and therapist. He has anxiety merely talking about the experience and gets physically dizzy when explaining it. When a patient is suffering from severe depression and anxiety disorders it is wrong to place them in a private security van that shackles them, does not allow them to feel safe, and treats them as though they are an inmate. The county needs to recompense for Andrey's pain and suffering/injury that it has caused him.

Sincerely,
Lydia Mikheyev

On behalf of:
Andrey Mikheyev andreystwo@gmail.com
262-344-2015

[Signature]
Lydia Mikheyev
[Address]
106 W Geneva St., Williams Bay, WI 53191
NOTICE

PLEASE TAKE NOTICE of the following circumstances underlying and constituting a claim against the County of Walworth and the Walworth County Department of Public Works, given pursuant to §893.80, Wis. Stats.:

CIRCUMSTANCES OF EVENT

1. On August 9, 2019, Robert J. Volk was an adult resident of the City and County of Racine, State of Wisconsin, residing at 2308 Westlawn Avenue, Racine WI 53405.

2. On August 9, 2019, at 4:48 p.m., at the intersection of US Highway 12 and County Hwy S/N in Whitewater, Walworth County, Wisconsin, Robert J. Volk was seriously injured when a vehicle driven by Angela M. Sarazin, headed northbound on US Highway 12, turned left into the path of his vehicle, which was headed southbound on US Highway 12. Mr. Volk sustained severe injuries as a result of the collision, injuries which ultimately resulted in his death on September 2, 2019.

3. At the time of the collision described above, employees of Walworth County and the Walworth County Department of Public Works had knowledge of the immediate and present danger posed by the maintenance and design of the intersection of US Highway 12 and County...
4. Prior to this collision, the intersection of US Highway 12 and County Road N/County Road S was the site of numerous accidents, resulting in serious injuries and deaths, caused by vehicles turning left at the intersection.

5. Prior to this collision, Walworth County and the Walworth County Department of Public Works participated in and/or were aware of a traffic study of said intersection which found that the traffic signal patterns were confusing and made it difficult for drivers to navigate the intersection safely.

6. Walworth County and the Walworth County Department of Public Works, by and through their agents and employees, were negligent in failing to correct the known, immediate, and present danger created by the unsafe design of the intersection involved in this occurrence, and were otherwise negligent.

7. As a direct and proximate result of the above-referenced negligence, Mr. Volk suffered severe personal injuries, pain and suffering, and eventually death. Consequently, the Estate of Mr. Volk has incurred damages including but not limited to pain and suffering, medical and funeral expenses, and other compensable injuries.

8. Walworth County and the Walworth County Department of Public Works have actual notice of the aforesaid incident and injuries. This intersection has since been altered to correct the unsafe maintenance and design.

9. This document is a notice of circumstances of claim served on the above-named parties in compliance with Wisconsin law. This document is not a claim for damages. A claim for damages will be made at a later time.
9. This document is a notice of circumstances of claim served on the above-named parties in compliance with Wisconsin law. This document is not a claim for damages. A claim for damages will be made at a later time.

Dated in Racine, Wisconsin, this 5th day of December, 2019.

HABUSH HABUSH & ROTTIER S.C.®
Attorneys for Claimant

Kristin M. Cafferty
State Bar No. 1023260

Subscribed and sworn to before me this 5th day of December, 2019.

Notary Public, State of Wisconsin
My commission expires: 12/14/21

P.O. ADDRESS:
5439 Durand Avenue,
Suite 220
Racine, WI 53406
(262) 554-6200
NOTICE

PLEASE TAKE NOTICE of the following circumstances underlying and constituting a claim against the County of Walworth and the Walworth County Department of Public Works, given pursuant to §893.80, Wis. Stats.:

CIRCUMSTANCES OF EVENT

1. On August 9, 2019, Tabitha Volk was an adult resident of the City and County of Racine, State of Wisconsin, residing at 2308 Westlawn Avenue, Racine WI 53405.

2. On August 9, 2019, at 4:48 p.m., at the intersection of US Highway 12 and County Hwy S/N in Whitewater, Walworth County, Wisconsin, Robert J. Volk was seriously injured when a vehicle driven by Angela M. Sarazin, headed northbound on US Highway 12, turned left into the path of his vehicle, which was headed southbound on US Highway 12. Mr. Volk sustained severe injuries as a result of the collision, injuries which ultimately resulted in his death on September 2, 2019.

3. At the time of the collision described above, employees of Walworth County and the Walworth County Department of Public Works had knowledge of the immediate and present danger posed by the maintenance and design of the intersection of US Highway 12 and County...
Road N/County Road S.

4. Prior to this collision, the intersection of US Highway 12 and County Road N/County Road S was the site of numerous accidents, resulting in serious injuries and deaths, caused by vehicles turning left at the intersection.

5. Prior to this collision, Walworth County and the Walworth County Department of Public Works participated in and/or were aware of a traffic study of said intersection which found that the traffic signal patterns were confusing and made it difficult for drivers to navigate the intersection safely.

6. Walworth County and the Walworth County Department of Public Works, by and through their agents and employees, were negligent in failing to correct the known, immediate, and present danger created by the unsafe design of the intersection involved in this occurrence, and were otherwise negligent.

7. As a direct and proximate result of the above-referenced negligence, Mr. Volk suffered severe personal injuries, pain and suffering, and eventually death. Consequently, Tabitha Volk, wife of Robert J. Volk, has sustained damages as a result of his injuries and death, including but not limited to loss of society and companionship of her husband, pecuniary losses, and other compensable injuries.

8. Walworth County and the Walworth County Department of Public Works have actual notice of the aforesaid incident and injuries. This intersection has since been altered to correct the unsafe maintenance and design.
9. This document is a notice of circumstances of claim served on the above-named parties in compliance with Wisconsin law. This document is not a claim for damages. A claim for damages will be made at a later time.

Dated in Racine, Wisconsin, this 5\textsuperscript{th} day of December, 2019.

HABUSH HABUSH & ROTTIER S.C.®
Attorneys for Claimant

Kristin M. Cafferty
State Bar No. 1023260

Subscribed and sworn to before me this 5\textsuperscript{th} day of December, 2019.

Jennifer Adams
Notary Public, State of Wisconsin
My commission expires: 10/14/22

P.O. ADDRESS:
5439 Durand Avenue,
Suite 220
Racine, WI 53406
(262) 554-6200
December 10, 2019

WALWORTH COUNTY CLERK
100 W WALWORTH ST
ELKHORN WI 53121-1769

RE: Our Claim Number: 300-0322730-2019
Our Insured: Diane W Ridenour
Date of Loss: September 19, 2019
Insurer: Owners Insurance Company
Policy Number: 46-958427-03
Your Claim Number: 
Your Insured: Walworth County Highway Dept

Dear Walworth County Clerk:

We understand you insure the party identified above. After investigation, we have determined your insured is responsible for this accident.

Enclosed are our supporting subrogation documents. We are requesting that you proceed in payment of our subrogation claim in the amount of $8,093.52. To assist you in your review, the following is a breakdown of our subrogation demand:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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<tr>
<td>Auto Damage (Paid by Auto-Owners)</td>
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<td>Rental</td>
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<td>Towing</td>
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<td>Other</td>
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<td>Deductible (Paid by Insured)</td>
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<td>Salvage Recovery</td>
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<td>Insured Out of Pocket Expenses</td>
<td>$0.00</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$8,093.52</strong></td>
</tr>
</tbody>
</table>

Please make your settlement check payable to "Owners Insurance Company as Subrogee of Diane W Ridenour" along with the claim number and remit to:

Owners Insurance Company
Subrogation Department
PO Box 30660
Lansing, MI 48909
In order to assist you in evaluating and processing the subrogation claim we are asserting, we may provide nonpublic personal information about our customer. We are sharing this information to affect, administer, or enforce a transaction authorized by the consumer. However, you are neither authorized nor permitted to: (1) use the customer information we provided for any purpose other than to evaluate and process the subrogation claim, or (2) disclose or share the customer information we provide for any purpose other than to evaluate and process the subrogation claim.

Please let me know should you have further questions. I look forward to hearing from you in the near future.

Sincerely,

Kim Barrick
(517) 323-1201 x57214
barrick.kimberly@acins.com
End of Document Package
**RAC Adjustments, Inc.**

1740 S. Bell School Rd. Suite A, Cherry Valley, IL 61016
(815) 222-4255
Fax: (815) 239-6529
Email: drobertson@racadj.com

Damage Assessed By: Robertson Don

Appraiser For: AUTO OWNERS-FLETCHER
(309) 693-2556 ext. 57286

Condition Code: Fair
Date of Loss: 9/19/2019
Contact Date: 9/22/2019
Deductible: UNKNOWN
File Number: 555026
Policy No: 4695842703

Claim Number: 300-0322730-2019-JV1
Insured: DIANE RIDENOUR
Owner: DIANE RIDENOUR
Address: 5643 GENEVA CT, ROSCOE, IL 61073
Telephone: Work Phone: (815) 623-1919
Home Phone: (815) 985-1559
Mitchell Service: 911308

Description: 2011 Toyota Sienna XLE
Body Style: Van 119" WB
VIN: 5TDYK3DC3BS138716
Mileage: 95,145
OEM/ALT: A
Color: BLACK
Options: PASSENGER AIRBAG, POWER DRIVER SEAT, POWER LOCK, POWER WINDOW, POWER STEERING REAR WINDOW DEFOGGER, AIR CONDITION, REAR WINDOW WIPER, CRUISE CONTROL TILT STEERING COLUMN, AM/FM STEREO, DRIVER AIRBAG, HEATED EXTERIOR MIRROR REAR (DUAL-ZONE) AC, LEATHER SEAT, FRONT SIDE AIRBAG WITH HEAD PROTECTION LUGGAGE RACK, ANTI-LOCK BRAKE SYS., TRACTION CONTROL, FOG LIGHTS ALUM/ALLOY WHEELS, REARVIEW CAMERA, POWER LIFTGATE/TRUNK TIRE INFLATION/PRESSURE MONITOR, AUXILIARY INPUT BLUETOOTH WIRELESS CONNECTIVITY, LEATHER STEERING WHEEL, SATELLITE RADIO CD PLAYER, POWER ADJUSTABLE EXTERIOR MIRROR, SUNROOF/MOONROOF, PRIVACY GLASS AUTO AIR CONDITION, FIRST ROW BUCKET SEAT, SECOND ROW BUCKET SEAT UNIVERSAL GARAGE DOOR OPENER, THIRD ROW SEAT REAR HEATING, VENTILATION & AIR CONDITIONING, SIDE AIRBAGS SECOND ROW SIDE AIRBAG WITH HEAD PROTECTION INTERIOR AUTOMATIC DAY/NIGHT OR ELECTROCHROMATIC MIRROR, THIRD DOOR, MP3 PLAYER DAYTIME RUNNING LIGHTS, 4 DOORS, DRIVER SEAT WITH POWER LUMBAR SUPPORT ELECTRONIC STABILITY CONTROL, FRONT HEATED SEATS, KEYLESS ENTRY SYSTEM POWER DRIVER SLIDING DOOR, POWER PASSENGER SLIDING DOOR, REAR SPOILER STEERING WHEEL AUDIO CONTROLS

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<thead>
<tr>
<th>Item Number</th>
<th>Operation</th>
<th>Description</th>
<th>Part Type/Part Number</th>
<th>Dollar Amount</th>
<th>Labor Units</th>
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<td>1.2</td>
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ESTIMATE RECALL NUMBER: 09/23/2019 15:58:49 911ec75

Mitchell Data Version: OEM: AUG_19_V
MAPP:AUG_19_V
Software Version: 7.1.237

Copyright (C) 1994 - 2019 Mitchell International
All Rights Reserved
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<th>Part Number</th>
<th>Description</th>
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<td>101089</td>
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<td>L Frt Door Outside</td>
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<td>BDY REMOVE/INSTALL</td>
<td>L Frt Rear View Mirror</td>
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<td>101012</td>
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<td>L Frt Opr Door Belt Moulding</td>
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<td>BDY REMOVE/INSTALL</td>
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<td>58744-08010</td>
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<td>L Van Side Panel Edge</td>
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<td>L Add For Pillar</td>
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<td>30</td>
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<td>L Add To R/I/R&amp;R Side Curtain Air Bags-M</td>
<td>Existing 1.8 #</td>
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<tr>
<td>31</td>
<td>AUTO MCH REMOVE/REPLACE</td>
<td>L Rear Add To R/I/R&amp;R Side Air Bag Senso</td>
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<td>32</td>
<td>BDY REPAIR</td>
<td>L Van Side Wheelhouse Panel</td>
<td>Existing</td>
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<td>L Van Side Wheelhouse Liner</td>
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<td>GLS REMOVE/INSTALL</td>
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<td>INC</td>
<td>#</td>
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<td>38</td>
<td>BDY REMOVE/INSTALL</td>
<td>L Rear Combination Lamp</td>
<td>INC</td>
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<td>39</td>
<td>BDY REMOVE/INSTALL</td>
<td>Rear Bumper Cover</td>
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<tr>
<td>40</td>
<td>BDY REMOVE/REPLACE</td>
<td>LR TIRE</td>
<td>** QUAL REPL PART</td>
<td>235.00 * 0.0*</td>
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<tr>
<td>41</td>
<td>BDY * ADD'L LABOR OP</td>
<td>MOUNT AND BALANCE</td>
<td>Sublet</td>
<td>20.00 * 0.0*</td>
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<tr>
<td>42</td>
<td>BDY * ADD'L LABOR OP</td>
<td>FOUR WHEEL ALIGNMENT</td>
<td>Sublet</td>
<td>79.95 * 0.0*</td>
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<td>43</td>
<td>BDY * REMOVE/REPLACE</td>
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<td>** QUAL REPL PART</td>
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<td>ADD'L COST</td>
<td>Hazardous Waste Disposal</td>
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<tr>
<td>45</td>
<td>BDY * ADD'L OPR</td>
<td>Frame/Rack Set Up</td>
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<tr>
<td>46</td>
<td>FRM ADD'L OPR</td>
<td>Sheetmetal Pull</td>
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<tr>
<td>47</td>
<td>AUTO REF ADD'L OPR</td>
<td>Clear Coat</td>
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<tr>
<td>48</td>
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<td>Mask For Overspray</td>
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<td>49</td>
<td>AUTO ADD'L COST</td>
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</tbody>
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* - Judgment Item
# - Labor Note Applies
** QUAL REPL PART - Quality Replacement Parts
C - Included in Clear Coat Calc
r - CEG R&R Time Used For This Labor Operation

KEYSTONE-JNS QUALITY PRT
5100 WEST 123RD ST. #B
ALSIP
IL 60803
(800) 622-0096 (773) 927-9600

---

ESTIMATE RECALL NUMBER: 09/23/2019 15:58:49 911ec75
Software Version: 7.1.237 Copyright (C) 1994 - 2019 Mitchell International
All Rights Reserved
Prior Damage:
RR QTR AND RT SIDE DOOR SCRATHED.

## Estimate Totals

<table>
<thead>
<tr>
<th>I. Labor Subtotals</th>
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<th>Sublet</th>
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Non-Taxable Labor          3,191.85

Labor Summary               54.4
Labor Summary               3,191.85

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<th>II. Part Replacement Summary</th>
<th>Amount</th>
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<td>Sales Tax @ 8.250%</td>
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Total Replacement Parts Amount  3,221.93

<table>
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<th>I. Additional Costs</th>
<th>Amount</th>
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Non-Taxable Costs            3.00

Total Additional Costs        478.43

Paint Material Method: Rates
Init Rate = 36.00, Init Max Hours = 99.9, Addl Rate = 0.00

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| I. Total Labor               | 3,191.85|
| I. Total Replacement Parts   | 3,221.93|
| III. Total Additional Costs  | 478.43  |

Gross Total: 6,892.21

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THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THESE PARTS RATHER THAN THE MANUFACTURER OF YOUR VEHICLE.

Point(s) of Impact
8 Left Rear Side (P)

Insurance Co: AUTO-OWNERS INSURANCE
Telephone: (800) 346-0346
            (800) 346-0346

Inspection Site: OWNERS
Inspection Date: 9/23/2019

ESTIMATE RECALL NUMBER: 09/23/2019 15:58:49 911ec75
Mitchell Data Version: OEM: AUG_19_V
                       MAPP:AUG_19_V
Software Version: 7.1.237
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All Rights Reserved
PURSUANT TO SECTION 5-301 OF THE ILLINOIS MOTOR VEHICLE CODE, VEHICLE REPAIRERS MUST BE LICENSED.
AUTHORIZATION TO REPAIR MUST COME FROM VEHICLE OWNER!
NO SUPPLEMENTS WITHOUT INSPECTION AND PRIOR APPROVAL!
**RAC Adjustments, Inc.**

1740 S. Bell School Rd. Suite A, Cherry Valley, IL 61016  
(815) 222-4255  
Fax: (815) 239-6529  
Email: drobertson@racadj.com

---

**Damage Assessed By:** Robertson Don  
**Appraised For:** AUTO OWNERS-FLETCHER  
**Supplemented By:** Robertson Don  
**Classification:**

**Condition Code:** Fair  
**Date of Loss:** 9/19/2019  
**Contact Date:** 9/22/2019  
**Deductible:** UNKNOWN  
**File Number:** 555026  
**Policy No.:** 4695842703  
**Claim Number:** 300-0322730-2019-JV1

**Insured:** DIANE RIDENOUR  
**Owner:** DIANE RIDENOUR  
**Address:** 5643 GENEVA CT, ROSCOE, IL 61073  
**Telephone:** Work Phone: (815) 623-1919  
**Home Phone:** (815) 985-1559

**Mitchell Service:** 911308

**Description:** 2011 Toyota Sienna XLE  
**Body Style:** Van 119" WB  
**VIN:** 5TDYK3DC3BS138716  
**Mileage:** 95,145  
**OEM/ALT:** A  
**Color:** BLACK  
**Options:** PASSENGER AIRBAG, POWER DRIVER SEAT, POWER LOCK, POWER WINDOW, POWER STEERING, REAR WINDOW DEFOGGER, AIR CONDITION, REAR WINDOW WIPER, CRUISE CONTROL, TILT STEERING COLUMN, AM/FM STEREO, DRIVER AIRBAG, HEATED EXTERIOR MIRROR, REAR (DUAL-ZONE) AC, LEATHER SEAT, FRONT SIDE AIRBAG WITH HEAD PROTECTION, LUGGAGE RACK, ANTI-LOCK BRAKE SYS., TRACTION CONTROL, FOG LIGHTS, ALUM/ALLOY WHEELS, REARVIEW CAMERA, POWER LIFTGATE/TRUNK, TIRE INFLATION/PRESSURE MONITOR, AUXILIARY INPUT, BLUETOOTH WIRELESS CONNECTIVITY, LEATHER STEERING WHEEL, SATELLITE RADIO, CD PLAYER, POWER ADJUSTABLE EXTERIOR MIRROR, SUNROOF/MOONROOF, PRIVACY GLASS, AUTO AIR CONDITION, FIRST ROW BUCKET SEAT, SECOND ROW BUCKET SEAT, UNIVERSAL GARAGE DOOR OPENER, THIRD ROW SEAT, REAR HEATING, VENTILATION & AIR CONDITIONING, SIDE AIRBAGS, SECOND ROW SIDE AIRBAG WITH HEAD PROTECTION, INTERIOR AUTOMATIC DAY/NIGHT OR ELECTROCHROMATIC MIRROR, THIRD DOOR, MP3 PLAYER, DAYTIME RUNNING LIGHTS, 4 DOORS, DRIVER SEAT WITH POWER LUMBAR SUPPORT, ELECTRONIC STABILITY CONTROL, FRONT HEATED SEATS, KEYLESS ENTRY SYSTEM, POWER DRIVER SLIDING DOOR, POWER PASSENGER SLIDING DOOR, REAR SPOILER, STEERING WHEEL AUDIO CONTROLS

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**ESTIMATE RECALL NUMBER:** 09/23/2019 16:58:49  
**Mitchell Data Version:** OEM: SEP_19_V  
MAPP: SEP_19_V  
**Software Version:** 7.1.237  
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Page 39 of 79
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* - Judgment Item
# - Labor Note Applies
** QUAL REPL PART - Quality Replacement Parts
C - Included in Clear Coat Calc
r - CEG R&R Time Used For This Labor Operation
Prior Damage:
RR QTR AND RT SIDE DOOR SCRATCHED.

# Estimate Totals

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<td>Taxable Costs</td>
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<td>Sales Tax @ 8.250%</td>
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<tr>
<td><strong>Non-Taxable Costs</strong></td>
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<td><strong>Total Additional Costs</strong></td>
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Paint Material Method: Rates
Init Rate = 36.00, Init Max Hours = 99.9, Addl Rate = 0.00

I. Total Labor: 3,529.85
II. Total Replacement Parts: 3,695.53
III. Total Additional Costs: 478.43
   Gross Total: 7,703.81

IV. Total Adjustments: 0.00
   Net Total: 7,703.81
   Less Original Net Total: 6,892.21
   Net Supplement Amount: 811.60
   S1: Robertson Don 811.60

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. WARRANTIES APPLICABLE TO THESE REPLACE PARTS ARE PROVIDED BY THE MANUFACTURER OF THESE PARTS RATHER THAN THE MANUFACTURER OF YOUR VEHICLE.
Point(s) of Impact
8 Left Rear Side (P)

Insurance Co: AUTO-OWNERS INSURANCE
Telephone: (800) 346-0346
(800) 346-0346

Inspection Site: OWNERS
Inspection Date: 9/23/2019

Body Shop: ROCKTON COLLISION CENTER
Address: 110 E MECHANIC STREET
ROCKTON, IL 61072
Telephone: (815) 624-8739
Fax Phone: (815) 624-0309
State Lic. No: 36-4086221

PURSUANT TO SECTION 5-301 OF THE ILLINOIS MOTOR VEHICLE CODE, VEHICLE REPAIRERS MUST BE LICENSED.
AUTHORIZATION TO REPAIR MUST COME FROM VEHICLE OWNER!
NO SUPPLEMENTS WITHOUT INSPECTION AND PRIOR APPROVAL!
RAC Adjustments, Inc.
1740 S. Bell School Rd. Suite A, Cherry Valley, IL 61016
(815) 222-4255
Fax: (815) 239-8529
Email: drobertson@racadj.com

Supplement Delta Report
Comparison of Estimate 911ec75 Supplement 0 and Supplement 1

Damage Assessed By: Robertson Don
Supplemented By: Robertson Don

Insured: DIANE RIDENOUR
Owner: DIANE RIDENOUR
Vehicle Description: 2011 Toyota Sienna XLE
Date of Loss: 9/19/2019

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No Deductible, Customer Responsibility, Labor Rate, or Part Adjustment changes were made.

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Program Calc Versions Data Versions
Supp 0 7.1.237 AUG_19_V
Supp 1 7.1.237 SEP_19_V

ESTIMATE RECALL NUMBER: 9/23/2019 16:58:49 911ec75
Software Version: 7.1.237
Copyright (C) 1994 - 2019 Mitchell International
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RENTAL DETAIL:
Rental Period: 9/26/19 to 10/8/19 (13 days)
Billed Period: 9/26/19 to 10/8/19 (13 days)

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Total Charges: $389.71
Less Amount Received: $0.00
Total Amount Due: $389.71

VEHICLES RENTED:

<table>
<thead>
<tr>
<th>Effective Date and Time</th>
<th>Year</th>
<th>Make</th>
<th>Model</th>
<th>VIN</th>
<th>Starting Mileage</th>
<th>Ending Mileage</th>
<th>Mileage</th>
<th>Rate Charged</th>
</tr>
</thead>
<tbody>
<tr>
<td>9/26/19 9:26 AM</td>
<td>2019</td>
<td>NISS</td>
<td>ALTI</td>
<td>1N46L4EYV4K245757</td>
<td>14180</td>
<td>14529</td>
<td>349</td>
<td>$26.20</td>
</tr>
</tbody>
</table>

Rental Invoice

Please Return This Portion with Remittance

Make Payment To:
ENTERPRISE RENT-A-CAR
P.O. BOX 840086
KANSAS CITY, MO 64184-0086
Federal ID: 43-0724835

Total Charges: $389.71
Less Amount Received: $0.00
Total Amount Due: $389.71

Please include on your check:
Invoice#: D587696-6246
CLIENT : 6467
DIVISION : 017210
ADJUSTER : JACE FLETCHER
CLAIM : 300-0322730-2019

TRANSACTION #: 813556802
DATE : 10/04/2019

DATE OF LOSS : 09/19/2019
TIME OF LOSS : 12:00 PM
STREET : WALWORTH COUNTY, WI
CITY : WALWORTH
COUNTY : WALWORTH
STATE : WI

INVESTIGATING AGENCY : WALWORTH CO SO
REPORT NUMBER : 19-037619
REPORT TYPE : Auto Accident
PARTY 1 : DIANE W RIDENOUR
PARTY 2 : WALWORTH COUNTY HIGHWAY DEPARTMENT
PARTY 3 :

CAR :
MAKE :
YEAR :
TAG :

DRIVER LICENSE :
ADDITIONAL INFO :
INSURED WAS HIT BY A COUNTY HIGHWAY TRUCK. SHE WAS STOPPED.

NOTE :

THANK YOU FOR YOUR ORDER!
![Diagram of a crash scene with annotations and reports]

**Description**

Driver 1 stated that he had backed into the gravel area along Hwy O at the intersection and started to pull forward again. He stated that he did not see the van coming down the road because there was another county-owned dump also parked in the gravel area that blocked his view of the intersection. He stated that he did not see vehicle 2 was told to drive through the construction area. Vehicle 2 driver said that someone that had a yellow vest on motioned him to turn onto Hwy O, which is the way he was going and when he passed the first dump truck a second one had pulled onto the road. Driver 2 said that he attempted to move over but could not do it in time. Vehicle 1 struck vehicle 2 on the left rear area just forward of the rear left tire. Cause damage to vehicle 2. Vehicle 1 did not appear to have any damage.

**Signature**

I, a sworn law enforcement officer, agree that I have not added any CJIS data in this report.
**Location**

ON CTHO NB
161 FT N
OF CTHA NB
IN THE TOWN OF SUGAR CREEK
IN WALWORTH COUNTY

Latitude: 42.734767737
Longitude: -88.621379134
X Coordinate: 367275.625
Y Coordinate: 4732636.5
Structure Type: NO STRUCTURE

**Crash Scene**

First Harmful Event: MOTOR VEH IN TRANSPORT
Manner of Collision: 90º-FRONT TO SIDE
Road Surface Condition(s): WET
Environment Factor(s): NONE
Weather Conditions: CLOUDY, RAIN
Animal Type: None
Relation To Trafficway: TRAFFICWAY - ON ROAD
Crash Classification - Location: WORK ZONE (CONSTRUCTION/MAINTENANCE/UTILITY), NON-HIGHWAY WORK
PUBLIC PROPERTY: NO SPECIAL JURISDICTION
Tribal Land: NO CONTROL
Within Interchange Area: NO
Junction Location: NON-JUNCTION
Intersection Type: NOT AN INTERSECTION

**Unit Summary**

Unit Status: IN TRANSIT
Vehicle Operating As Classification: B CLASS
Unit Type: TRUCK

**01**

STRAIGHT TRUCK (INSERT TRUCK)

Total Occs: 1
TransBus # Recorced: 0
Total # Citations Issued: 0
Total Trailers: 0
Total -TaxMail Types: 0

Insurance: YES
Direction Of Travel: EASTBOUND
Pre CrashTire Mark: 46
Speed Limit: 46
Total Lanes: 2

Most Harmful Event Collision With:

MOTOR VEH IN TRANSPORT
Special Function: NO SPECIAL FUNCTION
Emergency Motor Vehicle Use: NOT APPLICABLE
Traffic Control: TRAFFIC CONTROL PERSON
Traffic Control Inoperative/Missing: NO
Surface Type: BLACKTOP (BITUMINOUS)
Road Curvature: STRAIGHT
Road Grade: LEVEL

Truck Bus or MaxMail: TRUCK OR TRUCK COMBINATION > 10,000LBS GVWR/GCW

**Vehicle**

License Plate Number: 76238
Plate Type: MUN - MUNICIPAL
Color: WHI - WHITE

Vehicle Identification Number: 1M2AX94C39M03819
Make: MACK
Model: SNOWPLOW

Body Style: DP - DUMP TRUCK
Bus Use: NOT A BUS

Country of Issuance: WI
State: UNITED STATES
Model Year: 2008

**Wisconsin Motor Vehicle Crash**

Form MT-4800

This report does not include any C.I.S data.

Crash Date: 09/13/2019
Crash Time: 12:23 PM

Page 48 of 79
Event: MOTOR VEH IN TRANSPORT

Policy Holder
Insurance Company: WISCONSIN-MUNICIPAL-MUTUAL-INS-CO
Government: WALWORTH COUNTY

Individual
Driver: JACOB MARSHALL MYERS
(262) 745-7526
Citations Issued: 0
Date of Birth: 03/26/1993
Sex: MALE
Race: WHITE
Address: W8204 TERRITORIAL RD
DELANA, WI 53115 , US
Driver License Number: M6204339310603
State: WISCONSIN COUNTRY: UNITED STATES

Safety Equipment
On Duty Crash: WINTER-HWY-MAINTENANC
Seat Position: 1-FRONT SEAT-LEFT SIDE (DRIVER/MOTORCY
Helmet Use: Helmet Compliance
Eye Protection: Tint Compliance

Injury
Injury Severity: NO APPARENT INJURY
Airbag: NOT APPLICABLE

Distracted By
Distracted By Source: NOT APPLICABLE (NOT DISTRACTED)
### Wisconsin Motor Vehicle Crash Report

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle Type</td>
<td>D Class</td>
</tr>
<tr>
<td>Operating Class Code</td>
<td>A Class</td>
</tr>
<tr>
<td>Unit Type</td>
<td>Automobile</td>
</tr>
<tr>
<td>Operating Endorsements</td>
<td>No</td>
</tr>
<tr>
<td>Vehicle Type</td>
<td>Single Unit Truck (3 or More Axles)</td>
</tr>
<tr>
<td>Cargo Body Type</td>
<td>DUMP</td>
</tr>
<tr>
<td>Permitted Load</td>
<td>NOT APPLICABLE</td>
</tr>
<tr>
<td>Permitted Vehicle On</td>
<td>☐ Permit</td>
</tr>
<tr>
<td>Permitted Route</td>
<td>☐ Permit</td>
</tr>
<tr>
<td>Escort Vehicle Required By Permit</td>
<td>☐ Permit</td>
</tr>
<tr>
<td>Escort Vehicle Present</td>
<td>No</td>
</tr>
<tr>
<td>Measured Height</td>
<td>2</td>
</tr>
<tr>
<td>Measured Length</td>
<td>46</td>
</tr>
<tr>
<td>Measured Width</td>
<td>2</td>
</tr>
<tr>
<td>Measured Weight</td>
<td>8</td>
</tr>
<tr>
<td>Pre Crash Time</td>
<td>Mark</td>
</tr>
<tr>
<td>Speed Limit</td>
<td>46</td>
</tr>
<tr>
<td>Emergency Motor Vehicle Use</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Traffic Control</td>
<td>No</td>
</tr>
<tr>
<td>Traffic Control Inoperable/Missing</td>
<td>No</td>
</tr>
<tr>
<td>Road Curvature</td>
<td>Straight</td>
</tr>
<tr>
<td>Road Grade</td>
<td>Level</td>
</tr>
<tr>
<td>Crash Date</td>
<td>09/19/2019</td>
</tr>
<tr>
<td>Crash Time</td>
<td>12:23 PM</td>
</tr>
</tbody>
</table>

This report does not include any CJIS data.
**Vehicle**

<table>
<thead>
<tr>
<th>License Plate Number</th>
<th>Plate Type</th>
<th>St</th>
<th>Country of Issuance</th>
</tr>
</thead>
<tbody>
<tr>
<td>VS68289</td>
<td>AUT - AUTOMOBILE</td>
<td>WI</td>
<td>UNITED STATES</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Vehicle Identification Number</th>
<th>Make</th>
<th>Year</th>
<th>Model</th>
</tr>
</thead>
<tbody>
<tr>
<td>STDYK3DC3BS138716</td>
<td>TOYOTA</td>
<td>2011</td>
<td>SIENNA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Color</th>
<th>Body Style</th>
<th>Bus Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>BLK - BLACK</td>
<td>MV - MINI VAN</td>
<td>NOT A BUS</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Initial Contact Point</th>
<th>Vehicle Damage</th>
</tr>
</thead>
<tbody>
<tr>
<td>8–LEFT SIDE REAR</td>
<td>8–LEFT SIDE REAR, 9–LEFT SIDE MIDDLE</td>
</tr>
</tbody>
</table>

**Owner**

<table>
<thead>
<tr>
<th>Owner Name</th>
<th>Owner Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>DIANE W RIDENOUR</td>
<td>5643 GENEVA CT ROSCOE, IL 61073 , US</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Event</th>
<th>Sequence Of Events</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
<td>MOTOR VEH IN TRANSPORT</td>
</tr>
</tbody>
</table>

**Policy Holder**

<table>
<thead>
<tr>
<th>Insurance Company</th>
<th>Individual</th>
</tr>
</thead>
<tbody>
<tr>
<td>AUTO-OWNERS-INS-CO</td>
<td>DIANE RIDENOUR</td>
</tr>
</tbody>
</table>

**Driver**

<table>
<thead>
<tr>
<th>Driver Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>DIANE W RIDENOUR</td>
</tr>
<tr>
<td>(815) 623-1919</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Citations Issued</th>
<th>Sex</th>
<th>Date of Birth</th>
<th>Race</th>
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<tbody>
<tr>
<td>0</td>
<td>FEMALE</td>
<td>07/29/1948</td>
<td>WHITE</td>
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</table>

<table>
<thead>
<tr>
<th>Address</th>
<th>Driver License Number</th>
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</thead>
<tbody>
<tr>
<td>5643 GENEVA CT ROSCOE, IL 61073 , US</td>
<td>R3561794876903 STATE: ILLINOIS COUNTRY: UNITED STATES</td>
</tr>
</tbody>
</table>

**On Duty Crash**

<table>
<thead>
<tr>
<th>Seat Position</th>
<th>Safety Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1–FRONT SEAT-LEFT SIDE (DRIVER/MOTORCY</td>
<td>SHOULDER &amp; LAP BELT</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Helmets Use</th>
<th>Eye Protection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Helmet Compliance</td>
<td>Tint Compliance</td>
</tr>
</tbody>
</table>

This report does not include any CIIIS data.

Wisconsin Motor Vehicle Crash

Form D140000

Crash Date: 09/19/2019

Crash Time: 12:23 PM

Page 51 of 79
<table>
<thead>
<tr>
<th>Injury Severity</th>
<th>Airbag</th>
<th>Trapped/Extricated</th>
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<tbody>
<tr>
<td>POSSIBLE INJURY</td>
<td>NON DEPLOYED</td>
<td>NOT TRAPPED</td>
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<table>
<thead>
<tr>
<th>Medical Transport</th>
<th>EMS Agency Identifier</th>
<th>EMS Run #</th>
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<tbody>
<tr>
<td>NOT TRANSPORTED</td>
<td>Date of Death</td>
<td>Time of Death</td>
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<table>
<thead>
<tr>
<th>Distracted By Source</th>
<th>Distracted By Action</th>
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</thead>
<tbody>
<tr>
<td>NOT APPLICABLE (NOT Distracted)</td>
<td>NOT Distracted</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Non Motorist</th>
<th>Sinking Unit #</th>
<th>Location</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Action</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Driver Action</th>
<th>To/From School</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Drug &amp; Alcohol</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suspected Alcohol Use</td>
</tr>
<tr>
<td>NO</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Alcohol Test Given</th>
<th>Alcohol Test Type</th>
<th>Alcohol Test Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>TEST NOT GIVEN</td>
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<td></td>
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<table>
<thead>
<tr>
<th>Drug Test Given</th>
<th>Drug Test Type</th>
<th>Drug Test Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>TEST NOT GIVEN</td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Drug Type</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Individual Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>APPEARED NORMAL</td>
</tr>
</tbody>
</table>
CLAIM PAYMENT

Auto-Owners
INSURANCE
LIFE • HOME • CAR • BUSINESS

ILLINOIS REGIONAL TEAM
PO BOX 3337
PEORIA IL 61612-9984

GERMAN INSURANCE AGENCY
PO BOX 470
HARDIN IL 62047-0470

DIANE W RIDENOUR
5643 GENEVA CT
ROSCOE, IL 61073-6907

CLAIM NUMBER    PAID DATE    AMOUNT PAID
300-03221730-2015 09/24/2019  $6,642.21

LOSS DATE STATUS    POLICY NUMBER
09/19/2019 CLOSING COVERAGE  46 958427 03

INSURED:
DIANE W RIDENOUR

Coverage: Collision (001: 2011 TOYOTA SIENNA XLE/LIMITED)
Pay Type: General
Amount: $6,642.21

*** Additional payment details available upon request. ***

DETACH HERE AND KEEP FOR YOUR RECORDS

OWNERS INSURANCE CO - CLAIM PAYMENT CHECK

BANK OF AMERICA, NA
70-23211
719
09/24/2019

SIX THOUSAND SIX HUNDRED FORTY-TWO AND 21/100 DOLLARS

PAY TO THE ORDER OF DIANE W RIDENOUR & ROCKTON COLLISION

IN PAYMENT OF: property damage to the 2011 Toyota Sienna. Estimate: $6892.21 - $250
ded = $6642.21

Jeffrey J. Fagold

Page 53 of 79
Auto-Owners Insurance

Life Home Car Business
The "No Problem" People

INSURED: DIANE W RIDENOUR
CLAIM NUMBER 300-0322730-2019  LOSS DATE 09/19/2019
POLICY NUMBER 4695842703  AGENCY 04-0254-00

IN PAYMENT OF:
supplement on the 2011 Toyota Sienna for Diane Ridenour

EIGHT HUNDRED ELEVEN AND 60/100 DOLLARS
PAY TO THE
ORDER OF ROCKTON COLLISION

358673793

Jeffrey S. Farghold

358673793
071923284
8765818149
THIS DOCUMENT MUST BE ENDORSED BY THE PAYEE AS DESCRIBED HEREIN AND IF PAYABLE TO MORE THAN ONE PERSON OR FIRM, MUST BE SEPARATELY ENDORSED BY EACH OF THE PAYEES.
**Financials: Search**

**Exposure**
Additional Expense - Rental Expenses (001: 2011 TOYOTA SIENNA XLE/LIMITED)

**Optional Parameters**
- Claimant
- Pay To
- Issue Date
- Cost Type
- Pay Type
- Type

**Service Dates**
- Service Start Date
- Service End Date

**Payments**

<table>
<thead>
<tr>
<th>Payment Type</th>
<th>Claimant</th>
<th>Issue Date</th>
<th>Pay To</th>
<th>Check Number</th>
<th>Amount</th>
<th>Pay Type</th>
<th>Service Date</th>
<th>Vendor Bill Number</th>
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</thead>
<tbody>
<tr>
<td>Final</td>
<td>DIANE W RIDENOUR</td>
<td>ENTERPRISE</td>
<td>HOLDINGS INC</td>
<td>---</td>
<td>$389.71</td>
<td>General</td>
<td></td>
<td>D424573-2065</td>
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<tr>
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<td></td>
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<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Grand Total</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>$389.71</td>
<td></td>
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</tbody>
</table>

**Recoveries**

<table>
<thead>
<tr>
<th>Coverage</th>
<th>Claimant</th>
<th>Check Date</th>
<th>Payer</th>
<th>Check Number</th>
<th>Recovery Category</th>
<th>Full Recovered Amount</th>
</tr>
</thead>
</table>

Grand Total
<table>
<thead>
<tr>
<th>Vehicle Year</th>
<th>Vehicle Make</th>
<th>VIN</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>TOYOTA</td>
<td>5TDDYK3DC3B5138715</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Weight or CC's</th>
<th>Body Style</th>
<th>Application Type</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>VAN</td>
<td>PASSENGER</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Axles</th>
<th>Leased/Rental</th>
<th>Unit Number</th>
<th>File Number</th>
<th>County</th>
<th>Expiration Date</th>
<th>Driver's License Number(s) or FEIN(s)</th>
<th>Plate Number</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>JULY 31, 2020</td>
<td></td>
<td>V586289</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>DUE</th>
<th>PIN</th>
<th>097</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
UNITED STATES BANKRUPTCY COURT
DISTRICT OF DELAWARE

In re

INSYS THERAPEUTICS, INC., et al.,

Debtors.¹

Chapter 11

Case No. 19-11292 (KG)

Jointly Administered

NOTICE OF (I) APPROVAL OF THE DISCLOSURE STATEMENT, (II) ESTABLISHMENT OF SOLICITATION AND VOTING PROCEDURES, (III) SCHEDULING OF CONFIRMATION HEARING, AND (IV) ESTABLISHMENT OF NOTICE AND OBJECTION PROCEDURES FOR CONFIRMATION OF THE JOINT CHAPTER 11 PLAN OF LIQUIDATION OF INSYS THERAPEUTICS, INC. AND ITS AFFILIATED DEBTORS

PLEASE TAKE NOTICE THAT on December 4, 2019 Insys Therapeutics, Inc. and its affiliated debtors in the above-captioned chapter 11 cases (the “Chapter 11 Cases”), as debtors and debtors in possession (collectively, the “Debtors”), filed the Second Amended Joint Chapter 11 Plan of Liquidation of Insys Therapeutics, Inc. and Its Affiliated Debtors [Docket No. 955] (as may be amended, modified, or supplemented, the “Plan”)² and the Disclosure Statement for Second Amended Joint Chapter 11 Plan of Liquidation Proposed by Insys Therapeutics, Inc. and Its Affiliated Debtors [Docket No. 956] (as may be amended, modified, or supplemented, the “Disclosure Statement”). On December 4, 2019, the Bankruptcy Court entered an order [Docket No. 952] (the “Disclosure Statement Order”): (i) approving the Disclosure Statement as containing “adequate information” pursuant to section 1125 of the Bankruptcy Code; (ii) scheduling the Confirmation Hearing and other dates related thereto; (iii) approving procedures for soliciting, receiving, and tabulating votes on the Plan and for filing objections to the Plan; and (iv) approving the manner and forms of certain notices.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Disclosure Statement Order, the Bankruptcy Court approved the following dates and deadlines:

1 The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, as applicable, are: Insys Therapeutics, Inc. (7886); IC Operations, LLC (9639); Insys Development Company, Inc. (3020); Insys Manufacturing, LLC (0789); Insys Pharma, Inc. (9410); IPSC, LLC (6577); and IPT 355, LLC (0153). The Debtors’ mailing address is 410 S. Benson Lane, Chandler, Arizona 85224.

² Capitalized terms used but not defined herein have the meanings ascribed to such terms in the Plan or the Disclosure Statement Order.
<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Voting Record Date</td>
<td>November 25, 2019</td>
</tr>
<tr>
<td>Disclosure Statement Hearing</td>
<td>December 4, 2019 at 9:00 a.m. (Eastern Time)</td>
</tr>
<tr>
<td>Distribution of Confirmation Hearing Notice, Solicitation Packages,</td>
<td>Within three (3) business days following entry of the Disclosure</td>
</tr>
<tr>
<td>Non-Voting Status Notices, and Assumption and Assignment Notices</td>
<td>Statement Order, expected to be by December 9, 2019³</td>
</tr>
<tr>
<td>Deadline for Debtors and Other Parties in Interest to Object to</td>
<td>December 20, 2019 at 4:00 p.m. (Eastern Time)</td>
</tr>
<tr>
<td>Claims for Voting Purposes</td>
<td>December 20, 2019</td>
</tr>
<tr>
<td>Deadline to File a Notice of Intent</td>
<td>The fourteenth (14th) day after the later of service of notice of</td>
</tr>
<tr>
<td></td>
<td>(i) the Confirmation Hearing and (ii) a Claim objection or request</td>
</tr>
<tr>
<td></td>
<td>for estimation</td>
</tr>
<tr>
<td>Rule 3018 Motion Filing Deadline</td>
<td>December 30, 2019 at 11:59 p.m. (Eastern Time)</td>
</tr>
<tr>
<td>Plan Supplement Filing Deadline</td>
<td>January 6, 2020 at 5:00 p.m. (Pacific Time)</td>
</tr>
<tr>
<td>Voting Deadline and Opt Out Deadline</td>
<td>January 6, 2020 4:00 p.m. (Eastern Time)</td>
</tr>
<tr>
<td>Plan Objection Deadline</td>
<td>January 6, 2020 at 4:00 p.m. (Eastern Time)</td>
</tr>
<tr>
<td>Deadline to File Objections to Assumption and Assignment</td>
<td>January 13, 2020 at 4:00 p.m. (Eastern Time)</td>
</tr>
<tr>
<td>Deadline to File (a) Confirmation Brief, (b) Replies to Plan</td>
<td>January 16-17, 2020 at 9:00 a.m. (Eastern Time)</td>
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<tr>
<td>Objections, (c) Declarations in Support of Confirmation, and (d)</td>
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<tr>
<td>Voting Certification</td>
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<tr>
<td>Confirmation Hearing</td>
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**PLEASE TAKE FURTHER NOTICE** that (i) a hearing to consider confirmation of the Plan (the **Confirmation Hearing**) will be held before the Honorable Kevin Gross, United States Bankruptcy Judge, at the United States Bankruptcy Court for the District of Delaware (the **Bankruptcy Court**), 824 North Market Street, 6th Floor, Courtroom 3, Wilmington, Delaware 19801, on **January 16-17, 2020 at 9:00 a.m. (Eastern Time)**, and (ii) the deadline for filing objections to the confirmation of the Plan is **January 6, 2020 at 4:00 p.m. (Eastern Time)** (the **Objection Deadline**).

³ The Solicitation Agent (as defined herein) is using its best efforts to distribute Confirmation Hearing Notice, Solicitation Packages, Non-Voting Status Notices, and Assumption and Assignment Notices by the date proposed herein.
You are receiving this notice as you have been identified as a holder of a Claim in a Voting Class, a counterparty to certain executory contracts or unexpired leases of the Debtors, or other party in interest of the Debtors. If you are a member of a Voting Class, you have been or will be provided with a solicitation package (the “Solicitation Package”) which includes copies, on a CD-ROM or flash drive or in paper copy, of (i) the Plan; (ii) the Disclosure Statement; (iii) the Disclosure Statement Order; (iv) this Notice; (v) an appropriate Ballot; (vi) a pre-addressed stamped return envelope; and (vii) such other materials as the Bankruptcy Court directs. Upon receipt, please review the Ballot(s) and the attached instructions for how to vote on the Plan. Failure to follow the voting instructions may disqualify your vote. If you are a counterparty to an executory contract or unexpired lease of the Debtors that is to be assumed by the Debtors and assigned to the Insys Liquidation Trust under the Plan, you have been or will be provided with an Assumption and Assignment Notice setting forth any Cure Cost associated with your contract or lease. If you wish to obtain a paper copy of the Plan or the Disclosure Statement, you may contact Epiq Corporate Restructuring, LLC; the Debtors’ claims and solicitation agent (the “Solicitation Agent”), by telephone, Toll Free at (855) 424-7683 or +1 (503) 520-4461; or in writing at Insys Therapeutics, Inc., c/o Epiq Corporate Restructuring, 10300 SW Allen Blvd., Beaverton, OR 97005; or by email at tabulation@epiqglobal.com with a reference to “Insys Therapeutics” in the subject line. Interested parties may also review the Disclosure Statement and the Plan free of charge at https://dm.epiq11.com/Insys. In addition, the Disclosure Statement and the Plan are on file with the Bankruptcy Court and may be reviewed by accessing the Bankruptcy Court’s website: www.deb.uscourts.gov. Note that a PACER password and login are needed to access documents on the Bankruptcy Court’s website. A PACER password can be obtained at: www.pacer.psc.uscourts.gov. Copies of the Disclosure Statement and the Plan may also be examined by interested parties during normal business hours at the office of the Clerk of the Bankruptcy Court.

PLEASE TAKE FURTHER NOTICE THAT ANY CREDITOR THAT SUBMITS A BALLOT OR A CLASS BALLOT BY THE VOTING DEADLINE (AS DEFINED BELOW) THAT INDICATES SUCH CREDITOR’S ELECTION TO OPT OUT OF THE THIRD-PARTY RELEASE PROVISIONS SET FORTH IN ARTICLE 10.5(B) OF THE PLAN BY JANUARY 6, 2020 AT 5:00 P.M. (PACIFIC TIME) WILL BE DEEMED TO OPT OUT OF GRANTING SUCH THIRD-PARTY RELEASES.

PLEASE TAKE FURTHER NOTICE that, if a holder of a Claim wishes to challenge the allowance or disallowance of a Claim for voting purposes, such person or entity must file a motion, pursuant to Bankruptcy Rule 3018(a), for an order temporarily allowing its Claim in a different amount or classification for purposes of voting to accept or reject the Plan. (a “Rule 3018 Motion”) no later than 4:00 p.m. (Eastern Time) on the fourteenth (14th) day after the later of (i) service of this Confirmation Hearing Notice and (ii) service of notice of an objection or request for estimation of a Claim and serve the Rule 3018 Motion on the Debtors and any party in interest that has objected to the allowance of such Claim. Rule 3018 Motions that are not timely filed in the manner set forth above shall not be considered.

PLEASE TAKE FURTHER NOTICE that, if a party in interest wishes to participate in the Confirmation Hearing to present evidence or contest any party’s evidence, then such party in

4The “Voting Classes” are Class 3 (Convenience Class Claims), Class 4 (Trade and Other Unsecured Claims), Class 5 (Insurance Related Claims), Class 6 (Hospital Claims and NAS Monitoring Claims), Class 7 (DOJ Claims), Class 8(a) (State Claims), Class 8(b) (Municipality/Tribe Claims), and Class 9 (Personal Injury Claims).
interest must file with the Bankruptcy Court a Notice of Intent by no later than **December 20, 2019**. Unless otherwise ordered by the Bankruptcy Court, only those Proposed Participants who timely file Notices of Intent may present evidence or examine evidence presented by other parties in person at the Confirmation Hearing. Such Participating Parties must comply with all other dates and deadlines, including the Plan Objection Deadline, the Opt Out Deadline, and the Voting Deadline, if applicable. However, any party in interest with requisite standing may file an objection to confirmation of the Plan and prosecute that objection at the Confirmation Hearing regardless of whether such party timely files a Notice of Intent, but such party may not present evidence or contest any party’s evidence at the Confirmation Hearing (other than legal argument related to that evidence) unless such party timely files a Notice of Intent.

**PLEASE TAKE FURTHER NOTICE** that the deadline to vote on the Plan is January 6, 2020 at 5:00 p.m. (Pacific Time) (the “Voting Deadline”). If you receive a Ballot and are entitled to vote on the Plan, the Solicitation Agent must receive your Ballot by the Voting Deadline, otherwise your vote may not be counted.

**NOTICE REGARDING CERTAIN RELEASE, EXCUSPATION AND INJUNCTION PROVISIONS IN THE PLAN**

<table>
<thead>
<tr>
<th>ARTICLE X OF THE PLAN CONTAINS RELEASE, EXCUSPATION, AND INJUNCTION PROVISIONS. THUS, YOU ARE ADVISED TO REVIEW AND CONSIDER THE PLAN CAREFULLY BECAUSE YOUR RIGHTS MIGHT BE AFFECTED THEREUNDER. FOR YOUR CONVENIENCE, SUCH PROVISIONS ARE SET FORTH ON EXHIBIT 1 HERETO. BELOW IS A SUMMARY OF THE THIRD-PARTY RELEASE PROVISIONS. FOR THE AVOIDANCE OF DOUBT, TO THE EXTENT ANY PROVISION OF THIS NOTICE CONFLICTS WITH THE TERMS OF THE PLAN, THE TERMS OF THE PLAN WILL CONTROL.</th>
</tr>
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<tr>
<td>SUMMARY OF RELEASE PROVISIONS:</td>
</tr>
<tr>
<td>PURSUANT TO THE PLAN, CERTAIN PARTIES ARE RELEASING THE RELEASED PARTIES, WHICH INCLUDE CERTAIN THIRD PARTIES, FROM CERTAIN CLAIMS AND CAUSES OF ACTION.</td>
</tr>
<tr>
<td>AS SET FORTH IN THE PLAN, SUCH PARTIES RELEASING THE RELEASED PARTIES INCLUDE ALL PERSONS, INCLUDING ALL GOVERNMENTAL, TAX, AND REGULATORY AUTHORITIES, LENDERS, TRADE CREDITORS, DEALERS, CUSTOMERS, EMPLOYEES, LITIGATION CLAIMANTS, AND OTHER CREDITORS, HOLDING CLAIMS, LIENS, INTERESTS, CHARGES, ENCUMBRANCES, AND OTHER INTERESTS OF ANY KIND OR NATURE WHATSOEVER, INCLUDING RIGHTS OR CLAIMS BASED ON ANY SUCCESSOR OR TRANSFEREE LIABILITY, AGAINST OR IN A DEBTOR OR THE TRUST ASSETS (WHETHER LEGAL OR EQUITABLE, SECURED OR UNSECURED, MATURED OR UNMATURED, CONTINGENT OR NONCONTINGENT, KNOWN OR UNKNOWN), ARISING UNDER OR OUT OF, IN CONNECTION WITH, OR IN ANY WAY RELATING TO THE DEBTORS, THE TRUST ASSETS, THE OPERATION OF THE TRUST ASSETS PRIOR TO THE EFFECTIVE DATE, OR THE TRUST FORMATION TRANSACTIONS.</td>
</tr>
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</table>
ACCORDINGLY, IF YOU ARE ENTITLED TO RECEIVE A BALLOT TO VOTE ON THE PLAN, AND THE PLAN IS APPROVED, YOU WILL BE DEEMED TO GRANT THE THIRD-PARTY RELEASES PROVIDED FOR IN THE PLAN UNLESS YOU OPT OUT OF THE THIRD-PARTY RELEASES ON YOUR BALLOT. THIS APPLIES EVEN IF YOU (A) DO NOT VOTE IN FAVOR OF THE PLAN AND (B) OBJECT TO THE PLAN.

PLEASE TAKE FURTHER NOTICE that any objection to confirmation of the Plan must be filed with the Bankruptcy Court by no later than the Objection Deadline.

PLEASE TAKE FURTHER NOTICE THAT registered users of the Bankruptcy Court’s case filing system must electronically file their objections and responses. All other parties in interest must file their objections and responses in writing with the United States Bankruptcy Court Clerk’s Office, 824 Market Street, 3rd Floor, Wilmington, Delaware 19801, to the attention of the chambers of the Honorable Kevin Gross, United States Bankruptcy Judge.

PLEASE TAKE FURTHER NOTICE THAT any objections or responses must be served on the following parties (collectively, the “Notice Parties”):

<table>
<thead>
<tr>
<th>Counsel to the Debtors</th>
<th>Office of the U.S. Trustee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weil, Gotshal &amp; Manges LLP</td>
<td>Office of the U.S. Trustee for the District of Delaware</td>
</tr>
<tr>
<td>767 Fifth Avenue</td>
<td>844 King Street, Suite 2207</td>
</tr>
<tr>
<td>New York, New York 10153</td>
<td>Wilmington, Delaware 19899</td>
</tr>
<tr>
<td>Attn: Gary T. Holtzer</td>
<td>Attn: Jane Leamy, Esq.</td>
</tr>
<tr>
<td>Ronit J. Berkovich</td>
<td></td>
</tr>
<tr>
<td>Candace M. Arthur</td>
<td></td>
</tr>
<tr>
<td>Brenda L. Funk</td>
<td></td>
</tr>
<tr>
<td>Olga F. Peshko</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Counsel to the Creditors’ Committee</td>
<td></td>
</tr>
<tr>
<td>Akin Gump Strauss Hauer &amp; Feld LLP</td>
<td></td>
</tr>
<tr>
<td>One Bryant Park</td>
<td></td>
</tr>
<tr>
<td>New York, New York 10036</td>
<td></td>
</tr>
<tr>
<td>Attn: Arik Preis</td>
<td></td>
</tr>
<tr>
<td>Mitchell Hurley</td>
<td></td>
</tr>
<tr>
<td>Edan Lisovicz</td>
<td></td>
</tr>
<tr>
<td>Co-Counsel to the Debtors</td>
<td>Co-Counsel to the Creditors’ Committee</td>
</tr>
<tr>
<td>Richards, Layton &amp; Finger, P.A.</td>
<td>Bayard, P.A.</td>
</tr>
<tr>
<td>920 N. King Street</td>
<td>600 N. King Street, Suite 400</td>
</tr>
<tr>
<td>Wilmington, Delaware 19801</td>
<td>Wilmington, Delaware 19801</td>
</tr>
<tr>
<td>Attn: John H. Knight</td>
<td>Attn: Justin R. Alberto</td>
</tr>
<tr>
<td>Paul N. Heath</td>
<td>Erin R. Fay</td>
</tr>
<tr>
<td>Zachary Shapiro</td>
<td>Daniel N. Brogan</td>
</tr>
<tr>
<td>Christopher M. De Lillo</td>
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</table>

PLEASE TAKE FURTHER NOTICE THAT IF AN OBJECTION TO CONFIRMATION OF THE PLAN IS NOT FILED STRICTLY AS PRESCRIBED HEREIN, THE OBJECTING PARTY MAY BE BARRED FROM OBJECTING TO CONFIRMATION OF THE PLAN AND MAY NOT BE HEARD AT THE CONFIRMATION HEARING.

PLEASE TAKE FURTHER NOTICE that the Confirmation Hearing may be adjourned from time to time without further notice to parties in interest other than by an announcement.
in the Bankruptcy Court of such adjournment on the date scheduled for the Confirmation Hearing or as indicated in any notice of agenda of matters scheduled for hearing filed by the Debtors with the Bankruptcy Court. The Debtors may modify the Plan, if necessary, prior to, during, or as a result of the Confirmation Hearing without further notice.

Dated: December 4, 2019
Wilmington, Delaware

/is/ Christopher M. De Lillo
RICHARDS, LAYTON & FINGER, P. A.
John H. Knight (No. 3848)
Paul N. Heath (No. 3704)
Zachary Shapiro (No. 5103)
Christopher M. De Lillo (No. 6355)
One Rodney Square
920 N. King Street
Wilmington, Delaware 19801
Telephone: (302) 651-7700
Facsimile: (302) 651-7701

-and-

WEIL, GOTSHAL & MANGES LLP
Gary T. Holtzer (admitted pro hac vice)
Ronit J. Berko (admitted pro hac vice)
Candace M. Arthur (admitted pro hac vice)
Brenda L. Funk (admitted pro hac vice)
Olga F. Peshko (admitted pro hac vice)
767 Fifth Avenue
New York, New York 10153
Telephone: (212) 310-8000
Facsimile: (212) 310-8007

Attorneys for the Debtors and Debtors in Possession
EXHIBIT 1

Section 10.5(a) Releases by Debtors.

As of the Effective Date, for good and valuable consideration, the adequacy of which is hereby confirmed, including, without limitation, the service of the Released Parties\(^5\) before and during the Chapter 11 Cases to facilitate the liquidation of the Debtors and the implementation of the Trust Formation Transactions, and except as otherwise explicitly provided in the Plan or in the Confirmation Order, the Released Parties shall be deemed conclusively, absolutely, unconditionally, irrevocably and forever released, to the maximum extent permitted by law, as such law may be extended subsequent to the Effective Date, by the Debtors and the Estates from any and all Claims, counterclaims, disputes, obligations, suits, judgments, damages, demands, debts, rights, Causes of Action, Liens, remedies, losses, contributions, indemnities, costs, liabilities, attorneys' fees and expenses, whatsoever, including any derivative claims, asserted or assertable on behalf of the Debtors or their Estates (including any Causes of Action arising under chapter 5 of the Bankruptcy Code), whether liquidated or unliquidated, fixed or contingent, matured or unmatured, known or unknown, foreseen or unforeseen, asserted or unasserted, accrued or unaccrued, existing or hereinafter arising, whether in law or equity, whether sounding in tort or contract, whether arising under federal, state statutory or common law, or any other applicable international, foreign, or domestic law, rule, statute, regulation, treaty, right, duty, 

\(^5\) Released Parties means, collectively, (i) the Debtors, (ii) the Creditors' Committee and its members, solely in their capacity as such, and (iii) with respect to each of the foregoing Persons in clauses (i) and (ii), such Persons' (a) predecessors, successors, permitted assigns, subsidiaries, and controlled affiliates, (b) officers and directors, principals, members, employees, financial advisors, attorneys, accountants, investment bankers, consultants, experts (for the avoidance of doubt, including but not limited to Nathan Associates, Inc. and its officers, directors, and employees), and other professionals; provided, however, that no such Person described in the foregoing clause (b) shall be a Released Party unless such Person was employed or engaged in such capacity on or after the Petition Date, or, in the case of any professional, was retained pursuant to sections 327 or 1102 of the Bankruptcy Code in these Chapter 11 Cases, and (c) respective heirs, executors, estates, and nominees, in each case solely in their capacity as such; provided, however, that no Person listed on the Non-Released Party Exhibit, to be filed as part of the Plan Supplement (no later than the Plan Supplement Filing Deadline) and as may be amended at the Confirmation Hearing pursuant to the process described in this "Released Parties" definition, shall be a Released Party. The Non-Released Party Exhibit shall include only those parties that the Debtors and the Creditors' Committee, in the exercise of their fiduciary duties, and the SMT Group Representatives mutually agree should be placed on such list. If at the time of filing of the Non-Released Party Exhibit, the Debtors, the Creditors' Committee, and the SMT Group Representatives do not agree as to who should be placed on the Non-Released Party Exhibit, the Plan Supplement shall contain two documents: first, the Non-Released Party Exhibit, and second, the Additional Party List, which will list any additional parties that the Creditors' Committee and/or the SMT Group Representatives believe should be on the Non-Released Party Exhibit. At the Confirmation Hearing, the Debtors shall be required to present argument as to why the parties on the "Additional Party List" should be excused and/or released, and the Creditors' Committee and/or the SMT Group Representatives (and any other party that would like) shall be required to present argument as to why such Party should be on the Non-Released Party Exhibit. The Bankruptcy Court shall make the decision, at the Confirmation Hearing, with regard to which, if any, of the parties on the Additional Party List shall be added to the Non-Released Party Exhibit. Notwithstanding anything to the contrary contained herein, if no Cause of Action of the kind released or excused under Sections 10.5 or 10.6 hereof, respectively, has been instituted against a Person on the Non-Released Party Exhibit within one (1) year after the Effective Date, such Person's name shall be deemed automatically removed from such Non-Released Party Exhibit and such Person shall be entitled to the releases and excusions set forth in the Plan as if such Person otherwise satisfies the definition of "Released Parties" or "Excused Parties."
requirement or otherwise, that the Debtors or their Estates would have been legally entitled to assert in their own right (whether individually or collectively) or on behalf of the holder of any Claim or Interest or other Person, based on or relating to, or in any manner arising from, in whole or in part, the Debtors, their Estates, the Chapter 11 Cases, the purchase, sale, or rescission of the purchase or sale of any security of the Debtors, the subject matter of, or the transactions or events giving rise to, any Claim or Interest that is treated in the Plan, the business or contractual arrangements between any Debtor and any Released Party (including the exercise of any common law or contractual rights of setoff or recoupment by any Released Party at any time on or prior to the Effective Date), the Trust Formation Transactions, the restructuring of any Claim or Interest before or during the Chapter 11 Cases, the Disclosure Statement, the Plan, and related agreements, instruments, and other documents, and the negotiation, formulation, preparation or implementation thereof, the solicitation of votes with respect to the Plan, or any other act or omission; provided, however, that the Debtors do not release, and the Insys Liquidation Trust shall retain, Claims or Causes of Action arising out of, or related to, any act or omission of a Released Party that is a criminal act or constitutes fraud, gross negligence, or willful misconduct; provided, further, that the Debtors do not release, and the Insys Liquidation Trust shall retain, Causes of Action against current or former employees of the Debtors related to any key employee retention plan (or any other retention or incentive plan) agreements entered into between the Debtors and certain of their employees prior to the Petition Date, or any Claims or Causes of Action arising out of chapter 5 of the Bankruptcy Code related to the key employee retention plan (or any other retention or incentive plan) agreements. The Debtors, the Trusts, and any other newly-formed entities that shall be continuing the Debtors' businesses after the Effective Date shall be bound, to the same extent the Debtors are bound, by the releases set forth in this Section. For the avoidance of doubt, Claims or Causes of Action arising out of, or related to, any act or omission of a Released Party prior to the Effective Date that is later found to be a criminal act or to constitute fraud, gross negligence, or willful misconduct, including findings after the Effective Date, are not released pursuant to this Section 10.5(a) of the Plan.

Section 10.5(b) Releases by Holders of Claims and Interests.

As of the Effective Date, for good and valuable consideration, the adequacy of which is hereby confirmed, including, without limitation, the service of the Released Parties before and during the Chapter 11 Cases to facilitate the liquidation of the Debtors and the implementation of the Trust Formation Transactions, and except as otherwise explicitly provided in the Plan or in the Confirmation Order, the Released Parties shall be deemed conclusively, absolutely, unconditionally, irrevocably and forever released, to the maximum extent permitted by law, as such law may be extended subsequent to the Effective Date, except as otherwise explicitly provided herein, by (i) the holders of all Claims who vote to accept the Plan, (ii) the holders of all Claims that are Unimpaired under the Plan, (iii) the holders of all Claims whose vote to accept or reject the Plan is solicited but who (a) do not vote either to accept or to reject the Plan and (b) do not opt out of granting the releases set forth herein, (iv) the holders of all Claims or Interests who vote, or are deemed, to reject the Plan but do not opt out of granting the releases set forth herein, and (v) all other holders of Claims and Interests to the maximum extent permitted by law, in each case from any and all Claims, counterclaims, disputes, obligations, suits, judgments, damages, demands, debts,
rights, Causes of Action, Liens, remedies, losses, contributions, indemnities, costs, liabilities, attorneys' fees and expenses whatsoever, including any derivative claims, asserted or assertable on behalf of the Debtors or their Estates (including any Causes of Action arising under; chapter 5 of the Bankruptcy Code), whether liquidated or unliquidated, fixed or contingent, matured or unmatured, known or unknown, foreseen or unforeseen, asserted or unasserted, accrued or unaccrued, existing or hereinafter arising, whether in law or equity, whether sounding in tort or contract, whether arising under federal or state statutory or common law, or any other applicable international, foreign, or domestic law, rule, statute, regulation, treaty, right, duty, requirement or otherwise, that such holders or their estates, affiliates, heirs, executors, administrators, successors, assigns, managers, accountants, attorneys, representatives, consultants, agents, and any other Persons or parties claiming under or through them would have been legally entitled to assert in their own right (whether individually or collectively) or on behalf of the holder of any Claim or Interest or other Person, based on or relating to, or in any manner arising from, in whole or in part, the Debtors (as such entities existed prior to or after the Petition Date), their Estates, the Chapter 11 Cases, the purchase, sale, or rescission of the purchase or sale of any security of the Debtors, the subject matter of, or the transactions or events giving rise to, any Claim or Interest that is treated in the Plan, the business or contractual arrangements or interactions between any Debtor and any Released Party (including the exercise of any common law or contractual rights of setoff or recoupment by any Released Party at any time on or prior to the Effective Date), the Trust Formation Transactions, the restructuring of any Claim or Interest before or during the Chapter 11 Cases, the Disclosure Statement, the Plan and related agreements, instruments, and other documents, and the negotiation, formulation, preparation or implementation thereof, the solicitation of votes with respect to the Plan, or any other act or omission, other than Claims or Causes of Action arising out of, or related to, any act or omission of a Released Party that constitutes fraud, gross negligence or willful misconduct. For the avoidance of doubt, Claims or Causes of Action arising out of, or related to, any act or omission of a Released Party prior to the Effective Date that is later found to be a criminal act or to constitute fraud, gross negligence, or willful misconduct, including findings after the Effective Date, are not released pursuant to this Section 10.5(b) of the Plan.

Notwithstanding anything herein to the contrary, the Debtors shall not be released from liability for any Claim that is or may be covered by any Insurance Policies or Products Liability Insurance Policies; provided, however, that any recovery for any such Claim, including by way of settlement or judgment, shall be limited to the available Insurance Proceeds and Products Liability Insurance Proceeds, and that no Person or party shall execute, garnish, or otherwise attempt to collect any such recovery from any assets other than the available Insurance Proceeds and Products Liability Insurance Proceeds, except to the extent necessary to trigger any Insurance Company's or Products Liability Insurance Company's obligations to pay such Insurance Proceeds or Products Liability Insurance Proceeds. The Debtors shall be released automatically from a Claim described in this paragraph only upon the earlier of (i) the abandonment of such Claim, (ii) such a release being given as part of a settlement or other resolution of such Claim, or (iii) exhaustion of the available Insurance Proceeds or Products Liability Insurance Proceeds, as applicable.
Section 10.6: Exculpation.

To the maximum extent permitted by applicable law, no Exculpated Party shall have or incur, and each Exculpated Party is hereby released and exculpated from, any Claim, obligation, suit, judgment, damage, demand, debt, right, Cause of Action, remedy, loss, and liability for any Claim in connection with, or arising out of, the administration of the Chapter 11 Cases; the negotiation and pursuit of the Disclosure Statement (including any information provided, or statements made, in the Disclosure Statement or omitted therefrom), the Trust Formation Transactions, the Plan; and the solicitation of votes for, and confirmation of, the Plan; the funding of the Plan; the occurrence of the Effective Date; the administration of the Plan and the property to be distributed under the Plan; the wind-down of the Debtors; the issuance of securities under or in connection with the Plan; and the transactions in furtherance of any of the foregoing, other than Claims or Causes of Action arising out of, or related to, any act or omission of an Exculpated Party that is a criminal act or constitutes fraud, gross negligence, or willful misconduct. This exculpation shall be in addition to, and not in limitation of, all other releases, indemnities, exculpations; and any other applicable law or rules protecting such Exculpated Parties from liability. For the avoidance of doubt, this Section 10.6 shall not exculpate or release any Exculpated Party with respect to any act or omission of such Exculpated Party prior to the Effective Date that is later found to be a criminal act or to constitute fraud, gross negligence, or willful misconduct, including findings after the Effective Date.

Section 10.7: Injunction.

Pursuant to section 1141(d)(3) of the Bankruptcy Code, confirmation of the Plan will not discharge the Debtors; provided, however, that upon confirmation of this Plan and the occurrence of the Effective Date, the holders of Claims and Interests may not seek payment or recourse against or otherwise be entitled to any distribution from the Estate or the Trusts, except as expressly provided in the Plan.

To the maximum extent permitted under applicable law, the Confirmation Order shall permanently enjoin the commencement or prosecution by any Person, whether directly, derivatively, or otherwise, of any Claims, obligations, suits, judgments, damages, demands, debts, rights, Causes of Action, losses, or liabilities released pursuant to this Plan, including, without limitation, the Claims, obligations, suits, judgments, damages, demands, debts, rights, Causes of Action, and liabilities released or exculpated in this Plan and the Claims, Interests, Liens, charges, and encumbrances.
Insys Therapeutics, Inc., et al.
c/o Epiq Corporate Restructuring, LLC
PO Box 4470
Beaverton, OR 97076-4470

ADDRESS SERVICE REQUESTED

Legal Documents Enclosed-
Please direct to the attention of the Addressee,
Legal Department or President.

WALWORTH COUNTY
ATTN CHAIRPERSON OF THE COUNTY BOARD
OR THE COUNTY CLERK
100 W WALWORTH
ELK Horn WI 53121