

## NOTICE OF BENEFIT FUND TERMINATION BY COURT APPOINTED TEMPORARY INDEPENDENT FIDUCIARY

TO: EMPLOYER SPONSORS, PLAN PARTICIPANTS AND BENEFICIARIES OF PLANS CREATED BY RIVERSTONE CAPITAL LLC, NEXGEN INSURANCE SERVICES, INC., RIVERSTONE CAPITAL INSURANCE SERVICES, AND

HEALTH CARE PROVIDERS PROVIDING OR WHO HAVE PROVIDED SERVICES TO PLAN PARTICIPANTS AND BENEFICIARIES OF THE RIVERSTONE MEWA AND PARTICIPATING PLANS.

DATE: FEBRUARY 28, 2019

THE TEMPORARY INDEPENDENT FIDUCIARY HAS DETERMINED THAT THE HEALTH PLAN IDENTIFIED AS THE RIVERSTONE MEWA ("RIVERSTONE MEWA") IS HIGHLY UNSTABLE AND UNABLE TO MEET THE OBLIGATIONS OF PROVIDING MEDICAL BENEFITS TO THE EMPLOYEES OF THE EMPLOYERS PARTICIPATING IN THE RIVERSTONE MEWA. RECEIVERSHIP MANAGEMENT INC., AS TEMPORARY INDEPENDENT FIDUCIARY, WILL ADMINISTER THE TERMINATION OF THE RIVERSTONE MEWA. THIS TERMINATION WILL BE EFFECTIVE MARCH 8, 2019 AT 11:59 P.M. PACIFIC TIME.

THIS TERMINATION WILL AFFECT ONLY THOSE HEALTH CARE BENEFITS PROVIDED UNDER THE RIVERSTONE MEWA. THIS TERMINATION IS NOT INTENDED TO INTERFERE WITH HEALTH CARE BENEFIT COVERAGES PROCURED BY EMPLOYER GROUPS, NOR IS THIS TERMINATION INTENDED TO RELIEVE EMPLOYER GROUPS OF POTENTIAL LIABILITY AS TO MEDICAL BENEFIT CLAIMS.

### **BENEFIT TERMINATION:**

(1) COVERAGE WILL TERMINATE ON JANUARY 31, 2019, FOR EMPLOYERS WHO HAVE PAID PREMIUM/CONTRIBUTIONS THROUGH JANUARY 31, 2019.

(2) COVERAGE WILL TERMINATE ON FEBRUARY 28, 2019, FOR EMPLOYERS WHO HAVE PAID PREMIUM/CONTRIBUTIONS THROUGH FEBRUARY 28, 2019.

(3) COVERAGE WILL TERMINATE ON MARCH 8, 2019, AT 11:59 P.M. (PACIFIC TIME) FOR EMPLOYERS WHO HAVE PAID PREMIUM/CONTRIBUTIONS THROUGH MARCH 31, 2019.

HOWEVER, THE RIVERSTONE MEWA WILL NOT BE ABLE TO PAY ALL BENEFITS THAT ARE DUE, AS THE RIVERSTONE MEWA IS SIGNIFICANTLY UNDERFUNDED. EMPLOYERS REMAIN RESPONSIBLE FOR THE UNFUNDED CLAIMS OF THEIR EMPLOYEES.

**Plan Participants, Beneficiaries, and Providers:** Forms and Notices regarding adjudicated claims will be issued to you after all claims have been submitted and processed. This will be sent sometime in May 2019.

**EMPLOYERS AND PLAN PARTICIPANTS AND BENEFICIARIES SHOULD BEGIN SEEKING HEALTH INSURANCE COVERAGE FROM ANOTHER SOURCE TO BE EFFECTIVE MARCH 9, 2019.**

**Plan Participants and Beneficiaries:** Under Health Insurance Portability and Accountability Act (HIPAA), as amended by the Affordable Care Act, the Riverstone MEWA Plans are required to provide a certificate of insurance. As soon as all information is verified, a Certificate of Insurance will be issued to you for your use in securing other health insurance coverage.

**IF YOU HAVE NOT RECEIVED A CERTIFICATE OF INSURANCE BY APRIL 15, 2019, PLEASE CONTACT RECEIVERSHIP MANAGEMENT INC. AT 615-370-0051.**

Information concerning the court action against Riverstone Capital LLC and other helpful plan information can be seen at [www.receivermgmt.com/riverstone-nexgenhealthplan](http://www.receivermgmt.com/riverstone-nexgenhealthplan). The Temporary Independent Fiduciary will present an Orderly Plan of Liquidation to the Court for review and approval in the federal court case in which it was appointed – *Acosta v. Riverstone Capital, LLC* (#19-cv-778-MWF (MAA)) Central District of California. It is anticipated that the Orderly Plan of Liquidation will be submitted at or near the end of March 2019. That filing will be posted on the website at [www.receivermgmt.com/riverstone-nexgenhealthplan](http://www.receivermgmt.com/riverstone-nexgenhealthplan). You are directed to refer to that website at that time regarding matters relating to the Orderly Plan of Liquidation. If you have further questions that are not specifically addressed in this notice contact the U.S. Department of Labor office toll free at 1-866-275-7922, or visit their web site at [www.askebsa.dol.gov](http://www.askebsa.dol.gov).

**PROVIDERS PLEASE NOTE:** The Court has issued as part of its redacted and amended restraining order, an “All Writs” Order in this matter which sets forth as follows:

**“Pursuant to the All Writs Act, 28 U.S.C. § 1651, all persons or entities are stayed, enjoined and/or prohibited from claiming as against the assets of the Plans outside of the procedures and processes to be set forth by the Independent Fiduciary and such protections shall be maintained until closure of the liquidation process or until further order by this Court;”**

**The Temporary Independent Fiduciary construes this provision to prohibit Doctors, Hospitals, and Collection Agencies are enjoined from suing Plan Participants, Members, and Beneficiaries or Making any claims on the Assets of the Riverstone MEWA.**

IF YOU HAVE QUESTIONS REGARDING THIS NOTICE, YOU MAY CALL 615-370-0051 or you may email your questions to: [rmoore@receivermgmt.com](mailto:rmoore@receivermgmt.com). Please reference the word “Riverstone” in the subject line of your email.

PLEASE TAKE NOTE THAT THE APPOINTMENT OF RECEIVERSHIP MANAGEMENT, INC., AS THE TEMPORARY INDEPENDENT FIDUCIARY, IS TEMPORARY AND SUBJECT TO EXTENSION OR EXTINGUISHMENT AT A PRELIMINARY INJUNCTION HEARING IN THE *ACOSTA V. RIVERSTONE CAPITAL, LLC* ACTION, SET FOR MARCH 11, 2019, AT 3:00 P.M. (PACIFIC TIME). ANY DATES SET FORTH IN THIS NOTICE BEYOND THAT MARCH 11, 2019 DATE ARE SUBJECT TO THE COURT’S EXTENSION OF THE APPOINTMENT AT THAT HEARING OR OTHERWISE BY ORDER OF THE APPOINTING COURT.

ROBERT E. MOORE, JR., PRESIDENT  
RECEIVERSHIP MANAGEMENT INC. – TEMPORARY INDEPENDENT FIDUCIARY  
510 HOSPITAL DRIVE, SUITE 490  
MADISON, TN 37115