

STATE OF SOUTH DAKOTA)	IN CIRCUIT COURT
	: SS	
COUNTY OF HUGHES)	SIXTH JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA, EX REL.)	32CIV18-125
LARRY DEITER, DIRECTOR OF)	
INSURANCE OF THE STATE OF SOUTH)	
DAKOTA,)	
)	
Petitioner,)	NOTICE OF ENTRY OF
)	ORDER APPROVING SETTLEMENT
v.)	WITH RSM US, LLP
)	IN 32CIV20-000207
)	
RELIAMAX SURETY COMPANY,)	
)	
Respondent.)	

TO ALL INTERESTED PARTIES AND THEIR COUNSEL OF RECORD:

Please take notice that an Order Approving Settlement with RSM US, LLP in 32CIV20-000207, a true copy of which is appended hereto, has been signed by the above-named Court on December 24, 2020 and entered by the Clerk of Courts, Sixth Judicial Circuit, Hughes County, on December 28, 2020.

Dated: January 15, 2021

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& GARRY LLP

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the foregoing was served on January 15, 2021 via Odyssey on the following:

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The same was also served on January 15, 2021 by email and U.S. mail, postage prepaid, on those listed below:

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)	

- A. The court-appointed Liquidator in this proceeding (the "Liquidator") having commenced that certain civil action entitled *Larry Deiter, Director of Insurance of the State of South Dakota, as Liquidator of ReliaMax Surety Company in Liquidation v. RSM US LLP, et al*, in Circuit Court for the Sixth Judicial Circuit, Hughes County, South Dakota, 32CIV20-000207 (the "Liquidator Action"); and
- B. The Liquidator and RSM US LLP ("RSM") having reached an agreement to settle the Liquidator's claims against RSM as described in that certain Settlement Agreement and Release dated December 17, 2020 (the "RSM Settlement Agreement"); and
- C. The Liquidator having filed his Application for Approval of Settlement dated December 21, 2020; and
- D. Due and proper notice of such Application and exhibits having been given to counsel appearing in the Liquidation and in the Liquidator Action, either via Odyssey or by email and mail, and to other interested parties by posting to the Liquidation website, and no objection has been filed; and
- E. The Court having reviewed all filings with respect to such Application and having considered all files and proceedings herein; and for cause shown:

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Liquidator's Application for Approval of Settlement is hereby GRANTED in all respects.

2. The terms of the RSM Settlement Agreement are APPROVED in all respects. The terms "RSM Services" and "RSM Released Parties" shall have the same meaning as used in the RSM Settlement Agreement.

3. The RSM Settlement Agreement is fair and reasonable.

4. Pursuant to SDCL 58-29B-49(13) the Liquidator has the sole authority to prosecute for the benefit of the liquidation estate any action which may exist on behalf of the creditors, members, policyholders, or shareholders of ReliaMax Surety Company ("RSC") against any officer of the insurer, or any other person, and SDCL 58-29B-49(19) states that the liquidator may "exercise and enforce all the rights, remedies, and powers of any creditor shareholder, policyholder, or member."

5. The RSM Settlement Agreement is fully binding and enforceable against all persons and entities for whom the Liquidator is authorized to act under Chapter 58-29B; and the Liquidator and all such persons and entities shall be deemed to have fully, finally and forever released, relinquished, discharged and dismissed each and every claim against the RSM Released Parties arising from or related to RSM Services.

6. Any and all creditors, members, policy holders, or shareholders of RSC and all of their respective present or former agents, officers, directors, consultants, employees, members, partners, principals, attorneys, advisors, and representatives are hereby permanently **BARRED, ENJOINED AND RESTRAINED** from commencing, prosecuting, or asserting against any RSM Released Parties any right, claim, debt, cause of action, demand, suit of damages, liability act or right of action of any nature whatsoever whether in the right of such creditors, members, policy holders, or shareholders or derivatively and whether asserted or unasserted, known or unknown, arising from or related to the RSM Services.

7. When the Liquidator Action is fully and finally concluded, including all claims against the Defendant Directors and Officers and their Insurers, the final judgment shall include dismissal of RSM with prejudice and without costs to any party.

8. A certified copy of this Order shall also be filed in the Liquidator Action.

BY THE COURT:

Signed: 12/24/2020 7:03:27 AM


Circuit Court Judge

Attest:
Deuter-Cross, TaraJo
Clerk/Deputy

