

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:

THE ALIERA COMPANIES, INC.,¹

Debtor.

Chapter 11

Case No.: 21-11548 (JTD)

THE STATES' STATEMENT AS TO VENUE

COMES NOW the States of California, the Missouri Department of Commerce and Insurance, New Hampshire, the New York State Department of Financial Services, and Texas² (the "States") and files this *Statement as to Venue* ("Statement"), and states as follows:

As this Court is aware the States have been very involved in the *In re Sharity*³ ("Sharity") bankruptcy case currently pending before this Court and participated in negotiating the plan in that case that was recently approved and became effective on December 31, 2021. Many States have outstanding claims, judgments, administrative actions, or lawsuits based upon the facts and circumstances relating to the interactions of Alieria and Sharity as co-defendants in putting together a fraudulent scheme to promise – but not provide – health care coverage for their citizens. The States are also aware that the Creditors' Committee in the Sharity bankruptcy filed this involuntary petition against Alieria to assure that it would remain under the supervision and control of the federal court system to ensure that its principals could be held to account for the funds they removed from both Sharity and Alieria for their personal benefit. The States believe that Alieria and

¹ The last four digits of the Debtor's federal taxpayer identification number are 9555. The address of the Debtor's principal office is 990 Hammond Drive, Suite 700, Atlanta, Georgia 30328.

² The States of Kansas and Wisconsin have also submitted herewith, their Statements of Interest; however, at this time, these States do not have a Notice of Appearance on file, and as such, did not sign this pleading.

³ Sharity's bankruptcy case is Case No. 21-11001 (JTD).

Sharity are so intertwined that the most efficient and cost-effective way to resolve their combined liability to their victims is to have both bankruptcies heard by the same Court.

Having these bankruptcies in the same Court will create consistency in the rulings made for or against Alera and Sharity based upon the shared facts, circumstances, and actions giving rise to the causes of action. This Court already has the advantage of having spent the last six months overseeing the quick and economical resolution of the Sharity bankruptcy and the approval of its plan which was structured with the goal of allowing the Plan Trustee to pursue its causes of action against Alera and its principals. The existence of the current Alera filing allows those actions to go forward promptly and with the least duplication of effort, time, and costs.

Thus, the States believe it most appropriate for this Court to retain jurisdiction over its pending Alera bankruptcy case, to provide for the transfer of the second-filed case in Georgia to this court, and to consolidate the two cases, using the first-filed petition date of December 3, 2021 as the operative date. This will provide the maximum look-back period in terms of examining avoidable transfers. *See, e.g., In re Premier Gen. Holdings, Ltd.*, 427 B.R. 592 (Bankr. S.D. Tex. 2010) (allowing involuntary case to remain in place and govern over later-filed voluntary case and treating filing of voluntary case as essentially admitting that requirements for order for relief in involuntary case existed).

Moreover, although the changes made due to COVID-19 have somewhat reduced the burdens on appearing in a distant courtroom, the differing requirements for appearing in Delaware (that the states have generally already met) are considerably less burdensome on the States than those that are required to appear in Georgia.

The attached statements of interest summarize for each interested state the status of any cases, investigations, or judgment that are pending in that state, indicating its interest in this matter.

Date: January 6, 2022,

Respectfully submitted,

<p>Dated: January 6, 2022 Austin, Texas</p>	<p>KEN PAXTON Attorney General of Texas</p> <p>BRENT WEBSTER First Assistant Attorney General</p> <p>GRANT DORFMAN Deputy First Assistant Attorney General</p> <p>SHAWN E. COWLES Deputy Attorney General for Civil Litigation</p> <p>RACHEL R. OBALDO Assistant Attorney General Chief, Bankruptcy & Collections Division</p> <p><i>/s/ Abigail R. Ryan</i> ABIGAIL R. RYAN Assistant Attorney General Texas State Bar No. 24035956 Office of the Attorney General of Texas Bankruptcy & Collections Division P. O. Box 12548 MC008 Austin, Texas 78711-2548 Telephone: (512) 463-2173 Facsimile: (512) 936-1409 abigail.ryan@oag.texas.gov ATTORNEYS FOR THE STATE OF TEXAS</p>
<p>Dated: January 6, 2022</p>	<p>ROB BONTA Attorney General of California</p> <p><i>By: /s/ Anna Molander</i> ANNA MOLANDER STEPHANIE YU Deputy Attorneys General 1300 I Street Sacramento, CA 95814 Telephone: (916) 2109-6441 Fax: (916) 731-3652 Email: anna.molander@doj.ca.gov <i>Attorneys for the People of the State of California</i></p>

<p>Dated: January 6, 2022</p>	<p>NEW YORK STATE DEPARTMENT OF FINANCIAL SERVICES</p> <p><u>/s/ Laura E. Meehan</u> Laura E. Meehan Senior Assistant Deputy Superintendent Consumer Protection and Financial Enforcement Division 1 State Street New York, New York 10004 (212) 709-1637 Laura.meehan@dfs.ny.gov</p>
<p>Dated: January 6, 2022</p>	<p>THE STATE OF NEW HAMPSHIRE, DEPARTMENT OF INSURANCE</p> <p>By and through its counsel,</p> <p>JOHN M. FORMELLA, ATTORNEY GENERAL</p> <p><u>/s/Anthony J. Galdieri</u> Anthony J. Galdieri, N.H. Bar No. 18594 Solicitor General Zachary N. Towle, N.H. Bar No. 270211 Assistant Attorney General New Hampshire Department of Justice 33 Capitol Street Concord, NH 03301 Tel: (603) 271-3658 anthony.j.galdieri@doj.nh.gov zachary.n.towle@doj.nh.gov</p>
<p>Dated: January 6, 2022</p>	<p>Missouri Department of Commerce and Insurance</p> <p><u>/s/ Shelley L. Forrest</u> Shelley L. Forrest MO Bar No. 46455 Receivership Counsel PO Box 690 Jefferson City, MO 65102 (573) 522-6115 Shelley.Forrest@insurance.mo.gov Attorney for Missouri Department of Commerce and Insurance</p>

CERTIFICATE OF SERVICE

I certify that on January 6, 2022, a true and correct copy of the foregoing has been served via the Court's Electronic Filing System on all parties requesting notice in this proceeding.

/s/ Abigail R. Ryan
ABIGAIL R. RYAN
Assistant Attorney General