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In the Matter of the Rehabilitation of:

Case No. 10 CV 1576

Segregated Account of Ambac Assurance Corporation

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**MOTION TO SUPPLEMENT THE RECORD  
AND [PROPOSED] ORDER**

**By the Commissioner of Insurance of the State of Wisconsin,  
as Rehabilitator of the Segregated Account of Ambac Assurance Corporation**

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DANE CO. CIRCUIT COURT

The Commissioner of Insurance of the State of Wisconsin, as court-appointed rehabilitator (the "Rehabilitator") of the Segregated Account ("Segregated Account") of Ambac Assurance Corporation ("Ambac"), moves the Court to supplement the record pursuant to Wis. Stat. § 809.15 to include the several public court-filed documents identified below that are not presently included in on this Court's docket, but which will assist the Court of Appeals in adjudicating the issues presented in the most recent consolidated appeals from this rehabilitation proceeding, 2011AP561 (involving the 15 different notices of appeal filed in regard to the Order confirming the Plan of Rehabilitation).

The Commissioner moves to supplement the record to include the following court documents, all of which are attached to this motion in the order they appear below:

- The condensed version of transcripts from hearings held by this Court on November 15 through 19, 2011, excerpts of which are cited to by this Court in its January 24, 2011 Order Confirming the Plan of Rehabilitation (the "Confirmation Order"). Including the condensed transcripts in the record ensures that the Court of Appeals can resolve any pagination differences that may exist between the transcripts already on file and the condensed transcripts referenced in the Confirmation Order.

- The January 14, 2011 Opinion and Order of the United States District Court for the Western District of Wisconsin remanding the rehabilitation proceeding to this Court (the “Remand Order”), filed as Docket No. 36 in Case No. 10-cv-778-bbc (W.D. Wis.). The Remand Order addresses several jurisdictional issues raised by the United States in its appeal from the Confirmation Order.
- The five documents listed below from the United States’ federal court action against the Commissioner, Ambac, and this Court that relate to arguments that were not previously presented to this Court, but have been raised by the United States on appeal from the Confirmation Order.<sup>1</sup>

(1) The February 9, 2011 Complaint of the United States;

(2) the February 9, 2011 Motion for Preliminary Injunction by the United States;

(3) the February 11, 2011 Amended Complaint of the United States;

(4) the February 15, 2011 Second Declaration of Michael B. Van Sicklen (with exhibits); and

(5) the February 18, 2011 Opinion and Order of the United States District Court for the Western District of Wisconsin Dismissing the Complaint of the United States, filed as Docket Nos. 1, 6, 23, 32, and 42 in Case No. 11-cv-99-bbc (W.D. Wis.).

All of these documents are publicly available court filings, all relate to this proceeding and/or the pending appeals, and all would further the disposition of this case before the Court of Appeals. Therefore, the Rehabilitator requests that the Court grant this Motion and direct the clerk to include the attached documents as part of the record to be transmitted to the Court of Appeals in Appeal No. 2011AP561. A proposed form of order is set forth below.<sup>2</sup>

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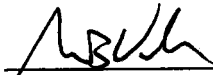
<sup>1</sup> Note that the Dane County Clerk included in the record previously transmitted to the Court of Appeals on Appeal No. 2011AP300 two folders of documents filed in the IRS proceedings in the United States District Court for the Western District of Wisconsin through January 20, 2011 (Appeal Docket No. 552).

<sup>2</sup> The Motion will be deemed denied by operation of law if not granted within 14 days of today’s date. Wis. Stat. § 809.15(4)(c). Therefore, if this Court is inclined to grant the Motion, the Commissioner respectfully asks that it do so prior to April 6, 2011.

Dated this 25th day of March, 2011.

FOLEY & LARDNER LLP

By:

  
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*Attorneys for Commissioner of Insurance of  
the State of Wisconsin, as Rehabilitator of  
the Segregated Account of Ambac Assurance  
Corporation*

**ORDER**

IT IS ORDERED that the record include the above-referenced court documents, all of which are attached to the original of the Rehabilitator's motion on file with the clerk.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2011.

BY THE COURT:

\_\_\_\_\_  
Honorable William D. Johnston  
Lafayette County Circuit Court Judge  
Presiding by Judicial Appointment

Dated this 25th day of March, 2011.

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Corporation*

**ORDER**

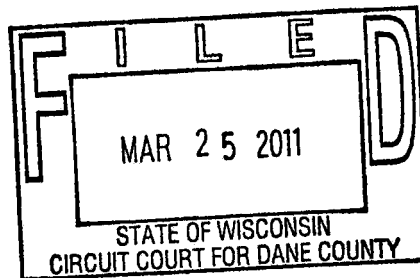
IT IS ORDERED that the record include the above-referenced court documents, all of which are attached to the original of the Rehabilitator's motion on file with the clerk.

Dated this 25<sup>th</sup> day of March, 2011.

BY THE COURT:

Honorable William D. Johnston  
Lafayette County Circuit Court Judge  
Presiding by Judicial Appointment

CC: To All Parties listed  
3/30/11



CC: SERVICE LIST in Dane County Case # 10-CV-1576

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Bensky, Lawrence	Parrett, Noreen J.
Benson, Paul E.	Polakowski, Jessica L
Bentley, Philip	Primps, William G.
Bloomgarden, Craig S.	Reinthal, Richard W.
Callan, Laura E.	Ricardo, Henry J.
Canton, Amy	Riches, Jonathan Lee (pro se)
Christensen, Dale C.	Roberts, Lynn
Cisar, David I.	Rosenthal, John M.
Crocker, Randall D.	Saffitz, Emily L.
Davidson, Andrew K.	Schlicht, Jane C.
Franke, John	Simon, John B.
Friedman, James A.	Stolper, Daniel W.
Gaughan, Anthony J.	Stroebel, Christopher J.
Goodchild III, John C.	Trostle, Patrick J.
Greenwald, David M.	Van Sicklen, Michael B.
Hopper, Thomas R.	Van Tol, Peter
Houghton, Leah M.	Walsh, David G.
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Johnson, Michael E.	Welsch, Thomas J.
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Lipps, Jeffrey A.	Williamson, Brady C.
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Morgan, Stephen L	Carter, Rodney
	Dama, Michelle L.
	Smith, Ann Ustad