

August 28, 2015

**VIA HAND DELIVERY**WRITER'S DIRECT LINE  
608.258.4206  
mvansicklen@foley.com EMAILMs. Celia Zeinert  
Ambac Clerk, Dane County Circuit Court  
Dane County Courthouse  
215 South Hamilton Street  
Madison, Wisconsin 53703Re: *In the Matter of the Rehabilitation of Segregated Account of Ambac Assurance Corporation; Dane County Circuit Court Case No. 10 CV 1576*

Dear Ms. Zeinert:

Enclosed for filing in the above-referenced insurer rehabilitation proceeding is a Notice of Filing of Guidance Regarding Amendment Of Previously Filed Claims.

The Guidance attached to the Notice clarifies the process that policy claimants must follow to amend claims previously submitted to the Segregated Account of Ambac Assurance Corporation pursuant to the Plan of Rehabilitation, as Amended ("Plan") and the Payment Guidelines for Plan of Rehabilitation, as Amended ("Payment Guidelines"). The Plan and Payment Guidelines are posted on the court-approved website for this rehabilitation proceeding, [ambacpolicyholders.com](http://ambacpolicyholders.com).

This filing is for the informational purposes of the Court, Segregated Account policyholders, and other interested parties. No further Court action is necessary for the Guidance to take effect, although the Rehabilitator would be happy to provide Judge Niess with any additional information regarding this filing or any other aspect of the rehabilitation.

We will serve the enclosed document on the court-approved electronic service list and post it on the court-approved website. We are also hand-delivering a courtesy copy to Judge Niess.

Thank you for your attention to this matter.

Very truly yours,

FOLEY &amp; LARDNER LLP

  
Jeffrey A. Simmons

## Enclosures

BOSTON  
BRUSSELS  
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WASHINGTON, D.C.



FOLEY & LARDNER LLP

Ms. Celia Zienert  
Ambac Clerk, Dane County Circuit Court  
August 28, 2015  
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cc: Honorable Richard Niess (with enclosures, via hand delivery)  
All Counsel of Record (with enclosures, via email)

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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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**NOTICE OF FILING OF GUIDANCE REGARDING  
AMENDMENT OF PREVIOUSLY FILED CLAIMS**

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PLEASE TAKE NOTICE that on August 28, 2015, the Rehabilitator of the Segregated Account of Ambac Assurance Corporation ("Segregated Account") issued the attached Guidance Regarding Amendment Of Previously Filed Claims ("Guidance"). The Guidance clarifies the process that policy claimants should follow to amend claims previously submitted to the Segregated Account pursuant to the Plan of Rehabilitation, as Amended and the Payment Guidelines for Plan of Rehabilitation, as Amended. This Notice and the Guidance have been posted on the court-approved website [www.ambacpolicyholders.com](http://www.ambacpolicyholders.com). This Notice is for informational purposes only. No Court action is necessary for the Guidance to become effective.

Dated this 28<sup>th</sup> day of August, 2015.

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Commissioner of Insurance and  
Theodore K. Nickel, Commissioner of  
Insurance of the State of Wisconsin, as  
Rehabilitator of the Segregated Account of  
Ambac Assurance Corporation*

# GUIDANCE REGARDING AMENDMENT OF PREVIOUSLY FILED CLAIMS

August 28, 2015

Issued by:  
The Rehabilitator and the Special Deputy Commissioner  
of the Segregated Account of Ambac Assurance Corporation

On March 24, 2010, the Circuit Court for Dane County, Wisconsin (the “**Rehabilitation Court**”) entered a rehabilitation order placing the Segregated Account of Ambac Assurance Corporation (the “**Segregated Account**”) into rehabilitation and appointed the Commissioner as the Rehabilitator for the Segregated Account. On June 11, 2014, the Rehabilitation Court granted the Rehabilitator’s motion to amend the Plan of Rehabilitation for the Segregated Account, and on June 12, 2014, the Plan of Rehabilitation as Amended (the “**Plan**”) became effective. On the effective date of the Plan, the Commissioner also issued the Payment Guidelines for Plan of Rehabilitation, as Amended (the “**Payment Guidelines**”), which govern the payment of Claims in the Rehabilitation.

The Rehabilitator is issuing this guidance (this “**Guidance**”) to clarify the process for amendment of previously filed Claims under the Plan and Payment Guidelines. This Guidance does not amend or otherwise alter the terms of the Plan and Payment Guidelines, which govern the submission, evaluation, and allowance of Claims in the Rehabilitation. All interested parties are directed to review the Plan and Payment Guidelines, which are available online at [www.ambacpolicyholders.com](http://www.ambacpolicyholders.com), for full details regarding the Claims process.

## 1. Amendment of Pending Policy Claims

A Holder who discovers that a Pending Policy Claim should be amended must promptly submit a new Policy Claim in accordance with the provisions of Section 1.2 of the Payment Guidelines reflecting the desired amendment(s) and the existing Pending Policy Claim previously submitted shall be deemed, automatically and without further action of any party, withdrawn and rescinded. Any such amended Pending Policy Claim shall be eligible for consideration as a Permitted Policy Claim only in accordance with the provisions of the Payment Guidelines, including, without limitation, Section 1.5 of the Payment Guidelines.

## 2. Amendment of Permitted Policy Claims

A Holder of a Permitted Policy Claim who subsequently discovers that the underlying Policy Claim should be amended must identify the month in which the underlying Policy Claim was originally submitted, and:

- a. If the Holder wishes to claim a net additional amount of such Policy Claim:
  1. submit a new, fully completed and duly executed Proof of Policy Claim Form and Claim along with the requisite Claim Schedule in accordance with the provisions of Section 1.2 of the Payment

Guidelines reflecting the net additional amount of the amended Policy Claim; and

2. clearly identify the additional Policy Claim as an amendment to a previous Policy Claim in transmittal materials, and state the gross amount of the total Policy Claim (i.e. the original Permitted Policy Claim plus the net additional amount of the amended Policy Claim).
- b. If the Holder has identified that the amount of the underlying Policy Claim submitted was in excess of the amount that should have been submitted:
1. submit a notice to the Management Services Provider, clearly identifying the amendment to the previous Policy Claim in transmittal materials, and stating the gross amount of the total Policy Claim (i.e. the original Permitted Policy Claim less the amount of the Policy Claim that should not have been submitted).
  2. For any such amended Policy Claim, the Rehabilitator reserves the right to make Subsequent Adjustments in accordance with Section 4.3 of the Payment Guidelines.
- c. If the Holder identifies an amendment to the underlying Policy Claim other than pursuant to Sections 2(a) or (b) of this Guidance (for example, if the Permitted Policy Claim was incorrectly allocated between principal and interest shortfalls):
1. submit a notice to the Management Services Provider, clearly identifying the amendment to the previous Policy Claim in transmittal materials, and stating the relevant changes; or
  2. provide such information to the Management Services Provider by filing an Allocation Schedule in accordance with Section 2.6 of the Payment Guidelines.

Any amended Policy Claim for a net additional amount submitted more than 120 days after the earliest date on which the underlying Permitted Policy Claim satisfied all of the requirements to be considered a Permitted Policy Claim will be treated as a Late Claim.

In addition, for the avoidance of doubt, an amended Policy Claim, once submitted in accordance with the Payment Guidelines and the provisions of this Guidance will become a Pending Policy Claim and no such amended Policy Claim shall become Permitted unless the Rehabilitator and the Management Services Provider shall have so determined in accordance with the Payment Guidelines, the terms and conditions hereof and the Plan.