



**Workers'
Compensation
Board**

ANDREW M. CUOMO
Governor

KENNETH J. MUNNELLY
Chair

June 30, 2017

The Honorable Andrew M. Cuomo
Governor of New York
State Capitol
Albany, New York 12224

The Honorable Carl E. Heastie
Speaker
New York State Assembly
LOB, Room 932
Albany, New York 12248

The Honorable John J. Flanagan
Senate Majority Leader
New York State Capitol, Room 330
Albany, New York 12247

The Honorable Jeffrey D. Klein
IDC Coalition Leader
New York State Senate LOB, Room 913
Albany, New York 12247

Dear Governor Cuomo and Legislative Leaders:

Legislation passed in 2011 requires the NYS Workers' Compensation Board (Board) to prepare a semi-annual report to the Governor and the Legislature regarding the status of the various insolvent group self-insured trusts.

In response to this legislative requirement, I am pleased to present you with a brief analysis of the current status of group defaults, actions taken by the Board to collect from employers of these defaulted trusts, and the current funding status of all other self-insurers.

As part of the Business Relief Act passed in the Executive Budget, the Board was granted \$900 million in bonding authority to address group trust defaults. The bonding authority provides small businesses more affordable payment options and final releases from the joint and several liabilities associated with their participation in the insolvent groups. The Board has issued approximately \$370 million in bonds and has used these proceeds to execute twenty Assumption of Liability policies.

Other highlights contained within the report include:

- The outstanding liability for all defaulted trusts administered by the Board has dropped from \$924 million in the first report published on June 30, 2011 to \$58,312,000 in our last report submitted in December 2016 to \$41,244,000 in the attached report;
- The Board has signed final settlement agreements with approximately 2,500 defaulted trust members; and

- The total number of defaulted trust claims being administered by the Board has decreased substantially from the 7,515 claims in the first report published on June 30, 2011 to only 226 today, demonstrating the Board's effective management of the claims, including the usage of Assumption of Liability policies.

Sincerely,

A handwritten signature in blue ink that reads "Ken Munnely". The signature is written in a cursive, flowing style.

Kenneth J. Munnely
Chair

Enclosure

NYS Workers' Compensation Board's Semi-Annual Report on Group Self Insured Trusts for June 2016

In accordance with Chapter 57 of the Laws of 2011, the Workers' Compensation Board is hereby reporting on the current status of all insolvent group trusts and the funding positions of currently active self-insured employers.

I. Insolvent Non-Municipal Group Self-Insured Employers

A. Total Liability of Insolvent Non-Municipal Group Self-Insured Employers

The table below displays the current outstanding liabilities as set forth in the most recent audited financial statements. The total liabilities include: claims liability; accrued expenses; accounts payable; unreimbursed WCL §50(5)(g) funds; and accrued NYS Assessments. It does not reflect the Group Self-Insured Trusts (GSITs) assets or collections expected to be recovered from the GSITs members which are reflected in Section III of this report. Further, those GSITs which have executed an Assumption of Liability Policy (ALP) have been removed from this section as the claims liabilities have been effectively capped via an ALP policy with member settlement proceeds and/or litigation proceeds serving to fund the cost of the ALP policy. See Section III infra.

Name of Insolvent Non-Municipal Group Self-Insured Trust	Date of Transition	Total Liability from Previous Audited Financial Statement [^]	Total Liability from Most Recent Audited Financial Statement [^]
Healthcare Industry Trust of New York (HITNY)			<i>Assumption of Liability Executed - See ALP Section</i>
Healthcare Providers Self Insurance Trust (HCP)			<i>Assumption of Liability Executed - See ALP Section</i>
Manufacturing Industry WC Insurance Trust (NYMIT)			<i>Assumption of Liability Executed - See ALP Section</i>
New York Healthcare Facilities WC Trust (HCF)			<i>Assumption of Liability Executed - See ALP Section</i>
Provider Agency Trust for Human Services (PATH)			<i>Assumption of Liability Executed - See ALP Section</i>
Transportation Industry WC Trust (TRANSPORTATION)			<i>Assumption of Liability Executed - See ALP Section</i>
Auto Service and Repair Self Insurance Trust (AUTO)			<i>Assumption of Liability Executed - See ALP Section</i>
Elite Contractors Trust of New York (ELITE)			<i>Assumption of Liability Executed - See ALP Section</i>
Manufacturing Self Insurance Trust (MSIT)			<i>Assumption of Liability Executed - See ALP Section</i>
Wholesale and Retail WC Trust of New York (WRWCT)			<i>Assumption of Liability Executed - See ALP Section</i>
Builders Self Insurance Trust (BUILDERS)			<i>Assumption of Liability Executed - See ALP Section</i>
Trade Industry WC Trust for Manufacturers (TRADE)			<i>Assumption of Liability Executed - See ALP Section</i>
Real Estate Management Trust of New York (REMTNY)			<i>Assumption of Liability Executed - See ALP Section</i>
New York State Cemeteries Trust (NYSCT)			<i>Assumption of Liability Executed - See ALP Section</i>
Public Entity Trust of New York (PETNY)			<i>Assumption of Liability Executed - See ALP Section</i>

Retail and Wholesale Industry WC Self Insurance Trust (RWWCT)	<i>Assumption of Liability Executed - See ALP Section</i>		
Selective Safety Trust (SELECTIVE)	<i>Assumption of Liability Executed - See ALP Section</i>		
Long Term Care Risk Management Group (LONG TERM CARE)	<i>Assumption of Liability Executed - See ALP Section</i>		
OHI Workers' Compensation Self-Insurance Trust (OHI)	<i>Assumption of Liability Executed - See ALP Section</i>		
Community Residence Insurance Savings Plan Self-Insurance Trust for Workers Compensation (CRISP)	<i>Assumption of Liability Executed - See ALP Section</i>		
New York McDonalds Operators' Workers' Compensation Trust (McDONALDS)	<i>Assumption of Liability Executed - See ALP Section</i>		
Team Transportation Workers' Comp Trust (TEAM)	<i>Assumption of Liability Executed - See ALP Section</i>		
Empire State Transportation WC Trust (EMPIRE)	01/01/2012	\$ 38,691,000	\$ 36,365,000
Empire State Towing and Recovery Association Self-Insurance Trust (ESTRA)	8/31/2015	\$ 5,190,000	\$ 4,879,000
Total of All Group Self Insurance Trusts (GSIT)		\$ 43,881,000	\$ 41,244,000
^ Does not reflect amounts held by the WCB or collections expected to be recovered.			

B. Total Open Claims of Insolvent Non-Municipal Group Self-Insured Employer

Name of Insolvent Non-Municipal Group Self-Insured Trust	Date of Transition	Number of Open Claims as of Transition	Number of Open Claims as of 5/31/2017	Difference
Healthcare Industry Trust of New York (HITNY)	02/01/2008	1,651	0*	(1,651)
Healthcare Providers Self Insurance Trust (HCP)	10/12/2009	1,168	0*	(1,168)
Manufacturing Industry WC Insurance Trust (NYMIT)	03/31/2006	149	0*	(149)
New York Healthcare Facilities WC Trust (HCF)	07/31/2006	294	0*	(294)
Provider Agency Trust for Human Services (PATH)	03/01/2006	338	0*	(338)
Transportation Industry WC Trust (TRANSPORTATION)	09/08/2008	604	0*	(604)
Auto Service and Repair Self Insurance Trust (AUTO)	10/15/2010	21	0*	(21)
Elite Contractors Trust of New York (ELITE)	04/01/2010	501	0*	(501)
Manufacturing Self Insurance Trust (MSIT)	06/01/2007	256	0*	(256)
Wholesale and Retail WC Trust of New York (WRWCT)	08/11/2008	390	0*	(390)

Builders Self Insurance Trust (BUILDERS)	05/01/2009	63	0*	(63)
Trade Industry WC Trust for Manufacturers (TRADE)	05/16/2008	182	0*	(182)
Real Estate Management Trust of New York (REMTNY)	07/07/2008	57	0*	(57)
New York State Cemeteries Trust (NYSCT)	07/07/2008	24	0*	(24)
Public Entity Trust of New York (PETNY)	01/15/2008	116	0*	(116)
Retail and Wholesale Industry WC Self Insurance Trust (RWWCT)	10/15/2008	29	0*	(29)
Selective Safety Trust (SELECTIVE)	03/18/2011	92	0*	(92)
Long Term Care Risk Management Group (LONG TERM CARE)	04/14/2011	263	0*	(263)
OHI Workers' Compensation Self-Insurance Trust (OHI)	07/01/2011	38	0*	(38)
Community Residence Insurance Savings Plan Self-Insurance Trust for Workers Compensation (CRISP)	08/08/2011	574	0*	(574)
Team Transportation Workers' Comp Trust (TEAM)	02/01/2012	193	0*	(193)
New York McDonalds Operators' Workers' Compensation Trust (McDONALDS)	07/15/2011	48	0*	(48)
Empire State Transportation WC Trust (EMPIRE)	01/01/2012	464	196	(268)
Empire State Towing and Recovery Association Self-Insurance Trust (ESTRA)	08/31/2015	33	30	(33)
Total of All Group Self Insurance Trusts (GSIT)		7,548	226	(7,322)

*The Claims Liability has been transferred via an Assumption of Liability Policy.

C. Qualified Non-Municipal Self-Insurer Groups

1. Pursuant to Chapter 57 of Laws of 2011, only certain group trusts were allowed to provide coverage effective January 1, 2012. As a result, each self-insured group must post an annual security deposit as calculated by the Board. The following trusts have posted the requisite security for the period beginning November 1, 2016:

Trust Name
Electrical Employers Self-Insurance Safety Plan
New York College & University Risk Management Group
New York Lumbermen's Insurance Trust Fund

2. There are an additional 31 inactive trusts as of June 30, 2017. One of these groups is under the Board's management, the remainder are being managed by their boards of trustees. Groups have been issued guidelines on successfully managing their groups' obligations in run off. A significant component of this is ensuring sufficient cash is available to pay outstanding claims obligations. Specifically, groups that have 18 months of cash or less are required to levy an assessment to their members. Groups that fail to maintain cash in excess of 9 months of payouts will be transitioned to the Board for liquidation. At this time, there are 2 trusts that have between 6 and 18 months of cash. The Board continues

to work with the trusts to ensure amounts are levied against their former members. To the extent such levies are successful, the Board will allow a trust to continue to administer its own run off. In addition, there are 9 groups with cash balances sufficient to cover 18 to 36 months of claims and another 20 groups whose cash is sufficient for 36 months or more. It is important to note, however, that the inability of these groups to maintain successful cash balances may result in the number of insolvent trusts increasing.

D. Current NYS Workers Compensation Board Efforts to Extinguish Outstanding Liabilities

One of the primary objectives of the Board's Litigation Division is to facilitate the extinguishment of the liabilities of insolvent GSITs. The Litigation Division employs a variety of methods to accomplish this goal, including: 1) collection of funds from the former employer members of the insolvent GSIT; 2) recoupment of damages from the former management of the insolvent GSIT; and 3) transfer of the liabilities to a commercial insurer by way of an ALP.

COLLECTIONS FROM MEMBERS

There are number of different avenues by which the Board seeks to collect funds from the former employer members of insolvent GSITs. Some employer members of insolvent GSITs have acknowledged their liabilities. For those employers that refuse to acknowledge any liability in connection with their participation in a GSIT, the Board employs a variety of enforcement mechanisms, including: 1) filing default judgments¹, restraining notices and information subpoenas; 2) the issuance of stop work orders; and 3) the commencement of a civil collection action. With respect to judgments and judgment enforcement, the Board has obtained approximately \$8.4 million in contractual recoveries. Additional judgments, information subpoenas, and restraining notices may be filed against any employer who refuses to enter into a repayment arrangement. With respect to stop work orders, five have been issued, resulting in the recovery of approximately \$332,000.

For those employers that are in agreement with the Board's assessment of their pro rata share of the liabilities, the Board initially offers two types of agreements. For those employers that are in complete agreement, the Board enters into a Deficit Assessment Contractual Agreement (DACA) where the employer agrees to repay its pro rata share of the deficit over a specific time period. For those employers that acknowledge some amount of liability in connection with their participation in a GSIT but dispute the amount alleged owed by the Board, the Board enters into an interim repayment agreement (MOU) with those employers. The employers participating in the MOU collectively pay sufficient funds to meet the insolvent GSIT's claims liability during the period of the MOU in exchange for the opportunity to engage in informal discovery relative to the accuracy of the Board's deficit calculations, with each party preserving all of their rights. Finally, where the Board is in possession of sufficient information, the Board will issue a final settlement offer. In light of the bonding authority discussed below, the Board is now able to issue settlement offers to any individual employer(s) that wishes to settle its liability associated with participation in the GSIT for its pro rata allocation

1. By decision rendered on April 30, 2012, in Riccelli Enterprises Inc. et al. v. State of New York Workers' Compensation Board et al. (Onondaga County, Index No. 10-6901) (Riccelli), a court preliminarily enjoined the Board from filing proposed judgments and taking any other enforcement action with respect to the plaintiffs in that case. By decision dated May 5, 2015, Onondaga County Supreme Court granted plaintiffs motion for summary judgment on the issue of an alleged violation of WCL §50(3-a)(7)(b) and further invalidated all of the Board's assessments levied on the Riccelli Plaintiffs. Moreover, as a result of a decision rendered on April 30, 2015, which consolidated Riccelli and the Board's collection action involving TIWCT, all assessments in TIWCT have been invalidated by implication. On July 7, 2015, the Board moved to renew its cross motion for summary judgment based upon clarifying legislation with respect to WCL §50(3-a)(7)(b) that was enacted on July 2, 2015. By decision rendered on March 31, 2016, Onondaga County Supreme Court denied the Board's motion to renew and the Board has appealed. The appeal is fully submitted and has been argued but a decision has been stayed at the request of the parties as they discuss settlement of the action and the underlying liability. In the interim, and absent settlement, TIWCT collection activity will continue to be negatively affected and there is the possibility that the Board's collection activity in other insolvent GSITs could also be negatively affected.

of the GSITs deficit. Upon completion of its repayment obligations, such settling member is provided a full and complete release from its liability associated with participation in the GSIT. To date, the Board has issued final settlement offers in twenty-three GSITs and has entered into settlements with approximately two thousand five hundred members.

To date, the approximate cash and contracted recoveries from members of insolvent GSITs are as follows:

HITNY:	\$157,826,000
HCP:	\$ 88,252,000
NYMIT:	\$ 7,852,000
HCF:	\$ 33,116,000
PATH:	\$ 20,196,000
TIWCT:	\$ 19,216,000
MSIT:	\$ 21,807,000
ELITE:	\$ 25,320,000
WRWCT:	\$ 27,000,000
ASR:	\$ 2,164,000
BUILDERS:	\$ 7,690,000
TRADE:	\$ 9,905,000
REMTNY:	\$ 3,089,000
PETNY:	\$ 4,910,000
RWWCT:	\$ 5,584,000
SELECTIVE	\$ 4,023,000
NYSCT:	\$ 2,033,000
PREFERRED:	\$ 8,122,000
LTC	\$ 5,498,000
MCDONALDS	\$ 1,776,000
OHI:	\$ 4,257,000
CRISP:	\$ 50,046,000
TEAM	\$ 6,057,000
ALP Subtotal:	\$516,012,000
EST	\$27,639,000
Grand Total	\$543,651,000

Finally, to date, the Board has commenced collection actions against the members of insolvent GSITs who have refused the Board's settlement offers. A summary of the collection actions is as follows:

	GSIT(S)	CAPTION	Number of Defendants	Damages Sought	Status
1	HITNY	<p>WCB v. A.A.A. Ambulette Service, Inc. et al.</p> <p>WCB v. Any Time Home Care Inc. et al.</p> <p>WCB v. New Sans Souci Nursing Home, LLC, et al.</p>	203	\$134,800,000	Judgments have been entered in the first and second HITNY actions against the defaulting defendants. WCB was recently awarded summary judgment on liability in the first action, and the WCB received a favorable ruling on a motion to dismiss in the second action. First action is currently set for trial (on damages) in September 2017. WCB continues to pursue settlement with all defendants, including in the third action.
2	WRWCT	<p>WCB v. 1&3 On Fifth Corp. et al.</p> <p>WCB v. 208 Braco Food Corp. et al.</p>	375	\$33,800,000	Motions for default judgment have been granted in both actions and judgments have been entered against the defaulting defendant. WCB's motion seeking partial summary judgment on the issue of liability against the non-settling defendants in the first action was granted and defendants failed to perfect their appeal within the statutory timeframe. WCB currently engaged in discovery in both actions. WCB continues to work with the trust members to explore settlement.
3	TRADE	<p>WCB v. A&L Sheet Metal Fabrications Corp., et al.</p> <p>WCB v. Armstrong Brands, Inc. et al.</p>	85	\$17,900,000	Motions for default judgment have been granted in both actions and judgments have been entered against the defaulting defendants. WCB has engaged in some discovery with the litigating defendants. WCB is actively pursuing settlement with the remaining defendants.
4	REAL ESTATE	WCB v. 10 Ellicott Square et al.	257	\$3,800,000	Motion for default judgment has been granted in both actions and judgments

		WCB v. Cavco Services, Inc. et al.			have been entered against the defaulting defendants. All defendants in the second action have settled. WCB has recently filed a motion for summary judgment on the issue of liability in the first action.
5	RETAIL	WCB v. 524 Cayuga St. Food Stores, Inc. et al.	56	\$4,800,000	Motion for default judgment has been granted and judgments have been entered against the defaulting defendants. Pending confirmation, all remaining viable defendants have settled.
6	NYSCT	WCB v. Chestnut Hill Cemetery Association, et al.	30	\$2,137,000	The WCB has settled with all of the defendants that it deems viable and the action has been formally discontinued by the Court.
7	TIWCT	WCB v. A. Morrison Trucking, Inc.	625	\$68,108,000	Motion for default judgment has been filed and is currently pending with the Court. The member action has also been consolidated with the Riccelli Article 78 matter and venue has been transferred to Onondaga County.
8	BUILDERS	WCB v. Battista Construction, Inc. et al.	213	\$11,979,000	Motion for default judgment has been granted and judgments have been entered against the defaulting defendants. WCB has engaged in some discovery with litigating defendants. WCB continues to pursue settlement with the remaining defendants.
9	PREFERRED	WCB v. Advanced Turnkey Systems, Inc.	125	\$9,946,000	Motion for default judgment has been granted and judgments have been entered against the defaulting defendants. All viable defendants have either settled or defaulted.
10	HCPSIT	WCB v. A&T Healthcare, Inc. WCB v. Barksdale Management Corp. et al.	70	\$132,500,000	Motion for default judgment has been granted in both the actions and judgments have been entered against the defaulting defendants. The Court has issued a scheduling order in the first action. WCB

					is actively engaged in discovery with the remaining defendants in the first action.
11	ELITE	WCB v. 21 st Century Construction Corp. et al.	2322	\$57,634,038	Motion for default judgment has been granted and judgments have been entered against the defaulting defendants. The WCB has recently filed a motion for summary judgment on the issue of liability. WCB continues to pursue settlement with remaining defendants.
12	NYMIT	WCB v. Ace Canvas & Tent Corp. et al.	14	\$5,406,008.47	The WCB was successful in its motion for summary judgment on liability and all remaining litigating defendants have settled.
13	ASR	WCB v. 10473 Enterprises, Inc. WCB v. Brian Horn's Auto Repair, Inc. et al.	314	\$3,835,536.00	Motions for default judgment have been granted in the both actions and judgments have been entered against the defaulting defendants. WCB has engaged in some discovery against the litigating defendants. WCB continues to pursue settlement with the remaining defendants.
14	OHI	WCB v. A.S. Crisafulli Plumbing and Heating, Inc. WCB v. Crown A/C Heat & Power Corp.	57	\$6,298,812	WCB's motion for default judgment was recently granted in the first action. All defendants in the second action have either appeared or settled. Only three defendants remain in the first action, and only one defendant remains in the second action.
15	PATH	WCB v. Baden Street Settlement of Rochester, Inc. et al. WCB v. Armstrong Senior Living LLC	21	\$6,210,662	WCB has substituted as counsel of record in the first action. All defendants in the second action have either appeared or settled. WCB has engaged in some discovery with the litigating defendants.
16	CRISP	WCB v. A Program Planned for Life Enrichment Housing Corp., et al.	221	\$56,140,985	WCB recently filed a motion for default judgment in the first action and anticipates making a similar motion in the second action in short order. WCB will otherwise

		WCB v. Mary Alfano, et al.			prosecute the litigation against the appearing defendants.
17	EST	WCB v. 1 st Choice Ambulette Service, LLC, et al. WCB v. Able Medical Transportation, Inc., et al. WCB v. Advance Transit Bus Co., Inc., et al.	449	\$46,933,450	WCB is preparing a motion for default judgment in the first and second actions and anticipates filing the same before the end of the year. WCB is securing appearances/answers in the third action; WCB will otherwise prosecute the litigation.
18	SELECTIVE	WCB v. 158 King Street Associates, LLC, et al. WCB v. American Bulb Corporation, et al.	77	\$9,059,442	WCB has begun two actions against the non-settling defendants. WCB will make a motion for default judgment against any defaulting defendant(s) at the appropriate time and will otherwise prosecute the litigation against the appearing defendants.
19	LTRMG	WCB v. Brae Loch Manor, Inc., et al. WCB v. Blossom Health Care Center, Inc., et al.	21	\$21,011,959	WCB has recently begun two actions against the non-settling defendants. The WCB will make a motion for default judgment against any defaulting defendant(s) at the appropriate time and will otherwise prosecute the litigation against the appearing defendants.

THIRD PARTY ACTIONS

Upon the Board's assumption of the assets and liabilities of a GSIT, the Board commissions a forensic accounting of the GSIT. In connection therewith a performance and operational report is generated which identifies the causes, if any, that contributed to the insolvency of the GSIT. In the event the performance and operational report identifies actionable conduct, the Board will commence a civil action to recoup damages against such parties. Any funds received from such actions will be used to extinguish the liabilities of the respective GSIT. To date the Board has commenced twelve such actions. The affected GSIT, the defendants, damages sought, recoveries obtained to date and status is reflected in the chart below.

	GSIT(S)	DEFENDANTS	DAMAGES SOUGHT	STATUS
1	HCF	Group Administrator (Hamilton Wharton Group and Walter Taylor)	\$33 Million	Discovery. Action has been consolidated with the HCF action referenced immediately below.
2	HCF	Accountant (Berenson and Co, James McGarrity, and Lorette Belgrier and L. Belgraier CPA, P.C.), Attorney (Steven Glaser) and Trustees	\$33 Million	Action has been consolidated with the HCF action referenced immediately above. Settlement in principal reached with Belgraier and L. Belgraier CPA, P.C. and Attorney; WCB will file application for court approval of the settlements at the appropriate time. Settlement in principal also reached with the Trustees. Action severed as against McGarrity as deceased. Discovery ongoing with remaining non-settling defendant.
3	HITNY, ELITE,WRWCT, TIWCT, TRADE, CEMETERIES, PETNY, REMTNY	Actuary (SGRisk, LLC) and Accountant (UHY, LLP)	\$557 Million	Settlement in principle reached with actuary and WCB has filed an application for court approval of the settlement; WCB permitted to file and serve an Amended Complaint; Suit continues against Accountant; Action is consolidated with item seven (7) below.
4	RETAIL, NYMIT, and PATH	Group Administrator and affiliates (Consolidated Risk Services, Inc. et al); Trust Broker (Hickey Finn & Co); Actuary (Regnier Consulting Group); Trustees	\$42 Million	Settlement reached with one trustee, subject to Court approval; WCB actively pursuing settlement negotiations with remaining trustees, actuary, trustees and

				trust broker; Discovery ongoing with remaining defendants.
5	MSIT	Group Administrator and affiliates(New York Compensation Managers, Inc. et al); Trustees	\$21 Million	Settlement reached with all operative defendants has been approved by the Court.
6	HCP	Group Administrator and affiliates (Program Risk Management et al) Actuary (SGRisk); Accountants (DeChants Fugelin and Johnson); Trustees	\$188 Million	Settlement in principle reached with all defendants except Trust counsel; WCB has acquired court approval of the settlement reached with the Accountant defendant. WCB will be seeking court approval of its settlement with the other settling defendants at the appropriate time. WCB is engaged in discovery with Trust counsel.
7	HITNY, ELITE,WRWCT, TIWCT, TRADE, CEMETERIES, PETNY, REMTNY	Group Administrator and affiliates (Compensation Risk Managers, LLC, et al); (Matter has been coordinated with other suits against Compensation Risk Managers, LLC arising out of its management of GSITs)	\$472 Million	Settlement in principle reached with individual defendants affiliated with bankrupt administrator (and its affiliates) for subject trusts. WCB has recently filed an application for court approval of the settlements. WCB secured bankruptcy distribution from bankrupt administrator (and its affiliates); Action remains against defendant trustees.
8	BUILDERS	Group Administrator (Marsh U.S.A., Inc.); Trustees	\$20 Million	WCB has reached a settlement in principle with all remaining defendants and is in the process of finalizing the settlement materials. WCB will file an application for court approval of the settlements at the appropriate time.
9	ASR	Group Administrator and affiliates(New York Compensation Managers, Inc. et al.) and Trustees	Approximately \$4 million	WCB has reached a settlement in principle with all defendants. . WCB will file an application for court approval of settlements at the appropriate time.
10	OHI	Group Administrator (Cody Management, Inc.), Accountant (Fuller & LaFluira); Trustees	Approximately \$8 million	WCB has reached a settlement in principle with all defendants. WCB will file an application for court approval of the settlements at the appropriate time.

11	CRISP	Group Administrator and affiliates (Program Risk Management et al) Third Party Administrator and affiliates (PMA Management Corp et al RM), Trust Marketing Agent and affiliates (MP Agency et al), Actuary (SGRisk); Accountant and affiliates (DeChants, Fugelin and Johnson et al); Auditors and affiliates (Towers Watson Risk Consulting et al) Trustees	Approximately \$60 million	Settlement in principle with Trust Marketing Agent and Group Administrator (and affiliates), WCB will file a motion for court approval of the settlements at the appropriate time. WCB is actively pursuing a settlement with the other defendants; Discovery is ongoing.
12	TEAM	Group Administrator (Program Risk Management, Inc.) and affiliates (PRM Claims Services) and officers, Accountants (Regnier Consulting Group, Inc., Dorfman-Robbie Certified Public Accountants, P.C. and Bonadio & Co. LLP); Trustees	Approximately \$32 million	Settlement in principal reached with group administrator; WCB will file an application for court-approval of the settlement at the appropriate time; WCB engaged in discovery with the remaining defendants.
13	LTC	Group Administrator (and affiliates) and Trustees	Approximately \$21 million	Action recently initiated; pending service on the defendants.

ALPs

Part R of Chapter 56 of the Laws of 2010 allows self-insurers to transfer future and contingent claim liabilities by executing an assumption of workers' compensation liability insurance policy (ALP). As of December 1, 2013 (prior to the implementation of the bonding program provided for by the Business Relief Act) the Board effectuated an ALP for PATH, NYMIT, HCF and TIWCT, thereby effectively capping all claims liabilities. In addition, ALPs have been executed by five inactive self-insurers.

As alluded to above, Legislation passed as part of the 2013-14 New York State Executive Budget (the Business Relief Act) established a \$900 million bonding program to assist in the resolution of insolvent group self-insured trusts liabilities. The bill created statutory authority to issue bonds backed by assessments levied pursuant to the WCL to provide financing for the purchase of ALPs for unmet self-insurance obligations including the claims liabilities of the insolvent GSITs being administered by the Board. This bonding ability has three significant, and very positive, effects on the Board's intended course of conduct with respect to the settlements with members of insolvent GSITs. First, this bonding, and more specifically the concomitant ability of the Board itself to procure an ALP, allows the Board to eliminate the risk of future adverse development of the underlying workers' compensation claims liability. Accordingly, the Board will no longer employ the "Tender Offer" model which required a minimum member

participation level (equated to the cost of the ALP and certain other ancillary costs) before the settlement became binding on both the Board and the settling members. Rather, the Board's ability to itself purchase an ALP policy for an insolvent GSIT will permit the Board to enter into a settlement with any member that is so desirous, regardless of any other member's decision to settle. Each member that executes a settlement agreement will be provided with a full and final release from the Board upon receipt of the member's final payment(s). With the bonding in place, the Board is in position to procure multiple ALP quotes since it will be able to fund the ALP directly through the bonding process, rather than relying on the receipt of payments from the members of insolvent GSITs. Second, the Board will reduce each settling member's amount owed, by a pro rata share of estimated recoveries from the Board's third party litigation referenced above, thereby reducing the amount on money sought from settling members. Third, as a result of the extended period in which to repay the bonds, the Board is now able to provide extended repayment terms of up to fifteen years and very favorable interest rates. Bonds were issued in December 2013, and ALPs for the following trusts have been executed:

Healthcare Industry Trust of New York (HITNY)
Health Care Providers Self Insurance Trust (HCP)
Elite Contractors of New York (ELITE)
Manufacturing Self-Insurance Trust (MSIT)
Wholesale and Retail WC Trust of New York (WRWCT)
Auto Service and Repair Self Insurance Trust (AUTO)
Mercantile Self-Insurance Trust (MERC)
Builders Self Insurance Trust (BUILDERS)
Trade Industry WC Trust for Manufacturers (TRADE)
Real Estate Management Trust of New York (REMTNY)
Public Entity Trust of New York (PETNY)
Retail and Wholesale industry WC Self Insurance Trust (RWWCT)
Selective Safety Trust (SELECTIVE)
New York State Cemeteries Trust (NYSCT)
Long Term Care Risk Management Group (LTC)
Preferred Manufacturers Insurance Trust (PREFERRED)
Community Residence Insurance Savings Plan SI Trust (CRISP)
OHI Workers' Compensation Trust (OHI)
New York McDonalds Operators' Workers' Compensation Trust (MCDONALDS)
Team Transportation Workers' Compensation Trust (TEAM)

II. Status of Individual Self-Insured Employers Requisite Security Deposit Posted

Currently the NYS Workers' Compensation Board has 837 active individual (large corporate) self-insured employers. This number consists of 120 parent companies (accounts) and 717 subsidiary companies which are self-insured on a consolidated basis.

A listing of the 120 self-insured accounts is attached herein:

Self-Insured Employers

ABA Transportation Holding Co. Inc.
ABF Freight System, Inc.
Arnot Ogden Medical Center
Ascension Health Alliance
Aspire of Western New York, Inc.
Ball Corporation
BJ's Wholesale Club, Inc.
Bon Secours Charity Health System, Inc.
Bon Secours Health System, Inc.
Briggs & Stratton Power Products Group, LLC
Brookdale Hospital Medical Center
Brooklyn Bureau of Community Service
Bush Industries, Inc.
Carillon Nursing and Rehabilitation Center, LLC
Cayuga Medical Center at Ithaca, Inc.
CBS Corporation
CH Energy Group, Inc.
Champlain Valley Physicians Hospital Medical Center
Child and Family Services of Erie County, Inc.
Columbia University in the City of New York, Trustees of
Consolidated Edison Company of New York, Inc.
Cornell University
Costco Wholesale Corporation
Crouse Health Hospital, Inc.
Cummins Inc.
Delhaize America, LLC
DePaul Group, Inc.
Dolgencorp of New York, Inc.
E. I. du Pont de Nemours and Company

Eastman Kodak Company (NJ)
Entergy Nuclear Operations, Inc.
Erie County Medical Center Corporation
Family Dollar, Inc.
Federal Express Corporation
FedEx Freight, Inc.
FedEx Ground Package System, Inc.
Finger Lakes Regional Health System, Inc.
Ford Motor Company
Fulton Boiler Works, Inc.
Fulton Group N.A., Inc.
General Motors, LLC
Gleason Works, The
Golub Corporation
Harden Furniture, Inc.
Highland Hospital of Rochester
Hillside Family of Agencies
Kistner Concrete Products Inc.
Klein Cutlery, LLC
Krasdale Foods, Inc.
L Brands, Inc.
L. & J.G. Stickley, Inc.
Leprino Foods Company
Lifetime HealthCare, Inc.
Lowe's Home Centers, LLC
Macy's, Inc.
Marriott International, Inc.
McWane Inc. dba Kennedy Valve Co
Memorial Sloan-Kettering Cancer Center
Metropolitan Museum of Art
Mid-Hudson Valley Staffco, LLC
National Fuel Gas Company
National Grid USA
New Era Cap Co., Inc.
New York Black Car Operators Injury Comp. Fund Inc.
New York University (2015)
Nordstrom, Inc.
NYSARC, Inc. Chautauqua County Chapter dba The Resource Center
NYU Hospitals Center

Oldcastle, Inc.
Orange and Rockland Utilities, Inc.
Oswego Hospital
Our Lady of Lourdes Memorial Hospital
Our Lady of Victory Homes of Charity
Owens Corning
Owens-Illinois Inc. (1987)
Parker Hannifin Corporation
People, Inc.
Queens Borough Public Library
Quick Chek Corporation
Raymond Corporation
Rochester Institute of Technology
Rockefeller University
Roman Catholic Diocese of Albany, NY
Roman Catholic Diocese of Buffalo
Roman Catholic Diocese of Ogdensburg
Roman Catholic Diocese of Syracuse
Rosina Food Products, Inc.
Roswell Park Cancer Institute Corporation
RU System, Inc. d/b/a Rochester Regional Health System
Ryder Truck Rental, Inc.
Saint-Gobain Abrasives, Inc.
Samaritan Medical Center
Samaritan-Keep Nursing Home, Inc.
Sherwin-Williams Company
Shop Vac Corporation
SKF USA Inc.
St. Barnabas Community Enterprises, Inc.
St. Elizabeth Medical Center
St. Joseph's Hospital
St. Mary's Healthcare
Stanley Black & Decker, Inc.
Starbucks Corporation
Stewart's Shops Corp.
Swift Transportation Co., LLC
Syracuse University
Target Corporation
Tessy Plastics Corp.

Trinity Health Corporation
Unifrax I LLC
United Airlines Inc.
University of Rochester
Upstate Niagara Cooperative Inc.
Viacom Inc.
Visiting Nurse Service of New York
Wal-Mart Associates, Inc.
Washington Mills Electro Minerals Corporation
Wegmans Food Markets, Inc.
Wendy's International, LLC
White Castle System, Inc.
Yeshiva University