

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA**

State of Florida, ex rel., The
Department of Financial Services of
the State of Florida,

Relator,

CASE NO.: 2012-CA-001400

v.

AvaHealth, Inc. d/b/a Key Insurance Plan,

Respondent.

**FLORIDA DEPARTMENT OF FINANCIAL SERVICES' MOTION FOR AN
IMMEDIATE ORDER PLACING RESPONDENTS INTO REHABILITATION**

The Florida Department of Financial Services (hereinafter the "Department") hereby moves this Court for the immediate entry of an Order Appointing the Florida Department of Financial Services as Receiver of AvaHealth, Inc. (hereinafter the "Respondent") for Purposes of Rehabilitation, Injunction, and Notice of Automatic Stay. In support of its Motion, the Department states:

1. On May 3, 2012, the Department initiated receivership proceedings against Respondent by filing its Application for Order to Show Cause, Injunction, and Notice of Automatic Stay for Purposes of Rehabilitation and Request for Hearing.
2. On May 8, 2012, the Court entered its Order to Show Cause, Injunction and Notice of Automatic Stay for Purposes of Rehabilitation. The Court found that the Department made a prima facie case showing that the Respondent met one or more of the statutory grounds for the appointment of the Department as Receiver. A hearing was set before the Court for June 15, 2012.

3. Due to Respondent's change in counsel, the Court entered an Amended Order to Show Cause, Injunction and Notice of Automatic Stay for Purposes of Rehabilitation on June 4, 2012. The hearing was rescheduled for July 13, 2012.

4. On June 26, 2012, the Respondent filed its Second Notice and Response to Amended Order (the "Response"). In the Response, Respondent agreed "to its entry into Receivership for purposes of rehabilitation."

5. Based upon Respondent's agreement to the entry of an order placing AvaHealth, Inc. into receivership for purposes of rehabilitation, the Department moves this court to enter the attached Order Appointing the Florida Department of Financial Services as Receiver for Purposes of Rehabilitation, Injunction, and Notice of Automatic Stay. The order has an effective date of July 2, 2012.

6. The Department has consulted with counsel for Respondent and Respondent does not object to this motion.

WHEREFORE, the Florida Department of Financial Services respectfully moves this Court for an Order Appointing the Florida Department of Financial Services as Receiver for Purposes of Rehabilitation, Injunction, and Notice of Automatic Stay.

RESPECTFULLY SUBMITTED on this 27th day of June, 2012.

s /Eric S. Scott

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CERTIFICATE OF SERVICE

I hereby certify that a copy has been furnished by electronic mail this **27th** day of June, 2012 to the following:

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