

4. Copies of any actuarial or other evaluations of the insurance business and assets under the control of the conservator, rehabilitator, or receiver.

(iii) Subject to any protective order that the court deems appropriate, information filed under seal shall be provided to both the Commissioner and the affected guaranty association.

(iv) Unless waived by the court for good cause, the quarterly report shall be audited.

(v) Any report required under this paragraph shall be in addition to any other reports required by the court.

(3) The Commissioner and any guaranty association which may be obligated to pay any claims during the conservatorship, rehabilitation, or receivership shall have full access to all documents and records related to the conservatorship, rehabilitation, or receivership that are in the possession of the appointed conservator, rehabilitator, or receiver.

(4) The Commissioner may be a party to any conservatorship, rehabilitation, or receivership.

(5) (i) The Commissioner and any guaranty association which may be obligated to pay any claims during the conservatorship, rehabilitation, or receivership may negotiate for the sale of all or any part of the assets or of the book of business of the insurer placed in conservatorship, rehabilitation, or receivership.

(ii) The appointed conservator, rehabilitator, or receiver:

1. Shall cooperate fully in any negotiation undertaken by the Commissioner or a guaranty association under this paragraph; and

2. May object to the terms of any sale of the insurer's assets or book of business resulting from negotiations undertaken by the Commissioner or a guaranty association under this paragraph.

(iii) Any sale of all or part of an insurer's assets resulting from negotiations undertaken by the Commissioner or a guaranty fund under this paragraph shall be subject to the approval of the court.

(iv) Following notice and an opportunity to be heard, the court may restrain or limit the Commissioner's or the guaranty association's efforts to undertake or continue negotiations relative to the sale of any of the assets or book of business of the insurer which would impair the ability of the conservator, rehabilitator, or receiver to discharge its responsibilities or to engage in similar negotiations.

(6) (i) If the Commissioner determines that an appointed conservator, rehabilitator, or receiver is not adequately discharging its duties and responsibilities, the Commissioner may file with the court an application seeking:

1. The discharge by the court of the appointed conservator, rehabilitator, or receiver; and