

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

M. DIANE KOKEN,
Insurance Commissioner of the
Commonwealth of Pennsylvania,

Plaintiff,

v.

RELIANCE INSURANCE COMPANY,

Defendant.

DOCKET NO. 269 MD 2001

2005 FEB -7 P 1:34

RECEIVED AND FILED
COMMONWEALTH COURT
OF PA (PHILA)

**PRAECIPE TO SUPPLEMENT THE RECORD OF THE
PETITION TO APPROVE FINAL AGREEMENT WITH CERTAIN UNDERWRITERS
AT LLOYD’S, LONDON AND COMPANIES, DENNIS COSTELLO, EDWARD
CHARLTON, LAWRENCE KWASNY, HOWARD STEINBERG, DENNIS O’LEARY,
SANDENHILL, INC. AND FRANK J. DALICANDRO**

Petitioner M. Diane Koken, Insurance Commissioner of the Commonwealth of Pennsylvania, in her capacity as Liquidator (“Liquidator”) of Reliance Insurance Company, respectfully submits this Praecipe to Supplement the Record of the Liquidator’s Petition to Approve Final Agreement with Underwriters at Lloyd’s, London and Companies, Dennis Costello, Edward Charlton, Lawrence Kwasny, Howard Steinberg, Denis O’Leary, Sandenhill, Inc., and Frank J. Dalicandro (“Petition”) filed with the Commonwealth Court on January 4, 2005 to append as Exhibit B to the Petition the attached Order dated January 28, 2005 issued by the United States Bankruptcy Court for the Southern District of New York approving the Final Agreement.

BLANK ROME LLP

February 7, 2005

By:



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Reliance Insurance Company

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

<p>In re:</p> <p>Reliance Group Holdings, Inc., <u>et al.</u>,</p> <p style="text-align:center">Debtors.</p>	<p>(Chapter 11)</p> <p>Case No. 01-13404 (AJG)</p> <p>Jointly Administered</p>
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ORDER AUTHORIZING AND APPROVING PAYMENT
OF THE SETTLEMENT AMOUNT AND A PERMANENT INJUNCTION¹

Upon consideration of the Motion, dated December 30, 2004, for an Order Pursuant To Bankruptcy Rule 9019(a) Authorizing And Approving Payment of the Settlement Amount and a Permanent Injunction (the "Motion"); and due and adequate notice of the Motion having been given under the circumstances; and it appearing that the relief requested in the Motion is in the best interests of the Debtors' estates, their creditors and other parties-in-interest; and after due deliberation, and good and sufficient cause appearing therefore, it is **ORDERED**, that

1. The motion be, and it hereby is, GRANTED;
2. The releases and payment provided for in the Final Agreement attached as Exhibits B and C to the Motion are hereby APPROVED. To the extent that the Insurance Policies (as such term is defined in the Motion) constitute property of the Debtors' estates, the automatic stay is hereby modified to authorize the payment of the Settlement Amount (as defined in the Motion). The parties-in-interest are referred to said Exhibits B and C for the full and

¹ Capitalized terms used but not otherwise defined herein shall have the meanings ascribed to such terms in the Final Agreement of Settlement.

complete terms of the Final Agreement and the Releases, and the provisions concerning the payment of the Settlement Amount in consideration of the dismissal with prejudice of the District Court Action and the Bankruptcy Court Action and in full and final settlement of the claims brought therein by Dalicandro, with no admission of liability by the defendants in said Actions.

3. The Underwriters, on behalf of the District Court Defendants, are authorized to pay the amount of \$990,000.00 (the "Settlement Amount") to Dalicandro as described in paragraph 4 of the Final Agreement.

4. The motion by the District Court Defendants for an injunction permanently barring the creditors of the Debtors' estates from directly or indirectly taking actions inconsistent with the Final Agreement is hereby GRANTED;

5. The District Court Defendants and their respective officers, employees and agents are hereby authorized to execute all documents and commit all acts as are necessary, desirable and appropriate to consummate the terms of the Final Agreement without further application to or order of this Court; and

6. Nothing herein constitutes any finding of fact or conclusion of law with respect to the claims and defenses in the District Court Action, Bankruptcy Court Action or any other matter.

Dated: January 28, 2005

s/Arthur J. Gonzalez
Arthur J. Gonzalez
United States Bankruptcy Judge

CERTIFICATE OF SERVICE

I, Kit Applegate, hereby certify that on this day, pursuant to the Court's Order of April 1, 2004, service of the foregoing Praecipe was made on the attached Master Service List, as well as any individuals, if any, listed below, through the transmission of a Notice of Filing and through posting of a true and correct copy in PDF file format on the Reliance Documents website (www.reliancedocuments.com).

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No. 269 M.D. 2001 (Commonwealth Court of Pennsylvania)

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