

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 2005


2005 FEB 14 P 3:24

RECEIVED AND FILED  
COMMONWEALTH COURT  
OF PA (PHILA)

**AFFIDAVIT OF SERVICE**

Pursuant to the Court's Order of February 10, 2005, the undersigned, on behalf of M. Diane Koken, Insurance Commissioner of the Commonwealth of Pennsylvania in her capacity as the Statutory Liquidator of Reliance Insurance Company hereby deposes and says that service of the Court's February 10, 2005 Order assigning the claims listed therein, including proof of claim number 1953657, to Referee G. Alan Bailey, Esquire was made on the objector, Boornazian, Jensen & Garthe by first class mail and to their counsel Robert G. Crow, Esquire via facsimile and first class mail on February 14, 2005. The confirmation sheet reflecting service to Robert G. Crow, Esquire by facsimile on February 14, 2005 is attached hereto.

Dated: February 14, 2005

  
\_\_\_\_\_  
Gail M. Burgess  
Vice President, Associate General Counsel  
Reliance Insurance Company (In Liquidation)  
Three Parkway  
Philadelphia, PA 19102  
Telephone: (215) 864-4210  
Facsimile: (215) 864-4141  
On behalf of the Statutory Liquidator of  
Reliance Insurance Company

**Reliance Insurance Company (In Liquidation)**  
Three Parkway  
Philadelphia, PA 19102-1376

Gail M. Burgess  
Vice President, Associate General Counsel



February 14, 2005

**VIA FIRST CLASS MAIL AND FACSIMILE 510-839-1897**

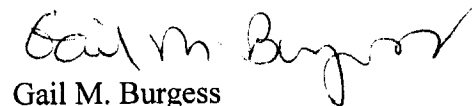
Robert G. Crow, Esquire  
Boornazian, Jensen & Garthe  
A Professional Corporation  
555 12<sup>th</sup> Street, Suite 1800  
P.O. Box 12925  
Oakland, CA 94604-2925

**Re: February 10, 2005 Order of the Commonwealth Court of Pennsylvania  
Regarding Proof of Claim Number 1953657  
Claimant: Boornazian, Jensen & Garthe**

Dear Mr. Crow:

On behalf of the Statutory Liquidator I am sending to you the enclosed copy of the February 10, 2005 Order of the Commonwealth Court of Pennsylvania which assigns the claim referenced above to Referee G. Alan Bailey, Esquire to hear and resolve your objection. I understand that you and Brian Benninghoff have discussed your claim and that you have agreed to withdraw your objection in exchange for our agreement to amend the Notice of Determination to allow the claim for pre-rehabilitation fees and services in the amount of \$2,589.70, with a Class E priority and to pay \$77.50 for services performed during the rehabilitation period. We will advise Referee Bailey that the matter is resolved.

Very truly yours,

  
Gail M. Burgess

GB: ls

Enclosure

Proof of Claim Number 1953657Referee Order

2/14/2005

Page 2

cc: G. Alan Bailey, Esquire  
1218 Waverly Road  
Gladwyne, PA 19035

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

M. Diane Koken,  
Insurance Commissioner of the  
Commonwealth of Pennsylvania,  
Plaintiff

v.

Reliance Insurance Company,  
Defendant

No. 269 M.D. 2001

RECEIVED AND FILED  
COMMONWEALTH COURT  
OF PA (PHILA)

2005 FEB 10 A 9:40

**ORDER**

AND NOW, this 10th day of February, 2005, it is hereby

**ORDERED:**

1. That, pursuant to this Court's September 9, 2002 order, G. Alan Bailey, Esq. is appointed referee and assigned the following objections:

Objector: Housing Authority of the City of New Haven  
Claim Numbers: 1966700, 1966704, 1966706, 2126517, and  
2126523

Objector: Seelye Stevenson Value Knech/Delauw/Cat Joint Venture  
Claim Number: 2110135

Objector: Greenman-Pedersen, Inc., Individually and on Behalf of  
Greenman-Pedersen/Vollmer/Ammann Whitney Joint Venture  
Claim Number: 2107925

Objector: Boornazian, Jensen & Garthe  
Claim Number: 1953657

Objector: Washington Group International, Inc.  
Claim Numbers: 2057612 and 2057619

The referee shall hear objections to the notices of determination issued by the Liquidator, submit findings of fact, where appropriate and necessary, and issue recommended decisions regarding said objections.

2. The Liquidator is hereby ordered to file a substantive response to the above objections within thirty (30) days of the date of this order, if not already filed, or respond within that time period that it will issue no substantive response.

3. The Liquidator shall contact the referee to request the scheduling of a conference and/or administrative hearing, and the referee shall promptly notify the parties of the place, time and date on which the hearing or conference will be held. Referee Bailey can be contacted at:

G. Alan Bailey, Esq.  
1218 Waverly Road  
Gladwyne, PA 19035  
(610) 524-4700

The Liquidator and objectors shall be prepared to submit copies of their respective notices of determination, objections thereto, and all motions and other filings, if any, to the referee. The Liquidator and objectors shall also be prepared to bring all necessary witnesses, exhibits and documentation to the scheduled hearing. Requests for continuances shall be granted only on good cause shown;

4. The compensation for the referee hereby appointed is set by the Court at the rate of \$185 per hour, and shall be paid by the Liquidator from the Estate of Reliance Insurance Company. The referee hereby appointed shall submit to the Court an invoice for services after he has submitted a recommended decision, and he shall forward a copy of that invoice to the Liquidator, whereupon

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the Liquidator shall, in thirty (30) days, effect payment of said invoice from the estate of the Reliance Insurance Company unless otherwise directed by the Court or unless the Liquidator shows cause to the Court, in writing, why she should not make such payment;

5. The referee may use the Court's facilities at The Widener Building, Suite 900, 1339 Chestnut Street, Philadelphia, PA 19107 for any conferences or hearings that are necessary, and the Court shall issue such subpoenas as the referee shall deem necessary; and

6. The Liquidator shall forthwith serve a copy of this Order on the objectors listed herein and their counsel and notify the Court that service has been completed.

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JAMES GARDNER COLINS, President Judge

MODE = MEMORY TRANSMISSION

START=FEB-14 14:51

END=FEB-14 14:52

FILE NO.=272

STN NO.	COMM.	ABBR NO.	STATION NAME/TEL NO.	PAGES	DURATION
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-RELIANCE INSURANCE -

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**Reliance Insurance Company (In Liquidation)**  
Three Parkway  
Philadelphia, PA 19102-1376

Gail M. Burgess  
Vice President, Associate General Counsel



**Reliance**

February 14, 2005

**VIA FIRST CLASS MAIL AND FACSIMILE 510-839-1897**

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