

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

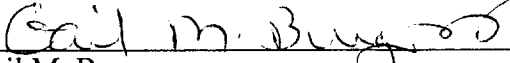
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RECEIVED AND FILED
COMMONWEALTH COURT
OF PA (PHILA)

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 numbers 2057612 and 2057619 to Referee G. Alan Bailey, Esquire was made on the objector Washington Group International, Inc. by first class mail and to their counsel Jonathan D. Herbst, Esquire via facsimile February 15, 2005. The confirmation sheet reflecting service to Jonathan D. Herbst, Esquire by facsimile on February 15, 2005 is attached hereto.

Dated: February 16, 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 15, 2005

VIA FIRST CLASS MAIL AND FACSIMILE 215-922-1772

Mr. Jonathan D. Herbst
Margolis Edelstein
The Curtis Building, 4th Floor
Independence Square West
Philadelphia, PA 19106-3304

Washington Group International, Inc.
720 Park Boulevard
Boise, ID 83729

**Re: February 10, 2005 Order of the Commonwealth Court of Pennsylvania
Regarding Proof of Claim Numbers 2057612 and 2057619
Claimant: Washington Group International, Inc.**

Dear Mr. Herbst:

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 claims referenced above to Referee G. Alan Bailey, Esquire to hear and resolve your objections.

Very truly yours,

Gail M. Burgess
Gail M. Burgess

GB: ls

Enclosure

Proof of Claim Number 2057612 and 2057619

2/15/2005

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
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Plaintiff

v.

Reliance Insurance Company,
Defendant

No. 269 M.D. 2001

2005 FEB 10 A 9 40

RECEIVED AND FILED
COMMONWEALTH COURT
OF PA (PHILA)

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

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.



JAMES GARDNER COLINS, President Judge

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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 15, 2005

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