

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


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RECEIVED AND FILED  
COMMONWEALTH COURT  
OF PA (PHILA)

**AFFIDAVIT OF SERVICE**

Pursuant to the Court's Order of December 8, 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 December 8, 2005 Order Adopting and Approving Referee Feinour's Recommendation and Dismissing the Objection of Elizabeth Allweiss to Notice of Determination of Proof of Claim Number 1083659 was made on Ms. Elizabeth Allweiss by first class mail.

Dated: December 13, 2005

  
\_\_\_\_\_  
S. Emy Poulad  
Vice President, Associate General Counsel  
Reliance Insurance Company (In Liquidation)  
3 Parkway  
Philadelphia, PA 19102  
Telephone: (215) 864-1005  
Facsimile: (215) 864-4141  
On behalf of the Statutory Liquidator of  
Reliance Insurance Company

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

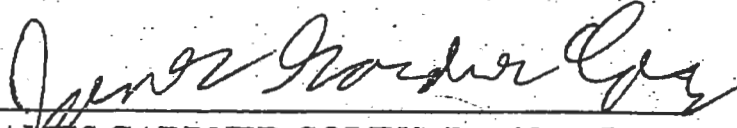
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RECEIVED AND FILED  
IN THE COMMONWEALTH COURT  
OF PA (PHILA)

IN RE: Order Approving Referee Feinour's Recommendation regarding  
Elizabeth Allweiss Objection to Notice of Determination

ORDER

AND NOW, this 8<sup>TH</sup> day of <sup>December</sup> ~~November~~ 2005, upon  
consideration of Referee J. Stephen Feinour's Recommendation in this matter,  
reached after discussions with the parties and after consideration of the parties'  
written submissions, it is ORDERED that the Recommendation attached hereto  
and marked as Exhibit A is ADOPTED and APPROVED; the objection of  
Elizabeth Allweiss is Dismissed.

  
\_\_\_\_\_  
JAMES GARDNER COLINS, President Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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

No. 269 M.D. 2001

v.

Reliance Insurance Company, Defendant

**RECOMMENDED DECISION ON PROOF OF  
CLAIM NO. 1083659**

Claimant's Notice of Determination issued by the Statutory Liquidator for Reliance Insurance Company (in liquidation) with regard to Proof of Claim No. 1083659 having been assigned to the undersigned Referee, and upon consideration of the Objection of Claimant, Elizabeth Allweiss to Reliance Notice of Determination on Proof of Claim no. 1083659 and the Response of the Statutory Liquidator to said Objection, and upon telephone conferences held August 30, 2004, October 1, 2004 and January 25, 2005, and consideration of the exhibits submitted by the parties, the parties having agreed that a hearing is not necessary, the undersigned Referee submits the following Findings of Fact and Recommended Decision:

**FINDINGS OF FACT**

1. The Claimant, Elizabeth Allweiss, is an adult individual residing at 28312 Michigan Avenue, TRLR 26, Inkster, Michigan 48141-2294.
2. Claimant alleges that she sustained a work-related injury on April 9, 2001 (the "Loss"), during the course of her employment with Labor Ready, Inc. while working in the Packing Section at Admiral Tool in Livonia, Michigan.

EXHIBIT "A"

3. The Statutory Liquidator of Reliance Insurance Company (the "Liquidator") (in liquidation) issued a Notice of Determination on March 19, 2004, disallowing the Proof of Claim filed by the Claimant, Elizabeth Allweiss ("Claimant") on the basis that no coverage is afforded for Claimant's loss under Reliance Insurance Company Policy No. NWA0151354 (the "Policy") insuring Claimant's employer, Labor Ready, Inc., because the loss did not occur within the Policy period and the Policy was cancelled or non-renewed prior to the date of Claimant's loss.

4. The Claimant, Elizabeth Allweiss, sent an Objection to the Notice of Determination to the Liquidator by first class mail, postmarked March 31, 2004, which was received by the Liquidator on April 5, 2004.

5. In the Objection the Claimant contends that her claimed loss falls within the Reliance Policy period and that the Policy was not cancelled.

6. The Liquidator filed a Praecipe to File [Claimant's] Objection with the Court on April 27, 2004, because Claimant had not filed her Objection with the Court as required by the Court's September 9, 2002, Order and contemporaneously filed a Response to Claimant's Objection.

7. Reliance Insurance Company (in liquidation) issued a Workers' Compensation Policy No. NWA 0151354 (the "Policy") to Labor Ready, Inc. with an effective policy period of January 1, 2000 to January 1, 2001.

8. Claimant's alleged work-related injury occurred on April 9, 2001.

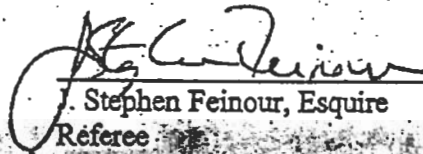
9. The Reliance Policy No. NWA 0151354 expired on January 1, 2001, was not renewed and accordingly did not afford coverage for Claimant's loss on April 9, 2001.

10. There is no coverage for Claimant's claim for an "employment/disability loss" occurring on April 9, 2001, under Reliance Policy No. NWA 0151354.

11. The expiration of Reliance Policy No. NWA 0151354 on January 1, 2001 notwithstanding, the State of Michigan was deleted from the coverage of Reliance Policy No. NWA 0151354 effective September 1, 2000, whereupon workers compensation coverage for Labor Ready, Inc. in the State of Michigan was assumed by another insurance carrier.

RECOMMENDED DECISION

1. There is no coverage under Reliance Insurance Company Policy No. NWA 0151354 for the work-related injury claimed by Elizabeth Allweiss which occurred on April 9, 2001.
2. The Statutory Liquidator for Reliance Insurance Company (in liquidation) properly disallowed the Proof of Claim filed by Elizabeth Allweiss.

  
\_\_\_\_\_  
J. Stephen Feinour, Esquire  
Referee

Date: October 21, 2005