

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

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RECEIVED AND FILED  
COMMONWEALTH COURT  
OF PA (PHIL.A)

M. Diane Koken, :  
Insurance Commissioner of the :  
Commonwealth of Pennsylvania, :  
Plaintiff :  
 :  
v. :  
 :  
Reliance Insurance Company, : No. 269 M.D. 2001  
Defendant :

RE: *Consolidated Objections to the NODs issued on  
POC Nos. 2096971 (Duininck Bros.); 2131096 (National Union);  
1008558 (Fidelity and Casualty); 2096973 (American Contractors);  
2117481 (Continental Casualty); and 2098664 (Paul Hastings)*

**ORDER**

AND NOW, this 9<sup>th</sup> day of August, 2006, pursuant to this Court's Order of September 9, 2002, in the matter of the Consolidated Objections to the Notices of Determinations issued by the Liquidator in the matters identified as POC No. 2096971 (Duininck Bros.); POC No. 2131096 (National Union); POC No. 1008558 (Fidelity and Casualty); POC No. 2096973 (American Contractors); POC No. 2117481 (Continental Casualty); and POC No. 2098664 (Paul Hastings):

1. Frank Tracy, Esq., is appointed to act as referee in the above-captioned matters. 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.

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 Tracy can be contacted at:

1617 John F. Kennedy Boulevard  
Suite 1500  
Philadelphia, PA 19103  
(215) 557-2900

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 in Philadelphia 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 herein and their counsel and notify the Court that service has been completed.

  
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**JAMES GARDNER COLINS, President Judge**