

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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

v.

Reliance Insurance Company,
Defendant

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No. 269 M.D. 2001

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RECEIVED AND FILED
COMMONWEALTH COURT
OF PENNSYLVANIA

RE: *Objection of Margaret and Homer Capell to the Liquidator's NOD
in POC No. 2095748*

ORDER

AND NOW, this 9th day of August, 2006, pursuant to this Court's Order of September 9, 2002, in the matter of the Objection of Margaret and Homer Capell to the Liquidator's Notice of Determination in Proof Claim No. 2095748:

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

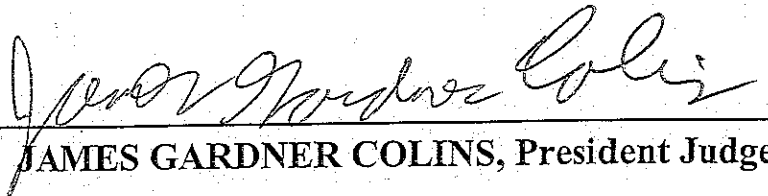
1617 John F. Kennedy Boulevard
Suite 1500
Philadelphia, PA 19103
(215) 557-2900

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.



JAMES GARDNER COLINS, President Judge