

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

M. DIANE KOKEN, INSURANCE
COMMISSIONER OF THE
COMMONWEALTH OF PENNSYLVANIA

v.

NO 269 M.D. 2001

RELiance INSURANCE COMPANY
IN RE: PROOF OF CLAIM NO. 389409
PHYLLIS JOHNSON

REFEREE'S REPORT AND RECOMMENDATION

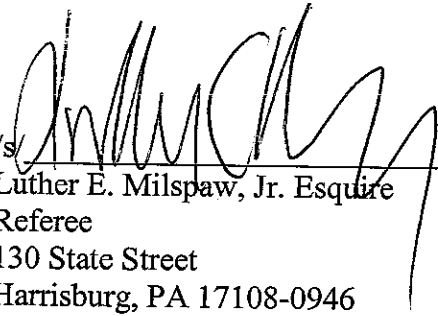
Objections of Phyllis Johnson (Johnson), to a Notice of Determination (NOD) issued May 2, 2003, from the Statutory Liquidator (Liquidator) of Reliance Insurance Company (Reliance) are before this Referee. Johnson made a monetary claim against Reliance for injuries sustained on April 6, 2001, at a facility called Medical Group Texas in Dallas, Dallas County, Texas. A Proof of Claim was filed by Johnson on February 26, 2002. A Notice of Determination was issued by the Liquidator on May 2, 2003, to which the claimant filed a timely Objection to the Determination on June 26, 2003. The Statutory Liquidator filed a timely Response to the Objection on July 28, 2003.

The Liquidator's response details an exhaustive search of all records in three (3) systems that contain records of policy and claim transactions for Reliance. That search concluded that there were no claims involving Johnson or the incident, nor any record of a policy for the Medical Group of Texas by Reliance.

Johnson offered no evidence of any policy having ever been issued by Reliance, making only the unsupported assertion that "we have been assured that the Medical Group was indeed covered by Reliance at the time of Mrs. Johnson's accident."

Recommendation

In the absence of any evidence establishing that a policy was issued by Reliance to the Medical Group of Texas, nor that there was any claim ever submitted by Johnson or the Medical Group of Texas in connection with the incident of April 6, 2001, this Referee recommends that Johnson's objections be dismissed.


/s/ Luther E. Milspaw, Jr. Esquire
Referee
130 State Street
Harrisburg, PA 17108-0946
(717) 236-3141 Voice
(717) 236-0791 Fax
Luthermilspaw@mblawfirm.com

Dated: September 19, 2006

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

M. DIANE KOKEN, INSURANCE
COMMISSIONER OF THE
COMMONWEALTH OF PENNSYLVANIA

v.

RELIANCE INSURANCE COMPANY
IN RE: PROOF OF CLAIM NO. 389409
PHYLLIS JOHNSON

NO 269 M.D. 2001

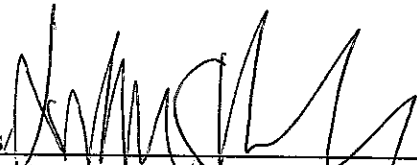
CERTIFICATE OF SERVICE

AND NOW, this 19th day of September, 2006, I hereby certify that I served the foregoing Referee's Report and Recommendation, by depositing the same in the U.S. mail, First Class postage pre-paid, at Harrisburg, Pennsylvania addressed as follows:

Gail M. Burgess, Esquire
Vice President, Associate General Counsel
Reliance Insurance Company (In Liquidation)
Three Parkway
Philadelphia, PA 19102

T.A. Sneed, Esquire
1820 South Boulevard
P.O. Box 150445
Dallas, TX 75315

Chambers of President Judge Colins
Attn: Julia Varano
Commonwealth Court of PA
Suite 950 The Widener Building
1339 Chestnut Street
Philadelphia, PA 1910


/s/ Luther E. Milspaw, Jr., Referee