

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

Joel S. Ario,  
Acting Insurance Commissioner of the  
Commonwealth of Pennsylvania,  
Plaintiff

v.

Reliance Insurance Company,  
Defendant

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: No. 269 M.D. 2001

MS.B.00-011 JUN 11 2008  
JAMES GARDNER COLINS, JR.  
CLERK OF COURT

IN RE: Order Approving Referee Bailey's Decision in POC No. 902505

**ORDER**

**AND NOW**, this 14<sup>th</sup> day of May 2008, the Court has given consideration to the decision of Referee Bailey recommending approval of the Withdrawal with Prejudice of Claimant's Objection. The Court does accept the Referee's decision.

A copy of this Order shall be served by the Liquidator upon all listed on the Master Service List. Thereafter, an affidavit of service shall be filed with the Court.

By the Court:

  
**JAMES GARDNER COLINS, Senior Judge**

**G. Alan Bailey**  
**ATTORNEY AT LAW**  
**120 E. Uwchlan Avenue, Suite 101**  
**Exton, PA 19341**  
**Tel: (610) 524-4700 ext. 246 Fax: (610) 524-0900**  
**email: gabailey13@comcast.net**  
April 28, 2008

Honorable James G. Colins, President Judge  
C/O Julia C. Varano, Deputy Prothonotary for Insurance  
Commonwealth Court of Pennsylvania  
The Widener Building, Suite 950  
One South Penn Square  
Philadelphia, PA 19107

Re: Reliance Insurance Company (in Liquidation) ("Reliance")  
Koken v. Reliance Insurance Company No. 269 M.D. 2001  
In the Matter of Objections to Notice of Determination by Charles W. Hogg Company, Inc.  
and Delta Mechanical, Inc. ("Claimant")  
POC No.: 902505

Dear Ms Varano:

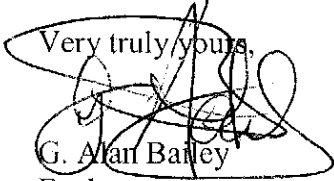
Pursuant to Order of the Commonwealth Court dated April 22, 2008 the undersigned was appointed Referee to provide a recommendation to the Court regarding issues involving POC No.: 902505 filed by Claimant.

By letter dated April 23, 2008 counsel for the Liquidator advised that Claimant was filing a Praecipe to Mark Objection Withdrawn regarding Claimant's Objection to the NOD for POC No.: 902505. Attached is a copy of this Praecipe to Withdraw, the original of which is being filed with the Commonwealth Court by Liquidator's counsel. The Liquidator advises that Claimant is no longer seeking reimbursement from Reliance for the claim in that Claimant was paid in full by another carrier.

Therefore, I recommend that the Court approve the Withdrawal with Prejudice of Claimant's Objection to the NOD for POC No.: 902505. By copy of this letter to the Liquidator's counsel, I am requesting the Liquidator to serve this letter upon Claimant.

I am available at the Court's or your request to review the recommendation. Thank-you.

Very truly yours,



G. Alan Bailey

Enclosures

cc Gail M. Burgess, Esquire, Counsel for the Liquidator

**LAW OFFICES OF MARK K. EMERY**

410 North Second Street  
Harrisburg, PA 17101  
(717) 238-9883

Mark K. Emery, Esquire

Fax (717) 238-9884  
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April 29, 2008

Gail M. Burgess, Esquire  
Vice President, Assoc. General Counsel  
Three Parkway, 5<sup>th</sup> Floor  
Philadelphia, PA 19102-1376

Mary Pat Lynn Levan, Esquire  
2200 One Nashville Place  
150 Fourth Avenue North  
Nashville, TN 37219

RE: Claim of ERM Southeast, Inc., Nos. 2124021 and 99801452

Dear Counsel:

I enclose my Recommendation of Referee, which I am contemporaneously submitting to the Court. The Court will typically wait for the appeal period to lapse prior to issuing an order accepting the Recommendation, even in circumstances such as this where the Recommendation is simply accepting the settlement of the parties. You need not wait for the Court's order to file the Praecipe to withdraw Claimant's objections, or undertake any further action in this matter.

Should you have any questions, please feel free to contact my office.

Very truly yours,

LAW OFFICES OF MARK K. EMERY

By: 

Mark K. Emery

MKE/vjh  
enclosure

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

JOEL S. ARIO, Acting Insurance Commissioner  
of the  
Commonwealth of Pennsylvania,

Plaintiff,

v.

RELIANCE INSURANCE COMPANY,

Defendant.

DOCKET NO. 269 MD 2001

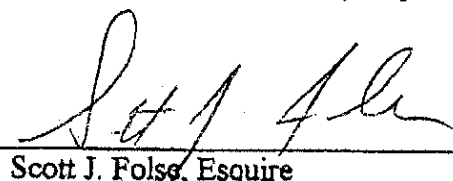
**PRAECIPE TO MARK OBJECTION  
WITHDRAWN**

TO THE PROTHONOTARY:

I, Scott J. Folsø, Esquire, counsel for Delta Mechanical, Inc./The Charles W. Hogg Co., Inc., hereby files the following Praecipec to Mark Withdrawn With Prejudice to the Objection filed on March 24, 2008 by Scott J. Folsø, Esquire on behalf of Delta Mechanical, Inc./The Charles W. Hogg Co., Inc., to the Notice of Determination on Proof of Claim No. 902505. This Withdrawal is being filed with the agreement of the Statutory Liquidator.

Dated:

April 21, 2008



Scott J. Folsø, Esquire  
Attorney for Delta Mechanical, Inc./The  
Charles W. Hogg Co., Inc.  
16942 Old Hammond Hwy.  
Baton Rouge, Louisiana 70816  
Ph: 225-272-1420