

THE COMMONWEALTH COURT OF PENNSYLVANIA

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

Plaintiff,

v.

RELiance INSURANCE COMPANY,

Defendant.

PALM SPRINGS GENERAL HOSPITAL
and BAPTIST HEALTH SOUTH
FLORIDA, INC.,

Objectors,

v.

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

Respondent.

No. 269 M.D. 2001

Before
Bonnie Brigance Leadbetter
President Judge

2008 SEP -4 P 3:01

RECEIVED AND FILED
OFFICE OF THE CLERK
OF THE COMMONWEALTH COURT
OF PENNSYLVANIA (PHILA)

AMENDED SCHEDULING ORDER

And NOW this __ day of September, 2008, upon agreement of the parties, the Court hereby enters the following Amended Scheduling Order governing the above-captioned action:

1. All dispositive motions are to be filed by October 31, 2008.
2. All responses to dispositive motions are to be filed within thirty days after the filing of dispositive motions.

3. Any replies in opposition to dispositive motions are to be filed within 14 days after the responses to dispositive motions are filed.
4. A trial date will be set by the Court, no sooner than 30 days after a ruling on all dispositive motions.

Bonnie Brigance Leadbetter, President Judge

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

PALM SPRINGS GENERAL HOSPITAL
and BAPTIST HEALTH SOUTH
FLORIDA, INC.,

Objectors,

v.

M. DIANE KOKEN,
Insurance Commissioner of the
Commonwealth of Pennsylvania,

Respondent.

Before

JOINT PETITION FOR AMENDED SCHEDULING ORDER

Objectors Palm Springs General Hospital (“Palm Springs”) and Baptist Health South Florida, Inc. (“Baptist”) (collectively “Hospitals”) and Respondent Joel S. Ario, Insurance Commissioner of the Commonwealth of Pennsylvania in his official capacity as Statutory Liquidator of Reliance Insurance Company (In Liquidation) (“Liquidator”), by and through their attorneys, request that the Scheduling Order in this matter be amended. In support of the petition, the parties aver as follows:

1. Palm Springs and Baptist have objected to the Liquidator's denial of a request that American Health Indemnity Company ("AHIC"), a subsidiary of SCPIE that was a reinsurer of certain policies issued by Reliance, be permitted to pay reinsurance proceeds directly to Objectors.

2. Pursuant to a November 23, 2005 Order of the Pennsylvania Supreme Court, the parties have been conducting discovery relating to the issue of whether the Hospitals are entitled to direct access to reinsurance proceeds from AHIC.

3. Pursuant to the Court's November 9, 2006 Order, dispositive motions are to be filed within thirty days of the ruling on any pending discovery motions and any discovery ordered is completed.

4. On June 12, 2008 the Court ordered Palm Springs to produce its corporate designee for deposition. The deposition of Palm Springs corporate designee was completed on July 11, 2008.

5. At present, the only outstanding discovery issue is the Liquidator's motion to compel corporate designee deposition of Baptist.

6. Besides the deposition at issue in the outstanding discovery motion, all other discovery in this matter is completed.

7. The parties agree that the filing of dispositive motions can be made despite the pendency of the Liquidator's motion.

WHEREFORE, the parties respectfully request that this Court issue an Amended Scheduling Order which provides that dispositive motions are due by October 31, 2008.



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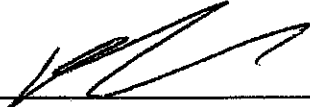
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Attorney for Palm Springs General
Hospital and Baptist Health South Florida
Inc.

Attorneys for Joel S. Ario
Insurance Commissioner of the
Commonwealth of Pennsylvania
In His Official Capacity as
Statutory Liquidator of Reliance
Insurance Company (In Liquidation)

Dated: September 4, 2008

WHEREFORE, the parties respectfully request that this Court issue an Amended Scheduling Order which provides that dispositive motions are due by October 31, 2008.



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Attorney for Palm Springs General
Hospital and Baptist Health South Florida
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Dated: August __, 2008

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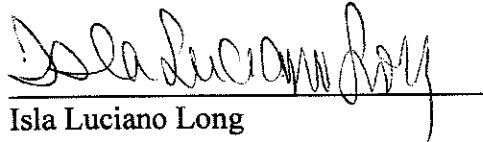
CERTIFICATE OF SERVICE

I hereby certify that September 4, 2008 a true and correct copy of the foregoing JOINT PETITION FOR AMENDED SCHEDULING ORDER was served upon the following:

Via First Class Mail and Email

Daryn E. Rush, Esquire
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Attorney for Objectors Palm Springs General Hospital
and Baptist Health South Florida, Inc.


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