

IN 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

Certified from the Record


OCT 24 2008

and Order Exit

RE: River Park Associates' application to withdraw objections
POCs 2096505, 2096510, 2096509, 2096513, 20965520, 2096533, 2120745, 2096527

ORDER

AND NOW, this 24th day of October, 2008, upon consideration of the application by River Park Associates seeking leave of court to withdraw its objections, the Liquidator's Opposition to the application, and River Park Associates' Reply thereto,¹ and, in view of the fact that prior to the filing of the application this Court had sustained the recommendation of the referee and dismissed the objections, it is hereby ORDERED that River Park Associates' application to withdraw its objections is DISMISSED as moot.


Bonnie Brigance Leadbetter
President Judge

¹ River Park Associates avers in both its application seeking the court's acceptance of its withdrawal and in its reply to the Liquidator's opposition to the withdrawal that it did not receive the Referee's Report and Recommendation (dated August 28, 2008) until September 19, 2008, and thus implies that it had until October 4 (15 days after receipt of the Referee's Report) to file exceptions. While noting that the exhibits submitted by River Park Associates do not conclusively establish the date of actual receipt, the court need not determine the date of receipt or whether exceptions were indeed overdue. River Park Associates indicates in the application to withdraw that despite disagreement with the Referee's decision, it had elected not to pursue exceptions to the decision.