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COMMONWEALTH COURT  
OF PENNSYLVANIA

2008 DEC -4 P 3:49

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

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

Plaintiff,

v.

**RELIANCE INSURANCE COMPANY,**

Defendant.

**DOCKET NO. 269 MD 2001**

RE: Liquidator's Report and Recommendations on Claims  
Undisputed and Settled as of June 30, 2008

**ORDER**

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**AND NOW**, this \_\_\_\_ day of \_\_\_\_\_, 2009, upon consideration of the  
Liquidator's Petition For Approval of Report and Recommendations on Claims Undisputed  
and Settled as of June 30, 2008 ("Petition"), it is hereby **ORDERED** and **DECREED**:

1. The Petition is GRANTED and the claims listed in the Report and Recommendations on Claims Undisputed and Settled as of June 30, 2008 ("Report") are APPROVED and ALLOWED both as to classification and amount as listed;

2. The Report is incorporated herein by reference; and

3. The Claimants listed in the Report or their lawful assignees shall receive a distribution at the time and in the manner as finally approved by this Court as directed by ¶16 of this Court's Order of September 9, 2002.

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Hon. Bonnie Brigance Leadbetter, President Judge

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

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

Plaintiff,

v.

**RELIANCE INSURANCE COMPANY,**

Defendant.

**DOCKET NO. 269 MD 2001**

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**PETITION FOR APPROVAL OF REPORT AND RECOMMENDATIONS  
ON CLAIMS UNDISPUTED AND SETTLED AS OF JUNE 30, 2008**

Petitioner, Joel S. Ario, Insurance Commissioner of the Commonwealth of Pennsylvania, in his official capacity as the Statutory Liquidator ("Liquidator") of Reliance Insurance Company ("Reliance"), in compliance with this Court's Order of September 9, 2002 ("Claims Order") and pursuant to 40 P.S. §221.45, respectfully petitions this Court for an order approving his Report and Recommendations on Claims Undisputed and Settled as of June 30, 2008 ("Report"). In support of the Petition, the Liquidator avers the following:

## BACKGROUND

1. Plaintiff, Insurance Commissioner of the Commonwealth of Pennsylvania, was appointed Liquidator of Reliance pursuant to this Court's Order dated October 3, 2001 ("Liquidation Order").

2. The Liquidation Order directed the Liquidator to "give notice by first-class mail to all persons which or who may have claims against Reliance." See Liquidation Order, ¶ 19. By the end of the first quarter of 2002, the Liquidator provided Proof of Claim ("POC") forms and instructions to policyholders and creditors of Reliance as identified by the books and records of Reliance. Additionally, since the first quarter of 2002, the POC forms and instructions have been available on the Reliance Documents website at [www.reliancedocuments.com](http://www.reliancedocuments.com).

3. This Court entered its Claims Order in September of 2002 establishing a comprehensive claims procedure in furtherance of the relevant provisions of the Insurance Department Act of 1921, 40 P.S. §§221.1 – 221.63 (the "Act"). The Claims Order requires that the Liquidator present to the Court a report of Notices of Determination (NODs) as to which no objection was filed (undisputed claims). The report for undisputed claims ". . . shall include: the name and address of each claimant, the particulars of the claim, and the amount of the claim determined by the Liquidator."

4. With respect to NODs as to which an objection was filed (disputed claims), the Claims Order authorizes the Liquidator to settle disputed claims, without prior court approval, ". . . if the resulting amount of such claim against Reliance Insurance Company is \$250,000.00 or less."

5. When undisputed claims or settled claims are approved by the Court, the Claims Order provides that allowed and approved claims “. . . shall be paid at the time and in the manner provided in the plan of liquidation as finally approved by the Court or as may be otherwise ordered by the Court.”

#### **STATUS OF PROOFS OF CLAIM**

6. The deadline for filing Proofs of Claim was December 31, 2003. As of September 30, 2008, Reliance has received a total of 159,587 POCs. Of these 159,587 POCs, 10,408 were received after the claim filing deadline. Notwithstanding the claim filing deadline, Reliance continues to receive new POCs. Information regarding claims, in addition to that provided below, can be found in the quarterly status reports filed with this Court by the Liquidator and available at [www.reliancedocuments.com](http://www.reliancedocuments.com).

7. As of September 30, 2008, Reliance has issued NODs for 143,801 of the 159,587 POCs (approximately 90%) for a total allowed amount of \$660,920,425. This Court has approved 103,754 of those NODs for a total allowed amount of \$557,381,844. Exhibit A breaks down this information by priority class.

8. Exhibit B indicates the status of all 159,587 POCs received as of September 30, 2008. Of the 15,786 POCs for which NODs have not been issued, 4,836 relate to claims currently being handled by the GAs and 4,848 of these POCs are either contingent or a POC where the claimant has notified Reliance that there may be a claim in the future, but has not yet identified any particular claim. Approximately 5,837 of the 15,786 POCs are in various stages of review and evaluation and the remaining 265 POCs are ready to evaluate and NODs will be issued within 180 days.

## **STATUS OF OBJECTIONS**

9. The Liquidator has received a total of 996 objections to the 143,801 NODs issued, an objection rate of slightly less than 1%. Large groups of these objections relate to several claimants with similar types of claims and thus are resolved collectively through the dispute resolution process.

10. Of the 996 objections received as of September 30, 2008, 893 have been resolved. Of the 103 unresolved objections, 89 are assigned to referees and 14 have not yet been assigned to referees as of September 30, 2008. Exhibit C indicates the status of all objections received through September 30, 2008 and Exhibit D breaks down this information by priority class and also includes the Allowed Amounts for objections in each priority class.

## **REPORT AND RECOMMENDATIONS ON CLAIMS UNDISPUTED AND SETTLED AS OF JUNE 30, 2008**

11. The Liquidator's Report and Recommendations on Claims Undisputed and Settled as of June 30, 2008 ("Report") is attached as Exhibit E. Exhibit E is comprised of 3 sections, E-I, E-II, and E-III, and reflects NODs issued by the Liquidator for which the objection period expired by June 30, 2008. Exhibits E-I, E-II, and E-III are collectively referred to as the "Report".

12. Pursuant to paragraph 10(c) of the Claims Order, Exhibit E-I is a list of the undisputed claims filed against the assets of the Reliance estate. The claims are sorted alphabetically, within each class, by the Claimant's name. The amount claimed by the

Claimant, inter alia, is included in the Report.<sup>1</sup> NODs that are issued as to classification only will have N/A in the Allowed Amount column of the Report.<sup>2</sup>

13. A small number of the undisputed NODs listed in Exhibit E-I may actually be amended NODs issued to correct the class or allowed amount of a claim previously recommended by the Liquidator and approved by this Court. For example, if new information later comes to the attention of the claims evaluator which would alter the allowed amount or priority, an amended NOD is issued. The claimant then has an opportunity to object to the amended NOD. 40 P.S. §221.45(b) of the Act specifically authorizes the Liquidator to recommend and this Court to consider modifications of and to claims previously approved by the Court.

14. The second section of the Report (Exhibit E-II), although not required by the Claims Order, but in compliance with 40 P.S. §221.45, is a list of disputed claims which were settled for \$250,000 or less.

15. Upon resolution of the disputed claims listed in Exhibits E-II, the Liquidator issued an Amended NOD for these settled claims reflecting the resolution of the dispute and an agreement that no objection would be filed to the Amended NOD, or in some cases, the

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<sup>1</sup> If the claimant did not indicate a specific claim amount on the Proof of Claim, the claimed amount is noted as \$0.

<sup>2</sup> The majority of claimants with undisputed claims below Class B were issued NODs as to their class status only. These claimants were advised that the Liquidator would evaluate the allowed amount of the claims if and when it appeared that there would be assets sufficient to distribute to the relevant class. However, if a claim was covered by reinsurance the allowed amount was determined to facilitate prompt reinsurance billings.

claimant withdrew their objection. Accordingly, the Report reflects the dates that the objection was filed and the date it was resolved.

16. In evaluating the undisputed claims and resolving the disputed claims, the Liquidator carefully reviewed all documentation submitted by the claimants in support of the claims and independently determined the merit, classification and value of each claim, as required by the Act. See 40 P.S. §§221.37, 221.38, 221.44, 221.45.

17. NODs have been issued in both the undisputed and settled categories referencing allowed amounts subject to a policy aggregate limit. In these cases, the NOD states that the allowed amount of the claim is subject to 40 P.S. §221.40(d) which requires that if "...the aggregate allowed amount of the claims to which the same limit of liability in the policy is applicable exceeds that limit, then each claim as allowed shall be reduced a proportionate amount so that the total equals the policy limit." The NODs recommended in this report are submitted subject to 40 P.S. §221.40(d).

18. The third section of the Report, Exhibit E-III, is a summary sheet indicating, for each priority class, the total number of NODs and the total amount allowed for each of Exhibits E-I and E-II.<sup>3</sup> A grand total is also shown for the combined report categories. In total, the Liquidator is recommending an allowed amount of \$66,403,808.16 for 36,879 NODs issued.

19. Given the discretion afforded the Liquidator to "comport, compromise, or in any other manner negotiate" claims against the liquidated estate, 40 P.S. §221.45(a), the

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<sup>3</sup> For purposes of this Report, the Class A claims are expenses incurred during the period of rehabilitation and paid as administrative costs, therefore the NOD reflects a value of \$0.




Liquidator believes that the classification and amounts he has determined for the reported claims are appropriate, fair and equitable and consistent with the relevant provisions of the Act and this Court's Order. The Liquidator further believes that the approval of the claims listed in the attached Report is in the best interests of the Reliance estate, its policyholders, claimants and other creditors.

20. Pursuant to 40 P.S. §221.45(b) and relevant provisions of the Claims Order, the Liquidator respectfully requests that this Court approve and allow the classification and/or amount (as applicable) of the claims listed in the Report. In accordance with ¶16 of the Claims Order, any distribution to the Claimants or their lawful assignees will be made at the time and in the manner approved by this Court.

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WHEREFORE, the Liquidator respectfully requests that this Court grant his Petition; approve and allow the claims as listed in the Report attached as Exhibit E; and enter an Order in the form attached hereto.

Respectfully submitted:

By:   
PRESTON BUCKMAN (I.D. #57570)  
Special Funds Counsel  
Pennsylvania Insurance Department  
Capitol Associates Building  
Office of Chief Counsel  
901 North 7<sup>th</sup> Street  
Harrisburg, PA 17102  
(717) 787-6009

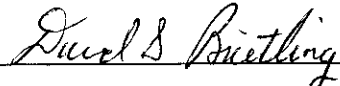
Date: December 2, 2008

**VERIFICATION**

I, David S. Brietling, have been retained by the Insurance Commissioner of the Commonwealth of Pennsylvania, and am responsible for the on-site insurance and financial operations of Reliance Insurance Company (in Liquidation) as Chief Liquidation Officer. I am also responsible for coordinating the activities of the Pennsylvania Insurance Department's Reliance liquidation team. I am authorized by the Insurance Commissioner to make this verification on behalf of the Liquidator of Reliance Insurance Company. I hereby verify that the facts set forth in the foregoing Report are true and correct to the best of my knowledge, information and belief.

I understand that this Verification is made subject to the penalties of 18 P.S. §4904 relating to unsworn falsification to authorities.

Date: December 4, 2008

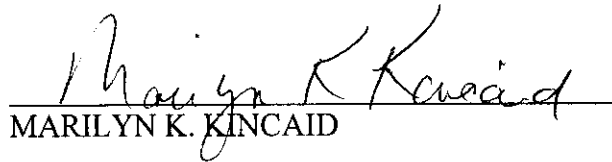


\_\_\_\_\_  
DAVID S. BRIETLING  
Chief Liquidation Officer

**CERTIFICATE OF SERVICE**

I, Marilyn K. Kincaid, hereby certify that on or about this day, pursuant to the Court's Order of April 1, 2004, service of the foregoing was made on the attached Claim Objector List and Master Service List through the transmission of a Notice of Filing and through posting of a true and correct copy in PDF file format on the Reliance Documents website at [www.reliancedocuments.com](http://www.reliancedocuments.com).

Dated: December 4, 2008

  
MARILYN K. KINCAID

Objector's List  
269 MD 2001

ACUMEN RE MANAGEMENT CORP.  
302 FELLOWSHIP RD STE 130  
MOUNT LAUREL, NJ 08054

AGUILAR ERNESTINA  
1111 18TH STREET  
AMARILLO, TX 79105

APPLE COMPUTER, INC.  
1 INFINITE LOOP  
CUPERTINO, CA 95014-2083

BASKETBALL PROPERTIES  
601 BISCAYNE BLVD  
AMERICAN AIRLINES ARENA  
MIAMI, FL 33132-1801

BUTLER FINANCIAL SOLUTIONS, LLC  
JAMES F. MORGANTEEN, ESQ  
2200 HIGHWAY 121, SUITE 100  
BEDFORD, TX 76021-5983

CAMPBELL, MICHAEL K  
7711 DESMOND STREET  
N. CHARLESTON, SC 29418

CENTURY INDEMNITY COMPANY  
30 S 17TH ST STE 700  
UNITED PLAZA  
PHILADELPHIA, PA 19103-4001

CHISICK, BRIAN  
10212 SUNRISE LN  
SANTA ANA, CA 92705-6415

CHISICK, SARAH  
10212 SUNRISE LN  
SANTA ANA, CA 92705-6415

COHEN, EYAL  
331 BERKELEY RUN  
ATLANTA, GA 30342

CRAWFORD, KENNETH T  
3086 CARRIAGE MANOR CIR  
TALLAHASSEE, FL 32304-1100

DAMON & MOREY, LLP  
SCHIFELING BARBARA  
298 MAIN ST  
BUFFALO, NY 14202-4005

DJM CONTRACTING CORP  
42 CHICAGO PL  
HUNTINGTON STATION, NY 11746

ESTATE OF SANTOS ARRIOLA  
2818 S PORT AVE  
C/O HECTOR RENE GONZALEZ, P.C.  
CORPUS CHRISTI, TX 78405-2037

Objector's List  
269 MD 2001

EXCESS & TREATY MANAGEMENT CORPORATION  
C/O GUY CARPENTER & COMPANY INC.  
TWO LOGAN SQUARE - 6TH FLOOR  
PHILADELPHIA, PA 19103

FARM BUREAU MUTUAL INSURANCE COMPANY OF  
7373 W SAGINAW HIGHWAY  
PO BOX 30400  
LANSING, MI 48909-7900

FIRST CLASS COVERAGE, INC.  
150 BROADWAY STE 2206  
C/O LAW OFFICES OF MARK D. LEFKOWITZ  
NEW YORK, NY 10038-4493

FORTENBERRY, JEFFERY B  
1276 REED RD  
STARKVILLE, MS 39759

GENERAL INTERNATIONAL LIMITED  
JESSIE RICHARDSON  
3RD FLOOR, AIG BUILDING  
29 RICHMOND ROAD  
PEMBROKE HM08  
BERMUDA

HAIRRELL, MYRON  
516 LAKE AVE APT 4  
WOODSTOCK, IL 60098-4283

HELP DESK, INC.  
2200 HIGHWAY 121 STE 100  
C/O JAMES F. MORGANSTEEN, ESQ.  
BEDFORD, TX 76021-5983

HUDSON NEWS COMPANY  
1 MEADOWLANDS PLZ  
EAST RUTHERFORD, NJ 07073-2150

ILLINOIS TOOL WORKS  
3600 W LAKE AVE  
GLENVIEW, IL 60026-1215

KOT INSURANCE COMPANY LTD  
BRENDA L. JENSEN, CIP  
C/O AON INTERNATIONAL ENERGY, INC.  
1330 POST OAK BLVD, STE 900  
HOUSTON, TX 77056

LAKE UNION DRYDOCK COMPANY  
1515 FAIRVIEW AVE E  
SEATTLE, WA 98102-3718

LINCOLN NATIONAL LIFE INSURANCE COMPANY  
1300 S CLINTON ST  
FORT WAYNE, IN 46802-3506

LOPEZ, MARIO  
C/O GEORGE BALTAJE, ESQ  
AND MARTA LOPEZ  
15821 VENTURA BLVE., STE. 245  
ENCINO, CA 91436

LOZADA, BIANCA  
P.O. BOX 774  
LITTLE FALLS, NJ 07424

Objector's List  
269 MD 2001

MERCY MEDICAL CENTER  
1000 N VILLAGE AVE  
ROCKVILLE CENTRE  
ROCKVILLE CENTRE, NY 11570-1000

MILLER, MARY  
PO BOX 3253  
RANCHO PALOS VERDE, CA 90274

MORGAN, BEN  
2229 HIGHWAY 2  
BAKER, FL 32531-7437

NATIONAL ENVIRONMENTAL SAFETY COMPANY, INC.  
ERIC MICHAEL PASINKOFF  
260 MADISON AVE; 22ND FLOOR  
NEW YORK, NY 10016

POARCH BAND OF CREEK INDIANS  
5811 JACK SPRINGS ROAD  
ATMORE, AL 36502

STANFIELD, BRIAN  
10132 CLOVERDALE DR  
SAINT LOUIS, MO 63136-4214

STEWART, ROBBY JOE III  
C/O MORGAN & LUTTRELL, L.L.P.  
711 NAVARRO ST STE 210  
SAN ANTONIO, TX 78205-1739

THE FUJI BANK LIMITED  
JAMES RITTER  
350 SOUTH GRAND AVENUE  
SUITE 1500  
LOS ANGELES, CA 90071

THOMPSON, WALTER K  
20 SHELLY ROAD  
NORTON, MA 02766

THURSTON COUNTY  
RISK MANAGEMENT DEPT  
2000 LAKERIDGE DR SW  
OLYMPIA, WA 98502-6001

TIMES MIRROR COMPANY  
(N/K/A TRIBUNE COMPANY)  
220 W 1ST ST  
1ST FLOOR  
LOS ANGELES, CA 90012-4105

TOMPKINS, SHARON  
A/K/A SHARON RICHARDSON  
16220 BEECHWOOD DR  
CHARLESTOWN, IN 47111-9756

UNISYS CORPORATION  
UNISYS WAY  
BLUE BELL, PA 19424-0001

VARGAS, FRANCISCO  
C/O ATTORNEY D. MICHAEL CARUTHERS  
431 SOUTH PALM CANYON DRIVE  
PALM SPRINGS, CA 92264

Objector's List  
269 MD 2001

WARNER BROS. ENTERTAINMENT INC.  
SUCCESSOR-IN-INTEREST TO WARNER BROS. A DIVISION  
4000 WARNER BLVD RM 5158 BLDG 156 5158  
BURBANK, CA 91522-0001

WARRANTECH AUTOMOTIVE  
P O BOX 1179  
BEDFORD, TX 76095

WARRANTECH AUTOMOTIVE, INC  
JAMES F. MORGANTEEN, ESQ.  
2200 HIGHWAY 121  
SUITE 100  
BEDFORD, TX 76021-5983

WARRANTECH CONSUMER PRODUCTS SERVICES, INC.  
JAMES F. MORGANTEEN ESQUIRE  
2200 HIGHWAY 121, STE 100  
BEDFORD, TX 76021-5983

WARRANTECH HOME ASSURANCE CO.  
2200 HIGHWAY 121  
SUITE 100  
BEDFORD, TEXAS 76021

WARRANTECH HOME SERVICE COMPANY  
JAMES F. MORGANTEEN, ESQ.  
2200 HIGHWAY 121, STE. 100  
BEDFORD, TX 76021-5983

WASHINGTON MUTUAL BANK  
C/O PICADIO, SNEATH, MILLER, & NORTON  
4710 US STEELE TOWER, 600 GRANT ST  
PITTSBURGH, PA 15219

WCPS OF FLORIDA INC.  
JAMES F. MORGANTEEN, ESQ.  
2200 HIGHWAY 121 STE 100  
BEDFORD, TX 76021-5983

ALAN FEIN, STEARNS WEAVER MILLER, ET AL  
150 W FLAGLER ST STE 2200  
MIAMI, FL 33130-1536

BALTAXE, GEORGE ESQ  
15821 VENTURA BLVD, STE. 245  
ENCINO, CA 91436

BAUTE & TIDUS  
JEFFREY A. TIDUS  
777 S FIGUEROA ST STE 4900  
LOS ANGELES, CA 90017

CARR, ALLISON, PUGH & SISSON  
CHARLES CARR, ATTORNEY  
LAW OFFICE  
256 HONEYSUCKLE RD STE 6  
BRIGHTLEAF COURT  
DOTHAN, AL 36305-1168

CARR, ALLISON, PUGH, OLIVER & SISSON PC  
WILLIAM SISSON  
6251 MONROE ST STE 100  
DAPHNE, AL 36526-7153

CARUTHERS, D. MICHAEL ESQ.  
431 SOUTH PALM CANYON DRIVE  
STE 204  
PALM SPRINGS, CA 92264



Objector's List  
269 MD 2001

COZEN O'CONNOR  
F. WARREN JACOBY, ESQ.  
1900 MARKET ST  
PHILADELPHIA, PA 19103-3527

GARAN, LUCOW, MILLER AND SEWARD, P.C.  
PAUL L. DIESEL, ESQUIRE  
8332 OFFICE PARK DR  
GRAND BLANC, MI 48439-2076

GREEN & HALL  
SAMUEL M. DANSKIN  
1851 EAST FIRST STREET  
10TH FLOOR  
SANTA ANN, CA 92705-4052

HANDLER, HENNING & ROSENBERG, LLP  
ADAM G. REEDY  
13300 LINGLESTOWN ROAD  
HARRISBURG, PA 17110

HECTOR RENE GONZALEZ, P.C.  
2818 S PORT AVE  
CORPUS CHRISTI, TX 78405-2037

HELLER, EHRMAN, WHITE AND MCAULIFFE, LLP  
MICHAEL R. WRENN  
701 5TH AVE STE 6100  
SEATTLE, WA 98104-7043

KRUSE, REINKER & HAMILTON, L.L.C.  
ED KRUSE  
2016 SOUTH BIG BEND BLVD  
SUITE 405  
ST. LOUIS, MO 63117

LING, GARY A  
3660 W. MONTAGUE AVENUE  
N. CHARLESTON, SC 29418

LOSAVIO LAW FIRM  
KENT S. DEJEAN  
8414 BLUEBONNET BLVD.  
SUITE 110  
BATON ROUGE, LA 70810

MCVITTIE, ERIC ESQ.  
701 5TH AVE STE 2500  
SEATTLE, WA 98104-7022

MORGAN & LUTTRELL, L.L.P.  
711 NAVARRO ST STE 210  
SAN ANTONIO, TX 78205-1739

MORGAN LEWIS & BOCKIUS  
1701 MARKET ST  
PHILADELPHIA, PA 19103-2903

PASINKOFF, ERIC MICHAEL ESQ.  
260 MADISON AVE, 22ND FLOOR  
NEW YORK, NY 10016

PILLSBURY WINTHROP. LLP  
PHILIP WARDEN, ESQ.  
50 FREMONT ST  
SAN FRANCISCO, CA 94105-2230

Objector's List  
269 MD 2001

PODHURST, ORSECK, PA  
25 WEST FLAGLER STREET  
#800  
MIAMI, FL 33130

REED SMITH LLP  
JOHN SHUGRUE  
10 SOUTH WACKER DRIVE  
CHICAGO, IL 60606-7507

REED SMITH LLP  
1600 MARKET STREET  
PHILADELPHIA, PA 19103

REED SMITH, LLP  
TIMOTHY LAW, ESQ.  
1650 MARKET STREET  
2500 ONE LIBERTY PLACE; SUITE 2500  
PHILADELPHIA, PA 19103

REED, SMITH, SACHNOFF & WEAVER  
CAROLYN ROSENBERG  
10 S. WACKER DRIVE, SUITE 4000  
CHICAGO, IL 60606

REED, SMITH, SACHNOFF & WEAVER  
MR JOHN VISHNESKI  
10 S. WACKER DRIVE, 40TH FLOOR  
CHICAGO, IL 60606-7507

SMITH WILSON & DUNCAN  
P O BOX 15525  
AMARILLO, TEXAS 79105

WAYNE M. SMITH, ESQ.  
WARNER BROS ENTERTAINMENT INC.  
7000 WARNER BLVD BLDG 156 RM. 5158  
BURBANK, CA 91722

WELTON & WILLIAMSON, LLC  
MARK WELTON, ATTY  
1020 FERDON BOULEVARD SOUTH  
CRESTVIEW, FL 32536

WHITE & WILLIAMS  
1650 MARKET ST  
1800 ONE LIBERTY PLACE  
PHILADELPHIA, PA 19103-7301

## Master Service List

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

v.

Reliance Insurance Company

No. 269 M.D. 2001 (Commonwealth Court of Pennsylvania)

Jerome R. Richter  
Ann B. Laupheimer  
Blank Rome LLP  
One Logan Square  
Philadelphia, PA 19103  
(215) 569-5500  
(Attorneys for Joel S. Ario,  
Insurance Commissioner of the  
Commonwealth of Pennsylvania)

Amy L. Weber, Esquire  
Deputy Chief Counsel  
Preston M. Buckman, Esquire  
Special Funds Counsel  
Commonwealth of Pennsylvania  
Insurance Department  
Office of the Chief Counsel  
Capitol Associates Building  
901 North 7<sup>th</sup> Street  
Harrisburg, PA 17102  
(717) 787-6009  
(Attorneys for the Pennsylvania  
Insurance Department)

Marilyn K. Kincaid, Esquire  
Reliance Insurance Company  
(in Liquidation)  
Three Parkway  
Philadelphia, PA 19102  
(215) 864-4205  
(Attorney for Reliance Insurance  
Company (in Liquidation))

Brian P. Flaherty, Esq.  
Wolf, Block, Schorr & Solis-Cohen LLP  
1650 Arch Street  
22nd Floor  
Philadelphia, PA 19103  
Phone: (215) 977-2048  
Fax: (215) 405-2948  
(Attorneys for Joel S. Ario,  
Insurance Commissioner of the  
Commonwealth of Pennsylvania)

Hillary C. Steinberg  
James Michael Matour  
Hangley Aronchick Segal & Pudlin, P.C.  
One Logan Square  
Philadelphia, PA 19103

(215) 568-6200  
(Attorneys for Reliance Group  
Holdings, Inc.)

Jeffrey B. Rotwitt  
Obermayer Rebmann Maxwell & Hippel  
1 Penn Center, 19<sup>th</sup> Floor  
Philadelphia, PA 19103-1895  
(215) 665-3000  
(Attorneys for Joel S. Ario,  
Insurance Commissioner of the  
Commonwealth of Pennsylvania)

William Charles Bensley  
George Whittaker Howard  
Edward M. Nass  
Howard Brenner & Nass, P.C.  
1608 Walnut Street, Suite 1700  
Philadelphia, PA 19103  
(215) 546-8200  
(Attorneys for Francine and Ted Forman)

Brad S. Karp  
Paul, Weiss, Rifkind, Wharton & Garrison  
1285 Avenue of the Americas  
New York, NY 10019  
(212) 373-3000  
(Attorneys for Reliance Group  
Holdings, Inc.)

Robert H. Levin  
Adelman Lavine Gold & Levin, P. C.  
Four Penn Center, Suite 900  
Philadelphia, PA 19103-2808  
(215) 568-7515  
(Attorneys for Committee of Policyholders)

Richard D. Batchelder, Jr.  
Ropes & Gray  
One International Place  
Boston, MA 02110-2624  
(617) 951-7000  
(Attorneys for Miami Cruiseline  
Holdings LLC)

Frank F. McGinn  
Bartlett Hackett Feinberg, P.C.  
155 Federal Street  
9<sup>th</sup> Floor

Boston, MA 02110  
(617) 422-0200  
(Attorneys for Flatley Company)

Thomas J. Madigan  
Pepper Hamilton LLP  
One Mellon Center  
500 Grant Street, 50<sup>th</sup> Floor  
Pittsburgh, PA 15219-2502  
(412) 454-5000  
(Attorneys for O'Brien-Kreitzberg  
& Associates, Inc.)

Douglas B. Provencher  
Provencher & Flatt, LLP  
823 Sonoma Avenue  
Santa Rosa, CA 95404  
(707) 284-2380  
(Attorneys for Great Western Collection  
Bureau)

Terence R. Savage  
Employment Development Department  
State of California  
800 Capitol Mall, Legal Office  
Sacramento, CA 95814  
(916) 654-8410  
(Attorneys for Employment Development  
Department, State of California)

R. Nicholas Gimbel  
McCarter & English, LLP  
Mellon Bank Center  
1735 Market Street  
Suite 700  
Philadelphia, PA 19103  
Phone: (215) 979-3800  
Fax: (215) 979-3899  
(Attorneys for Brand Scaffold Services, Inc.,  
Magellan Ins. Co. Ltd., and Sun Life Assurance  
Company of Canada)

Anderson, Kill & Olick P.C.  
1600 Market Street, Suite 2500  
Philadelphia, PA 19103  
(215) 568-4202  
-and-  
Marvin L. Wilenzik  
Elliott Reihner Siedzikowski & Egan, P.C.  
925 Harvest Drive  
P.O. Box 3010  
Blue Bell, PA 19422  
(215) 977-1050  
(Attorneys for Synagro Technologies, Inc.)

Jeremy J.O. Harwood, Esquire

Blank Rome LLP  
23<sup>rd</sup> Floor  
405 Lexington Avenue  
New York, NY 10174  
(212-885-5149)  
-and-  
Joseph M. Donley, Esquire  
William E. Cox, Esquire  
Kittredge, Donley, Elson, Fullem & Embick  
400 Market Street, Suite 200  
Philadelphia, PA 19106  
(215-829-9900)  
(Attorneys for Steamship Mutual Underwriting  
Association (Bermuda) Ltd.)

Thomas V. White, Esquire  
Joseph P. Rusnak, Esquire  
Tune, Entekin & White, P.C.  
AmSouth Center, Suite 1700  
315 Deaderick Street  
Nashville, TN 37238  
(615) 244-2770  
(Attorneys for Home Builders Association of  
Tennessee Self-Insured Trust)

Michele Smolin, Esquire  
McDonald, Hopkins, Burke & Haber  
600 Superior Avenue E  
Cleveland, OH 44114-2653  
(216) 348-5400  
(Attorneys for United Church of Christ Insurance  
Board)

Lisa Luborsky, Esquire  
Britt, Hankins & Moughan  
Two Penn Center Plaza, Suite 515  
1500 John F. Kennedy Blvd.  
Philadelphia, PA 19102-1888  
(215) 569-6918  
(Attorneys for the Pennsylvania Property and  
Casualty Insurance Guaranty Association)

Frederick P. Santarelli, Esquire  
Elliott Greenleaf & Siedzikowski, P.C.  
925 Harvest Drive  
P.O. Box 3010  
Blue Bell, PA 19422  
(215) 977-1050  
(Attorneys for Estate of Leo Frances Tenczynski)

Janice Marie Savinis, Esquire  
Savinis, D'Amico & Kane, LLC  
Suite 3626, Gulf Tower  
707 Grant St.  
Pittsburgh, PA 15219  
(Attorney for Harold W. Thomas)

Francine L. Semaya, Esquire  
Cozen O'Connor  
45 Broadway, 16<sup>th</sup> Floor  
New York, NY 10006  
(212-908-1270)  
(Attorneys for Allied Holdings and Client Assurance Pool)

Richard F. McMenamain, Esquire  
David L. Harbaugh, Esquire  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103-2921  
(215-963-5596)  
(Attorneys for Fuji Bank Limited and The Tribune Company)

Eric P. Wilenzik, Esquire  
Elliott Reihner Siedzikowski & Egan, P.C.  
925 Harvest Drive  
Blue Bell, PA 19422  
(215-977-1000)  
(Attorneys for Brandywine Realty Trust)

Sarah H. Zinn, Esquire  
Hogan & Hartson, LLP  
555 13th Street, N.W.  
Washington, D.C. 20004-1109  
(202) 637-6459  
(Attorneys for National Structured Settlements Trade Association, General Electric Capital Assurance Co., First Colony Life Ins. Co., Federal Home Life Ins. Co., and GE Life and Annuity Assurance Co.)

David W. Cranshaw, Esquire  
Morris, Manning & Martin, LLP  
1600 Atlanta Financial Center  
3343 Peachtree Road, N.E.  
Atlanta, GA 30326  
(404-233-7000)  
(Attorneys for ChoicePoint and its division ChoicePoint Commercial Specialist)

P. Kevin Brobson, Esquire  
Buchanan Ingersoll  
One South Market Square  
213 Market Street, 3<sup>rd</sup> Floor  
Harrisburg, PA 17101  
(717-237-4800)  
(Attorneys for Magellan Reinsurance Company, Ltd. and RBH Reinsurance Ltd.)

Bruce R. Hoffman, Esquire  
Law Office of Bruce R. Hoffman, LLC  
574 Sea Island Parkway  
Saint Helena Island, SC 29920-4205  
(843-838-5290)  
(Pro Se)

R. Jane Lynch, Esquire  
Cox, Castle & Nicholson LLP  
2049 Century Park East, Suite 2800  
Los Angeles, CA 90067  
(310-277-4222)  
(310-277-7889) fax  
(Attorneys for Lake at Las Vegas Joint Venture)

Kevin E. Wolff, Esquire  
Robert J. Re, Esquire  
McElroy, Deutsch & Mulvaney, LLP  
1300 Mount Kemble Avenue  
P.O. Box 2075  
Morristown, NJ 07962-2075  
(973-425-8717)  
(Attorneys for Celanese Americas Corporation, Elwood Insurance Limited, and Celwood Insurance Company (f/k/a Hoechst Celanese Insurance Company, Ltd.)

Michael B. Dubin, Esquire  
Semanoff, Ormsby, Greenberg & Torchia  
Suite 200 Jenkins Court  
610 Old York Road  
Jenkintown, PA 19046  
(215-887-0200)  
(215-887-5356) fax  
(Attorneys for Integrated Health Services, Inc.)

Deborah Fuchs Cohen, Esquire  
Eric Jonathan Rothschild, Esquire  
Pepper Hamilton LLP  
3000 Two Logan Square  
18<sup>th</sup> and Arch Streets  
Philadelphia, PA 19103  
(215) 981-4470  
(Attorney for Joel S. Ario, Insurance Commissioner of the Commonwealth of Pennsylvania)

Leonard P. Goldberger, Esquire  
Amy Elizabeth Vulpio, Esquire  
White and Williams LLP  
1800 One Liberty Place  
Philadelphia, PA 19103-7395  
(215) 864-6376  
(Attorneys for Insurance Company of North America)

Harold S. Horwich, Esquire

Bingham McCutchen  
One State Street  
Hartford, CT 06103  
(860) 240-2700  
(Attorneys for St. Joseph's Medical Center)

Susan J. Guerrieri, Esquire  
Stephen C. Baker, Esquire  
John B. Dempsey, Esquire  
Drinker Biddle & Reath LLP  
One Logan Square  
18<sup>th</sup> and Cherry Streets  
Philadelphia, PA 19103-6996  
(215) 988-2700  
(Attorneys for Mawson & Mawson, Inc.)

Joseph F. Orso, III, Esquire  
Casale & Bonner, P.C.  
Suite 202  
33 West Third Street  
Williamsport, PA 17701  
(570) 326-7044  
(Attorneys for Richard Ruhl)

Arthur Makadon, Esquire  
Geoffrey A. Kahn, Esquire  
Ballard Spahr Andrews & Ingersoll, LLP  
1735 Market Street, 51<sup>st</sup> Floor  
Philadelphia, PA 19103  
(215) 665-8500  
(Attorneys for Deloitte & Touche LLP)

Douglas Y. Christian, Esquire  
Ballard Spahr Andrews & Ingersoll  
1735 Market Street, 51<sup>st</sup> Floor  
Philadelphia, PA 19103-7599  
(215) 864-8404  
(Attorneys for American Longshore Mutual Association)

Lisa M. Salazar, Esquire  
McCarter & English LLP  
Mellon Bank Center, Suite 700  
1735 Market Street  
Philadelphia, PA 19103-7501  
(215) 979-3800  
(Attorneys for Robert M. Steinberg)

Robert E. Kelly, Jr., Esquire  
Anthony W. Parker, Esquire  
Kelly, Parker & Cohen LLP  
Commerce Towers  
10<sup>th</sup> Floor  
300 North Second Street  
Harrisburg, PA 17106-2003  
717-920-2220  
(Attorneys for Petitioner South Carolina School

Boards Insurance Trust)

Joseph M. Hennelly, Jr., Esquire  
Hennelly & Steadman, PLC  
Goldworthy House  
322 West Roosevelt  
Phoenix, AZ 85003  
(602) 230-7000  
(Attorneys for Mark D. Tharp as Arizona's Special Ancillary Receiver of Reliance)

Rowe W. Snider, Esquire  
Steven T. Whitmer, Esquire  
Julie L. Young, Esquire  
Lord, Bissell & Brook  
111 S. Wacker Drive  
Chicago, Illinois 60606  
(312) 443-0700  
(Attorneys for NCIGF)

Paul G. Witko, Deputy Attorney General  
State of New Jersey  
Office of the Attorney General  
Department of Law and Public Safety  
Division of Law  
Station Plaza #4, 2nd Floor  
22 South Clinton Ave.  
P.O. Box 117  
Trenton, NJ 08625-0117  
(609) 777-3512  
(Attorney for New Jersey Workers Compensation Bureau)

Malcolm C. Lindquist, Esquire  
Lane Powell Spears Lubersky  
1420 Fifth Ave.  
Suite 4100  
Seattle, WA 98101  
(206) 223-7101  
(Attorney for Labor Ready, Inc.)

James W. Kutz, Esquire  
Kimberly M. Colonna, Esquire  
McNees Wallace & Nurick, LLC  
100 Pine St, P.O. Box 1166  
Harrisburg, PA 17108-1166  
(717) 232-8000  
(Attorneys for Earth Tech, Inc.)

Guy A. Cellucci, Esquire  
White and Williams LLP  
1800 One Liberty Place  
Philadelphia, PA 19103-7395  
(215) 864-7000  
(Attorneys for Hartford Fire Insurance Co., Hartford Specialty Co., and the Hartford Financial Services Group, Inc.)

Brian T. Guthrie, Esquire  
Daniel W. Krane, Esquire  
Drinker Biddle & Reath LLP  
One Logan Square  
18th and Cherry Streets  
Philadelphia, PA 19103-6996  
(215) 988-2700  
(Attorneys for Lexington Insurance Co.)

Edward G. Biester, Esquire  
Duane Morris LLP  
3030 South 17<sup>th</sup> Street  
Philadelphia, PA 19103  
(215) 979-1000  
(Attorneys for Florida Workers' Compensation  
Insurance Guaranty Association Incorp.)

Lawrence Licitra, Esquire  
Julie Pollack, Esquire  
Swiss Reinsurance America Corporation  
175 King Street  
Armonk, NY 10504  
(914) 828-8000  
(Attorneys for Swiss Reinsurance America Corp.)

Daryn E. Rush, Esquire  
Gibbons PC  
1700 Two Logan Square  
18<sup>th</sup> & Arch Streets  
Philadelphia, PA 19103-2769  
215-446-6220  
(Attorneys for Travelers Casualty and Surety Co.)

John C. Connell, Esq.  
Jerrold S. Kulback, Esq.  
Archer & Greiner, PC  
One Centennial Square  
Haddonfield, NJ 08033  
(856) 795-2121  
(Attorneys for New Mexico Mutual Casualty  
Company and Southwest Casualty Company)

Kimberly A. LaMaina  
Skadden, Arps, Slate, Meagher & Flom, LLP  
One Rodney Square  
Wilmington, DE 19801  
(302) 651-3184  
(Attorneys for Zenith Insurance Company)

Jeffrey B. Cohen  
John Menke  
Joseph Krettek  
Pension Benefit Guaranty Corporation  
Office of the General Counsel  
1200 K Street, N.W.

Washington, D.C. 20005  
(202) 326-4020  
(Attorneys for Pension Benefit Guaranty  
Corporation)

Francis Patrick Newell  
Harkins Cunningham LLP  
2800 One Commerce Square  
2005 Market Street  
Philadelphia, PA 19103  
(215) 851-6700  
(Attorney for Celanese and the Celanese Reinsurers)

Jeff Farkas  
Laura Torrado  
Bear Stearns Investment Products Inc.  
383 Madison Avenue  
New York, NY 10179  
(212) 272-3330  
(Non-Attorney Representative of Bear Stearns)

Michael Winschuh  
Dennis Comstock  
VonWin Capital, L.P.  
60 Madison Avenue, Suite 201  
New York, NY 10011  
(212) 889-1601  
(Attorneys for VonWin Capital)

Dale Stohr  
Angelo, Gordon & Co.  
245 Park Avenue, 26<sup>th</sup> Floor  
New York, NY 10167  
(212) 692-2034

James W. Schacht  
Navigant Consulting, Inc.  
175 West Jackson Blvd., Suite 500  
Chicago, IL 60604  
(312) 583-5700

Michael J. Cawley  
Wilson, Elser, Moskowitz, Eldermen & Dicker LLP  
The Curtis Center  
Suite 1130 East  
Independence Square West  
Philadelphia, PA 19106  
(215) 627-6900  
(Attorney for British Aviation Insurance Group Ltd.)

Laura L. McGrogry, Chief Counsel  
Legal Division  
Industrial Commission of Arizona  
P.O. Box 19070  
Phoenix, AZ 85005-9070  
(Counsel for the Arizona Workers Compensation  
Guaranty Association)

Arthur F. McNulty  
Chief Counsel  
Pennsylvania Insurance Department  
Office of Chief Counsel  
1341 Strawberry Square  
Harrisburg, PA 17120  
(717) 783-1975  
(Counsel for Joel S. Ario,  
Insurance Commissioner of the  
Commonwealth of Pennsylvania)

Jonathan Neiss  
Contrarian Capital Management, LLC  
411 West Putnam Avenue, Suite 225  
Greenwich, CT 06830  
(203) 862-8255

Joseph J. Bellew  
Cozen O'Connor  
Suite 1400, 1201 North Market Street  
Wilmington, DE 19801-1147  
(302) 295-2025  
(Attorney for Hudson News Co., Hudson News  
Distributors, LLC, Magazine Distributors, Inc., and  
MET News Liquidating Trust)

David L. Neale  
Tania M. Moyron  
Levene, Neale, Bender, Rankin & Brill LLP  
10250 Constellation Blvd.  
Suite 1700  
Los Angeles, California 90067  
(310) 229-1234



Timothy P. Law, Esq.  
John Norig Ellison, Esq.  
Reed Smith  
2500 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103-7301  
(215) 851-8100  
(Counsel for Conoco, Inc. and Harlem River Park  
Houses, Inc.)

Nancy K. Tordai, Esq.  
Hanson Peters Nye  
1000 Hart Road, Suite 300  
Barrington, Illinois 60010  
(847) 277-9988

Frank P. DeGiulio  
Palmer Biezup & Henderson  
620 Chestnut Street  
956 Public Ledger Building  
Philadelphia, PA 19106  
(215) 625-9900