

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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

Plaintiff

vs.

Reliance Insurance Company,

Defendant

No. 269 M.D. 2001

2009 JAN 12 P 2:08

RECEIVED AND FILED
COMMONWEALTH COURT
OF PENNSYLVANIA

**REPLY OF JOEL S. ARIO, AS LIQUIDATOR,
TO FRANK D. WALKER'S RESPONSE
TO PETITION FOR APPROVAL OF REPORT AND RECOMMENDATIONS ON
CLAIMS UNDISPUTED AND SETTLED AS OF JUNE 30, 2008**

Joel S. Ario, Insurance Commissioner of the Commonwealth of Pennsylvania, in his official capacity as Statutory Liquidator of Reliance Insurance Company ("Liquidator"), hereby submits his Reply to Frank D. Walker's Response to the Liquidator's Petition for Approval of Report and Recommendations on Claims Undisputed and Settled as of June 30, 2008.

On December 4, 2008, the Liquidator filed his Petition for Approval of Report and Recommendation on Claims Undisputed and Settled as of June 30, 2008 (the "Petition"). Included in his Petition is the request for approval of the Notice of Determination issued by the Liquidator on Proof of Claim number 2120907 filed by Stephan Chan. Thereafter, on December 11, 2008, Mr. Walker served by Fax and Regular Mail a Response to the Petition. In

his Response Mr. Walker requests that any distribution made by Reliance to Mr. Chan be made out to: "Stephen Chan and attorney Frank D. Walker trust account." (§11)

On January 2, 2009, Mr. Walker mailed by USPS Priority Mail to the Commonwealth Court's filing office a Request to Withdraw his Response to the Liquidator's Petition. Please see attached Exhibits A and B, respectively, a fax and email we received from Mr. Walker reflecting our agreement to resolve this dispute since we were provided with a letter from Mr. Chan agreeing that any distribution to be made by Reliance be payable to: "Stephen Chan and attorney Frank D. Walker trust account." A copy of the letter from Mr. Chan is included with the fax attached as Exhibit A.

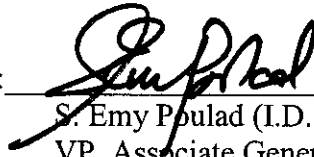
As of close of business day on January 9th 2009, Mr. Walker's request to Withdraw his Response was not reflected as filed on the Docket for this case. However, in light of the letter we received from Mr. Chan and the parties agreement, Mr. Walker's Request is moot.

WHEREFORE, the Liquidator respectfully requests that since the sole objection to his Petition has been resolved, the Court grant his Petition for Approval of Report and Recommendations on Claims Undisputed and Settled as of June 30, 2008.

RELIANCE INSURANCE COMPANY
(IN LIQUIDATION)

Date: January 9, 2009

By: _____

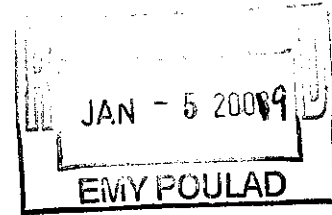


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EXHIBIT A

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Tel. (619) 861-4350
Fax (619) 482-2887



FAX COVER SHEET

Fax Recipient : **S. Emy Poulad**
 Associate General Counsel
 Reliance Insurance Company (in Liquidation)

Recipient's Fax Number : (212) 858-9118

Date Transmitted : Jan. 5, 2009

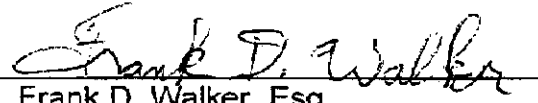
Pages Transmitted : 4 pages (including cover sheet)

Re : Claimant Stephen Chan
 POC Number 2120907
 Claim Number 00047325

Subsequently, an agreement was reached with the Liquidator for Reliance Insurance Company which resolved the issue raised in said Response.

Accordingly, attorney Frank D. Walker hereby respectfully requests that his Response to the Liquidator's Petition be withdrawn and that no action be taken by this Court in connection with any matter raised in the Response.

Dated: January 2, 2009



Frank D. Walker, Esq.
Attorney for STEPHEN CHAN

January 3, 2009

Re: POC Number 2120907
Claim Number 00047325

To: Reliance Insurance Company (in Liquidation)

I am Stephen Chan, the claimant in the above referenced claim.
I hereby request and authorize any check issued in payment of my
claim in this matter, including but not limited to the First Interim Distribution
authorized by the Commonwealth Court of Pennsylvania, to be made
jointly payable to me and to Frank D. Walker's attorney client account .



Stephen Chan

EXHIBIT B



Frank Walker
<frank_walker@mac.com>
01/05/2009 03:16 PM

To Emy.Poulad@RelianceInsurance.com
cc
bcc
Subject Stephen Chan -- POC # 2120907

History: This message has been forwarded.

Emy,

A short while ago I faxed copies of the following documents to your office:

- (1) a 2-page request to withdraw my response to the liquidator's petition -- I sent this request to the Commonwealth Court's filing office in Philadelphia via USPS Priority Mail on Friday, January 2, 2009; and
- (2) Stephen Chan's 1-page letter dated Jan. 3, 2009 authorizing Reliance to make any check issued in payment of his claim jointly payable to himself and to my attorney client account.

My client trust account is maintained with Bank of America. Since that bank refers to such accounts as "attorney client accounts", I request that Reliance use this terminology when any distribution payment check is made out to Stephen Chan. Please note that the same term is used in Mr. Chan's letter.

Accordingly, in order to avoid any problem with my bank when negotiating the check, the check should be made payable to "Stephen Chan and to Frank D. Walker's attorney client account". Of course, this assumes that the Court grants the currently pending petition.

I will mail hard copies of the above-referenced documents to you today.

I appreciate your attention to and courtesy in resolving this matter.

-- Frank Walker
(619) 861-4350

CERTIFICATE OF SERVICE

I, Marilyn K. Kincaid, hereby certify that on or about this day, pursuant to the Court's order of December 12, 2008, service of the foregoing was made on the attached 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, and via first class U.S. Mail, as follows:

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(Counsel for Stephen Chan)

Dated: January 12, 2009



MARILYN K. KINKAID

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v.

Reliance Insurance Company

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