

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Joel S. Ario, :  
Insurance Commissioner of the :  
Commonwealth of Pennsylvania, :  
Plaintiff :  
v. :  
Reliance Insurance Company, :  
Defendant. :

No. 269 M.D. 2001

*IN RE: Republic Western Insurance Company*

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CLERK OF COURT

**ORDER**

AND NOW, this \_\_\_ day of \_\_\_\_\_, 2009, upon consideration of Republic Western Insurance Company's ("RepWest") *Petition for Leave to File Confidential Arbitration Award under Seal* ("Petition to Seal") in the above-captioned matter, the Court orders that the Petition to Seal is hereby **GRANTED; FURTHER**, RepWest is **PERMITTED** to file under seal the confidential arbitration award ("Award") marked as "**Sealed Exhibit A**" to the Petition to Seal; and **FURTHER**, the Chief Clerk is directed to file the Award, marked as "**Sealed Exhibit A**" to the Petition to Seal, **UNDER SEAL**, and to maintain the document as SEALED, as well as take all necessary and appropriate precautions to prevent the public disclosure of the confidential affidavit until further Order of this Court.

Further, counsel for RepWest is directed to serve a copy of this Order upon those listed on the Master Service List and file an affidavit that service has been effectuated with the Court.

\_\_\_\_\_  
BONNIE BRIGANCE LEADBETTER  
President Judge

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No. 269 M.D. 2001

2001-09-18 P 3:10  
FILED

*IN RE: Republic Western Insurance Company*

**PETITION OF REPUBLIC WESTERN INSURANCE COMPANY  
FOR LEAVE TO FILE CONFIDENTIAL ARBITRATION AWARD UNDER SEAL**

Republic Western Insurance Company (hereinafter "RepWest" or "Petitioner"), by and through its undersigned attorneys, Palmer Biezup & Henderson, LLP, respectfully requests that this Honorable Court grant leave to file a final award ("Award") issued in a confidential arbitration proceeding conducted between RepWest and the Statutory Liquidator ("Liquidator") of Reliance Insurance Company ("Reliance") under seal (attached hereto as Sealed Exhibit "A"), and enter an Order directing the Chief Clerk of the Commonwealth Court to file the Award under seal. The Award is being submitted in support of RepWest's *Petition For Leave to Intervene, for Relief from Stay and for Leave to File Petition to Declare Right of Setoff, Declaratory Judgment and for Injunctive Relief* ("Petition to Intervene"). In support of this Petition, RepWest avers the following:

1. Simultaneously with this Petition, RepWest is filing the Petition to Intervene which seeks, among other relief, an Order approving setoff of amounts due to the Liquidator under the Award against amounts due to RepWest under certain reinsurance agreements identified in the Petition to Intervene.

2. The Petition to Intervene is supported in part by the Award.

3. Preserving the confidentiality of the information contained in the Award will serve important governmental interests, including enhancing the efficiency and economy of liquidation, and protecting the “interests of insureds, creditors and the public generally...” See, 40 P.S. §221.1(c); §221.23.

4. The Award contains sensitive information and is subject to a confidentiality agreement between the Liquidator and RepWest. It would be highly prejudicial to RepWest, the Liquidator and/or creditors and policyholders of Reliance if the Award were disclosed to the public or other entities involved in the Reliance litigation.

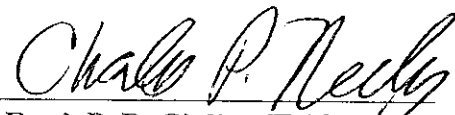
5. RepWest requests that, in resolving this Petition, the Court review the Award *in camera*, grant the Petition, and direct the Chief Clerk to file the Award under seal. Should the Court be inclined to deny the Petition, RepWest respectfully requests that the Court permit RepWest the opportunity to withdraw this Petition to avoid any prejudice to RepWest, the Liquidator, the estate of Reliance, and its creditors and policyholders, which may occur if the Award is publicly disclosed.

WHEREFORE, RepWest respectfully requests that this Court enter an Order in the form attached hereto (1) granting RepWest leave to file the Award under seal as Sealed Exhibit "A" to this Petition, and (2) directing the Chief Clerk of the Commonwealth Court to file the Award under seal as Sealed Exhibit A to this Petition.

Dated: April 8, 2009

PALMER BIEZUP & HENDERSON LLP

By:



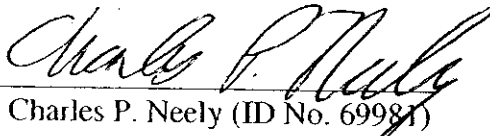
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## VERIFICATION

I, Charles p. Neely, hereby Verify that the facts as set forth in the foregoing pleading are true and correct to the best of my knowledge, information and belief.

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

By:   
Charles P. Neely (ID No. 69981)

Dated: April 8, 2009

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

Plaintiff,

v.

RELIANCE INSURANCE COMPANY,

Defendant.

No. 269 M.D. 2001

*IN RE: Republic Western Insurance Company*

AFFIDAVIT OF SERVICE

The undersigned hereby certifies that service of a true and correct copy of the attached *Petition for Leave to File Confidential Arbitration Award under Seal* was served on all counsel on the master service list via first class mail on April 8, 2009

Dated: April 8, 2009

PALMER BIEZUP & HENDERSON LLP

By: Charles P. Neely

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**EXHIBIT A  
FILED UNDER  
SEAL**