

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

RECEIVED AND FILED
COMMONWEALTH COURT
OF PA (PHILA)
2010 JAN 28 P 3:11

RE: Liquidator's Petition for Second Interim Distribution

**MASSACHUSETTS INSURERS INSOLVENCY FUND'S
CONSENTED TO MOTION FOR THIRTY DAY EXTENSION TO FILE PAPERS IN
SUPPORT OF OBJECTION
TO LIQUIDATOR'S PETITION FOR SECOND INTERIM DISTRIBUTION**

Now comes the Massachusetts Insurers Insolvency Fund (the "Massachusetts Fund") and moves for a thirty day extension in the deadline for filing papers in support of its objection to the Liquidator's Petition for Second Interim Distribution ("Interim Distribution Petition"). In support of this motion, the Massachusetts Fund states as follows:

1. On or about December 29, 2009, the Liquidator filed its Interim Distribution Petition.
2. The Massachusetts Fund objects to certain positions in the Interim Distribution Petition, including, *inter alia*, the Liquidator's position with respect to the application of 40 P.S. § 221.61(b) to the Massachusetts Fund.
3. Under this Court's Case Management Order dated December 12, 2008 regarding Revising Procedures for Filing and Service, a response by any interested party to any filing by the Liquidator must be filed within thirty (30) days of filing or service, unless the Court orders otherwise or as agreed by the parties.

4. The Massachusetts Fund has requested that the Liquidator agree to a thirty (30) day extension of the time to file a response to the Interim Distribution Petition in support of the Massachusetts Fund's objection to the Interim Distribution Petition, and the Liquidator is agreeable to such extension.

5. The Massachusetts Fund has been advised by the Liquidator that the Liquidator intends to seek approval to make distributions based on the cumulative Second Interim Distribution Percentage to the Claimants defined in the Interim Distribution Petition as Eligible Claimants, notwithstanding the pendency of the Massachusetts Fund's objection but without prejudice to the rights of the Massachusetts Fund. The Liquidator has further advised that such distribution to Eligible Claimants based on the cumulative Second Interim Distribution Percentage does not pose a substantial risk of distributions based on a percentage less than the Second Interim Distribution Percentage to Claimants defined in the Interim Distribution Petition as Ineligible Claimants or future Ineligible Claimants (not including guaranty associations) and/or the Massachusetts Fund on their claims against the Reliance Estate in the event such Ineligible Claimants and/or the Massachusetts Fund are determined to be entitled to a distribution of the entire applicable Special Deposit, as well as distributions from the Reliance Estate based on the same distribution percentage as Eligible Claimants. Accordingly, while reserving its right to object to the Interim Distribution Petition including the Liquidator's assertion with respect to the application of 40 P.S. §221.61(b) to the Massachusetts Fund, the Massachusetts Fund does not intend to object to the Liquidator's request for approval to make such cumulative Second Interim Distribution to Eligible Claimants.

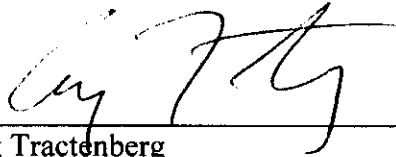
6. Counsel for the Liquidator, Sheila Branyan, has consented to this motion.

WHEREFORE, the Massachusetts Fund respectfully requests that this Court grant this motion and extend the time for the Massachusetts Fund to file papers in support of its objection to the Liquidator's Petition for Second Interim Distribution up to and including March 1, 2010.

Respectfully submitted,

MASSACHUSETTS INSURERS
INSOLVENCY FUND

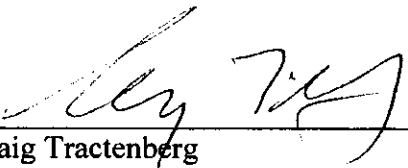
By its attorneys,

A handwritten signature in black ink, appearing to read "Craig Tractenberg", is written over a horizontal line.

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CERTIFICATE OF SERVICE

I, Craig Tractenberg, hereby certify that on or about this day, pursuant to the Court's Order of April 1, 2004 and December 12, 2008, service of the foregoing Massachusetts Insurers Insolvency Fund's Consented to Motion for Thirty Day Extension to File Papers in Support of its Objection to Liquidator's Petition for Second Interim Distribution was provided by sending a copy via first class mail to the attached Master Service List.



Craig Tractenberg

Master Service List

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v.

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

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