

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

M. Diane Koken,
Insurance Commissioner of the
Commonwealth of Pennsylvania,
Plaintiff

v.

Reliance Insurance Company,
Defendant

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: No. 269 M.D. 2001

ORDER

AND NOW, this 31st day of July 2001, the Court has considered the Rehabilitator's Petition to Extend the 60-Day Stay Pursuant to Paragraph 22 of the Commonwealth Court's May 29, 2001 Order, which requests this Court to stay litigation pending in courts outside the Commonwealth of Pennsylvania pursuant to 40 P.S. §221.15 (c) and 40 P.S. §221.5 (a). This Court concludes that the petition does not establish this Court's authority to enter an order enjoining the actions listed in Exhibit A. Therefore, the petition is **DENIED**. However, this Court notes that pursuant to 40 P.S. 221.5 (b) and 40 P.S. §221.17 (a) the Rehabilitator "shall petition the courts having jurisdiction over ... litigation for stays whenever necessary to protect the estate of the insurer." 40 P.S. §221.17 (a). Therefore, if an appropriate order is filed with the Court, the Court will consider entering an order authorizing the Rehabilitator to request a stay in any Court of the

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United States and stating that said request has been authorized by this Court pursuant to 40 P.S. §221.17(a).


JAMES GARDNER COLINS, Judge

Certified from the Record

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and Order Exit

EXHIBIT "A"

1. **Bank One:**

In re Bank One Securities Litigation, United States District Court for the Northern District of Illinois (Eastern Division), No. 00-CV-0767 (First Chicago).

Levitan v. McCoy, United States District Court for the Northern District of Illinois, No. 00-CV-5096 (First Commerce).

Kenneth Carlson, et al. v. McCoy, et al., United States District Court for the Eastern District of Texas, No. 500CV 259

In re Old Banc One Shareholders Securities Litig., United States District Court for the Northern District of Illinois, No. 2100.

2. **Bank of America:**

In re BankAmerica Corp. Securities Litigation, United States District Court for the Eastern District of Missouri (Eastern Division), MDL No. 1264.

3. **Marine Military Academy:**

John Peter, et al. v. Marine Military Academy, 197th Judicial District Court, Cameron County, Texas, Cause # 98-07-2761-C;

Debbie Wayne, et al. v. Marine Military Academy, et al., 197th Judicial District Court, Cameron County, Texas, Cause # 98-01-119-C;

Samuel Elza v. Marine Military Academy, et al., 197th Judicial District Court, Cameron County, Texas, Cause # 99-02-863-C;

Parents of John Doe, et al. v. Marine Military Academy, 404th Judicial District Court, Cameron County, Texas, Cause # 97-11-7227-E.

4. **Towers, Perrin, Forster & Crosby:**

The Los Angeles County Employees Retirement Association, et al. v. Towers, Perrin, Forster & Crosby, Inc., et al., United States District Court

for the Central District of California (Western Division), Case No. CV-01-1351-DDP (CTX).

5. Oxford Health Plans:

In re Oxford Health Plans, Inc. Securities Litigation and In re Oxford Health Plans, Inc. Derivative Litigation, United States District Court for the Southern District of New York, MDL Docket No. 1222-D (CLB).

6. Xerox, Inc.:

Russell Carlson, et al. v. Xerox Corporation, et al., United States District Court for the District of Connecticut, Case No. 3:00-CV-1621 (securities class action);

In re Xerox Derivative Actions, Index No. 00-114687, Supreme Court of the State of New York, County of New York.

7. Kutak Rock:

Waynesburg College, et al. v. Terry L. Church, et al., United States District Court for the Southern District of West Virginia, Civil Action No.: 1-00-CV-0081.

8. Cell Pathways:

In re Cell Pathway Securities Litig., United States District Court for the Eastern District of Pennsylvania, Master.

Robert Frutkin, et al. v. Cell Pathways, Inc., et al., United States District Court of Pennsylvania, Civil Action No. 01-CV-1348.

9. Foxmeyer Health Corp.:

Zuckerman v. Foxmeyer Health Corp., et al., United States District Court for the Northern District of Texas, Case No. 3-96CV-2258-t.

10. Cendant:

In re Cendant Corp. Derivative Action, United States District Court for New Jersey, No. 98-1998.

Dr. Phoebe T. Corwin, et al. v. Henry R. Silverman, Delaware Chancery Court, New Castle County, C.A. No. 16347.11. **Fruit of the Loom, Inc.:**

11. Fruit of the Loom, Inc.:

New England Health Care Employees Pension Fund v. Fruit of the Loom, Inc., et al., United States District Court for the Western District of Kentucky (Bowling Green Division) No. 1:98-CV-99M.

Carol Bradley, derivatively on behalf of Fruit of the Loom, Inc. v. William Farley, et al., United States District Court for the Western District of Kentucky (Bowling Green Division), No. 1:98-CV-149M.

12. Columbia/HCA:

Sidney Morse v. R. Clayton McWhorter, et al., United States District Court for the Middle District of Tennessee, Civil Action No. 3-97-0370.

H. Carl McCall, et al. v. Richard L. Scott, et al., United States District Court for the Middle District of Tennessee, Civil Action No. 3-97-0838.

Charles Ferguson v. Columbia/HCA Healthcare Corp., et al., Circuit Court for Washington County, Tennessee, Case No. 18679.

Kemp Hoop et al. v. Columbia/HCA Healthcare Corporation, et al., District Court of Johnson County, Texas, 249th Judicial District, Case No. 249-171-97.

13. IKON Office Solutions, Inc.:

Whetman, et al., v. IKON Office Solutions, Inc., et al., MDL Docket No. 1318 (E.D.Pa.).

14. United Companies Financial Corp.:

Charles James Myer v. U.S. Trust Co. of Calif., United States District Court for the Middle District of Louisiana, No. 00-147-D-M3.

Amy Bergeron, et al. v. U.S. Trust Co. of Calif., et al., United States District Court for the Middle District of Louisiana, No. 00-174-D-M3.

Rebecca Donaldson, et al. v. U.S. Trust Co. of Calif., et al., United States District Court for the Middle District of Louisiana, No. 00-509-D-M3. Three cases have been consolidated.

15. **Synagro Technologies, Inc.:**

Jessica Tristan Lopez, et al. v. Nicky Lee Framer, et al. and Synagro,
135th Judicial District, District Court of Jackson County, TX, Cause No. 99-
1-11337.

16. **Woodbridge Films:**

Fuji Bank, Claimant v. Woodbridge Films, Respondent (arbitration).

17. **Allegheny Health Education and Research Foundation
(AHERF):**

In re Allegheny Health Education and Research Foundation, et al., United
States District Court for the Western District of Pennsylvania, Miscellaneous
No.: 00-40; Civil Action No.: 99-854, 99-1124, 99-1125, 99-1907, 99-2069;
00-231, 00-668, 00-2019, 00-2081, 01-04, 01-270, 01-441, 01-493; and all
other related proceedings.