

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Michael F. Consedine,
Insurance Commissioner of
the Commonwealth of Pennsylvania,
Plaintiff

v.

American Integrity Insurance Company,
Defendant

No. 194 M.D. 1993

ORDER

AND NOW, this 9th day of June, 2011, upon consideration of the Liquidator's Motion to Approve Final Accounting and Petition for Distribution and Discharge, and it appearing from the record that there are no pending objections to the Liquidator's Final Accounting and Petition for Distribution and Discharge (filed October 28, 2010) (Petition), the Court **ORDERS** as follows:

1. The Liquidator's final accounting, attached as Exhibit A to the Petition, is **APPROVED**.

2. The Liquidator's proposed distribution of assets as set forth in paragraph 6 of the Petition is **APPROVED** and the Liquidator is authorized to proceed with the distribution.

3. The request for disposition of records pursuant to Section 550 of The Insurance Department Act of 1921, Act of May 17, 1921, P.L. 789, added by the Act of December 14, 1977, P.L. 280, *as amended*, 40 P.S. § 221.50, is **DENIED** *without prejudice*. The Liquidator may file a more specific recommendation for disposition of records either before or after termination of this liquidation proceeding.

4. The Liquidator's request that any future, but unanticipated, assets he receives or recovers on behalf of American Integrity Insurance Company (In Liquidation) be used to satisfy any unreimbursed administrative expenses incurred by the Liquidator is **DENIED** *without prejudice*.¹ The Liquidator may file a more specific request for disposition of such assets, if they exist, to be considered in the context of an application for discharge pursuant to Section 548 of the Act, 40 P.S. § 221.48.

5. The Liquidator's request for discharge pursuant to Section 548 of the Act is **DENIED** *without prejudice*, as it is premature. Under Section 548, an application for discharge is only appropriate "[w]hen all assets justifying the expense of collection and distribution have been collected *and distributed*." (Emphasis added.)



P. KEVIN BROBSON, Judge

Certified from the Record

JUN 10 2011

And Order Exit

¹ The Court notes that in approving the Liquidator's proposed distribution of assets, administrative expenses (class (a) claims) will be paid at a rate of 100%. Thus, it is unclear what the Liquidator is referring to in his Petition as "unreimbursed administrative expenses incurred by the Liquidator."