



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

December 23, 2013

Michael F. Krimmel, Chief Clerk  
Commonwealth Court of Pennsylvania  
601 Commonwealth Avenue, Suite 2100  
P.O. Box 69185  
Harrisburg, PA 17120-9185

*Re: Tilcon New York, Inc. v. First Sealord Surety (In Liquidation)  
No. 7 FSS 2012  
Ancillary to In Re: First Sealord Surety, Inc. (In Liquidation)  
No. 1 FSS 2012*

2013 DEC 23 A 9:39  
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COMMONWEALTH COURT  
OF PENNSYLVANIA

Dear Mr. Krimmel:

Attached please find an original and one copy of the Liquidator's Application to Close Case with regard to the above-referenced matter.

As directed by the Court's Order, we are also enclosing copies of the documents on a computer disk.

Thank you for your assistance in this matter.

Very truly yours,

Preston M. Buckman  
Insurance Department Counsel

PMB:drh

Enclosures



IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Tilcon New York, Inc., :  
 :  
 Objector, :  
 :  
 v. :  
 :  
 :  
 :  
 First Sealord Surety (In Liquidation), :  
 :  
 (Ancillary to IN RE: First Sealord Surety, :  
 Inc., In Liquidation, No. 1 FSS 2012) :

Objection to Notice of Determination  
 :  
 :  
 Re: Proof of Claim No. 92  
 Notice of Determination No. 92  
 :  
 :  
 No. 7 FSS 2012  
 :

RECEIVED & FILED  
COMMONWEALTH COURT  
OF PENNSYLVANIA  
2013 DEC 23 A 9:39

**APPLICATION TO CLOSE CASE**

Applicant, Michael F. Consedine, Insurance Commissioner of the Commonwealth of Pennsylvania, in his official capacity as the Statutory Liquidator (“Liquidator”) of First Sealord Surety, Inc. (“FSSI”), pursuant to Pa.R.A.P. 3776, respectfully applies to this Court for an Order that formally closes this claim objection case in the FSSI estate that has been resolved yet remains open on this Court’s docket. In support of the Application, the Liquidator avers the following:

**BACKGROUND**

1. FSSI was placed in liquidation pursuant to this Court’s Order dated February 8, 2012 (“Liquidation Order”).

2. Part of the liquidation process includes the filing of proofs of claim (“POC”) by claimants seeking to share in the distribution of the estate’s assets.

3. Upon receipt of a POC, the Liquidator, unless otherwise ordered by this Court, is required to issue a written notice of determination (“NOD”) within 180 days of the filing of the POC, unless the Liquidator seeks additional information on the claim.

4. Upon receipt of a NOD, a claimant may object to the Liquidator’s determination by filing an objection with this Court within 60 days of the mailing date on the NOD.

5. When the Liquidator receives an objection to a NOD, the Liquidator must promptly acknowledge receipt of the objection, contact the claimant, and attempt to resolve the objection. If the objection is not resolved within 60 days, the Liquidator must file a written response to the objection with this Court.

6. Oftentimes, objections to NODs are resolved as a result of the communications or negotiations between the Liquidator and the claimant without the need for the filing of a response or any involvement by this Court.

7. When an objection to a NOD is resolved as a result of communications or negotiations between the Liquidator and the claimant, the objection to the relevant NOD must be formally withdrawn by the claimant through the filing of a praecipe with this Court indicating that the objection is being withdrawn and requesting that the case be closed. If this is not done, the case can remain as an open matter on the docket.

8. By this Application, the Liquidator is seeking an Order that formally closes this claim objection case that has been resolved but that remains as an open matter on the FSSI docket.

9. The Liquidator has received the agreement of counsel to make this filing seeking the closure of this claim objection case. (See Exhibit "A" for the indication of agreement from counsel to the relief requested in this Application).

WHEREFORE, the Liquidator respectfully requests that this Court grant his Application and enter an Order in the form attached hereto, and grant such other relief as the Court shall determine appropriate and just.

Respectfully submitted:

By: 

Preston M. Buckman (I.D. No. 57570)  
PA Office of General Counsel  
Pennsylvania Insurance Department  
Office of Liquidations, Rehabilitations  
and Special Funds  
901 North 7<sup>th</sup> Street  
Harrisburg, PA 17102  
(717) 787-6009

Attorney for Applicant, Michael F. Consedine, Insurance Commissioner of the Commonwealth of Pennsylvania, in his Official Capacity as Liquidator of First Sealord Surety, Inc. (In Liquidation)

Date: 12/23/13

# **EXHIBIT A**

## Haag, Dennis

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**From:** Joseph Haftek [jhaftek@tesseractcohen.com]  
**Sent:** Wednesday, November 06, 2013 5:43 PM  
**To:** Haag, Dennis  
**Subject:** RE: First Sealord Surety - Tilcon New York

Dennis,

That is fine. Thanks.

Sincerely,

Joe Haftek

Joseph R. Haftek, Jr., Esq.  
Tesser & Cohen, Attorneys at Law  
Phone: (201) 343-1100 | Ext. 106  
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**From:** Haag, Dennis [<mailto:c-dhaag@pa.gov>]  
**Sent:** Monday, November 04, 2013 3:39 PM  
**To:** Joseph Haftek  
**Subject:** First Sealord Surety - Tilcon New York  
**Importance:** High

Mr. Haftek,

We had corresponded earlier this year regarding a claim filed by Tilcon New York against Altchem, a First Sealord bonded principal. We had issued a Notice of Determination which Tilcon objected. That objection was eventually resolved as a settlement was reached between Tilcon and Altchem.

The objection to our Notice of Determination still reflects as being open on the Commonwealth Court's docket and we will need to file applications to close the case. We are, at this time, reaching out to you to inform you of the proposed filing and ask that you respond to this email stating that you have no objection to our closing of the docket.

Thank you for your cooperation. Please contact me with any questions you may have regarding this.

**Dennis Haag | Chief**  
Insurance Department | Bureau of Liquidations & Rehabilitations  
901 N. 7th Street | Harrisburg PA 17102  
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## CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding in accordance with the requirements of 1 Pa. Code Chapter 33 in the following manner:

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Counsel for the Statutory Liquidator of First  
Sealord Surety, Inc. (In Liquidation)

DATED: \_\_\_\_\_

12/23/13