



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

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

*Re: Miami – Dade County v. First Sealord Surety (In Liquidation)
No. 6 FSS 2012
Ancillary to In Re: First Sealord Surety, Inc. (In Liquidation)
No. 1 FSS 2012*

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

Miami – Dade County, : Objection to Notice of Determination
 :
 Objector, :
 :
 v. : Re: Proof of Claim No. 124
 : Notice of Determination No. 124
 :
 First Sealord Surety (In Liquidation), :
 :
 (Ancillary to IN RE: First Sealord Surety, : No. 6 FSS 2012
 Inc., In Liquidation, No. 1 FSS 2012) :

RE: APPLICATION TO CLOSE CASE

ORDER

AND NOW, this ____ day of _____, 2014, upon consideration of the Liquidator’s Application to Close Case (“Application”), to which counsel has expressed agreement and to which no other objections have been received, it is hereby ORDERED and DECREED:

1. The Application is GRANTED; and
2. This case is closed and should be designated as such by the Chief Clerk.

BONNIE BRIGANCE LEADBETTER, Judge

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Miami – Dade County, : Objection to Notice of Determination
 :
 Objector, :
 :
 v. : Re: Proof of Claim No. 124
 : Notice of Determination No. 124
 :
 First Sealord Surety (In Liquidation), :
 :
 (Ancillary to IN RE: First Sealord Surety, : No. 6 FSS 2012
 Inc., In Liquidation, No. 1 FSS 2012) :

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

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.

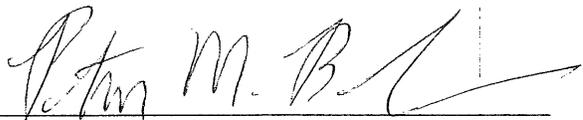
7. When an objection to a NOD is resolved as a result of communications or negotiations between the Liquidator and the claimant, the objection to the relevant NOD must be formally withdrawn by the claimant through the filing of a praecipe with this Court indicating that the objection is being withdrawn 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 7th 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

From: Gonzalez, Eduardo (CAO) [ewg@miamidade.gov]
Sent: Thursday, November 07, 2013 4:50 PM
To: Haag, Dennis
Cc: Rizo, Monica (CAO)
Subject: RE: First Sealord Surety (In Liquidation)
Attachments: 20131107163344963.pdf; 20131107163417645.pdf

Mr. Haag:

This email confirms that Miami-Dade County (the "County") does not object to the **Amended** Notice of Determination in NOD # 124 POC # 124. The **Amended** Notice of Determination for NOD # 124 POC # 124 is dated February 6, 2013 and values the claim at \$300,000.00. Attached is a signed Praecepto to Withdraw Objection that withdraws the objection the County filed in response to the initial Notice of Determination for POC # 124.

This email also confirms that the County does not object to the **Amended** Notice of Determination in NOD # 276 POC # 276. The **Amended** Notice of Determination for NOD # 276 POC # 276 is dated November 19, 2012 and values the claim at \$487,415.87. Attached is a signed Praecepto to Withdraw Objection that withdraws the objection the County filed in response to the initial Notice of Determination for POC # 276.

Please confirm that this affirmation is sufficient.

Eduardo W. Gonzalez
Assistant County Attorney
Miami-Dade County Attorney's Office
111 NW First Street
Suite 2810
Miami, Florida 33128
email: ewg@miamidade.gov
tel: 305-375-1057

From: Haag, Dennis [mailto:c-dhaag@pa.gov]
Sent: Thursday, November 07, 2013 3:14 PM
To: Gonzalez, Eduardo (CAO)
Subject: First Sealord Surety (In Liquidation)

Mr. Gonzalez,

Pursuant to our earlier conversation, I am writing regarding claims filed by the County of Miami-Dade against First Sealord Surety bond principals, specifically, ISM Roofing and DiObra Construction. In both matters, Notices of Determination were issued, and objections were filed by Miami-Dade.

Those objections was eventually resolved and our office issued Amended Notices of Determination.

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

Phone: 717.787.7823 | Fax 717.783-9326

www.insurance.pa.gov | www.chipcoverspakids.com

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Miami – Dade County

Objector,

v.

First Sealord Surety., (In Liquidation)

(Ancillary to IN RE: First Sealord Surety
(In Liquidation)
No. 1 FSS 2012

Objection to Notice of
Determination

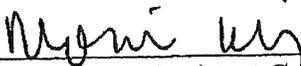
Re: Proof of Claim No. 124
Notice of Determination
No. 124

No. 6 FSS 2012

PRAECIPE TO WITHDRAW OBJECTION

To the Clerk of Court:

Kindly withdraw the Objector's Objection to Notice of Determination and mark the above-captioned matter as DISCOUNTED and ENDED with Prejudice.



Monica Rizo, Assistant County Attorney

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:

Service by first-class mail, addressed as follows:

Douglas Y. Christian, Esquire
christiand@ballardspahr.com
Benjamin M. Schmidt, Esquire
schmidt@ballardspahr.com
Ballard Spahr LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103
(215) 665-8500
(215) 864-8999 (fax)

Jeffrey M. Lesser, Esquire
lesser@jeffreymlesser.com
39040 West Seven Mile Road
Livonia, Michigan 48152
(734) 464-3603
(734) 464-3605 (fax)

David L. Swimmer, Esquire
dls@dlsPALAW.com
7990 SW 117th Avenue, Suite 100
Miami, FL 33183
(305) 274-1222
(305) 595-0470 (fax)

Christopher J. Azzara, Esquire
cazzara@smgglaw.com
Strassburger McKenna Gutnick & Gefsky
Four Gateway Center, Suite 2200
444 Liberty Avenue
Pittsburgh, PA 15222
(412) 281-5423
(412) 281-8264 (fax)

Daniel C. Hudock, Esquire
McDonald, Snyder & Lightcap, P.C.
1004 Ligonier Street, 4th Floor
P.O. Box 758
Latrobe, PA 15650
(724) 539-3511
(724) 539-3527 (fax)

Kenneth A. DeKoven, Esquire
k.dekoven@argopartners.net
Argo Partners
12 West 37th Street, 9th Floor
New York, New York 10018
(212) 643-5456
(212) 643-6401 (fax)

Chris Oh
coh@liquiditysolutions.com
Liquidity Solutions, Inc.
1 University Plaza, Suite 312
Hackensack, NJ 07601
(201) 968-0001 ext. 142
(201) 968-0010 (fax)

Damon Diederich, Esquire
diederichd@insurance.ca.gov
Corporate and Regulatory Affairs
California Department of Insurance
45 Fremont Street, 24th Floor
San Francisco, CA 94105
(415) 538-4406
(415) 904-5729 (fax)

Judith Anderson, Sr. Asst. Attorney General
Judith.k.anderson@doj.state.or.us
Oregon Department of Justice
General Counsel, Business Activities
1162 Court Street, N.E.
Salem, OR 97310
(503) 947-4540
(503) 378-3784 (fax)

Eduardo W. Gonzalez, Assistant County Attorney
ewg@miamidade.gov
Miami-Dade County Attorney's Office
111 NW First Street, Suite 2810
Miami, FL 33128
(305) 375-1057

Joseph R. Haftek, Jr., Esquire
jhaftek@tesseractcohen.com
Tesser & Cohen
946 Main Street
Hackensack, NJ 07601
(201) 343-1100 Ext. 106
(201) 343-0885 (fax)



PRESTON M. BUCKMAN (I.D. #57570)
Insurance Department Counsel
Office of Liquidations, Rehabilitations
& Special Funds
Governor's Office of General Counsel
Capital Associates Building
901 North 7th Street
Harrisburg, PA 17102
(717) 787-6009

DATED: 12/23/13

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