

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: Lincoln General Insurance Company :
In Liquidation : No. 1 LIN 2015

**APPLICATION FOR APPROVAL OF REPORT AND RECOMMENDATIONS
ON LINCOLN GENERAL INSURANCE COMPANY CLAIMS
UNDISPUTED AND RESOLVED FROM JANUARY 1, 2018 TO DECEMBER 31, 2018**

Applicant, Jessica K. Altman, Insurance Commissioner of the Commonwealth of Pennsylvania, in her official capacity as the Statutory Liquidator (“Liquidator”) of Lincoln General Insurance Company (“Lincoln”), pursuant to Pa.R.A.P. 3784(a) and 40 P.S. § 221.45, respectfully applies to this Court for an Order approving her Report and Recommendations on Lincoln General Insurance Company Claims Undisputed and Resolved from January 1, 2018 to December 31, 2018. In support of her Application, the Liquidator avers the following:

BACKGROUND

1. Then Insurance Commissioner Teresa D. Miller, and her successor in office, was appointed Statutory Liquidator of Lincoln pursuant to this Court’s Order dated November 5, 2015 (“Liquidation Order”). Jessica K. Altman succeeded Ms. Miller in August 2017, and is now the Insurance Commissioner and Statutory Liquidator of Lincoln.

2. The Liquidation Order provided that “in addition to the notice requirements of Section 524 of Article V,¹ 40 P.S. § 221.24, the Liquidator shall publish notice in newspapers of general circulation, where Lincoln has its principal places of business that: (a) specifies the last

¹See The Insurance Department Act of 1921, Act of May 17, 1921, P.L. 789, as amended, 40 P.S. §§ 221.1 – 221.63. (This footnote is added here, and is not contained in the text of the Liquidation Order that is being quoted in paragraph 2).

day for the filing of claims; (b) explains the procedure by which claims may be submitted to the Liquidator; (c) provides the address of the Liquidator's office for the submission of claims; and (d) notifies the public of the right to present a claim, or claims, to the Liquidator." See Liquidation Order, ¶15. By November 23, 2015, the Liquidator provided Notice of the Liquidation Order and a Q&A document that, *inter alia*, informed all interested parties to download a Proof of Claim ("POC") form from the Insurance Department's website, or call for a copy of the POC form.

3. 40 P.S. § 221.45 requires the Liquidator to present to the Court a report of the claims against the insurer with recommendations, including the name and address of each claimant, the particulars of the claim, and the amount of the claim finally recommended, if any. Pa.R.A.P. 3784(a) further refines 40 P.S. § 221.45, and requires the Liquidator to present to the Court a report of the claims against the insurer's estate that have been resolved, with recommendations, including the information required by 40 P.S. § 221.45, as well as the priority class, and whether the claim determination was finalized because no objection was filed, no exceptions were taken to a referee's recommended decision, a recommended decision was sustained by the Court or the parties agreed to a settlement.

REPORT AND RECOMMENDATIONS ON CLAIMS
UNDISPUTED AND RESOLVED AS OF DECEMBER 31, 2018

4. The Liquidator's Report and Recommendations on Lincoln General Insurance Company Claims Undisputed and Resolved from January 1, 2018 to December 31, 2018, is comprised of two parts and attached hereto as Exhibits A and B (collectively referred to as "Report"). The claims are sorted alphabetically, within each class, by the claimant's last name or company name. The amount claimed by the claimant, *inter alia*, is also included in the Report.²

²If the claimant did not indicate a specific claim amount on the Proof of Claim, the claimed amount is noted as \$0.

5. The first part of the Report, which addresses claims that were determined and finalized without objection, and are referred to as “Undisputed Claims”, reflects Notices of Determinations (“NODs”) issued by the Liquidator for which the objection period expired on or before December 31, 2018. In this Report, the Liquidator respectfully submits her recommendations for a total of 37 Undisputed Claims with an allowed amount of \$149,754.98, in accordance with Pa.R.A.P. 3784(a) and 40 P.S. § 221.45, for this Court’s approval. The list of Undisputed Claims is attached hereto as Exhibit A.

6. The second part of the Report, which addresses claims that were determined and finalized because no exceptions were taken to a referee’s recommended decision, a recommended decision was sustained by the Court or the parties agreed to a settlement, and are referred to as “Resolved Claims”, is a list of the disputed claims to which objections were filed and resolved on or before December 31, 2018. There were no Resolved Claims during calendar year 2018, as reflected in Exhibit B attached hereto.

7. As set forth in Exhibits A and B, the Liquidator respectfully submits her recommendations for a total of 37 claims with a total allowed amount of \$149,754.98 in accordance with Pa.R.A.P. 3784(a) and 40 P.S. § 221.45 for this Court’s approval.

8. In fulfilling her statutory requirements, the Liquidator carefully reviewed all documentation submitted by the claimants in support of the claims and independently determined the merit, classification and value of each claim, as required by Article V. See 40 P.S. §§ 221.37, 221.38, 221.44, 221.45.

9. Given the discretion afforded the Liquidator pursuant to 40 P.S. § 221.45(a) to “comport, compromise, or in any other manner negotiate the amount for which claims will be recommended to the court,” the Liquidator believes that the classification and amounts she has

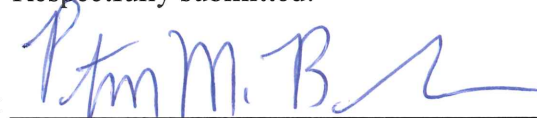
determined for the reported claims are appropriate, fair and equitable and consistent with the relevant provisions of Article V. The Liquidator further believes that the approval of the claims listed in the attached Report is in the best interests of the Lincoln estate claimants and other creditors.

10. Pursuant to Pa.R.A.P. 3784(a) and 40 P.S. § 221.45(b), the Liquidator respectfully requests that this Court approve the classification and allowed amount of the claims listed in the Report and allow the claimants listed in the Report or their lawful assignees to receive a distribution in accordance with 40.P.S. § 221.44 at the time and in the manner as approved by this Court.

WHEREFORE, the Liquidator respectfully requests that this Court grant her Application and approve and allow the claims as listed in the Report attached as Exhibits A and B, 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) 886-2080

Attorney for Jessica K. Altman, Insurance
Commissioner of the Commonwealth of
Pennsylvania, in her Official Capacity as
Statutory Liquidator of Lincoln General
Insurance Company (In Liquidation)

Dated:

1/7/19

EXHIBIT A

Undisputed and Resolved Claims

Undisputed Claims

LINCOLN GENERAL INSURANCE COMPANY

Report Period: 01/01/2018 thru 12/31/2018

Number of Undisputed Claims:	37	Amount Claimed:	11,247,010.74	Amount Approved:	149,754.98
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Undisputed and Resolved Claims
Undisputed Claims

LINCOLN GENERAL INSURANCE COMPANY

Report Period: 01/01/2018 thru 12/31/2018

Name	Address	POC #	POC Received Dt	Claim Numbers	Class	Total Claimed Amt	Total Allowed Amt	Claim Particulars
ASSIGNED RISK SOLUTIONS LTD	ASSIGNED RISK SOLUTIONS LTD 999 STEWART AVE SUITE 200 BETHPAGE, NY 11758	2444	12/17/2015		B	0.00	8,476.25	POST LIQUIDATION TPA SERVICES
BAY AREA CONSTRUCTION	BAY AREA CONSTRUCTION 172 MELISSA CL DALY CITY, CA 94014	1533	05/09/2016	1300174	B	38,368.00	0.00	P&C INSURED
BREHENY, MARY	BREHENY, MARY ALLEN GOLDBERG, ESQUIRE BERGMAN BERGMAN GOLDBERG FIELDS LAMONSOFF 801 SOUTH BROADWAY HICKSVILLE, NY 11801	1057	04/14/2016	C0001747	B	125,000.00	0.00	P&C THIRD PARTY
CADILLAC PLASTERING	CADILLAC PLASTERING 145 MIDWAY AVE AUBURN, CA 956035436	2246	08/31/2017	1600214	B	0.00	11,578.00	P&C INSURED
CAPLAN, SIDNEY	CAPLAN, SIDNEY SUITE 700, NOTTINGHAM CENTRE 502 WASHINGTON AVE. TOWSON, MD 21204	1630	06/22/2016		B	0.00	0.00	P&C INSURED
CASTELLANOS, MARIA	CASTELLANOS, MARIA 1745 FAIRMONT DR CORONA, CA 92882	2321	02/08/2018	2007C0011	B	50.49	50.49	P&C INSURED
EPIC CERAMIC & STONE INC	EPIC CERAMIC & STONE INC 2034 PLACENTIA AVE COSTA MESA, CA 92627	732	02/05/2016	1500142, 1	B	0.00	0.00	P&C INSURED
HINOJOSA, RUTH	HINOJOSA, RUTH 500 BALES ROAD MC ALLEN, TX 78503	2467	06/20/2018	1002383	B	17,000.00	0.00	P&C INSURED
HURLEY, PATRICIA	HURLEY, PATRICIA STEVEN M MELLEY PLLC 24 CLOSS DRIVE RHINEBECK, NY 12572	2035	11/07/2016	1600152	B	1,000,000.00	0.00	P&C THIRD PARTY
KEN MAGEE COMPANY	KEN MAGEE COMPANY PO BOX 9134 AUBURN, CA 95604	471	03/24/2016	1400179	B	0.00	0.00	P&C INSURED
LONDON, LAWRENCE S	LONDON, LAWRENCE S 2404 DIANA RD BALTIMORE, MD 21209	1669	06/28/2016	1500002	B	1,189.07	0.00	P&C INSURED
MACK-BALKARAN, SANDRA	MACK-BALKARAN, SANDRA DRUKER, ESO., DAVID W. 3716 BEACH CHANNELL DR ROCKAWAY, NY 11691	842	07/06/2016	C0000928	B	5,000,000.00	0.00	P&C THIRD PARTY

Undisputed and Resolved Claims
Undisputed Claims

LINCOLN GENERAL INSURANCE COMPANY

Report Period: 01/01/2018 thru 12/31/2018

Name	Address	POC #	POC Received Dt	Claim Numbers	Class	Total Claimed Amt	Total Allowed Amt	Claim Particulars
MATOS, JAMES SULLIVAN PAPAN BLOCK MCGRATH & CANNANO 1140 FRANKLIN AVE SUITE 200 GARDEN CITY, NY 11530		391	04/11/2016	1002950	B	1,500,000.00	0.00	P&C THIRD PARTY
MOBILITYWORKS 173 INDUSTRIAL BLVD. LA VERGNE, TN 37086		1154	12/21/2015	71571	B	107.76	0.00	P&C THIRD PARTY
MONFORT, MERVLIN TONINO SACCO 31-19 NEWTOWN AVE 7TH FL ASTORIA, NY 11102		1017	06/13/2016	C0000070	B	1,000,000.00	0.00	P&C THIRD PARTY
O DOWD PLUMBING INC PO BOX 875 SAN BRUNO, CA 94066		2218	11/16/2017	1600207	B	24,765.00	0.00	P&C INSURED
PALAZIO RESTAURANT BOXER, KENNETH 1026 STATE STREET SANTA BARBARA, CA 93101		1880	08/16/2016	1600111	B	1,600,000.00	0.00	P&C THIRD PARTY
PINNEY , R JAN STEVEN SHUMWAY, ESQ. 300 HARDING BLVD STE 116 ROSEVILLE, CA 95678		533	04/07/2016	1100193	B	420,533.00	0.00	P&C THIRD PARTY
RIVERA, JORGE JOSHUA BRIAN IRWIN 30 VESEY STREET 15TH FLOOR NEW YORK, NY 10007		1072	02/01/2016	C0002219	B	0.00	0.00	P&C THIRD PARTY
SIERRA CASCADE INDUSTRIES INC 610 DEEP FOREST TRAIL LAKE ALMANOR, CA 96137		1331	07/05/2016	1600018	B	45,000.00	0.00	P&C INSURED
WEHRHEIM, JOHN DELL AND DEAN, PLLC 1225 FRANKLIN AVE STE 450 GARDEN CITY , NY 11530		390	03/04/2016	1002375	B	0.00	0.00	P&C THIRD PARTY
ASSIGNED RISK SOLUTIONS LTD 999 STEWART AVE SUITE 200 BETHPAGE, NY 11758		2445	12/17/2015		E	0.00	17,198.75	GEN CREDITOR
INVESTIGATIVE SOLUTIONS INC P O BOX 511402 LOS ANGELES, CA 90051		1870	03/14/2016		E	2,395.90	2,395.90	GEN CREDITOR

Undisputed and Resolved Claims
Undisputed Claims

LINCOLN GENERAL INSURANCE COMPANY

Report Period: 01/01/2018 thru 12/31/2018

Name	Address	POC #	POC Received Dt	Claim Numbers	Class	Total Claimed Amt	Total Allowed Amt	Claim Particulars
MURCHINSON AND CUMMING, LLP	MURCHINSON AND CUMMING, LLP 801 SOUTH GRAND AVENUE 9TH FLOOR LOS ANGELES, CA 90017	1195	01/11/2016		E	3,673.80	3,673.80	GEN CREDITOR
PARLER & WOBBER, LLP	PARLER & WOBBER, LLP 406 EAST JOPPA RD. TOWSON, MD 21286	2038	11/21/2016	1500055, 1E	1E	5,482.16	5,482.16	GEN CREDITOR
PRAETORIAN INSURANCE COMPANY	PRAETORIAN INSURANCE COMPANY 55 WATER STREET - 19TH FLOOR NEW YORK CITY, NY 10041	2292	11/08/2017		E	26,452.00	20,000.00	REINSURANCE CLAIM
SUPERIOR RECOVERY SERVICES	SUPERIOR RECOVERY SERVICES P O BOX 85251 SAN DIEGO, CA 92186	1873	03/14/2016		E	4,791.69	4,791.69	GEN CREDITOR
TOWNSHIP OF WALL	TOWNSHIP OF WALL CLEARY GIACOBBE ALFIERI JACOBS LLC 5 RAVINE DR P O BOX 533 MATAWAN, NJ 07747	2191	06/19/2017	1600202	E	204,611.13	0.00	SURETY CLAIM
WHITNEY, DWIGHT	WHITNEY, DWIGHT 3139 WINSLOW ST SAN DIEGO, CA 92105	2456	07/09/2018		E	1,200.00	0.00	RETURN PREMIUM
BLACKROCK FINANCIAL MANAGEMENT INC	BLACKROCK FINANCIAL MANAGEMENT INC 40 EAST 52ND STREET NEW YORK, NY 10022	2277	11/22/2017		G	71,206.68	71,206.68	GEN CREDITOR - LATE FILED
ILLINOIS UNION INSURANCE COMPANY	ILLINOIS UNION INSURANCE COMPANY P O BOX 5134 SCRANTON, PA 185059894	1673	06/30/2016	906848	G	27,500.00	0.00	SUBROGATION CLAIM
MICHIGAN WORKERS COMPENSATION PLACEMENT FACILITY	MICHIGAN WORKERS COMPENSATION PLACEMENT FACILITY P O BOX 3537 LIVONIA, MI 48151	1826	07/20/2016		G	2,113.33	89.65	GEN CREDITOR - LATE FILED
NATIONAL WORKERS COMP POOLING MECHANISM	NATIONAL WORKERS COMP POOLING MECHANISM NCCI 901 PENINSULE CORPORATE CIRCLE BOCA RATON, FL 33487	1828	07/20/2016		G	97,088.63	4,235.95	GEN CREDITOR - LATE FILED
OAK POINT PARTNERS LLC	OAK POINT PARTNERS LLC PO BOX 1033 NORTHBROOK, IL 60065	2476	10/22/2018		G	0.00	0.00	GEN CREDITOR - LATE FILED
OAKPOINT PARTNERS LLC	OAKPOINT PARTNERS LLC PO BOX 1033 NORTHBROOK, IL 60065	2475	10/22/2018		G	0.00	0.00	GEN CREDITOR - LATE FILED
TENNESSEE REINSURANCE MECHANISM	TENNESSEE REINSURANCE MECHANISM NCCI 901 PENINSULE CORPORATE CIRCLE BOCA RATON, FL 33487	1827	07/20/2016		G	28,482.10	575.66	GEN CREDITOR - LATE FILED

Undisputed and Resolved Claims
Undisputed Claims

LINCOLN GENERAL INSURANCE COMPANY

Report Period: 01/01/2018 thru 12/31/2018

Name	Address	POC #	POC Received Dt	Claim Numbers	Class	Total Claimed Amt	Total Allowed Amt	Claim Particulars
WILLIAMS, TERRY	WILLIAMS, TERRY 1618 HARMONY HALL LANE ROUND, SC 29474	2474	10/22/2018	9707721	G	0.00	0.00	P&C INSURED - LATE FILED

EXHIBIT B

Undisputed and Resolved Claims

Resolved Claims

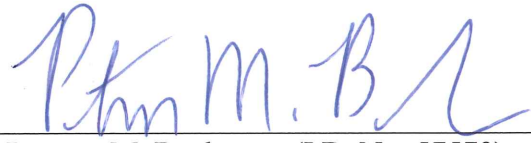
LINCOLN GENERAL INSURANCE COMPANY

Report Period: 01/01/2018 thru 12/31/2018

Number of Resolved Claims:	0	Amount Claimed:	\$0.00	Amount Approved:	\$0.00
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**CERTIFICATION OF COMPLIANCE
WITH PUBLIC ACCESS POLICY**

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.



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) 886-2080

Attorney for Jessica K. Altman, Insurance
Commissioner of the Commonwealth of
Pennsylvania, in her Official Capacity as
Statutory Liquidator of Lincoln General
Insurance Company (In Liquidation)

Dated: _____

1/7/19

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 via regular U.S. Mail addressed as follows:

Jordan L. Miller, Esquire
jordanm@jdsalaw.com
Jeffers, Danielson, Sonn & Aylward, P.S.
2600 Chester Kimm Road
Wenatchee, WA 98801
(509) 662-3685
(509) 662-2452 (Fax)

Arleigh P. Helfer III, Esquire
ahelfer@schnader.com
Schnader Harrison Segal & Lewis LLP
1600 Market Street, Suite 3600
Philadelphia, PA 19103
(215) 751-2430
(215) 751-2205 (Fax)

Anthony J. Urban, Esquire
Anthony Urban Law Offices, P.C.
474 North Center Street, 3rd Floor
P.O. Box 890
Pottsville, PA 17901-0890
(570) 622-1247

Matthew Binstock, CFA
mattb@argopartners.net
Argo Partners
12 West 37th Street, 9th Floor
New York, NY 10018
(212) 643-5444
(212) 643-6401 (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) 886-2080

Counsel for the Statutory Liquidator of
Lincoln General Insurance Company

DATED: _____

1/7/19



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

January 7, 2019

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

Re: *Lincoln General Insurance Company (In Liquidation)*
No. 1 LIN 2015

Dear Mr. Krimmel:

Attached please find the Liquidator's Report and Recommendations on Lincoln Insurance Company Claims Undisputed and Resolved from January 1, 2018 to December 31, 2018, with regard to the above-referenced liquidation.

Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "P. M. Buckman".

Preston M. Buckman
Insurance Department Counsel

PMB:drh

Enclosure

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: Lincoln General Insurance Company :
In Liquidation : No. 1 LIN 2015

RE: Liquidator's Report and Recommendations on Lincoln General Insurance Company
Claims Undisputed and Resolved from January 1, 2018 to December 31, 2018

ORDER

AND NOW, this ____ day of _____, 2019, upon consideration of the Liquidator's Application for Approval of Report and Recommendations on Lincoln General Insurance Company Claims Undisputed and Resolved from January 1, 2018 to December 31, 2018 ("Application"), it is hereby ORDERED and DECREED:

1. The Application is GRANTED, and the claims listed in the Report and Recommendations on Lincoln General Insurance Company Claims Undisputed and Resolved from January 1, 2018 to December 31, 2018 ("Report"), are APPROVED and ALLOWED both as to classification and amount as listed;
2. The Report is incorporated herein by reference; and
3. The Claimants listed in the Report or their lawful assignees shall receive a distribution in accordance with 40.P.S. § 221.44 at the time and in the manner as approved by this Court.

RENEE COHN JUBELIRER, JUDGE