

## **How to File an Objection**

Please be advised that the following instructions are not legal advice. You are encouraged to review the applicable rules, including the Pennsylvania Rules of Appellate Procedure, a copy of which is provided by link on the Bedivere website, available at <https://www.insurance.pa.gov/Regulations/LiquidationRehab/Pages/Bedivere-Insurance-Company.aspx>. If you have counsel, please consult with your counsel regarding your objection.

### **Purpose**

As stated in your Notice of Determination, the Commonwealth Court of Pennsylvania adopted Rules that, in part, pertain to the filing of an appropriate objection to the Liquidator's Notice of Determination. Any objection must be presented pursuant to Rules of Appellate Procedure 3777(d) (2) and 3781(c), which describe the required format and content of an objection. This document has been prepared to assist a POC claimant, who disputes the Liquidator's claim evaluation, with filing a timely and proper objection.

### **Objection Timeliness**

A timely objection must be filed within 60 days from the date of mailing on the Notice of Determination. You must file a timely written objection with the *Commonwealth Court of Pennsylvania* and also serve a copy of the objection on the *Statutory Liquidator* at the following locations:

### **Filing Locations:**

**Please be sure to send the original objection to the Court while at the same time serving the Statutory Liquidator at the below address with a copy of your objection.**

#### **1. Commonwealth Court of Pennsylvania**

Location and mailing address: Prothonotary's Office  
Pennsylvania Judicial Center  
601 Commonwealth Avenue, Suite 2100  
PO Box 69185  
Harrisburg, PA 17106-9185

#### **2. Statutory Liquidator**

A copy of the objection is to be served on the Statutory Liquidator. Service may be accomplished through personal service, mail (first class or priority mail), commercial carrier, facsimile or e-mail (Rule of Appellate Procedure 121(c) (manner of service)).

Location and mailing address: Statutory Liquidator  
Bedivere Insurance Company (in Liquidation)  
c/o A.G. Risk Management, Inc.  
1880 JFK Blvd, Suite 801  
Philadelphia, PA 19103

Facsimile number: 1-215-665-1888  
E-mail address: Bedivereliqumation@agrminc.com

### **Cover Sheet**

An objection is noted by the Commonwealth Court as an “ancillary” case. The Court requires that a completed “cover sheet” be included with the filing. The cover sheet is used for Court administration purposes. It is to be attached on top of your objection. A sample cover sheet is attached as Appendix 1. Completion of the cover sheet is straightforward. Be sure to complete each question:

1. Commencement of Ancillary Matter: check the "Objection" line.
2. Lead Plaintiff/Petitioner/Objector Name: enter your name or the name of your company.
3. Lead Defendant/Respondent Name: enter “Bedivere Insurance Company (In Liquidation)”.
4. Plaintiff/Petitioner/Objector Attorney’s Name: enter your attorney’s name or check the line below where indicated if you represent yourself (i.e., you have no attorney).
5. Nature of the Ancillary Matter: check the “Objection to Notice of Determination” line and enter the Proof of Claim/Notice of Determination No(s) that you are disputing. The number is located on the Notice of Determination.
6. Related Matters: check either the “Yes” or “No” line to indicate whether you have any other objections or outstanding Proofs of Claim and provide a list with the indicated information if you do.

### **Objection Content**

Rule of Appellate Procedure 3781 (c) states that your objection must present the factual and legal basis for your objection and include a copy of the notice of determination. The objection may include relevant supporting documentation and be accompanied by a memorandum of law. A sample form for an Objection to Notice of Determination is attached as Appendix 2.

Attached as Appendix 3 is an Objection to a Notice of Determination Check List.

*How to File an Objection – Appendix 1 – Sample Cover Sheet*

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

Caption of underlying insurance insolvency case:

IN RE: :  
: :  
: :  
Bedivere Insurance Company :  
In Liquidation :  
: : No. 1 BIC 2021

**Chief Clerk Use Only:**  
Ancillary Matter Docket No. \_\_\_\_\_

Time Stamp:

**Ancillary Matter Cover Sheet**

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

Commencement of Ancillary Matter:

\_\_\_\_\_ Complaint                      \_\_\_\_\_ Application  
\_\_\_\_\_ Objection                      \_\_\_\_\_ Other \_\_\_\_\_

Lead Plaintiff/Petitioner/Objector Name: \_\_\_\_\_

Lead Defendant/Respondent Name: \_\_\_\_\_

Plaintiff/Petitioner/Objector Attorney's Name:  
\_\_\_\_\_

\_\_\_\_\_ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

Nature of the Ancillary Matter:

\_\_\_\_\_ Objection to Notice of Determination to Proof of Claim No(s). \_\_\_\_\_  
(List all proof of claim numbers included in this Objection. Attach a separate sheet if necessary.)

\_\_\_\_\_ Action by Liquidator

\_\_\_\_\_ Action by third party, as approved by the Court on \_\_\_\_\_ (date)

**Related Matters:** Are there any related or ancillary matters, including unresolved proofs of claim pending before the Liquidator, in this court or any other federal or state court or agency?

\_\_\_\_\_ Yes \_\_\_\_\_ No If yes, attach a list indicating the court or agency, caption, and docket or proof of claim number(s).

*How to File an Objection – Appendix 2 – Sample Objection to Notice of Determination*

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

[Your Name/Company] :  
Objector : Objection to Notice of Determination  
 :  
 : Re: Proof of Claim No. \_\_\_\_\_  
 :  
 v. :  
 :  
 :  
 Bedivere Insurance Company :  
(In Liquidation) :  
 Respondent :  
 :  
 : No. \_\_\_\_\_  
 (Ancillary matter to IN RE: :  
 Bedivere Insurance Company :  
(In Liquidation) :  
 No. 1 BIC 2021 :

(Rule 3781(c) states that your objection must present the factual and legal basis for your objection and include a copy of the notice of determination. The objection may include relevant supporting documentation and be accompanied by a memorandum of law.

## ***How to File an Objection – Appendix 3 –Objection to a Notice of Determination Check List***

### **Objection to a Notice of Determination Check List**

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- ✓ Objection must be filed within 60 days from the date found on the Notice of Determination.
- ✓ Original objection is to be filed directly with the Commonwealth Court of Pennsylvania.
- ✓ Copy of your objection shall be served on the Statutory Liquidator at the address provided above.
- ✓ Objection is to follow the appropriate caption format prescribed by the Court.
- ✓ Complete a Cover Sheet and attach it to your objection
- ✓ Objection must present the written factual/legal basis for your objection, and you may provide any documents you believe may be helpful to support your position.
- ✓ Objection must include a copy of the relevant Notice of Determination.
- ✓ If an objector is other than an individual (natural person), an attorney admitted to practice in Pennsylvania must enter an appearance within 60 days of filing an objection or if the objector wishes to be represented by an attorney who is not admitted to practice in Pennsylvania, that attorney must be admitted *pro hac vice* within 60 days of filing of the objection or the Court may dismiss the objection.

#### **What you can expect once your objection is received by the Liquidator:**

- You will receive a prompt acknowledgement of receipt of your objection.
- You will be contacted to discuss your objection to determine if we (you and the Liquidator) can resolve the dispute.
- If the objection cannot be resolved within 60 days from the date your objection is served (unless we both agree in writing to extend this timeframe), the Liquidator will file a response to your objection with the Court. A copy of this response will be sent to you.

#### **What you can expect once the Liquidator's response has been filed with the Court**

- Parties may request, or the Court may appoint, a referee to hear the objection and will submit to the Court a recommended decision.
- The Referee or the Court may establish a time for hearing.