Received 05/07/2015 Commonwealth Court of Pennsylvania

Filed 05/07/2015 Commonwealth Court of Pennsylvania
1 CIC 2015

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Cleveland Brothers Equipment Co., Inc.	:	
	:	
Objector	:	Objection to Notice of Determination
v.	:	
	:	Re: Proof of Claim No. 73
Commonwealth Insurance Company (In Liquidation)	:	No. 1 CIC 2015
	:	
(Ancillary Matter to In Re: Commonwealth Insurance Company, No. 1 CIC 2014)	:	
	:	

NOTICE OF AGREEMENT TO EXTEND LIQUIDATOR'S RESPONSE TIME

The parties in the above-captioned objection proceeding hereby submit this Notice of Agreement pursuant to Pa. R.A.P. 3781(c)(3) advising the Court that the parties have agreed that the deadline for Teresa D. Miller, Acting Insurance Commissioner of the Commonwealth of Pennsylvania, in her Official Capacity as Statutory Liquidator of Commonwealth Insurance Company (the "Liquidator"), to respond to the Objector's Objection to Notice of Determination is extended 60 days, from May 15, 2015, to July 14, 2015, while the parties negotiate to resolve the issues presented in the instant Objection to Notice of Determination. Either party may

terminate this agreement upon written notice to the other party and, if terminated, the Liquidator shall have thirty (30) days to file a response to the Objection to Notice of Determination.

The agreement of the respective parties to this extension is memorialized in the email exchange that is attached to this Notice as Exhibit A.

Respectfully submitted:

By: _____

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

Attorney for Teresa D. Miller, Acting Insurance Commissioner of the Commonwealth of Pennsylvania, in her official capacity as Statutory Liquidator of Commonwealth Insurance Company

Dated: 5/7/15

EXHIBIT A

Buckman, Preston

From: bernierubb@aol.com
Sent: Tuesday, April 28, 2015 10:34 AM
To: Haag, Dennis
Subject: Re: Commonwealth Insurance Co - Cleveland Brothers

Dennis

Agreed

Bernard S. Rubb, Esquire

434 Oliver Road
Sewickley, PA. 15143

(412) 741-3021
(412) 741-3011 (FAX)

bernierubb@aol.com
bernierubb@gmail.com

-----Original Message-----
From: Haag, Dennis <c-dhaag@pa.gov>
To: 'bernierubb@aol.com' <bernierubb@aol.com>
Sent: Tue, Apr 28, 2015 10:31 am
Subject: RE: Commonwealth Insurance Co - Cleveland Brothers

Mr. Rubb,

The standard language we use is reflected below. If you have no problem with this, I will have counsel draft it for your signature.

The parties in the above-captioned objection proceeding hereby submit this Notice of Agreement pursuant to Pa. R.A.P. 3781(c)(3) advising the Court that the parties have agreed that the deadline for Michael F. Consedine, Insurance Commissioner of the Commonwealth of Pennsylvania in his Official Capacity as Statutory Liquidator of Commonwealth Insurance Company. (the "Liquidator"), to respond to the Objector's Objection to Notice of Determination is extended while the parties negotiate to resolve the issues presented in the instant Objection to Notice of Determination. Either party may terminate this agreement upon written notice to the other party and, if terminated, the Liquidator shall have thirty (30) days to file a response to the Objection to Notice of Determination.

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**

From: bernierubb@aol.com [mailto:bernierubb@aol.com]
Sent: Tuesday, April 28, 2015 10:10 AM
To: Haag, Dennis
Subject: Re: Commonwealth Insurance Co - Cleveland Brothers

Dennis

You absolutely may have an extension. I suggest a minimum of thirty (30) days. If you need sixty (60) days, that is fine too.

Thank You.

Bernard S. Rubb, Esquire

434 Oliver Road
Sewickley, PA. 15143

(412) 741-3021
(412) 741-3011 (FAX)

bernierubb@aol.com
bernierubb@gmail.com

-----Original Message-----
From: Haag, Dennis <c-dhaag@pa.gov>
To: 'Bernard Rubb' <bernierubb@gmail.com>
Cc: 'bernierubb@aol.com' <bernierubb@aol.com>
Sent: Tue, Apr 28, 2015 9:49 am
Subject: Commonwealth Insurance Co - Cleveland Brothers

Mr. Rubb,

I hope this email finds you well. When we last spoke, you were going to speak with the credit manager for Cleveland Brothers regarding our offer to settle their claim.

As a procedural issue, we need to file a response to your objection with the Court by May 12, 2015. I am in hopes that we can settle the claim by that time. If not, would you be adverse to agreeing to file a petition extending our response time? This will allow for further discussion between the parties and possibly avoid the necessity of involving a referee.

Please let me know your thoughts on this.

Thank you.

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

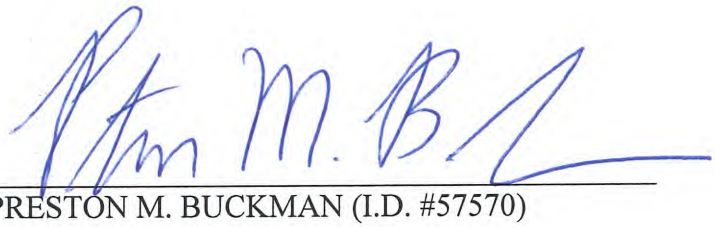
CERTIFICATE OF SERVICE

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 eservice through PACFile, and regular U.S. Mail addressed as follows:

William R. Balaban, Esquire
WBalaban@BalabanAndAssociates.com
27 North Front Street
Harrisburg, PA 17101-1606
(717) 695-2901
(717) 695-7914 (fax)

Bernard S. Rubb, Esquire
bernierubb@gmail.com
434 Oliver Road
Sewickley, PA 15143
(412) 741-3021
(412) 741-3011 (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

Counsel for the Statutory Liquidator of Commonwealth Insurance Company

DATED: 5/7/15

COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

May 7, 2015

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

Re: ***Cleveland Brothers Equipment Co., Inc. v.***
Commonwealth Insurance Company (In Liquidation)
Objection to Notice of Determination Re POC No. 73
No. 1 CIC 2015
Ancillary Matter to In Re: Commonwealth Insurance Company, No. 1 CIC 2014

Dear Mr. Krimmel:

Attached please find a Notice of Agreement to Extend Liquidator's Response Time with regard to the above-referenced liquidation.

Thank you for your assistance in this matter.

Very truly yours,

Preston M. Buckman
Insurance Department Counsel

PMB:drh

Enclosures