### IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: Excalibur Reinsurance Corporation,

In Liquidation : No. 1 ERC 2016

## APPLICATION FOR APPROVAL OF REPORT AND RECOMMENDATIONS ON EXCALIBUR REINSURANCE CORPORATION CLAIMS UNDISPUTED AND RESOLVED FROM JULY 18, 2016 TO JUNE 30, 2017

Applicant, Teresa D. Miller, Insurance Commissioner of the Commonwealth of Pennsylvania, in her official capacity as the Statutory Liquidator ("Liquidator") of Excalibur Reinsurance Corporation ("Excalibur"), 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 Excalibur Reinsurance Corporation Claims Undisputed and Resolved from July 18, 2016 to June 30, 2017. In support of her Application, the Liquidator avers the following:

## **BACKGROUND**

- 1. The Insurance Commissioner of the Commonwealth of Pennsylvania was appointed Liquidator of Excalibur pursuant to this Court's Order dated July 18, 2016 ("Liquidation Order").
  - 2. The Liquidation Order provided that:

In addition to the notice requirements of Section 524 of Article V,<sup>1</sup> 40 P.S. §221.24, the Liquidator shall publish notice in newspapers of general circulation where Excalibur has its principal places of business that: (a) explains the procedure by which claims against the estate of Excalibur may be submitted to the Liquidator; (b) provides the address of the Liquidator's office for the submission of claims; and (c) notifies the public of the right to present a claim, or claims, to the Liquidator.

<sup>&</sup>lt;sup>1</sup>The Insurance Department Act of 1921, Act of May 17, 1921, P.L. 789, as amended. Article V was added by the Act of December 14, 1977, P.L. 280, as amended, 40 P.S. §§ 221.1 – 221.63 ("Act"). (This footnote is added here, and is not contained in the text of the Liquidation Order that is being quoted in paragraph 2).

See Liquidation Order, ¶7. 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. The Notices and Q & A documents were mailed on a staggered basis between August 12, 2016, and September 30, 2016, as the records containing the relevant claimant information became available.

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 that at least annually, the Liquidator 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 RECOMMENDATION ON CLAIMS UNDISPUTED AND RESOLVED AS OF JUNE 30, 2017

4. The Liquidator's Report and Recommendations on Excalibur Reinsurance Corporation Claims Undisputed and Resolved from July 18, 2016 to June 30, 2017, 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, <u>inter alia</u>, is also included in the Report.<sup>2</sup>

<sup>&</sup>lt;sup>2</sup> If 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 Determination ("NOD") issued by the Liquidator for which the objection period expired on or before June 30, 2017. The total number of Undisputed Claims is 68 with an allowed amount of \$11,118,804.68. 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 June 30, 2017. The total number of Resolved Claims is 0, with an allowed amount of \$0. This is memorialized in Exhibit B, which is attached hereto.
- 7. As set forth in Exhibits A and B, the Liquidator respectfully submits her recommendations for a total of 68 claims with a total allowed amount of \$11,118,804.68 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 the Act. 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 the Act. The Liquidator further believes that the approval of the claims listed in the attached Report is in the best interests of the Excalibur 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,

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 7<sup>th</sup> Street

Harrisburg, PA 17102

(717) 787-6009

Attorney for Teresa D. Miller, Insurance Commissioner of the Commonwealth of Pennsylvania, in her capacity as Statutory Liquidator of Excalibur Reinsurance Corporation, In Liquidation

Dated:



## Undisputed and Resolved Claims Undisputed Claims

## **EXCALIBUR REINSURANCE CORPORATION**

# Report Period: 09/03/2016 thru 06/30/2017

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## Undisputed and Resolved Claims

## Undisputed Claims

## EXCALIBUR REINSURANCE CORPORATION

## Report Period: 09/03/2016 thru 06/30/2017

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FARMLAND MUTUAL INSURANCE COMPANY	FARMLAND MUTUAL INSURANCE COMPANY NATIONWIDE PLAZA COLLIMBLIC OL 2335	209	11/30/2016	3	35,000,000	35,000.00 REINSURER	R
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FARMLAND MUTUAL INSURANCE COMPANY	FARMLAND MUTUAL INSURANCE COMPANY NATIONWIDE PLAZA COLUMBUS, OH 43215	217	11/30/2016	<b>4</b>	1,245,068.99	1,245,068.99 REINSURER	8
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## **Undisputed and Resolved Claims Resolved Claims**

## **EXCALIBUR REINSURANCE CORPORATION**

thru 06/30/2017 Report Period:

Amount Approved: Amount Claimed: Number of Resolved Claims: Jul 13, 2017

1:39:55 PM

### **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:

Keith E. Kaplan, Esq.
Chief Liquidation Officer
c-kkaplan@pa.gov
Excalibur Reinsurance Corporation,
In Liquidation
1880 JFK Blvd., Suite 801
Philadelphia, PA 19103

William D. Goddard, Esq. wgoddard@daypitney.com
Day Pitney LLP
242 Trumbull Street
Hartford, CT 06103-1212
(860) 275-0117
(860) 881-2449 (fax)

Robert W. Blazer, III, Managing Director of Reinsurance Markel Corporation 310 Highway 35 south Red Bank, NJ 07701 (732) 391-8863

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 7<sup>th</sup> Street

Harrisburg, PA 17102

(717) 787-6009

Attorney for Teresa D. Miller, Insurance Commissioner of the Commonwealth of Pennsylvania, in her capacity as Statutory Liquidator of Excalibur Reinsurance Corporation, In Liquidation

Dated: 7//7/17

### IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: Excalibur Reinsurance Corporation,

In Liquidation

No. 1 ERC 2016

RE: Liquidator's Report and Recommendations on Excalibur Reinsurance Corporation Claims Undisputed and Resolved from July 18, 2016 to June 30, 2017.

### **ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_\_, 2017, upon consideration of the Liquidator's Application for Approval of Report and Recommendations on Excalibur Reinsurance Corporation Claims Undisputed and Resolved from July 18, 2016 to June 30, 2017 ("Application"), it is hereby ORDERED and DECREED:

- 1. The Application is GRANTED and the claims listed in the Report and Recommendations on Excalibur Reinsurance Corporation Claims Undisputed and Resolved from July 18, 2016 to June 30, 2017 ("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.

MARY HANNAH LEAVITT, PRESIDENT JUDGE



July 18, 2017

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

Re: In Re: Excalibur Reinsurance Corporation (In Liquidation)

No. 1 ERC 2016

Dear Mr. Krimmel:

Attached for filing please find the Liquidator's Application for Approval of Report and Recommendations on Excalibur Reinsurance Corporation Claims Undisputed and Resolved from July 18, 2016 to June 30, 2017, with regard to the above-referenced matter.

Thank you for your assistance in this matter.

Very truly yours,

Preston M. Buckman

Insurance Department Counsel

PMB:drh

Enclosure