

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Teresa D. Miller :
Insurance Commissioner of the :
Commonwealth of Pennsylvania, :
Plaintiff :
v. :
Excalibur Reinsurance Corporation, :
Defendant : No. 1 ERC 2016

ORDER

AND NOW, this 18th day of July, 2016, upon consideration of the request by Teresa D. Miller, Insurance Commissioner of the Commonwealth of Pennsylvania (Commissioner), for a stay of litigation against both Excalibur Reinsurance Corporation (Excalibur) and the Commissioner, as Statutory Liquidator of Excalibur,¹ and Sections 526, 543 and 560 of Article V of The Insurance Department Act of 1921,² 40 P.S. §§221.26, 221.43, and 221.60, it is hereby **ORDERED** that:

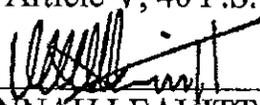
1. The request for a stay of litigation is **GRANTED**.
2. Unless the Liquidator consents thereto in writing, no action at law or in equity, including, but not limited to, an arbitration or mediation, the filing of any judgment, attachment, garnishment, lien or levy of execution process against

¹ The proposed Order of Liquidation attached to the Commissioner's Amended Petition for Liquidation provides for a stay of all litigation against Excalibur and the Liquidator. Thus, a request for a stay is encompassed within the Commissioner's Amended Petition. Contemporaneously with this Order, this Court granted the Amended Petition and ordered Excalibur to be liquidated.

² 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.

Excalibur or its assets, shall be brought against Excalibur or the Liquidator or against any of their employees, officers or liquidation officers for acts or omissions in their capacity as employees, officers or liquidation officers of Excalibur or the Liquidator, whether in this Commonwealth or elsewhere, nor shall any such existing action be maintained or further prosecuted after the effective date of this Order. All above-enumerated actions currently pending against Excalibur in the courts of the Commonwealth of Pennsylvania or elsewhere are hereby stayed; relief sought in these actions shall be pursued by filing a proof of claim against the estate of Excalibur pursuant to Section 538 of Article V, 40 P.S. §221.38.

3. This stay applies to secured creditors, lienholders, collateral holders or other persons claiming secured, priority or preferred interests in any property or asset of Excalibur, who may not transfer, sell, assign, encumber, attach, dispose of, or exercise purported rights in or against any property or assets of Excalibur except as provided in Section 543 of Article V, 40 P.S. §221.43.



MARY HANNAH LEAVITT, President Judge

Certified from the Record

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And Order Exit