

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 1, 2019 TO JUNE 30, 2020**

Applicant, Jessica K. Altman, 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 1, 2019 to June 30, 2020. 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 V¹, 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

¹The 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).

public of the right to present a claim, or claims, to the Liquidator.” 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 RECOMMENDATIONS ON CLAIMS
UNDISPUTED AND RESOLVED AS OF JUNE 30, 2020**

4. The Liquidator’s Report and Recommendations on Excalibur Reinsurance Corporation Claims Undisputed and Resolved from July 1, 2019 to June 30, 2020, 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 Determination (“NOD”) issued by the Liquidator for which the objection period expired on or before June 30, 2020. The total number of Undisputed Claims is 13 with an allowed amount of \$1,739,761.65. 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, 2020. 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 13 claims with a total allowed amount of \$1,739,761.65 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,

/s/ Preston M. Buckman

PRESTON M. BUCKMAN (I.D. #57570)
Insurance Department Counsel
Office of Liquidations, Rehabilitations
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Governor's Office of General Counsel
Capital Associates Building
901 North 7th Street
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(717) 886-2080

Attorney for Jessica K. Altman, Insurance
Commissioner of the Commonwealth of
Pennsylvania, in her capacity as Statutory Liquidator
of Excalibur Reinsurance Corporation, In
Liquidation

Dated: July 13, 2020

EXHIBIT A

Undisputed and Resolved Claims

Undisputed Claims

EXCALIBUR REINSURANCE CORPORATION

Report Period: 07/01/2019 thru 06/30/2020

Number of Undisputed Claims:	13	Amount Claimed:	\$1,443,132.93	Amount Approved:	\$1,739,761.65
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**Undisputed and Resolved Claims
Undisputed Claims**

EXCALIBUR REINSURANCE CORPORATION

Report Period: 07/01/2019 thru 06/30/2020

Name	Address	POC #	POC Received Dt	Claim Numbers	Class	Total Claimed Amt	Total Allowed Amt	Claim Particulars
ARCH SPECIALTY INSURANCE COMPANY	ARCH SPECIALTY INSURANCE COMPANY HARBORSIDE 2, 210 HUDSON ST STE 300 JERSEY CITY, NJ 07311	176	11/30/2016		E	70,000.15	101,250.00	REINSURER
ARCH SPECIALTY INSURANCE COMPANY	ARCH SPECIALTY INSURANCE COMPANY HARBORSIDE 2, 210 HUDSON ST STE 300 JERSEY CITY, NJ 07311	177	11/30/2016		E	70,000.15	0.00	REINSURER
GRAIN DEALERS MUTUAL	GRAIN DEALERS MUTUAL 55 WEST ST KEENE, NH 03431	181	11/30/2016		E	8,283.82	8,283.82	REINSURER
HILLCOT UNDERWRITING MANAGEMENT LTD	HILLCOT UNDERWRITING MANAGEMENT LTD 2ND FL 3 GUILDFORD BUSINESS PARK GUILDFORD, SURREY, GU2 8XG UNITED KINGDOM	185	11/30/2016		E	3,576.08	2,197.78	REINSURER
INTERNATIONAL LUBRICANTS INC	INTERNATIONAL LUBRICANTS INC JUSTIN ARCHER 7930 OCCIDENTAL AVE S SEATTLE, WA 98108	243	01/26/2017		E	0.00	0.00	REINSURER
LIBERTY MUTUAL INSURANCE EUROPE LIMITED	LIBERTY MUTUAL INSURANCE EUROPE LIMITED 20 FENCHURCH ST LONDON, EC3M 3AW UNITED KINGDOM	183	11/30/2016		E	432,486.00	432,486.00	REINSURER
NGM INSURANCE COMPANY	NGM INSURANCE COMPANY 55 WEST ST KEENE, NH 03431	182	11/30/2016		E	633,055.47	633,055.47	REINSURER
RIVER THAMES INSURANCE COMPANY LIMITED	RIVER THAMES INSURANCE COMPANY LIMITED 2ND FL 3 GUILDFORD BUSINESS PARK GUILDFORD, SURREY, GU2 8XG UNITED KINGDOM	186	11/30/2016		E	2,398.62	633.24	REINSURER
UNIONAMERICA INSURANCE COMPANY LIMITED	UNIONAMERICA INSURANCE COMPANY LIMITED 2ND FL 3 GUILDFORD BUSINESS PARK GUILDFORD, SURREY, GU2 8XG UNITED KINGDOM	184	11/30/2016		E	41,946.31	1,788.87	REINSURER
WEST BEND MUTUAL INSURANCE COMPANY	WEST BEND MUTUAL INSURANCE COMPANY 1900 SOUTH 18TH AVE WEST BEND, WI 53095	45	11/17/2016		E	81,386.33	120,066.47	REINSURER
700 WEST 176TH ST, REALTY CORP	700 WEST 176TH ST, REALTY CORP SUITE 200 WHITE PLAINS, NY 10604	263	06/20/2018		G	100,000.00	0.00	LATE FILED CLAIM OF POLICYHOLDER IN ACCORDANCE WITH 221.44 g (2)
KISLEV MANAGEMENT CORP.	KISLEV MANAGEMENT CORP. 1 STONE PLACE BRONXVILLE, NY 10708	257	04/27/2018	COI-00000098-01-001	G	0.00	0.00	LATE FILED CLAIM OF POLICYHOLDER IN ACCORDANCE WITH 221.44 g (2)
KISLEV MANAGEMENT CORP.	KISLEV MANAGEMENT CORP. 1 STONE PLACE BRONXVILLE, NY 10708	256	04/27/2018		G	0.00	440,000.00	LATE FILED CLAIM OF POLICYHOLDER IN ACCORDANCE WITH 221.44 g (2)

EXHIBIT B

Undisputed and Resolved Claims

Resolved Claims

EXCALIBUR REINSURANCE CORPORATION

Report Period: 7/01/2019 thru 06/30/2020

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.

/s/ Preston M. Buckman

PRESTON M. BUCKMAN (I.D. #57570)
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Office of Liquidations, Rehabilitations
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(717) 886-2080

DATED: July 13, 2020

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 1, 2019 to June 30, 2020.

ORDER

AND NOW, this ____ day of _____, 2020, upon consideration of the Liquidator's Application for Approval of Report and Recommendations on Excalibur Reinsurance Corporation Claims Undisputed and Resolved from July 1, 2019 to June 30, 2020 ("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 1, 2019 to June 30, 2020 ("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.

P. KEVIN BROBSON, JUDGE



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

July 13, 2020

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 1, 2019 to June 30, 2020, with regard to the above-referenced matter.

Thank you for your assistance in this matter.

Very truly yours,

/s/ Preston M. Buckman

Preston M. Buckman
Insurance Department Counsel

PMB:drh

Enclosure