



COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

March 22, 2013

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

RECEIVED & FILED
COMMONWEALTH COURT
OF PENNSYLVANIA
2013 MAR 22 A 11:04

Re: *In Re: First Sealord Surety, Inc. (In Liquidation)*
No. 1 FSS 2012

Dear Mr. Krimmel:

Attached please find an original and two copies of the Liquidator's Application for Approval to Extend the Time Period for the Liquidator's Issuance of Notices of Determination on Certain Proofs of claim with regard to the above-referenced liquidation.

As directed by the Court's Order, we are also enclosing copies of the documents on a computer disk.

Very truly yours,

Preston M. Buckman
Insurance Department Counsel

PMB:drh

Enclosures

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE:

First Sealord Surety, Inc.
In Liquidation

NO.1 FSS 2012

RE: APPLICATION FOR APPROVAL TO EXTEND THE TIME PERIOD FOR THE
LIQUIDATOR'S ISSUANCE OF NOTICES OF DETERMINATION ON CERTAIN
PROOFS OF CLAIM

ORDER

AND NOW, this ____ day of _____, 2013, upon consideration of the
Liquidator's Application for Approval to Extend the Time Period for the Liquidator's Issuance
of Notices of Determination on Certain Proofs of Claim ("Application"), it is hereby ORDERED
and DECREED:

1. The Application is GRANTED; and
2. The time period by which the Liquidator shall issue notices of determination on
the 141 claims listed in Exhibit A of the Application is extended by 180 days.

BONNIE BRIGANCE LEADBETTER, Judge

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2013 MAR 22 A 11: 04

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: First Sealord Surety, Inc., :
In Liquidation : No. 1 FSS 2012

**APPLICATION FOR APPROVAL TO EXTEND THE TIME PERIOD
FOR THE LIQUIDATOR'S ISSUANCE OF NOTICES OF
DETERMINATION ON CERTAIN PROOFS OF CLAIM**

Applicant, Michael F. Consedine, Insurance Commissioner of the Commonwealth of Pennsylvania, in his official capacity as the Statutory Liquidator ("Liquidator") of First Sealord Surety, Inc. ("FSSI"), pursuant to Pa.R.A.P. 3776, respectfully applies to this Court for an Order that extends the time period by which the Liquidator is required to issue notices of determination on certain proofs of claim that have been filed in the FSSI estate. In support of the Application, the Liquidator avers the following:

BACKGROUND

1. FSSI was placed in liquidation pursuant to this Court's Order dated February 8, 2012 ("Liquidation Order").
2. The Liquidation Order, *inter alia*, directed that all claims against the estate of FSSI must be filed by October 5, 2012.

3. In addition to the Liquidation order, this Court issued a Case Management Order dated February 8, 2012.

4. Paragraph 16(a) of the Case Management Order, which mirrors Pa.R.A.P 3781(b), requires the liquidator, unless otherwise ordered by this Court, to issue a written notice of determination within 180 days of the filing of a proof of claim, unless the liquidator seeks additional information on a claim pursuant to Section 538(b) of the Insurance Department Act¹, 40 P.S. § 221.38(b).

5. Since the commencement of the FSSI liquidation, proofs of claim (“POC”) have been filed, and notices of determination (“NOD”) have been issued, as follows:

<u>MONTH</u>	<u>POCs Received</u>	<u>NODs Issued</u>
February-12	58	47
March-12	195	171
April-12	113	96
May-12	75	61
June-12	52	42
July-12	59	52
August-12	51	33
September-12	96	58
October 1 – 5 2012	238	97
October 6 2012- current	42	10
Totals	979	667

6. Since the beginning of the FSSI liquidation, the Liquidator has addressed POC in chronological order based on the date that the POC is received by the Liquidator. Thus, it has been only recently that the Liquidator has been able to start to review the largest group of POC received to date, i.e., those POC received between October 1 and October 5, 2012.

¹ The Insurance Department Act of 1921, Act of May 17, 1921, P.L. 789, as amended, 40 P.S. §§ 221.1 – 221.63.

7. Based on the present status of POC review and NOD issuance, the Liquidator is, and believes he will continue to be, in compliance with paragraph 16(a) of the Case Management Order and Pa.R.A.P. 3781(b) with respect to all the POC that have been filed thus far in the FSSI estate, including 97 of the 238 POC filed between October 1 and October 5, 2012. However, the Liquidator has determined that 141 of the 238 POC that were filed between October 1 and October 5, 2012, many of which are complex performance bond claims, will require additional time to evaluate and issue NOD beyond the time by which the Liquidator is currently required to issue NOD for this group. Specifically, absent relief from this Court, the Liquidator would be required to issue NOD sometime between April 1 and April 5, 2013, for this group of 141 POC. (Exhibit A of this Application lists the 141 POC).

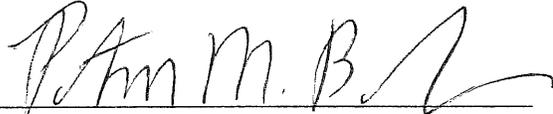
8. The extension sought by this Application will also allow the Liquidator to issue a higher percentage of NOD to the claimants listed in Exhibit A without having to formally seek additional information, which will make the evaluation process associated with this group of NOD more efficient and less burdensome on this group of claimants.

9. The Liquidator believes that given an extension of 180 days from the date that he would otherwise be required to issue NOD on the 141 claims listed in Exhibit A, he will be able to comply with paragraph 16(a) of the Case Management Order and PA.R.A.P. 3781(b).

WHEREFORE, the Liquidator respectfully requests that this Court grant his Application and extend by 180 days the date by which he would otherwise be required to issue NOD for the

141 claims listed on Exhibit A of the Application, enter an Order in the form attached hereto, and grant such other relief as the Court shall determine appropriate and just.

Respectfully submitted:

By: 

Preston M. Buckman (I.D. No. 57570)
PA Office of General Counsel
Pennsylvania Insurance Department
Office of Liquidations, Rehabilitations
and Special Funds
901 North 7th Street
Harrisburg, PA 17102
(717) 787-6009

Attorney for Applicant, Michael F. Consedine, Insurance Commissioner of the Commonwealth of Pennsylvania, in his Official Capacity as Liquidator of First Sealord Surety, Inc. (In Liquidation)

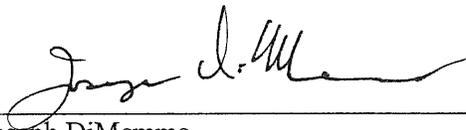
Date: 3 / 22 / 13

VERIFICATION

I, Joseph DiMemmo, am the Deputy Insurance Commissioner of the Office of Liquidations, Rehabilitations and Special Funds of the Pennsylvania Insurance Department. In such capacity, I am responsible for, and am familiar with, the day-to-day administration of the liquidation of First Sealord Surety, Inc. I hereby verify that the facts set forth in the foregoing Application are true and correct to the best of my knowledge, information and belief.

I understand that this Verification is made subject to the penalties of 18 P.S. §4904 relating to unsworn falsification to authorities.

Date: 3/22/13



Joseph DiMemmo
Deputy Insurance Commissioner

EXHIBIT A

POC Number	Date Received	Claimant
880	10/1/2012	Town of Wellsville
884	10/1/2012	Biosolids Recycling
887	10/1/2012	Electrical Industry Board
891	10/1/2012	Marcello Vincinzo Studios
897	10/2/2012	Kranz Plumbing & Heating
903	10/2/2012	Laborers Fringe Benefits Funds
904	10/2/2012	Operating Engineers Local 324 Benefits
907	10/2/2012	Crittenden County Hospital
908	10/2/2012	San Jose Awning Co
918	10/3/2012	The City of West Palm Beach
921	10/3/2012	R & V Verischerung
922	10/3/2012	R & V Verischerung AG
923	10/3/2012	Canopus
928	10/3/2012	Metro Nashville Airport Commission
931	10/3/2012	South Dade Electrical Supply, Inc.
932	10/3/2012	Milwaukee Insulation
933	10/3/2012	United Rentals North America
1040	10/3/2012	Turner Construction Co
1041	10/3/2012	Turner Construction Co
1042	10/3/2012	Turner Construction Co
1043	10/3/2012	Turner Construction Co
920	10/3/2012	TLT Construction Corp.
278	10/4/2012	RM Techcon Construction, LLC
938	10/4/2012	Lane Enterprises
940	10/4/2012	East 49th Street Development II, LLC
941	10/4/2012	East 49th Street Development II, LLC
942	10/4/2012	Fulcher Electric of Fayetteville, Inc.
943	10/4/2012	Local 363 - Marlboro
943	10/4/2012	Local 3 - Ridge Hill
944	10/4/2012	Local 3 - Playland
952	10/4/2012	Imperial Electric Supply
954	10/4/2012	Vanguard Construction & Development Co,
956	10/4/2012	Bon's Barricades
957	10/4/2012	Bon's Barricades
958	10/4/2012	Guilderland Central School District
959	10/4/2012	Northern Calif Glaziers et al
960	10/4/2012	Beauchamp Construction Co., Inc.
961	10/4/2012	Beauchamp Construction Co., Inc.
962	10/4/2012	Shellcrete Builders
963	10/4/2012	Columbia County
967	10/4/2012	Ford Motor Company
968	10/4/2012	Archer Western Contractors
970	10/4/2012	Coastal Construction
971	10/4/2012	Coastal Construction of Monroe, Inc.
972	10/4/2012	Coastal construction of Miami Dade
989	10/4/2012	Chicago Regional Council of Carpenters

1007	10/4/2012	M.B. Kahn Construction Co., Inc.
1016	10/4/2012	Olympia Fuel & Asphalt
1017	10/4/2012	NES Equipment Services Copr
1058	10/4/2012	Michigan CAT
1059	10/4/2012	Economy Fire Protection
1061	10/4/2012	BB/S&P
1144	10/4/2012	Bon's Barricades
1145	10/4/2012	Bon's Barricades
1039	10/4/2012	Painters & Allied Trades District No. 35
964	10/4/2012	Norment Security Group, Inc.
965	10/4/2012	Norment Security Group, Inc.
966	10/4/2012	Norment Security Group, Inc.
422	10/5/2012	RQ Construction
973	10/5/2012	Marlboro Central School District
976	10/5/2012	Walbridge Aldinger Company
977	10/5/2012	Walbridge Aldinger Company
978	10/5/2012	Oldcastle Building Envelope
979	10/5/2012	Dept of Labor & Industry/State of Washington
982	10/5/2012	Kern-Coleman & Co., LLC
983	10/5/2012	Dallas County Community College District
984	10/5/2012	Carmel Contractors, Inc.
987	10/5/2012	WA Department of Labor and Industries
992	10/5/2012	PB Capital
993	10/5/2012	Housing Authority of the city of Milwaukee
994	10/5/2012	Florida Rock & sand Prestress Precast
995	10/5/2012	City of Charlotte
996	10/5/2012	McDade Waterworks
997	10/5/2012	Township of Lower Merion
998	10/5/2012	Sunrise Systems
1000	10/5/2012	Littleton Electric Services
1001	10/5/2012	Tanco Group
1003	10/5/2012	Northern Air
1004	10/5/2012	Hunt/Gomez a Joint Venture
1005	10/5/2012	Hunt/Gomez a Joint Venture
1006	10/5/2012	Allstar Realty Company, Inc.
1009	10/5/2012	South Dade Electrical Supply, Inc.
1010	10/5/2012	Contractors Heating & Cooling, Inc.
1011	10/5/2012	N-Tek Construction Services, Inc.
1012	10/5/2012	All-Set Corp.
1013	10/5/2012	Park View Inn, Inc.
1014	10/5/2012	Jimmy Traylor Construction
1015	10/5/2012	N & N Investment Corp
1018	10/5/2012	City of Coral Gables
1019	10/5/2012	Boris Metal Master, Inc.
1020	10/5/2012	City of Coral Gables
1021	10/5/2012	Sunbelt Rentals, Inc.
1022	10/5/2012	City of Coral Gables

1023	10/5/2012	Sunbelt Rentals, Inc.
1024	10/5/2012	Custom Controls Technology
1025	10/5/2012	BaCo LLC
1026	10/5/2012	P & R LLC
1027	10/5/2012	Empire Concrete Pumping LLC
1028	10/5/2012	Fred R Thompson
1031	10/5/2012	Bricklayers & Allied Craft
1032	10/5/2012	Bricklayers & Allied Craft
1034	10/5/2012	Cemex Construction Material Atlantic, LLC
1036	10/5/2012	San Bernadino City Unified School District
1037	10/5/2012	RGBS Enterprises
1052	10/5/2012	Markus Rohrbasser
1054	10/5/2012	Joel Cooperman
1056	10/5/2012	Jiri Schanka
1062	10/5/2012	Pro Safety Services
1064	10/5/2012	Rainbow Municipal Water District
1065	10/5/2012	Kevin McFarland welding
1077	10/5/2012	Nicholas Bratt
1078	10/5/2012	NY Liquidation Bureau
1080	10/5/2012	Edmond Villani
1092	10/5/2012	Alabama DOT
1094	10/5/2012	J J deLuca
1095	10/5/2012	Five Star Industrial Services
1103	10/5/2012	Guy Carpenter
1104	10/5/2012	Partners Re
1108	10/5/2012	City of Union City
1109	10/5/2012	Atlantic Icon
1113	10/5/2012	J Rawn Enterprises
1119	10/5/2012	Sunquest Energy
1148	10/5/2012	Aegis security Ins. Co.
1149	10/5/2012	Aegis security Ins. Co.
1150	10/5/2012	Aegis security Ins. Co.
1151	10/5/2012	Aegis security Ins. Co.
1168	10/5/2012	Allstate Paving
1169	10/5/2012	Allstate Paving
1170	10/5/2012	McCarthy Building Companies
1171	10/5/2012	JVA Construction
1177	10/5/2012	H Construction
1178	10/5/2012	H Construction
1179	10/5/2012	Barrett & Associates
1181	10/5/2012	Delmarva Surety Assoc
1189	10/5/2012	Ken Brier
1190	10/5/2012	Ted Drauschak
1192	10/5/2012	Aegis security Ins. Co.
1038	10/5/2012	Painters & Allied Trades District No. 35
1202	10/5/2012	O'Neill, Bragg & Steffin
1203	10/5/2012	Robert Ghegan

1204	10/5/2012	Gary Bragg
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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 by first-class mail, addressed as follows:

Douglas Y. Christian, Esquire
christiand@ballardspahr.com
Benjamin M. Schmidt, Esquire
schmidtb@ballardspahr.com
Ballard Spahr LLP
1735 Market Street, 51st Floor
Philadelphia, PA 19103
(215) 665-8500
(215) 864-8999 (fax)

Jeffrey M. Lesser, Esquire
lesser@jeffreymlesser.com
39040 West Seven Mile Road
Livonia, Michigan 48152
(734) 464-3603
(734) 464-3605 (fax)

David L. Swimmer, Esquire
dls@dlsPALAW.com
7990 SW 117th Avenue, Suite 100
Miami, FL 33183
(305) 274-1222
(305) 595-0470 (fax)

Christopher J. Azzara, Esquire
cazzara@smggLaw.com
Strassburger McKenna Gutnick & Gefsky
Four Gateway Center, Suite 2200
444 Liberty Avenue
Pittsburgh, PA 15222
(412) 281-5423
(412) 281-8264 (fax)

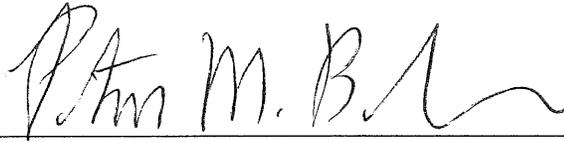
Daniel C. Hudock, Esquire
McDonald, Snyder & Lightcap, P.C.
1004 Ligonier Street, 4th Floor
P.O. Box 758
Latrobe, PA 15650
(724) 539-3511
(724) 539-3527

Kenneth A. DeKoven, Esquire
k.dekoven@argopartners.net
Argo Partners
12 West 37th Street, 9th Floor
New York, New York 10018
(212) 643-5456
(212) 643-6401 (fax)

Chris Oh
coh@liquiditysolutions.com
Liquidity Solutions, Inc.
1 University Plaza, Suite 312
Hackensack, NJ 07601
(201) 968-0001 ext. 142
(201) 968-0010 (fax)

Damon Diederich, Esquire
diederichd@insurance.ca.gov
Corporate and Regulatory Affairs
California Department of Insurance
45 Fremont Street, 24th Floor
San Francisco, CA 94105
(415) 538-4406
(415) 904-5729 (fax)

Judith Anderson, Sr. Asst. Attorney General
Judith.k.anderson@doj.state.or.us
Oregon Department of Justice
General Counsel, Business Activities
1162 Court Street, N.E.
Salem, OR 97310
(503) 947-4540
(503) 378-3784 (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

DATED:

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Counsel for the Statutory Liquidator of First
Sealord Surety, Inc. (In Liquidation)