

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: Healthcare Providers Insurance :  
Exchange, In Liquidation : No. 1 HPI 2017

**LIQUIDATOR’S APPLICATION  
TO ESTABLISH A CLAIMS BAR DATE**

Jessica K. Altman, Insurance Commissioner of the Commonwealth of Pennsylvania, in her capacity as Statutory Liquidator (“Liquidator”) of Healthcare Providers Insurance Exchange (In Liquidation) (“HPIX”), by her undersigned counsel, respectfully applies to this Court to establish a claims bar date (“Bar Date”). In support of this Application, the Liquidator offers the following:

Background

1. HPIX was placed in liquidation by Order of this Court on January 12, 2018 (“the Liquidation Order”).
2. The Liquidation Order cited the notice requirements of Section 524 of Article V,<sup>1</sup> 40 P.S. §221.24, and directed the Liquidator to publish notice in newspapers of general circulation where HPIX has its principal places of business that: (a) explains the procedure by which claims against the estate of HPIX 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. The Liquidator provided notice of the Liquidation Order and a Q&A document to all interested parties on February 2, 2018 which, inter alia, provided relevant information about claim filing procedures and other related issues.

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<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 referenced in paragraph 2).

3. Pursuant to the Liquidation Order, the Liquidator noticed creditors and potential creditors or claimants of HPIX, published notice, and filed a report with this Court on February 27, 2018, demonstrating the date and manner notice was given.

4. Section 537(a) of the Act mandates that proof of all claims shall be filed with the Liquidator in the form required by Section 538 of the Act on or before the last day for filing specified in the above-referenced notice required under Section 524 of the Act.<sup>2</sup>

5. Pursuant to Section 538 of the Act, a Proof of Claim shall consist of a statement signed by the claimant that includes all of the following elements that are applicable: (a) the particulars of the claim including the consideration given for it; (b) the identity and amount of the security on the claim; (c) the payments made on the debt, if any; (d) that the sum claimed is justly owing and that there is no setoff, counterclaim or defense to the claim; (e) any right of priority of payment or other specific right asserted by the claimants; (f) a copy of written instrument which is the foundation of the claim; (g) in the case of any third party claim based on a liability policy issued by the insurer, a conditional release of the insured pursuant to Section 540(a) of the Act; and (h) the name and address of the claimant and the attorney who represents him, if any. Furthermore, the Liquidator may require that other information and documents be included in addition to the above-referenced requirements.

6. A Proof of Claim that meets all of the applicable requirements set forth in Section 538, including any other information required by the Liquidator, and is filed by the last day for filing specified in the notice required under Section 524 of the Act,<sup>3</sup> is considered a timely filed

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<sup>2</sup>The Liquidation Order provided that the Liquidator's notice shall not establish a deadline for the filing of proofs of claim. Instead, by a separate Order also dated January 12, 2018, this Court allowed the Liquidator to petition for a date by which proofs of claim must be filed on or after April 9, 2018. The Liquidator subsequently filed an application seeking a claim filing deadline in February 2020, and by Order dated April 7, 2020, this Court established a claim filing deadline of December 31, 2020.

<sup>3</sup>See footnote 2 for background information on the HPIX claim filing deadline.

absolute claim that is ripe for the issuance of a Notice of Determination (“NOD” or “NODs” for multiple notices of determination) by the Liquidator.

7. A Proof of Claim that meets all of the applicable requirements set forth in Section 538, including any other information required by the Liquidator, but is not filed by the last day for filing specified in the notice required under Section 524,<sup>4</sup> is considered a late-filed absolute claim, and is ripe for the issuance of a NOD by the Liquidator. For good cause shown, late filed claims may share in distributions as if the claim was not late, to the extent such payment will not prejudice the orderly administration of the liquidation, in accordance with Section 537(b) of the Act.

8. Regardless of whether the Proof of Claim is filed before or after the claim filing deadline, Section 538(a) of the Act specifically provides that “[N]o claim need be considered or allowed if it does not contain all the foregoing information which may be applicable”.

9. The Liquidator may, however, consider and allow claims that are filed with the Liquidator that have not become absolute because of the existence of a contingency which must occur in order for the claim to become absolute.

10. If a claim is contingent and becomes absolute before the claim filing deadline, including the provision of any other information required by the Liquidator, a NOD is issued.

11. If a claim is contingent and becomes absolute after the claim filing deadline and the claimant files its Proof of Claim setting forth all the requirements of Section 538 as soon as reasonably possible after it became absolute, the Liquidator for good cause under Section 537(b) may permit the claimant to share in the distributions as if he were not late, to the extent that any such payment will not prejudice the orderly administration of the liquidation. Whether or not good

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<sup>4</sup>See footnote 2 for background information on the HPIX claim filing deadline.

cause is shown to excuse the late filed contingent claim, the Liquidator will issue a NOD when the contingent claim becomes absolute.

12. For purposes of this Application, the Liquidator sets forth the following defined terms. Definitions may include defined terms. Defined terms are capitalized.

**POC** — A “POC” is a Proof of Claim form distributed by the Liquidator in connection with the liquidation of HPIX. Multiple proofs of claim are designated as “POCs”.

**CONTINGENT CLAIM** — A “Contingent Claim” is a claim involving a demand that is based on a legal cause of action or an instituted legal action that is reported to the Liquidator prior to the Bar Date under a POC that includes one or more of the following features: (a) demands that are not capable of becoming absolute by the Bar Date due to contingent matters that extend beyond the Bar Date; and/or (b) an instituted legal action where the liability has not been determined or the amount thereof liquidated by the Bar Date, and thus these claims are not absolute as required by Section 538.

**ABSOLUTE** — “Absolute” means that claimants have provided to the Liquidator sufficient information and documentation describing the facts of the claim, including but not limited to: (a) a detailed statement describing the claim; (b) a detailed statement describing the dollar value of the claim; (c) documents evidencing damage; and (d) all other information or documents helpful to proving the claim, including any other information required by the Liquidator, all as required by Section 538 of the Act and the instructions on the POC form. When the POC is absolute, a NOD is issued.

#### Status of the Claims in the HPIX Estate

13. Between January 12, 2018 and April 30, 2021, the Liquidator has received 233 completed POCs. The following graph details when those POCs have been received since the inception of the HPIX liquidation. As the graph illustrates, there was an uptick in POCs received as the December 31, 2020, claims filing deadline approached, which is a normal trend in liquidations. It is worth noting that of the 42 POCs received as of December 31, 2020, 14 POCs

were received in late December that were tied to 4 new claims, and 6 POCs received in late December were tied to one new claim. As the graph also shows, there were very few POCs filed from June 30, 2019 until the aforementioned uptick in POCs were received as the claims filing deadline approached. Only 2 POCs have been received since the claims filing deadline passed.

	Received by					Claims Filing Deadline	
	6/30/2018	12/31/2018	6/30/2019	12/31/2019	6/30/2020	12/31/2020	4/30/2021
	113	46	16	5	9	42	2
Total	113	159	175	180	189	231	233

14. The Liquidator has issued NODs for 175 of the 233 POCs that have been received. All the NODs have been accepted. Of the other 58 remaining POCs that have not yet been issued a NOD, all are Contingent Claims.

15. In addition to the information above regarding the number of claims filed and when those claims have been received, it is also worth noting that as of December 31, 2015, all active policies were rewritten through Medical Mutual Insurance Company of North Carolina, and thus HPIX's coverage obligations ceased on all its policies except those with extended reporting endorsements. Accordingly, the only exposure to the HPIX estate would be for alleged medical malpractice occurring prior to December 31, 2015.

16. In summary, because of the lengthy claims filing period of close to three years,<sup>5</sup> the limited amount of potential future exposure resulting from the cessation of coverage on December 31, 2015 for all HPX policies except those with an extended reporting endorsement, and the information in the chart following paragraph 13 regarding the number and timing of POCs

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<sup>5</sup>For purposes of comparison, in the largest property and casualty liquidation proceeding in the history of this country's insurance industry, Reliance Insurance Company was ordered into liquidation by Order of this Court dated 10/3/2001, and a claims filing deadline of 12/31/2003 was established.

filed, it is reasonable to conclude that the vast majority of the HPIX estate's claims have already been filed. Likewise, it is reasonable to expect that the number of claims that may be filed prospectively will be very limited.

#### Reasons for Seeking a Bar Date

17. Unless a Bar Date is established, the Liquidator cannot know, with absolute certainty, at what point in time all POCs have been filed, since conceivably, they could be submitted for several years to come. This could result in the HPIX liquidation remaining open indefinitely until all new claims are determined and all litigation associated with the new claims is resolved. Moreover, the Liquidator would be unable to calculate the amount of any final pro-rata distribution until the value of all claims was determined.

18. If untimely filed claims, including contingent claims, were to be considered and allowed after the Bar Date, it would adversely impact the distribution percentage to be received by claimants who have legitimate, timely filed claims that will receive a distribution from the HPIX estate. Furthermore, the longer the estate remains open, the more administrative expenses are incurred, which further decreases the distribution percentage to be received by those claimants waiting for a distribution from the estate.

19. The only potential claimants who would not file an absolute Proof of Claim by the Bar Date, or who will be unable to submit documents supporting their claims by the Bar Date, will be potential claimants who cannot meet the requirements in Section 538 of the Act for filing an absolute claim. It is inequitable to delay for a significant period the distribution to the vast majority of creditors for the benefit of a small number of "potential" future creditors, who may or may not have claims develop after the Bar Date.

20. For these reasons, the order establishing a Bar Date (“the Bar Date Order”) should, with respect to claims to which the Bar Date applies, preclude the filing of claims after the Bar Date for any reason, including, without limitation, a reason constituting “good cause” under Section 537 of the Act, including but not limited to contingent POCs.

21. If a POC filed before the Bar Date asserts a claim that does not involve a demand that is based on a legal cause of action or a claim that does not involve an instituted legal action and the claimant cannot provide the Liquidator with the requirements of Section 538 of the Act prior to the Bar Date, the Bar Date Order should disallow that POC.

22. The Bar Date should apply to all claims arising out of actions or omissions (including representations concerning reinsurance and insurance contracts) of HPIX its officers, employees, agents and representatives prior to liquidation or arising out of contracts (other than reinsurance and insurance contracts) entered into by HPIX prior to liquidation. It should further apply to all claims arising out of post-liquidation actions or omissions (including representations concerning reinsurance and insurance contracts) of HPIX, the Liquidator or their officers, employees, agents and representatives (including, but not limited to, attorneys, auditors, actuaries, accountants, consultants and other professionals, whether employees or independent contractors), or arising out of post-liquidation contracts entered into by HPIX or the Liquidator, as long as those actions, omissions or breaches of contract occurred prior to the Bar Date. If a claim first arises within the thirty (30) days prior to the Bar Date, the filing of a POC should be allowed after the Bar Date but only within thirty (30) days of when the claim arose.

23. The Bar Date should not apply to routine administrative expense claims. However, the claims to which the Bar Date would apply include claims allegedly arising out of or based in any way on the conduct of the liquidation proceedings, and the effects of the Liquidation Order,

even if such claims could possibly be characterized as administrative expense claims or policyholder claims.

24. The Bar Date would not apply to, or affect in any way, claims, actions or rights of HPIX or the Liquidator.

25. The Bar Date Order should provide that neither the establishment of a Bar Date nor the recognition of certain exceptions to the preclusive effect of the Bar Date constitutes the waiver of any defenses to individual POCs, including any defenses otherwise based on the untimeliness of the claims.

26. The entry of the Bar Date Order should not be viewed as an occasion for a claimant to refile or reargue a claim that has previously been submitted. Accordingly, the Bar Date Order should provide that the filing of duplicate POCs is neither required nor permitted and that the Liquidator shall disallow duplicative claims without further consideration of their merits.

27. The Liquidator requests that the Court establish the Bar Date at the earliest possible time and that the Bar Date be no more than forty-five (45) days after the Order setting that date.

28. Accordingly, the Liquidator requests that the Court enter the proposed Order attached hereto, which in addition to establishing the Bar Date, also approves the form, scope and mailing of the Notice of the Bar Date Order attached to this Application as Exhibit "A", and the form of Publication Notice of the Bar Date Order attached to this Application as Exhibit "B".

29. The Liquidator also seeks this Court's approval of a Proof of Claim ("POC") form that can be provided to HPIX claimants upon request after receipt of any Notice this Court approves regarding the establishment of a claims bar date for HPIX. The proposed POC form is attached hereto as Exhibit "C." Notwithstanding any approval this Court may grant of the proposed POC form attached hereto as Exhibit "C", the Liquidator will continue to review claims received

by the Liquidator filed on the original POC form for the HPIX estate up to any date this Court may establish as a Bar Date for HPIX

30. In support of her request for a Bar Date Order, the Liquidator would note that this Court has approved nine prior requests for a Bar Date Order in other liquidation proceedings, specifically the PHICO Insurance Company liquidation, the Rockwood Insurance Company liquidation, the Westmoreland Insurance Company liquidation, the First Sealord Surety, Inc., liquidation, the Legion Insurance Company liquidation, the Villanova Insurance Company liquidation, the Commonwealth Insurance Company liquidation, the Reliance Insurance Company liquidation, and the Excalibur Reinsurance Corporation liquidation.

WHEREFORE, the Liquidator respectfully requests the entry of the proposed Order in the form attached hereto establishing a Bar Date, approving the form, scope and mailing of the Notice of the Bar Date Order attached to this Application as Exhibit “A”, and the form of Publication Notice that is attached to this Application as Exhibit “B”. Additionally, the Liquidator seeks this Court’s approval of the POC form attached to this Application as Exhibit “C”.

Respectfully submitted,

/s/ Preston M. Buckman  
PRESTON M. BUCKMAN (I.D. #57570)  
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Insurance Department Counsel  
Office of Liquidations, Rehabilitations  
& Special Funds  
Governor’s Office of General Counsel  
901 North 7<sup>th</sup> Street, Suite 201  
Harrisburg, PA 17102  
(717) 886-2080

Attorney for Jessica K. Altman, Insurance  
Commissioner of the Commonwealth of Pennsylvania,  
in her capacity as Statutory Liquidator of Healthcare  
Providers Insurance Exchange, In Liquidation

Dated: 5/14/21

**EXHIBIT A**

**NOTICE OF THE CLAIMS BAR DATE  
FOR HEALTHCARE PROVIDERS INSURANCE EXCHANGE (IN LIQUIDATION)**

On \_\_\_\_\_, 202\_\_, the Commonwealth Court of Pennsylvania entered an Order establishing a claims bar date in connection with the liquidation of Healthcare Providers Insurance Exchange (In Liquidation) (“HPIX”).

The Court’s Order provides in pertinent part as follows:

<b><u>ORDER</u></b>
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1. The date forty-five (45) days after the date of this Order is hereby established as a claims bar date (“Bar Date”).
2. Any and all claims against HPIX, against the Liquidator, her agents and representatives, or in any way affecting or seeking to affect any assets of HPIX, wherever or however such assets may be owned or held, directly or indirectly, must be filed with the Liquidator no later than the Bar Date.
3. A claim must be filed by means of a completed Proof of Claim form, together with proper proofs supporting the claim. The form of Proof of Claim attached as Exhibit “C” to the Bar Date Application is approved and should be utilized by any claimant who files a claim after the date of this Order. Notwithstanding the foregoing, a Proof of Claim received on the original Proof of Claim form for the HPIX estate shall be reviewed by the Liquidator and will be subject to the terms of this Order.
4. A Proof of Claim shall be deemed filed on the day it is received by the Liquidator, unless first class mail is utilized, in which case it will be deemed filed on the date of the postmark.

5. Any Proof of Claim filed after the Bar Date is untimely and shall be disallowed by the Liquidator without consideration of its merits. This Order bars the filing of any such Proof of Claim after the Bar Date for any reason, including, without limitation, a reason constituting “good cause” under the late claims provisions of Article V of the Insurance Department Act of 1921, the discovery of information not previously known, and the fact that a claim was previously unmatured or contingent. If a Proof of Claim filed before the Bar Date asserts a claim that does not involve a demand that is based on a legal cause of action or a claim that does not involve an instituted legal action and the claimant cannot provide the Liquidator with the requirements of Section 538 of the Act prior to the Bar Date, that claim is barred by this Order. Notwithstanding the foregoing, if a claim first arises within the thirty (30) days prior to the Bar Date, the filing of a Proof of Claim is allowed after the Bar Date but only within thirty (30) days of when the claim arose.
6. The establishment of the Bar Date does not constitute the waiver of any defenses to individual Proofs of Claim. Any and all defenses to such claims remain available to HPIX and the Liquidator, including defenses otherwise based on the untimeliness of the claims.
7. The Bar Date does not apply to, or affect in any way, claims, actions or rights of HPIX or the Liquidator.
8. The establishment of the Bar Date is not an opportunity to refile or reargue a claim previously filed with HPIX, and duplicative Proofs of Claim shall not be submitted. If duplicative Proofs of Claim are filed contrary to this Order, the Liquidator shall disallow them without further consideration of their merits.

9. The Bar Date shall not apply to routine administrative expense claims.

10. The mailing Notice attached to the Bar Date Application as Exhibit A is hereby approved. The Liquidator shall mail by first class mail, as soon as practicable after receipt of this Order, a copy of the mailing Notice to the creditors and potential creditors or claimants of HPIX as of the date of the Liquidation Order (January 12, 2018).

11. The publication Notice attached to the Bar Date Application as Exhibit B is hereby approved. The Liquidator shall cause a copy of the publication Notice to be published once in the Patriot News and the Philadelphia Inquirer within thirty (30) days of the date of this Order.

Proof of Claim forms may be obtained by sending a request in writing to:

Proof of Claim Department  
Statutory Liquidator of Healthcare Providers Insurance Exchange  
PA Insurance Department  
901 North 7<sup>th</sup> Street  
Harrisburg, PA 17102

Or call:

717-787-7823

Or email:

[ra-in-claims@pa.gov](mailto:ra-in-claims@pa.gov)

Please request a separate claim form for each claim that you wish to file.

**YOUR COMPLETED PROOF OF CLAIM MUST BE FILED BY \_\_\_\_\_,  
2021, OR IT WILL BE FOREVER BARRED UNLESS YOUR CLAIM COMES WITHIN  
AN EXCEPTION PROVIDED FOR IN THE COURT'S ORDER.**

**EXHIBIT B**

**PUBLICATION NOTICE OF THE CLAIMS BAR DATE  
FOR HEALTHCARE PROVIDERS INSURANCE EXCHANGE (IN LIQUIDATION)**

NOTICE  
TO THE POLICYHOLDERS, CLAIMANTS, CREDITORS AND  
ALL OTHER PERSONS INTERESTED IN THE  
AFFAIRS OF  
HEALTHCARE PROVIDERS INSURANCE EXCHANGE (IN LIQUIDATION)

NOTICE IS HERBY GIVEN THAT:

Healthcare Providers Insurance Exchange (In Liquidation) (“HPIX”) was placed into Liquidation by Order of the Commonwealth Court of Pennsylvania, effective January 12, 2018, (the “Liquidation Order”). The Liquidation Order appointed the Insurance Commissioner of the Commonwealth of Pennsylvania as Statutory Liquidator of HPIX and vested her with title to all the property, assets, contracts and rights of action of HPIX.

On May 14, 2021, the Liquidator filed in the Commonwealth Court of Pennsylvania an Application to Establish a Claims Bar Date for HPIX. On \_\_\_\_\_, 202\_\_\_\_, the Commonwealth Court entered an Order granting the Application and setting a Claims Bar Date of \_\_\_\_\_, 202\_\_.

Therefore, all persons who may have a claim against HPIX, against the Liquidator, her agents or representatives, or in any way affecting or seeking to affect any of the assets of HPIX, wherever or however such assets may be owned or held, directly or indirectly, must file a Proof of Claim by the Claims Bar Date of \_\_\_\_\_, 202\_\_\_\_, or the claim will be forever barred.

You may obtain a free copy of the Proof of Claim form by writing to Proof of Claim Department, Statutory Liquidator of Healthcare Providers Insurance Exchange, Pennsylvania Insurance Department, 901 North 7<sup>th</sup> Street, Harrisburg, PA 17102, or calling the Liquidator at 717-787-7823 or send an email to: [ra-in-claims@pa.gov](mailto:ra-in-claims@pa.gov)



**PROOF OF CLAIM  
IN THE MATTER OF  
HEALTHCARE PROVIDERS INSURANCE EXCHANGE (HPIX) (IN LIQUIDATION)  
Deadline for filing**

DO NOT FILE A PROOF OF CLAIM IF YOU HAVE ALREADY FILED A PROOF OF CLAIM OR YOUR CLAIM HAS NOT  
RIPENED INTO A LEGAL CAUSE OF ACTION PRIOR TO [fill in bar date]

<b>Claimant Name:</b> _____ <b>Address 1:</b> _____ <b>Address 2:</b> _____ <b>City:</b> _____ <b>State:</b> _____ <b>Zip Code:</b> _____ <b>Country:</b> _____ <b>Social Security /E.I.N. #:</b> _____ <b>e-mail:</b> _____ <b>Daytime Phone #: (include area code)</b> _____	<div style="border: 1px solid black; padding: 2px; display: inline-block;">FOR OFFICIAL USE ONLY</div>  <b>PROOF OF CLAIM NO.</b> _____  <b>DATE RECEIVED:</b> _____
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Name of Insured/Bonded Principal _____ Policy Number/Bond Number: _____ Date of Loss: _____	Claim Number: _____ Agent Number: _____
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Claim is for (check X or specify below)

1	POLICYHOLDER or THIRD PARTY CLAIM	Claim by insured of HPIX under a HPIX policy for POLICY BENEFITS or liability claim against an insured of HPIX for POLICY BENEFITS.
2	RETURN of UNEARNED PREMIUM or OTHER PREMIUM REFUNDS	Portion of paid premium not earned due to early cancellation of policy or retro or audit adjustment.
3	GENERAL CREDITOR	Such as Attorney fees, Adjuster fees, Vendors, Lessors, Consultants, Cedents and Reinsurers.
4	AGENTS' BALANCES	Agents' Earned Commissions.
5	ALL OTHER	Describe _____.

In the space below give a Concise Statement of the Facts giving rise to your claim. Attach additional sheets if required. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

AMOUNT OF CLAIM: \$ \_\_\_\_\_  
 Is there OTHER INSURANCE that may cover this claim? Yes ( ) No ( )  
 If YES provide name of insurer(s) and policy number(s): \_\_\_\_\_

Does an ATTORNEY REPRESENT you? Yes ( ) No ( ) If YES provide attorney's name, address & telephone number: \_\_\_\_\_

Has a Lawsuit or other LEGAL ACTION been instituted by anyone regarding this claim? Yes ( ) No ( ) If YES provide the following:  
 Court Where Filed: \_\_\_\_\_  
 DATE FILED & DOCKET NUMBER: \_\_\_\_\_  
 PLAINTIFF(S): \_\_\_\_\_  
 DEFENDANT(S): \_\_\_\_\_

I verify that the statements made in this proof of claim are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 19 Pa. C.S. §4904 (relating to unsworn falsification to authorities).

**FOR ALL CLAIMS: In accordance with 40 P.S. §221.40(a), if the foregoing Proof of Claim alleges a claim against a HPIX insured (third party claim), the undersigned hereby releases any and all claims which have been or could be made against such HEALTHCARE PROVIDERS INSURANCE EXCHANGE insured based on or arising out of the facts supporting the above Proof of Claim up to the amount of the applicable policy limits and subject to coverage being accepted by the Liquidator, regardless of whether any compensation is actually paid to the undersigned.**

\_\_\_\_\_ Claimant Signature \_\_\_\_\_ Date

DO NOT FILE A PROOF OF CLAIM IF YOU HAVE ALREADY FILED A PROOF OF CLAIM OR YOUR CLAIM HAS NOT RIPENED INTO A LEGAL CAUSE OF ACTION PRIOR TO [ fill in bar date ]

### INSTRUCTIONS FOR COMPLETING PROOF OF CLAIM FORM

This proof of claim form must be completed and returned. **Failure to return the completed form will result in the denial of your claim.** Please fill in all of the applicable blanks. Attach additional sheets as required. In the event you do not know certain information, please write "unknown". You may supplement your claim later when you have more information, provided you do so promptly after you obtain the information. Please print legibly in ink or type. The form may be duplicated. You are advised to keep a completed copy for your records. The following is some specific additional instruction for certain types of claims.

1. If your claim is regarding a **HPIX** policy, please complete as much of this form as possible and submit along with any supporting documentation. If additional documentation is required, you will be contacted.
2. If your claim is that of a **GENERAL CREDITOR**, please complete Section II, sign where indicated and attach supporting documentation such as all outstanding invoices.
3. If your claim is for the **AGENT BALANCES**, please complete Section II, sign where indicated and attach a complete accounting by policy/contract supporting your claim.
4. If you have **ANY OTHER** type of claim, describe your claim, i.e. stockholder, employee, taxes, license fees, assessments, etc. Please attach documentation supporting your claim.

The right (but not the obligation) to request additional supporting information is retained by the Liquidator. The failure to promptly provide such additional information may result in the denial of your claim.

The proof of claim form must be signed by the claimant, and must contain the claimant's current address and zip code. No claim can be considered for payment without a social security number or tax identification number. Where applicable, the name and address as well as the telephone number of the claimant's attorney, if any, must be shown. **YOU MUST FILE A SEPARATE PROOF OF CLAIM FORM FOR EACH CLAIM YOU MAKE.** IF YOU HAVE MORE THAN ONE CLAIM, YOU MAY MAKE COPIES OF THE ENCLOSED FORM, or go to Insurance Department's website, <https://www.insurance.pa.gov/Regulations/LiquidationRehab/Pages/Healthcare-Providers-Insurance-Exchange.aspx>, or call (717) 787-7823 for additional proof of claim forms. The following address should be used only to submit proof of claim forms and supporting documentation: Statutory Liquidator for **HPIX**, Capitol Associates Building, 901 N. 7<sup>th</sup> Street, Harrisburg, PA 17102 Phone: (717) 787-7823 You may also submit the Proof of Claim and supporting documents via email at [ra-in-claims@pa.gov](mailto:ra-in-claims@pa.gov)

**NOTE: This form must be received no later than [ fill in bar date ] at 5:00 p.m. EST.**

#### CHANGE OF ADDRESS

**You are required by Article V of the Insurance Department Act to notify the Statutory Liquidator of your change of address. If you fail to do so you may jeopardize your chance of recovery from this estate.**

#### INFORMATION REGARDING CLAIMS AGAINST THE ESTATE OF HEALTHCARE PROVIDERS INSURANCE EXCHANGE (HPIX)

After all claims against this company are evaluated by the Statutory Liquidator and approved by the Court, approved claims will be paid by priority level based on available funds in accordance with 40 P.S. § 221.1 et seq. The amount of the payment will depend on the assets available. The amount to be paid on an individual claim, if any, will not be known until all claims are evaluated. In any event, payment will not be made for several years. The Statutory Liquidator's receipt of this proof of claim form does not constitute any waiver or relinquishment by the Statutory Liquidator of any defense, setoff, or counterclaim that may exist against any person, entity or governmental agency, regarding any action pursued by the Statutory Liquidator of HPIX on behalf of HPIX claimants, and creditors.

**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 S. Buckman

Preston M. Buckman (I.D. No. 57570)  
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Office of Liquidations, Rehabilitations  
and Special Funds  
901 North 7<sup>th</sup> Street, Suite 201  
Harrisburg, PA 17102  
(717) 886-2080

Attorney for Jessica K. Altman, Insurance  
Commissioner of the Commonwealth of  
Pennsylvania, in her capacity as Statutory  
Liquidator of Healthcare Providers Insurance  
Exchange, In Liquidation

Dated: 5/14/21

## 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 Pa. R.A.P. 3780, in the following manner:

Service via regular U.S. Mail addressed as follows:

Carl Maio, Esquire  
[CAMaio@foxrothschild.com](mailto:CAMaio@foxrothschild.com)  
Healthcare Providers Insurance Exchange  
1250 Camp Hill Bypass, Suite 108  
Camp Hill, PA 17011

Steven Sawyer, Senior Vice President  
[Steven.Sawyer@MMICNC.com](mailto:Steven.Sawyer@MMICNC.com)  
Corporate Administration  
700 Spring Forest Road, Suite 400  
Raleigh, NC 27609

Paul G. Gagne, Esquire  
[pgagne@kleinbard.com](mailto:pgagne@kleinbard.com)  
Kleinbard LLC  
One Liberty Place, 46<sup>th</sup> Floor  
1650 Market Street  
Philadelphia, PA 19103  
(215) 568-2000  
(215) 568-0140 (Fax)

Edward S. Goodman, Esquire  
[esg@simonsonlegal.com](mailto:esg@simonsonlegal.com)  
Simonson Goodman Platzer PC  
111 John Street  
New York, NY 10038  
(212) 233-5001  
(212) 223-0684 (Fax)

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Jacobs & Barbone, P.A.  
1125 Pacific Avenue  
Atlantic City, NJ 08401  
(609) 348-1125  
(609) 348-3774 (Fax)

/s/ Preston M. Buckman

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Attorney for Jessica K. Altman, Insurance  
Commissioner of the Commonwealth of  
Pennsylvania, in her capacity as Statutory Liquidator  
of Healthcare Providers Insurance Exchange, In  
Liquidation

Dated: 5/14/21

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: Healthcare Providers Insurance :  
Exchange, In Liquidation : No. 1 HPI 2017

**ORDER**

AND NOW, this \_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_, upon consideration of the Application to Establish a Claims Bar Date (“Bar Date Application”) filed by Jessica K. Altman, Insurance Commissioner of the Commonwealth of Pennsylvania, in her capacity as Statutory Liquidator (“Liquidator”) of Healthcare Providers Insurance Exchange (“HPIX”), the Bar Date Application is GRANTED and it is hereby ORDERED as follows:

1. The date forty-five (45) days after the date of this Order is hereby established as a claims bar date (“Bar Date”).

2. Any and all claims against HPIX, against the Liquidator, her agents and representatives, or in any way affecting or seeking to affect any assets of HPIX, wherever or however such assets may be owned or held, directly or indirectly, must be filed with the Liquidator no later than the Bar Date.

3. A claim must be filed by means of a completed Proof of Claim form, together with proper proofs supporting the claim. The form of Proof of Claim attached as Exhibit “C” to the Bar Date Application is approved and should be utilized by any claimant who files a claim after the date of this Order. Notwithstanding the foregoing, a Proof of Claim received on the original Proof of Claim form for the HPIX estate shall be reviewed by the Liquidator and will be subject to the terms of this Order.

4. A Proof of Claim shall be deemed filed on the day it is received by the Liquidator, unless first class mail is utilized, in which case it will be deemed filed on the date of the postmark.

5. Any Proof of Claim filed after the Bar Date is untimely and shall be disallowed by the Liquidator without consideration of its merits. This Order bars the filing of any such Proof of Claim after the Bar Date for any reason, including, without limitation, a reason constituting “good cause” under the late claims provisions of Article V of the Insurance Department Act of 1921, the discovery of information not previously known, and the fact that a claim was previously unmatured or contingent. If a Proof of Claim filed before the Bar Date asserts a claim that does not involve a demand that is based on a legal cause of action or a claim that does not involve an instituted legal action and the claimant cannot provide the Liquidator with the requirements of Section 538 of the Act prior to the Bar Date, that claim is barred by this Order. Notwithstanding the foregoing, if a claim first arises within the thirty (30) days prior to the Bar Date, the filing of a Proof of Claim shall be allowed after the Bar Date but only within thirty (30) days of when the claim arose.

6. The establishment of the Bar Date does not constitute the waiver of any defenses to individual Proofs of Claim. Any and all defenses to such claims remain available to HPIX and the Liquidator, including defenses otherwise based on the untimeliness of the claims.

7. The Bar Date does not apply to, or affect in any way, claims, actions or rights of HPIX or the Liquidator.

8. The establishment of the Bar Date is not an opportunity to refile or reargue a claim previously filed with HPIX, and duplicative Proofs of Claim shall not be submitted. If duplicative Proofs of Claim are filed contrary to this Order, the Liquidator shall disallow them without further consideration of their merits.

9. The Bar Date shall not apply to routine administrative expense claims.

10. The mailing Notice attached to the Bar Date Application as Exhibit A is hereby approved. The Liquidator shall mail by first class mail, as soon as practicable after receipt of this Order, a copy of the mailing Notice to the creditors and potential creditors or claimants of HPIX as of the date of the Liquidation Order (January 12, 2018).

11. The publication Notice attached to the Bar Date Application as Exhibit B is hereby approved. The Liquidator shall cause a copy of the publication Notice to be published once in the Patriot News and the Philadelphia Inquirer within thirty (30) days of the date of this Order.

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P. KEVIN BROBSON, PRESIDENT JUDGE



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

May 14, 2021

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: Healthcare Providers Insurance Exchange ("HPIX") (In Liquidation)  
No. 1 HPI 2017***

Dear Mr. Krimmel:

Attached for filing please find the Liquidator's Application to Establish a Claims Bar Date 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

