

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Rec'd By Legal  
JUN 17 2009

Joel S. Ario, Insurance Commissioner :  
Commonwealth of Pennsylvania, :  
Plaintiff :

v. :

No. 427 M.D. 2001

PHICO Insurance Company, :  
Defendant :

ORDER

AND NOW, this 15<sup>th</sup> day of June, 2009, having considered "Liquidator's Petition to Establish a Claims Bar Date" (Petition), to which the court has received no objection, it is hereby ordered that the Petition is granted. It is further 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 PHICO, against the Liquidator, his agents and representatives, or in any way affecting or seeking any assets of PHICO, 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 proofs supporting the claim. The form of Proof of Claim attached to the Petition as Exhibit A 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 PHICO 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. Any claim is barred which does not ripen into a legal cause of action prior to the Bar Date, even though the claimant filed a Proof of Claim before the Bar Date. 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 should 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 PHICO and the Liquidator, including defenses otherwise based on the untimeliness of the claims.

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

8. The establishment of the Bar Date is not an opportunity to refile or reargue a claim previously filed with PHICO, 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 Bar Date shall not apply to any claim by a guaranty association.

11. The Publication Notice is hereby approved. PHICO shall cause a copy of the Publication Notice to be published in *USA Today*, *The Wall Street Journal*, the *Philadelphia Inquirer*, and the *Harrisburg Patriot*, twice in each publication over a two-week period, within thirty (30) days of the date of this Order.

12. The mailing Notice is hereby approved. PHICO shall mail by first class mail, as soon as practicable after receipt of this Order, a copy of the mailing Notice to all insureds of record as of the date of the Liquidation Order (February 1, 2002) and to all other persons or entities that filed a proof of claim as referenced in paragraph 7 of the Petition.

  
ROCHELLE S. FRIEDMAN, Senior Judge

**Certified from the Record**

JUN 16 2009

and Order Exit