IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: ROCKWOOD INSURANCE

COMPANY

No. 249 M.D. 1990

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ORDER

AND NOW, this 10th day of August, 2010, Liquidator's Petition to Establish a Claims Bar Date is GRANTED and it is hereby ORDERED as follows:

- 1. September 24, 2010, is hereby established as a claims bar date ("Bar Date").
- 2. Any and all claims against Rockwood Insurance Company (Rockwood), against Joel S. Ario, Insurance Commissioner of the Commonwealth of Pennsylvania, in his capacity as Statutory Liquidator (Liquidator) of Rockwood, his agents and representatives, or in any way affecting or seeking to affect any assets of Rockwood, wherever or however such assets may be owned or held, directly or indirectly, must be filed with the Liquidator no later than the September 24, 2010 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 "A" to the Petition to Establish a Claims Bar Date is

approved and should be utilized by any claimant who files a claim after the date 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 September 24, 2010 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 September 24, 2010 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 September 24, 2010 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 September 24, 2010 Bar Date, the filing of a Proof of Claim should be allowed after the September 24, 2010 Bar Date but only within thirty (30) days of when the claim arose.
- 6. The establishment of the September 24, 2010 Bar Date does not constitute the waiver of any defenses to individual Proofs of Claim. Any and defenses to such claims remain available to Rockwood and the Liquidator, including defenses otherwise based on the untimeliness of the claims.
- 7. The September 24, 2010 Bar Date does not apply to, or affect in any way, claims, actions or rights of Rockwood or the Liquidator.
- 8. The establishment of the September 24, 2010 Bar Date is not an opportunity to refile or reargue a claim previously filed with Rockwood, 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 September 24, 2010 Bar Date shall not apply to routine administrative expense claims.
- 10. The September 24, 2010 Bar Date shall not apply to any claim by a guaranty association.
- 11. The Publication Notice is hereby approved. The Liquidator shall cause a copy of the Publication Notice to be published in <u>USA Today</u>, <u>The Wall Street Journal</u>, the <u>Philadelphia Inquirer</u>, and the <u>Harrisburg Patriot</u>, 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. The Liquidator 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 effective date of the Liquidation Order (August 26, 1991) and to all other persons or entities that filed a Proof of Claim as referenced in paragraph 5 of the Liquidator's Petition to Establish a Claims Bar Date.

JAMES R. KELLEY, Senior Judge