

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

Constance B. Foster,	:	
Insurance Commissioner of the	:	
Commonwealth of Pennsylvania,	:	
As Statutory Liquidator of	:	
Westmoreland Casualty Company,	:	
Plaintiff	:	
	:	No. 2645 C.D. 1987
v.	:	
	:	
Westmoreland Casualty Company	:	
(in Liquidation),	:	
Defendant	:	

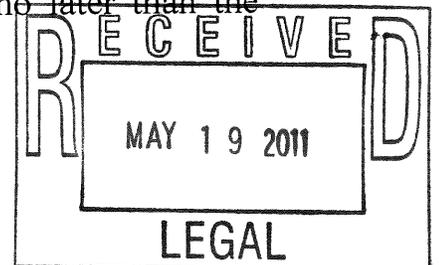
**ORDER**

**AND NOW**, this 16th day of May, 2011, upon consideration of the Liquidator's Petition to Establish a Claims Bar Date and for approval of the form and the publication of the Notice of the Claims Bar Date, and in the absence of any opposition thereto, the Petition is GRANTED.

Further, the Court hereby Orders as follows:

1. The date forty-five (45) days after the date of the Order is hereby established as the Claims Bar Date.

2. Any and all claims against Westmoreland Casualty Company (Westmoreland), against the Liquidator, his agents and representatives, or in any way affecting or seeking to affect any assets of Westmoreland, wherever or however such assets may be owned or held, directly or indirectly, must be filed with the Liquidator no later than the Claims 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 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 Westmoreland 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 Claims 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 Claims 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 Claims Bar date, even though the claimant filed a Proof of Claim before the Claims Bar date. Notwithstanding the foregoing, if a claim first arises within thirty (30) days prior to the Claims Bar Date, the filing of a Proof of Claim will be allowed after the Claims Bar Date but only within thirty (30) days of when the claim arose.

6. The establishment of the Claims 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 Westmoreland and the Liquidator, including defenses otherwise based on the untimeliness of the claims.

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

8. The establishment of the Claims Bar Date is not an opportunity to refile or reargue a claim previously filed with Westmoreland or the Liquidator, and duplicate 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 Claims Bar Date shall not apply to routine administrative expense claims.

10. The Claims Bar Date shall not apply to any claim by a guaranty association.

11. The proposed Publication Notice of the Claims Bar Date is approved. The Liquidator shall cause a copy of the Publication Notice to be published in the *Pittsburgh Post Gazette*, the *Harrisburg Patriot*, and a newspaper serving each of the capital cities of Delaware, Maryland, Mississippi, New Mexico, and Louisiana, twice in each publication over a two-week period, within thirty (30) days of the date of this Order.

12. The proposed Mailing Notice of the Claims Bar Date is 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 date of the Liquidation Order (September 27, 1989) and to all other persons or entities that filed a proof of

claim between September 27, 1989 and March 31, 2011, as referenced in paragraph 5 of the Liquidator's Petition to Establish a Claims Bar Date.

*Bonnie B. Leadbetter*

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**BONNIE BRIGANCE LEADBETTER,  
President Judge**

**Certified from the Record**

**MAY 17 2011**

**And Order Exit**