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COMMONWEALTH COURT
OF PENNSYLVANIA

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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

TERESA D. MILLER,
INSURANCE COMMISSIONER OF
THE COMMONWEALTH OF
PENNSYLVANIA,

Plaintiff,

v.

WESTMORELAND CASUALTY
COMPANY,

Defendant.

No. 2645 C.D. 1987

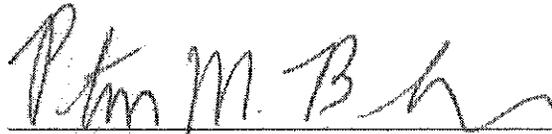
PRAECIPE TO SUBSTITUTE

TO THE PROTHONOTARY:

On January 20, 2016, an Application to Approve the Final Determined Amounts of Claims of Guaranty Associations Affected by the Insolvency of Westmoreland Casualty Company was filed in this liquidation proceeding. Exhibit B to said Application currently consists of eighteen

(18) pages (the pages are not numbered). Please replace the seventh, eighth, and ninth pages of Exhibit B with the two pages attached hereto.

Respectfully submitted:



PRESTON M. BUCKMAN (I.D. #57570)
Governor's Office of General Counsel
Pennsylvania Insurance Department
Capitol Associate Building
901 North 7th Street
Harrisburg, PA 17102
(717) 787-6009

Attorney for Teresa D. Miller, Insurance
Commissioner of the Commonwealth of
Pennsylvania, in her official capacity as Statutory
Liquidator of Westmoreland Casualty Company

Dated: _____

5/13/16

Buckman, Preston

From: Haag, Dennis
Sent: Wednesday, May 11, 2016 10:50 AM
To: Buckman, Preston
Subject: FW: Westmoreland Casualty Company

See below.

From: Barry Miller [mailto:bmiller@deiga.com]
Sent: Friday, September 25, 2015 10:21 AM
To: Haag, Dennis <c-dhaag@pa.gov>
Subject: RE: Westmoreland Casualty Company

Mr. Haag,

We were involved with the "testing" of the handling of Management Fees a are aware of the court decision, therefore we are in agreement with the exclusion of Management Fees from our Class "A" claim.

Regards,
Barry

Barry Miller
Executive Director
Delaware Insurance Guaranty Association
(302) 456-3656 ext. 5
bmiller@deiga.com

From: Haag, Dennis [mailto:c-dhaag@pa.gov]
Sent: Wednesday, September 23, 2015 8:30 AM
To: Barry Miller
Subject: Westmoreland Casualty Company

Mr. Miller

On June 30, 2015, Mr. Andrew Rothseid of RunOff ReSolve Re wrote to you regarding the finalization of Westmoreland Casualty Company. You wrote back on July 21, 2015 accepting our figures for your Class "A" claim in the amount of \$96,809.05 and your class "B" claim in the amount of \$536,849.17.

We continue to creep closer to closing out the Westmoreland Estate but in doing so, we have encountered an issue. In June, 2007 the Office of Liquidations issued GA Reimbursement Guidelines which spelled out various items that the liquidator would not recognize. One of those items, Investment Manager Fees, was tested in Commonwealth Court and the court found in favor of the liquidator.

Based on this, we have determined that in the Westmoreland Estate, we would allow investment manager fees up until the date of the GA Reimbursement Guidelines but disallow any fees incurred after that date. As of June 30, 2007, you had recorded \$0.00 in Inception to Date Investment Manager Fees. This amount will be allowed as part of your class "A"

administrative claim. As of June 30, 2015, your inception to date Investment Manager Fees had grown to \$9,258.87. This \$9,258.87 will be a disallowed item, thereby decreasing your class "A" claim to \$87,550.18.

I know this adjustment seems trivial, but we must make it to be consistent across the board.

Please reply with your agreement to this adjustment.

Thank you.

Dennis Haag | Chief
Insurance Department | Bureau of Liquidations & Rehabilitations
901 N. 7th Street | Harrisburg PA 17102
Phone: 717.787.7823 | Fax 717.783-9326
www.insurance.pa.gov | www.chipcoverspakids.com

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon the person(s) and in the manner indicated below.

Service by first-class mail, addressed as follows:

Donna J. Pankowski, District Counsel
Internal Revenue Service
1001 Liberty Avenue, Room 112
Pittsburgh, PA 15222-4003

Internal Revenue Service
Special Procedures Department
P.O. Box 12051
Philadelphia, PA 19105

Barry Miller, Executive Director
Delaware Insurance Guaranty Association
220 Continental Drive, Suite 309
Newark, DE 19713-4311

Arthur Russell, Executive Director
Mississippi Insurance Guaranty Association
713 South Pear Orchard Road, Suite 200
Ridgeland, MS 39157-4823

Sharon Williams, Deputy Director
Commercial Litigation Branch
Department of Justice, Civil Division
P.O. Box 875
Ben Franklin Station
Washington, DC 20044

Internal Revenue Service
Taxpayer Services
600 Arch Street
Philadelphia, PA 19105

John R. Spielberg, President
Maryland P&C Insurance Guaranty
Corporation
305 Washington Street, Suite 600
Towson, MD 21204-4715

Stephen F. Perrone, Executive Director
Pennsylvania P&C Insurance Guaranty
Corporation
1617 John F. Kennedy Blvd., Suite 1850
Philadelphia, PA 19103

Laura Keller, Claims Manager
Pennsylvania Workers Compensation
Security Fund
901 North 7th Street
Harrisburg, PA 17102

Pennsylvania Department of Revenue
ATTN: Marianne I. Rempe, Esquire
Office of Chief Counsel
Department 281061
Harrisburg, PA 17128-1061

Joseph J. Horvath, Executive Director
Pennsylvania Life & Health Insurance
Guaranty Association
290 King of Prussia Road
Radnor, PA 19087

Desiree Worsley
Louisiana Insurance Guaranty Association
2142 Quail Run Drive
Baton Rouge, LA 70808

Becky Tafoya, Director
New Mexico P&C Insurance Guaranty
Association
Integrion Group
P.O. Box 27815
Albuquerque, NM 87125

Andrew Rothseid, Principal
RunOff Re.Solve, LLC
Two Bala Plaza, Suite 300
Bala Cynwyd, PA 19004



PRESTON M. BUCKMAN (I.D. #57570)
Governor's Office of General Counsel
Pennsylvania Insurance Department
Office of Chief Counsel
Capital Associates Building
901 North 7th Street
Harrisburg, PA 17102
(717) 787-6009

Counsel for Teresa D. Miller, Pennsylvania
Insurance Commissioner, in her capacity as
Statutory Liquidator of Westmoreland
Casualty Company (In Liquidation)

DATED:

5/13/16



GOVERNOR'S OFFICE OF GENERAL COUNSEL

May 13, 2016

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

*Re: Teresa D. Miller, Insurance Commissioner of the Commonwealth of
Pennsylvania v. Westmoreland Casualty Company
No. 2645 C.D. 1987*

Dear Mr. Krimmel:

Attached for filing please find a copy of a Praeceptum to Substitute with regard to the above-referenced liquidation.

Thank you for your assistance in this matter.

Very truly yours,

Preston M. Buckman
Insurance Department Counsel

PMB:drh

Enclosure