

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

JESSICA K. ALTMAN,
INSURANCE COMMISSIONER OF:
THE COMMONWEALTH OF PENNSYLVANIA,.

Plaintiff,

No. 2645 C.D. 1987

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COMMONWEALTH COURT
OF PENNSYLVANIA

WESTMORELAND CASUALTY
COMPANY,

Defendant.

APPLICATION SEEKING DISCHARGE OF THE LIQUIDATOR
IN ACCORDANCE WITH 40 P.S. 221.48(a)

Jessica K. Altman, Insurance Commissioner of the Commonwealth of Pennsylvania, in her official capacity as Statutory Liquidator (hereinafter, "Liquidator") of Westmoreland Casualty Company ("Westmoreland"), by her undersigned counsel, respectfully represents that:

1. Westmoreland was placed in liquidation by Order of this Court on September 27, 1988 ("the Liquidation Order").

2. On October 1, 2019, the Liquidator filed with this Court her Final Accounting, Proposal for Final Distribution, and Application for Approval of Notice ("First Application"), seeking to make a final distribution of those assets she has collected in accordance with 40 P.S. 221.44.

3. This Court approved the Notice of the First Application on February 5, 2020, after which the Liquidator mailed the Notice of the First Application to all known claimants that same day, February 5, 2020- The Liquidator did not receive any objections to the Notice of the First Application.

4. The Liquidator filed an Application for Approval of Final Accounting, Final Distribution and Recommendation for Disposition of Records Pursuant to 40 P.S. 221.50 on June 24, 2020, seeking this Court's approval of her final accounting, final distribution, and her recommendation regarding the disposition of records.

5. By Order dated July 20, 2020, this Court, inter alia, approved the Liquidator's final accounting and authorized the Liquidator to distribute the assets of Westmoreland in accordance with paragraph 6 of the First Application. After completing the final distribution of assets, the July 20, 2020 Order also directed the Liquidator to file, in accordance with 40 P.S. 221.48(a), an application seeking discharge of the Liquidator and approval of the final disposition of any assets remaining in the Liquidator's possession at the time of discharge, or that may be unexpectedly received by the Liquidator post-discharge.

6. On September 18, 2020, checks were distributed to the various claimants to complete the final distribution of Westmoreland's assets, as approved by this Court.

7. In accordance with the July 20, 2020 Order referenced in paragraph 5 above, the Liquidator seeks approval to dispose of any funds remaining in her possession post-discharge as of June 1, 2021, by disposing of said funds in accordance with Section 547 of the Insurance Department Act of 1921, Act of May 17, 1921, P.L. 789, as amended, added by the Act of December 14, 1977, P.L. 280, 40 P.S. 221.47. In the unlikely event that any assets would be unexpectedly received after June 1, 2021, the Liquidator seeks approval to dispose of those assets in the same manner.

WHEREFORE, in accordance with paragraph five of this Court's July 20, 2020 Order,

the Liquidator files this Application and prays your Honorable Court that:

1. Jessica K. Altman, in her official capacity as Insurance Commissioner of the Commonwealth of Pennsylvania, and her predecessors in office, be discharged as Statutory Liquidator of Westmoreland Casualty Company (In Liquidation) and be released from any liability

to make payment of any further claims.

2. The Liquidator be authorized to dispose of any funds remaining in her possession post- discharge as of June 1, 2021, in accordance with Section 547 of the Insurance Department Act of 1921, Act of May 17, 1921, P.L. 789, as amended, added by the Act of December 14, 1977, P.L. 280, 40 P.S. 221.47. In the unlikely event that any assets would be unexpectedly received after June 1, 2021, the Liquidator be authorized to dispose of those assets in the same manner.

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

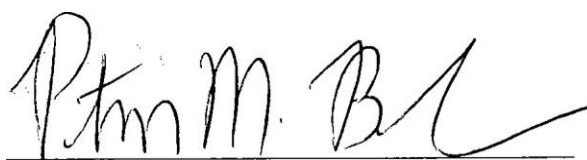
Attorney for Jessica K. Altman, Insurance
Commissioner of the Commonwealth of
Pennsylvania, in her official capacity as Statutory
Liquidator of Westmoreland Casualty Company

Dated:

10/13/20

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.



Preston M. Buckman (I.D. No. 57570)
PA Office of General Counsel
Pennsylvania Insurance Department
Office of Liquidations,
Rehabilitations and Special Funds 901
North 7th Street
Harrisburg, PA 17102
(717) 886-2080

Attorney for Jessica K. Altman, Insurance
Commissioner of the Commonwealth of
Pennsylvania, in her official capacity as Statutory Liquidator of Westmoreland Casualty
Company

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Dated:

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 by first-class mail, addressed as follows:

Donna J. Pankowski, District Counsel

Internal Revenue Service

1000 Liberty Avenue, Room 1 12
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
Andrew Rothseid, Principal
RunOff Re.Solve, LLC
Two Bala Plaza, Suite 300
Bala Cynwyd, PA 19004

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

Sue Pease, 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

John Wells, Executive Director
Louisiana Insurance Guaranty
Association
2142 Quail Run Drive
Baton Rouge, LA 70808

Debbie Luera, Director of Operations
New Mexico Insurance
Guaranty Association Integrion
Group
P.O. Box 27815
Albuquerque, NM 87125



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 Jessica K. Altman, Pennsylvania Insurance Commissioner, in
her capacity as Statutory Liquidator of Westmoreland Casualty Company (In
Liquidation)

DATED:
IN THE

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COMMONWEALTH COURT OF PENNSYLVANIA

JESSICA K. ALTMAN,
INSURANCE COMMISSIONER OF:
THE COMMONWEALTH OF PENNSYLVANIA,

Plaintiff,

No. 2645 C.D. 1987

WESTMORELAND CASUALTY
COMPANY,

Defendant.

ORDER

AND NOW, this _____ day of _____ 2020, upon consideration of
the foregoing Application Seeking Discharge of the Liquidator in Accordance with 40 P.S.

§ 221.48 (a) ("Application"), it is ordered and decreed that:

1. Jessica K. Altman, in her official capacity as Insurance Commissioner of the

Commonwealth of Pennsylvania, and her predecessors in office, are discharged as Statutory Liquidator of Westmoreland Casualty Company (In Liquidation) and are released from any liability to make payment of any further claims.

2. The Liquidator is authorized to dispose of any funds remaining in her possession post- discharge as of June 1, 2021, in accordance with Section 547 of the Insurance Department Act of 1921, Act of May 17, 1921, P.L. 789, as amended, added by the Act of December 14, 1977, P.L. 280, 40 P.S. 5221.47. In the unlikely event that any assets would be unexpectedly received after June 1, 2021, the Liquidator is authorized to dispose of those assets in the same manner.

BY THE COURT:

BONNIE BRIGANCE LEADBETTER
Senior Judge



GOVERNOR'S OFFICE OF GENERAL COUNSEL

October 13, 2020

CD co

Michael F. Krimmel, Chief Clerk
Commonwealth Court of Pennsylvania
601 Commonwealth Avenue, Suite 2100

P.O. Box 69185
Harrisburg, PA 17120-9185

Re: Jessica K. Altman, Insurance Commissioner of the Commonwealth of
Pennsylvania v. Westmoreland Casualty Company No. 2645 C.D. 1987

Dear Mr. Krimmel:

Attached for filing please find an original and 2 copies of the Liquidator's Application Seeking Discharge of Liquidator in accordance with 40 P.S. 221.48(a). Please file the original and one copy with the Court and return the second copy file stamped to me in the enclosed selfaddressed, stamped envelope.

Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "P.M. Buckman".

Preston M. Buckman
Insurance Department Counsel

PMB:drh

Enclosures

BUILDING | 901 NORTH 7TH STREET | HARRISBURG, PA 17102
CAPITOL ASSOCIATES

pennsylvania
T
INSURANCE DEPARTMENT

Ph: 717-787-6009 | 717-772-4543 | www.insurance.pa.gov