



## Supreme Court of Pennsylvania

Amy Dreibelbis, Esq.  
Deputy Prothonotary  
Elizabeth E. Zisk  
Chief Clerk

Middle District

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P.O. Box 62575  
Harrisburg, PA 17106  
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June 16, 2014

RE: In Re: Penn Treaty Network American Ins Co  
No. 94 MAP 2012  
Lower Appellate Court Docket No:  
Associated Case(s): 95 MAP 2012 Consolidated  
Other Court Docket No: 1 PEN 2009

Dear Attorney Buchholz  
Attorney Buckman  
Attorney Daubert  
Attorney Gargiulo  
Attorney Poedtke  
Attorney Potts  
Attorney Risk

Enclosed please find a certified copy of an order dated June 16, 2014 entered in the above-captioned matter. As Amicus Curiae, the Committee of Policyholders has been prevented from the briefing of this matter by denial of Nunc Pro Tunc relief, as a result the Committee of Policyholders has been removed as an active party and their attorneys will no longer receive correspondence from this office.

Very truly yours,  
Office of the Prothonotary

/bsm

Enclosure

cc: Gerald E. Arth, Esq.  
Ryan Clark Blazure, Esq.  
Mark David Bradshaw, Esq.  
Douglas Y. Christian, Esq.  
Damian L. DiNicola, Esq.  
Constance B. Foster, Esq.  
James Steven Gkonos, Esq.  
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Thomas A. Leonard, Esq.  
Richard P. Limburg, Esq.  
Vera Sue McAnulty, Esq.  
Benjamin Moshe Schmidt, Esq.  
Charles Thomas Young Jr., Esq.



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June 16, 2014

RE: In Re: American Network Ins Co in Rehabilitation  
No. 95 MAP 2012  
Lower Appellate Court Docket No:  
Associated Case(s): 94 MAP 2012 Consolidated  
Other Court Docket No: 1 ANI 2009

Dear Attorney Buchholz  
Attorney Buckman  
Attorney Daubert  
Attorney Gargiulo  
Attorney Poedtke  
Attorney Potts  
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Benjamin Moshe Schmidt, Esq.

**IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT**

IN RE: PENN TREATY NETWORK : No. 94 MAP 2012  
AMERICA INSURANCE COMPANY IN :  
REHABILITATION : Appeal from the Judgment of  
: Commonwealth Court, entered September  
: 28, 2012, at No. 1 PEN 2009  
  
APPEAL OF: MICHAEL F. CONSEDINE, :  
INSURANCE COMMISSIONER OF THE :  
COMMONWEALTH OF PENNSYLVANIA :

IN RE: AMERICAN NETWORK : No. 95 MAP 2012  
INSURANCE COMPANY IN :  
REHABILITATION : Appeal from the Judgment of  
: Commonwealth Court, entered September  
: 28, 2012, at No. 1 ANI 2009  
  
APPEAL OF: MICHAEL F. CONSEDINE, :  
INSURANCE COMMISSIONER OF THE :  
COMMONWEALTH OF PENNSYLVANIA :

**ORDER**

**PER CURIAM**

**AND NOW**, this 16<sup>th</sup> day of June, 2014, the above matter will be scheduled for oral argument. Three of the four issues raised by Michael F. Consedine, Insurance Commissioner of the Commonwealth of Pennsylvania, will be argued by the parties, restricted to the following:

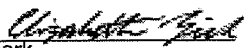
- b. Did the lower court err by substituting its judgment for the Commissioner's administrative discretion to terminate rehabilitation of two insolvent insurers in favor of liquidation, when the Commissioner produced evidence to support a non-arbitrary, reasonable basis to believe that continued rehabilitation would have proven futile or would have substantially increased the risk of loss to policyholders, creditors, or the public?

- c. Did the lower court err by imposing a heightened burden and requiring the Commissioner to prove, as a matter of fact, that continued rehabilitation would serve no useful purpose or would substantially increase the risk of loss?
- d. Did the lower court overstep its oversight authority under Article V of the Insurance Department Act of 1921, 40 P.S. §§ 221.1-221.63 (the "act") when it mandated the creation of a rehabilitation plan, as well as the plan's timing, development, and contents?

Additionally, the following Applications are hereby **DENIED**:

1. The Commissioner's Application for Relief Seeking an Order Granting Amici Curiae Leave to File a Response to Intervenors' Objections to Amicus Briefs and Striking Portions of Intervenors' Opposition Brief.
2. The Application [of the Committee of Policyholders] for Leave to File Amicus Curiae Brief Nunc Pro Tunc.
3. The Application [of the Committee of Policyholders] for Leave to File Reply in Support of Application to File Amicus Curiae Brief Nunc Pro Tunc.
4. The Intervenors' Application for Relief to Suppress Portions of Appellant's Reply Brief and for Leave to File Sur-Reply Brief.

A True Copy Elizabeth E. Zisk  
As Of 6/16/2014

Attest:   
Chief Clerk  
Supreme Court of Pennsylvania