

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
In the Matter of

**AFFIRMATION**

the Ancillary Receivership of

Index No.: 405987/01

RELIANCE INSURANCE COMPANY.  
-----X

Melissa A. Pisapia, an attorney at law, duly admitted to practice before the Courts of the State of New York, hereby affirms the following to be true under the penalties of perjury:

1. I am an attorney with the New York Liquidation Bureau (the "NYLB"), the organization that carries out the duties of the Acting Superintendent of Financial Services of the State of New York (the "Superintendent") as ancillary receiver (the "Ancillary Receiver") of Reliance Insurance Company ("Reliance"), and submit this affirmation, upon information and belief, based upon my review of the files of Reliance maintained by the NYLB, the affidavit of David S. Brietling, Chief Liquidation Officer of Reliance Insurance Company in Liquidation, annexed hereto as Exhibit 1 (the "Brietling Aff."), and the affidavit of Ellen Russell, the NYLB's Director of Claims, annexed hereto as Exhibit 2 (the "Russell Aff."), in support of the Ancillary Receiver's application for an order approving the proposed publication of notice of the establishment of a bar date in the Reliance Domiciliary Liquidation Proceeding as defined below. A copy of a proposed order is annexed hereto as Exhibit 3.

2. By order dated October 3, 2001, Reliance was placed into liquidation in the Commonwealth of Pennsylvania (the "Reliance Domiciliary Liquidation Proceeding") and the Insurance Commissioner of the Commonwealth of Pennsylvania and her successors in office were appointed liquidator of Reliance (the "Reliance Liquidator").

3. By order, entered December 14, 2001, this Court appointed the then-Superintendent of Insurance and his successors in office as Ancillary Receiver of Reliance thereby commencing this ancillary receivership proceeding (the “Ancillary Receivership Proceeding”). The Acting Superintendent of Financial Services of the State of New York has now succeeded the Superintendent of Insurance as Ancillary Receiver of Reliance.

4. In the course of the Ancillary Receivership Proceeding, all New York claims by Reliance policyholders and claimants, whether initially filed with the Reliance Liquidator or the Ancillary Receiver, receive a Reliance claim number and are entered into the Ancillary Receiver’s electronic records system. Thereafter, the status of open New York claim is reported quarterly by the Ancillary Receiver to the Reliance Liquidator using the Uniform Data Standards (“UDS”) data format.

5. By Memorandum and Order, certified on the record on December 22, 2015, the Commonwealth Court of Pennsylvania (the “PA Court”) established March 31, 2016, as the claims bar date (the “Claims Bar Date”), before which any claim against Reliance or any claim that could affect any assets of Reliance must be filed by means of a completed proof of claim (“POC”) form with the Reliance Liquidator (the “Claims Bar Date Order”). A copy of the Claims Bar Date Order is annexed hereto as Exhibit 4.

6. Under the Claims Bar Date Order, any claim filed on or after the Claims Bar Date is “forever barred from any distribution of the assets of the Reliance estate;” however, the Claims Bar Date does not apply to claims for (a) expenses of the Reliance Liquidator or the Reliance estate incurred in the ordinary course of the liquidation proceeding; (b) expenses of Guaranty Associations for amounts it pays under Reliance policies not barred by the Claims Bar Date

Order; or (c) claims which accrue within thirty (30) days before the Claims Bar Date provided a POC is filed within thirty (30) days of when the cause of action accrued.

7. New York Insurance Law Section 7412(a) permits claims to be filed with either the Reliance Liquidator or the Ancillary Receiver and requires that the Claims Bar Date established in the Reliance Domiciliary Liquidation Proceeding is effective in the Ancillary Receivership Proceeding.

8. The PA Court ordered the Reliance Liquidator to provide robust service of the Claims Bar Date Order by mailing and publication. The PA Court ordered the Reliance Liquidator to publish the Claims Bar Date Notice in *USA Today*, the *Philadelphia Inquirer*, *The New York Times*, the *Wall Street Journal*, as well as *Business Insurance* and to mail such notice to following Notice Recipients: (a) all Reliance insureds and third-party claimants who filed POC forms (including their identified counsel); (b) insureds with “open claims” known by the Reliance Liquidator; (c) all relevant litigants in known pending actions against Reliance; (d) the United States Department of Labor, the Department of Justice, the Center for Medicaid Services, the Environmental Protection Agency and the Internal Revenue Service; and (e) all Guaranty Associations. In addition, the Reliance Liquidator was ordered to post the Claims Bar Date Order on the Reliance website at [www.reliancedocuments.com](http://www.reliancedocuments.com). The Brietling Aff sets forth the notices provided by the Reliance Liquidator in accordance with the Claims Bar Date Order. Copies of the Notice of Publication and Notice of Mailing are annexed to the Brietling Aff as Exhibits B and C, respectively.

9. According to the Brietling Aff, the Reliance Liquidator served 31,514 Notice Recipients, including 5979 with New York addresses, which encompassed all open New York claims reported by the Ancillary Receiver in the UDS data format, as well as insureds and

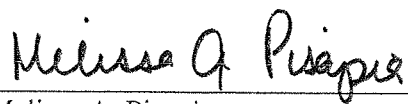
claimants who filed POCs with the Reliance Liquidator or reported claims to the Reliance Liquidator in some other way. *See* Brietling Aff. ¶¶ 6 and 8. The Russell Aff. confirms that all open claims being handled by the Ancillary Receiver are reported by the NYLB to Reliance quarterly using the UDS data format.

10. Although Reliance's New York insureds and claimants with open claims have received notice of the Claims Bar Date from the Reliance Liquidator, and the Ancillary Receiver has posted the Claims Bar Date Order on the website maintained by the NYLB at <http://www.nylb.org>, the Ancillary Receiver seeks this Court's approval of further notice by publication in New York as follows: (a) publishing a copy of the proposed notice ("Notice"), which is annexed hereto as Exhibit 5, in *The New York Times* and the *Times Union*, one time per week for two consecutive weeks commencing within two weeks of the date of the Order and (b) posting a copy of this Order and the Ancillary Receiver's application with all of its attachments on the website maintained by the New York Liquidation Bureau at <http://www.nylb.org>.

11. No previous application for the relief sought herein has been made to any court of competent jurisdiction.

Dated: New York, New York  
January 27, 2016

By:

  
\_\_\_\_\_  
Melissa A. Pisapia  
New York Liquidation Bureau

# EXHIBIT 1

)  
) **AFFIDAVIT OF DAVID S. BRIETLING**  
) **CHIEF LIQUIDATION OFFICER FOR**  
) **RELIANCE INSURANCE COMPANY,**  
) **IN LIQUIDATION**  
)

DAVID S. BRIETLING, being duly sworn, deposes and says:

1. I am the Chief Liquidation Officer of Reliance Insurance Company (“Reliance or Estate”), in liquidation proceedings before the Commonwealth Court of Pennsylvania (“Court”) in Case No. 1 REL 2001. I am fully familiar with the facts and circumstances set forth herein.

2. I am authorized by Teresa D. Miller, Insurance Commissioner for the Commonwealth of Pennsylvania, pursuant to 40 P.S. §221.23, to act on her behalf in her capacity as the Liquidator of Reliance (“Liquidator”) and to supervise the daily operations of Reliance.

3. Reliance was placed in rehabilitation by order of the Court on May 29, 2001. It was subsequently placed into liquidation by order of the same court on October 3, 2001.

4. The Court issued an order on December 22, 2015 establishing March 31, 2016 as the Claims Bar Date for Reliance (“Claims Bar Date Order”). Any claims asserted against Reliance must be submitted with a Proof of Claim (“POC”) form PRIOR to the Claims Bar Date or be barred. The Claims Bar Date Order included the notice provisions shown in the excerpt attached as Exhibit A.

5. The largest group of notice recipients are all insureds and third party claimants who filed class (b) POCs. That group also includes those whose POC might have been

subordinated to a lower priority class because it was considered a late filed claim or a claim that was paid by “other benefits”. Class (b) claims as defined in 40 P.S. §221.44 includes “all claims under policies for losses wherever incurred, including third party claims, . . .”.

6. All insureds with Open Claims includes those insureds who have notified Reliance in some way regarding a claim, but who have not yet filed a POC. This category would include insureds or third party claimants with Open Claims which were reported to Reliance by the New York Liquidation Bureau (“NYLB”) utilizing the Uniform Data Standards (“UDS”) protocols.

7. In compliance with the Claims Bar Date Order, the notice attached as Exhibit B (“Publication Notice”) was published in the USA Today, the Philadelphia Inquirer, the Wall Street Journal (national edition), and the New York Times (national edition) on both December 31, 2015 and January 7, 2016. Additionally, the notice attached as Exhibit B was published in Business Insurance on January 4, 2016 and is available online in the USA Today and the Philadelphia Inquirer from December 31, 2015 through January 30, 2016.

8. The Bar Date Notice attached as Exhibit C (“Mailing Notice”) was mailed individually, by first class mail, on January 20, 2016 to 31,514 Notice Recipients (as defined in the Claims Bar Date Order), including 5,979 Notice Recipients with New York addresses. Because the scope of notice included both insureds and third party claimants (with Open Claims) as reported by NYLB and those who filed POCs with Reliance or reported open claims to Reliance in some other way, more NY residents were included in the Reliance mailing than only those insureds or third party claimants who still have an open claim with the NYLB.

9. It should be noted that the notice provided for the Application to Establish a Claims Bar Date and for Approval of Notice (“Bar Date Application”), attached hereto as

Exhibit D, was also published in the same publications and mailed to the same Notice Recipients in August of 2014 when the Bar Date Application was filed. As noted in footnote 3 of the Bar Date Application: "For those Notice Recipients who have not filed POCs, addresses will be updated, to the extent possible, through the U. S. Postal Service National Change of Address ("NCOA") database. POC filers are required, by 40 P.S. §221.24(b), to inform the Liquidator of any change of address." The NCOA database includes 24 months of postal address history. The same process was used to update addresses for the Mailing Notice advising the Notice Recipients of the Claims Bar Date.

10. Exhibit E attached to this affidavit is a screenshot of [www.reliancedocuments.com](http://www.reliancedocuments.com) website which is referenced in both the Publication Notice and Mailing Notice. As ordered by Commonwealth Court, the Claims Bar Date Order is posted in a prominent place in the center on the first page of the website.

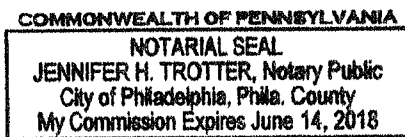
11. Attached hereto as Exhibit F is a screenshot of the Proof of Claim Information page also referenced in both Publication Notice and the Mailing Notice. The items posted on the Proof of Claim Information link include the Mailing Notice (Exhibit C), the POC form (Exhibit G), Pa R.A.P. 3781(A)(3) (Exhibit H) , and Information for Filing a Proof of Claim and Frequently Asked Questions (Exhibit I) which includes some information about guaranty associations.

12. Any POCs that are received prior to the Claims Bar Date and which may be covered by the guaranty funds administered by the NYLB will be forwarded to the NYLB as they are received and input into the Reliance systems.



David S. Brietling  
David S. Brietling  
Chief Liquidation Officer

Sworn to and subscribed before me this 25<sup>th</sup> day of January, 2016.



Jennifer H. Trotter  
Notary Public

# EXHIBIT A

**EXCERPT FROM NOTICE PROVISIONS OF  
THE CLAIMS BAR DATE ORDER**

13. Notice of the Bar Date shall be provided to the following persons (“Notice Recipients”):
- a. all insureds and third party claimants who filed class (b) POCs (including their identified counsel), including those whose claim was subordinated to priority class (e) or (g);
  - b. insureds with Open Claims (as defined in the Application) known by the Liquidator;
  - c. all relevant litigants in known pending actions against the Reliance Estate or the Liquidator, including those which have been stayed, and not dismissed, by court order or by agreement of the parties;
  - d. the Department of Labor, the Department of Justice, the Center for Medicaid Services, the Internal Revenue Service, and the Environmental Protection Agency; and
  - e. all Guaranty Associations.
14. The notice regarding the Bar Date (“Bar Date Notice”) shall be in substantially the form attached hereto. The Bar Date Notice shall be provided to the Notice Recipients by first class mail at the address shown in the books, records, and systems of the Reliance Estate as of the date of this Order. Said mailing shall be made within twenty-one (21) business days after the date of this Order. However, the Bar Date Notice need not be mailed to Notice Recipients with known bad addresses based on returned mail.
15. The Bar Date Notice shall be published twice in the print and online versions of USA Today and the Philadelphia Inquirer, and once in the print version of Business Insurance within approximately three weeks of this Order. The Bar Date Notice shall also be published in the print versions of the national edition of the Wall Street Journal and the national edition of the New York Times twice within approximately three weeks of this Order.
16. Additionally, in compliance with Pa. R.A.P. 3779, the Liquidator shall post the Bar Date Order on the Reliance Documents website ([www.reliancedocuments.com](http://www.reliancedocuments.com)), in a prominent location on the first page of the website, within three (3) days of the date of this Order.

# EXHIBIT B

NOTICE OF THE CLAIMS BAR DATE FOR  
RELiance INSURANCE COMPANY IN LIQUIDATION

The Liquidator of Reliance Insurance Company is providing this Notice in compliance with the Order of the Commonwealth Court of Pennsylvania issued on December 22, 2015 ("Claims Bar Date Order"). In that Order the Commonwealth Court established a date ("Claims Bar Date") by which all claims against the following companies must be filed with the Liquidator or be forever barred from sharing in any distribution of assets: Reliance Insurance Company, Reliance National Indemnity Company, Reliance National Insurance Company, United Pacific Insurance Company, Reliance Direct Company, Reliance Surety Company, Reliance Universal Insurance Company, United Pacific Insurance Company of New York and Reliance Insurance Company of Illinois.

**The CLAIMS BAR DATE is MARCH 31, 2016.**

You may view, download, or print a copy of the Claims Bar Date Order by accessing the Reliance Documents website at [www.reliancedocuments.com](http://www.reliancedocuments.com), and choosing the link for the Claims Bar Date Order. If you do not have access to the internet or if for any reason you are unable to view, download, or print the Claims Bar Date Order from the Reliance Documents website, you may contact Reliance as follows and request that a copy of the Claims Bar Date Order be mailed to you:

**by mail:** Liquidator-Claims Bar Date Order, Reliance Insurance Company (In Liquidation),  
P.O. Box 7757, Philadelphia, PA 19101, or Three Parkway, 5<sup>th</sup> Floor, Philadelphia,  
PA 19102  
**by telephone:** (215) 864-4000 or  
**by fax:** (215)-864-4010 or  
**by email:** [Liquidator@relianceinsurance.com](mailto:Liquidator@relianceinsurance.com).

The Proof of Claim ("POC") form and information about filing a POC are also available at [www.reliancedocuments.com](http://www.reliancedocuments.com) by clicking on the link for POC Information.

# EXHIBIT C

NOTICE OF THE CLAIMS BAR DATE FOR  
RELIANCE INSURANCE COMPANY IN LIQUIDATION

The Liquidator of Reliance Insurance Company is providing this Notice in compliance with the Order of the Commonwealth Court of Pennsylvania issued on December 22, 2015 ("Claims Bar Date Order"). In that Order the Commonwealth Court established a date ("Claims Bar Date") **PRIOR TO** which all claims against the following companies must be filed with the Liquidator or be forever barred from sharing in any distribution of assets: Reliance Insurance Company, Reliance National Indemnity Company, Reliance National Insurance Company, United Pacific Insurance Company, Reliance Direct Company, Reliance Surety Company, Reliance Universal Insurance Company, United Pacific Insurance Company of New York and Reliance Insurance Company of Illinois.

**The CLAIMS BAR DATE is March 31, 2016.**

A Proof of Claim filed on or after the Claims Bar Date will not be considered even if the claim is filed late for a reason constituting good cause under 40 P.S. §221.37. Any Proof of Claim filed before the Bar Date must identify, prior to the Bar Date, a specific claimant with specific and identified existing injuries or damages or it will be barred.

You may view, download, or print a copy of the Claims Bar Date Order by accessing the Reliance Documents website at [www.reliancedocuments.com](http://www.reliancedocuments.com), and choosing the link for the Claims Bar Date Order. If you do not have access to the internet or if for any reason you are unable to view, download, or print the Claims Bar Date Order from the Reliance Documents website, you may contact Reliance as follows and request that a copy of the Claims Bar Date Order be mailed to you:

**by mail:** Liquidator-Claims Bar Date Order, Reliance Insurance Company (In Liquidation),  
P.O. Box 7757, Philadelphia, PA 19101, or Three Parkway, 5<sup>th</sup> Floor, Philadelphia,  
PA 19102  
**by telephone:** (215) 864-4000 or  
**by fax:** (215)-864-4010 or  
**by email:** [Liquidator@relianceinsurance.com](mailto:Liquidator@relianceinsurance.com).

The Proof of Claim ("POC") form and information about filing a POC are also available at [www.reliancedocuments.com](http://www.reliancedocuments.com) by clicking on the link for POC Information.

# EXHIBIT D



NOTICE OF FILING OF AN APPLICATION TO ESTABLISH A  
CLAIMS BAR DATE FOR RELIANCE INSURANCE COMPANY IN LIQUIDATION

The Liquidator of Reliance Insurance Company is providing this Notice in compliance with an Order of the Commonwealth Court of Pennsylvania which established a deadline for filing any objections to the Liquidator's Application to Establish a Claims Bar Date and for Approval of Notice ("Bar Date Application").

If the Court approves a Bar Date, a Proof of Claim filed on or after the Bar Date will not be considered even if the claim is filed late for a reason constituting good cause under 40 P.S. 221.37. Any Proof of Claim filed before the Bar Date must identify, prior to the Bar Date, a specific claimant with specific and identified existing injuries or damages or it will be barred.

**The DEADLINE for filing any RESPONSE to the Bar Date Application is  
September 19, 2014.**

You may view, download, or print a copy of the Bar Date Application by accessing the Reliance Documents website at [www.reliancedocuments.com](http://www.reliancedocuments.com), and choosing the link for the Bar Date Application. If you do not have access to the internet or if for any reason you are unable to view, download, or print the Bar Date Application from the Reliance Documents website, you may contact Reliance as follows and request that a copy of the Bar Date Application be mailed to you:

**by mail:** Liquidator-Bar Date Application  
Reliance Insurance Company (In Liquidation)  
Three Parkway, 5<sup>th</sup> Floor, Philadelphia, PA 19102 or  
P. O. Box 7757, Philadelphia, PA 19101  
**by telephone:** (215) 864-4000 or  
**by fax:** (215)-864-4010 or  
**by email:** [Liquidator@relianceinsurance.com](mailto:Liquidator@relianceinsurance.com).

Commonwealth Court rules applicable to filing responses are also available by clicking on the link for Selected PA Rules Governing Insurance Liquidations at [www.reliancedocuments.com](http://www.reliancedocuments.com).

# EXHIBIT E

## Reliance Documents

Welcome to the Reliance Documents website. The purpose of this website is to provide interested persons with access to pleadings and other documents of the Liquidator of Reliance Insurance Company filed with the Commonwealth Court of Pennsylvania in the Civil Action No. 1 REL 2001-(269 M.D. 2001) (Pa. Cmwh. Ct.).

The document list below is not an official docket of the Commonwealth Court. An official docket may be obtained from the website of [Pennsylvania's Unified Judicial System](#). Also, additional information about the Liquidation of Reliance Insurance Company, and Liquidation in general, may be obtained from the website of the [Pennsylvania Insurance Department](#) and the website of [Reliance Insurance Company \(In Liquidation\)](#).

This website will be updated as additional documents are filed. Should you have any difficulty viewing the PDF documents, try refreshing the website (click on view and then click refresh or click Ctrl F5). If you have any further problems, please e-mail [Liquidator@relianceinsurance.com](mailto:Liquidator@relianceinsurance.com)

### ORDER OF LIQUIDATION

### CLAIMS BAR DATE ORDER

### CLAIMS BAR DATE NOTICE

### APPLICATION TO ESTABLISH A CLAIMS BAR DATE AND FOR APPROVAL OF NOTICE NOTICE OF FILING OF AN APPLICATION TO ESTABLISH A CLAIMS BAR DATE AND RESPONSE DEADLINE ORDER IN RE: NOTICE OF LIQUIDATOR'S APPLICATION TO ESTABLISH A CLAIMS BAR DATE

### Rehabilitation Documents

May 29, 2001 - October 2, 2001

### 269 MD 2001:

Closed per 5/9/11 Admin Order

### 1 REL 2001 General Proceedings:

October 3, 2001 - December 31, 2001

January 1, 2002 - December 31, 2002

January 1, 2003 - December 31, 2003

January 1, 2004 - December 31, 2004

January 1, 2005 - December 31, 2005

January 1, 2006 - December 31, 2006

January 1, 2007 - December 31, 2007

January 1, 2008 - December 31, 2008

January 1, 2009 - December 31, 2009

January 1, 2010 - December 31, 2010

January 1, 2011 - December 31, 2011

January 1, 2012 - December 31, 2012

January 1, 2013 - December 31, 2013

January 1, 2014 - December 31, 2014

January 1, 2015 - December 31, 2015

January 1, 2016 - December 31, 2016

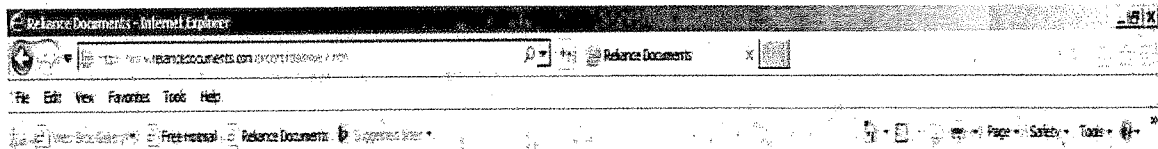
- [Additional Website References](#)
- [Ancillary Matter Cover Sheet](#)
- [Ancillary Proceedings](#)
- [Case Management Orders](#)
- [Claimant Attorney Requirements](#)
- [Claims Bar Date](#)
- [Claims Information Order](#)
- [Notice of Closure of Philadelphia Filing Office Effective 12/31/12](#)
- [Proof Of Claim Information](#)
- [Referee Rates](#)
- [Reinsurance Information](#)
- [Selected PA Rules Governing Insurance Liquidations](#)
- [Service Lists](#)

### Disclaimer



### Recently Filed Documents

# **EXHIBIT F**



## Reliance Documents

[Bar Date Notice PDF](#)

[Proof of Claim Form PDF](#)

[Rule 3781\(A\)\(5\) - Filing a Proof of Claim PDF](#)

[Information for Filing a Proof of Claim and Frequently Asked Questions PDF](#)

[Home](#) [Contact Information](#)

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# EXHIBIT G



**PROOF OF CLAIM**  
**IN THE MATTER OF RELIANCE INSURANCE COMPANY (IN LIQUIDATION)**  
**CLAIMS BAR DATE is MARCH 31, 2016**

READ ALL MATERIALS CAREFULLY BEFORE COMPLETING THIS FORM - COMPLETE ALL SECTIONS  
FILL IN ALL BLANKS - PLEASE PRINT CAREFULLY OR TYPE

Make corrections to Name & Address below.

Claimant Name: \_\_\_\_\_  
Address 1: \_\_\_\_\_  
Address 2: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Country: \_\_\_\_\_  
Social Security/E.I.N. #: \_\_\_\_\_ e-mail: \_\_\_\_\_  
Daytime Phone #: (include area code) \_\_\_\_\_

Name of Insured: \_\_\_\_\_  
Policy Number: \_\_\_\_\_ Claim Number: (if previously filed): \_\_\_\_\_  
Date of Loss: \_\_\_\_\_ Agent Number: \_\_\_\_\_

Claim is for (Check X or specify Below)

1	POLICY HOLDER or THIRD PARTY CLAIM	Claim by insured of Reliance Insurance under a Reliance Insurance Policy for POLICY Benefits or Liability claim against an insured of Reliance Insurance for POLICY BENEFITS.
2	RETURN of UNEARNED PREMIUM or OTHER PREMIUM REFUNDS	Portion of paid premium not earned due to early cancellation of policy or retro or audit adjustment.
3	GENERAL CREDITOR	Such as Attorney fees, Adjuster fees, Vendors, Lessors, Consultants, Cedants and Reinsurers.
4	AGENTS' BALANCES	Agents' Earned Commissions.
5	ALL OTHER	Describe: _____

In the space below give a Concise Statement of the Facts giving rise to your claim. Attach additional sheets if required. \_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AMOUNT OF CLAIM: \$ \_\_\_\_\_

Is there OTHER INSURANCE that may cover this claim? Yes ( ) No ( )

If YES provide name of insurer(s) and policy numbers(s): \_\_\_\_\_

Does AN ATTORNEY REPRESENT you? Yes ( ) No ( ) If YES provide attorney's name, address & telephone number: \_

Has a Lawsuit or other LEGAL ACTION been instituted by anyone regarding this claim? Yes ( ) No ( ) If YES, provide the following:

COURT WHERE FILED: \_\_\_\_\_

DATE FILED & DOCKET NUMBER: \_\_\_\_\_

PLAINTIFF(S): \_\_\_\_\_

DEFENDANT(S): \_\_\_\_\_

I verify that the statements made in this Proof of Claim (POC) are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 19 Pa. C.S. §4904 (relating to unsworn falsification to authorities). I have the right and authority to sign and submit this POC, have read the foregoing and know the contents thereof. No payment of or on account of the above stated claim has been made except as stated above; there are no offsets or counterclaims; and I am not a secured creditor or claimant and there is no security interest except as stated above.

**If the foregoing POC alleges a claim against a Reliance insured (third party claim), the undersigned hereby releases any and all claims which have been or could be made against such Reliance insured based on or arising out of the facts supporting the above POC up to the amount of the applicable policy limits and subject to coverage being accepted by the Liquidator, regardless of whether any compensation is actually paid to the undersigned.**

\_\_\_\_\_  
Claimant Signature

\_\_\_\_\_  
Date

**DO NOT FILE A PROOF OF CLAIM (POC) IF:**

- You have already filed a Proof of Claim for this specific claim.**
- You do not have a specific, existing claim, but only a claim that might occur in the future.**
- You can only report types of possible claims, but not claims involving specific identified persons/entities with specific injuries or damage.**

**INSTRUCTIONS FOR COMPLETING POC FORM**

Please complete all of the applicable blanks. Attach additional sheets as required. In the event you do not know certain information, please write "unknown." Please print legibly in ink or type. The form may be duplicated. You are advised to keep a completed copy for your records.

The Liquidator has the right (but not the obligation) to request additional supporting information. The failure to promptly provide such additional information may result in denial or subordination of your claim.

The POC form must be signed by the claimant, and must contain the claimant's current address and zip code. If the claimant is a corporation, it must be signed by an authorized officer, designated by his or her title, or by the attorney for the corporation. No POC can be considered for payment without a social security number or tax identification number. Where applicable, the name and address as well as the telephone number of the claimant's attorney, if any, must be provided. **YOU MUST FILE A SEPARATE POC FORM FOR EACH CLAIM YOU MAKE. IF YOU HAVE MORE THAN ONE CLAIM, YOU MAY MAKE COPIES OF THIS FORM, OR CALL (215) 864-4000 FOR ADDITIONAL POC FORMS OR DOWNLOAD ADDITIONAL COPIES FROM [www.reliancedocuments.com](http://www.reliancedocuments.com).**

**You must sign the proof of claim form and send it:**

**by mail:** Proof of Claim Department  
Reliance Insurance Company (In Liquidation)  
P. O. Box 7757, Philadelphia, PA 19101, or  
Three Parkway, 5<sup>th</sup> Floor, Philadelphia, PA 19102  
**by fax:** (215)-864-4400 or  
**by email:** [assumedre@relianceinsurance.com](mailto:assumedre@relianceinsurance.com)

**NOTE: This form must be received BEFORE March 31, 2016 and must include a good cause explanation, pursuant to 40 P.S. §221.37, for being filed after the claim filing deadline of December 31, 2003.**

**CHANGE OF ADDRESS**

**You are required by 40 P.S. §221.24(b) to notify the Statutory Liquidator of your change of address.  
If you fail to do so you may jeopardize your chance of recovery from this estate.**

**INFORMATION REGARDING CLAIMS AGAINST RELIANCE INSURANCE COMPANY**

After all claims against this company are evaluated by the Statutory Liquidator and approved by the Court, approved claims will be paid by priority level based on available funds in accordance with 40 P.S. Section 221.1 *et seq.* The amount of the payment will depend on the assets available. The amount to be paid on an individual claim, if any, will not be known until all claims are evaluated. The Statutory Liquidator's receipt of this POC form does not constitute any waiver or relinquishment by the Statutory Liquidator of any defense, setoff, or counterclaim that may exist against any person, entity, or governmental agency, regarding any actions pursued by the Statutory Liquidator of Reliance Insurance Company on behalf of Reliance Insurance Company claimants, insureds, and creditors.



# EXHIBIT H

## **Rule 3781. Claim Procedure in Liquidation Proceedings**

### **(a) Filing a proof of claim.**

(3) The completed proof of claim form and supporting documentation shall be filed with the liquidator. A proof of claim form is filed when received by the liquidator except as described below. The liquidator is deemed to have received the proof of claim form on the date of mailing as established by a United Postal Service Form 3817 Certificate of Mailing or by any similar form from which the date of deposit in the mail can be verified or the date of transmission by facsimile (fax) or electronic mail (e-mail), as documented by the sender's fax or computer. If filing is accomplished by fax, the claimant shall also comply with the requirements of Pa. R.C.P. No. 440(d)(2), relating to a fax cover sheet.

# EXHIBIT I

**Commonwealth of Pennsylvania**  
**Office of Liquidations, Rehabilitations**  
**& Special Funds**



**Statutory Liquidator**  
**Of**  
**Reliance Insurance Company**

**PLEASE READ THIS MATERIAL IN ITS ENTIRETY**

**FAILURE TO FOLLOW THE INSTRUCTIONS HEREIN**  
**MAY RESULT IN THE DENIAL OR SUBORDINATION OF YOUR CLAIM**

INFORMATION ABOUT FILING CLAIMS FOR THE POLICYHOLDERS, DEBTORS,  
PRINCIPALS, OBLIGEEES, CLAIMANTS, CREDITORS AND ALL OTHER PERSONS  
INTERESTED IN THE AFFAIRS OF RELIANCE INSURANCE COMPANY (IN LIQUIDATION)

**THE CLAIMS BAR DATE IS March 31, 2016.**

The Commonwealth Court of Pennsylvania ordered Reliance Insurance Company (Reliance) into liquidation on October 3, 2001. The Insurance Commissioner for the Commonwealth of Pennsylvania, was appointed as the Statutory Liquidator and was ordered to take possession of Reliance property and to liquidate its business.

All references to "Reliance" herein shall include the following companies which were previously merged into Reliance Insurance Company with approval of the Commissioner: Reliance National Indemnity Company, Reliance National Insurance Company, United Pacific Insurance Company, Reliance Direct Company, Reliance Surety Company, Reliance Universal Insurance Company, United Pacific Insurance Company of New York, and Reliance Insurance Company of Illinois.

This information is important.

It is recommended that you read it carefully before contacting the Liquidator's Office with questions.

You may also want to consult your attorney or insurance advisors before you proceed.

If you have and want to pursue a claim against Reliance:

- You must file a Proof of Claim (POC) form **NO LATER THAN 11:59 PM EST** on March 30, 2016 in order to have your claim considered. Any POCs received on or after March 31, 2016, are barred.
- Reporting a claim to Reliance is not the same thing as submitting a POC Form. You must file a POC before the Claims Bar Date **EVEN IF** you have previously reported a claim or claims to Reliance, and **EVEN IF** you have been providing updates and information with regard to that claim or claims.
- You must provide an explanation establishing that you had good cause to file your POC after the initial claim filing deadline of December 31, 2003 established by the Commonwealth Court. Because that deadline has already passed, to be considered timely filed, any POC filed now will be considered a late-filed POC pursuant to 40 P.S. §221.37, unless a good cause explanation is provided and accepted.
- POCs filed **ON** or **AFTER** the March 31, 2016 Claims Bar Date will **NOT** be considered **EVEN IF** a good cause explanation is provided.
- Your POC should identify a specific, existing claim involving identified and existing persons/entities with identified and existing injuries or damage, not a potential claim or types of potential claims that might occur in the future on or after the March 31, 2016 Claims Bar Date. You should file a separate POC for each such specific claim. If you require additional POC forms, you may download them at the Reliance website: [www.reliancedocuments.com](http://www.reliancedocuments.com). If you have previously filed a POC for possible claims under your policy but which did not identify a specific existing claim, you must file a new POC for any specific existing claim.

- You do not need to submit a duplicate or another POC as long as the POC you filed identified a specific, existing claim involving identified and existing persons with identified and existing injuries or damage. Duplicate POCs will not be considered and will be returned.

POCs for claims under insurance policies can be filed by an insured under the policy or by a third party claimant. You are a third party claimant if you have a claim against a Reliance insured which may be covered by the insured's insurance policy. If you are a third party claimant, you may either file a POC with the Statutory Liquidator or pursue legal action directly against the insured to recover on your claim from the insured in a separate action outside of the Reliance liquidation. The Liquidator can offer no legal advice on whether your claim is viable, such as whether the applicable statute of limitations has expired. If you file a POC with the Liquidator, filing of the POC shall operate as a release of the insured's liability to you on any such separate cause of action, in the amount of applicable policy limits. If coverage of the claim is avoided by the Liquidator, this release becomes null and void.

Certain claims may be covered by guaranty associations (GAs) in the state of residence of the third party claimant or in the state of the insured's residence. GAs were created by state law to provide protection to insureds in the case of a liquidation. The various state laws governing the GAs include eligibility requirements and limits on the amount of coverage available. Insureds or third party claimants who are covered by a Reliance policy may be entitled to the protection of the property and casualty insurance GA, the workers' compensation GA, or the life and health GA in the state where they reside or in the state in which the insured property is situated. Some state GAs have a statutory provision that prohibits payment of claims submitted to a GA after a GA claim filing deadline, which may be earlier than any date set by the Commonwealth Court.

It is important to note that although Reliance is insolvent, it has significant assets and therefore funds will be available to distribute to certain claimants in accordance with priorities set by law. Commonwealth Court has already approved interim distributions to claimants with approved claims, but it may be several years before all assets are collected and all claims are evaluated in order to make a final distribution. In order to participate in any distribution **YOU MUST FILE OR HAVE ALREADY FILED A POC BEFORE THE MARCH 31, 2016 CLAIMS BAR DATE.**

#### **CHANGE OF ADDRESS NOTIFICATION**

**YOU ARE REQUIRED BY 40 P.S. 221.24(b) TO NOTIFY THE STATUTORY LIQUIDATOR OF YOUR CHANGE OF ADDRESS. IF YOU FAIL TO DO SO YOU MAY JEOPARDIZE YOUR RECOVERY**

Included with this Notice are answers to frequently asked questions regarding the liquidation process and the filings of claims. Please review this material carefully. This notice and the information contained herein are in summary form and may not contain all necessary information for your particular situation. You are urged to consult an attorney if you have any questions. All claims are subject to payment only in accordance with applicable law.

General questions about the liquidation procedure should be addressed to the Statutory Liquidator at:

Statutory Liquidator of Reliance Insurance Company  
P.O. Box 13527  
Philadelphia, PA 19101-3527  
(215) 864-4000 (phone)  
(215)-864-4010 (fax)  
[Liquidator@relianceinsurance.com](mailto:Liquidator@relianceinsurance.com) (email)

### Information about the Liquidation of Reliance Insurance Company and Filing a Claim

The Commonwealth Court of Pennsylvania declared Reliance Insurance Company (Reliance) to be insolvent and ordered the company into liquidation effective October 3, 2001. Below are answers to frequently asked questions about submitting claims and the liquidation procedure.

The Office of Liquidations, Rehabilitations and Special Funds of the Pennsylvania Insurance Department was assigned the responsibility of liquidating Reliance, and all questions concerning the liquidation of Reliance should be directed to the Statutory Liquidator for Reliance at P. O. Box 13527, Philadelphia, PA 19101-3527, telephone (215) 864-4000, fax (215) 864-4010; [Liquidator@relianceinsurance.com](mailto:Liquidator@relianceinsurance.com) (email).

- 1. What happens when a company becomes insolvent and is liquidated?** Liquidation is similar to bankruptcy. When a company is liquidated, the Insurance Department's Office of Liquidations, Rehabilitations and Special Funds gathers the company's assets and determines what liabilities, such as bills and claim payments, it has. The liquidation process is very complex and is expected to take several more years.
- 2. You say Reliance was ordered liquidated. Does this mean my policy is worthless?** No. Although Reliance has been placed into liquidation, the GA in the state where you reside or where the property is situated may be obligated to provide coverage under insurance policies issued by Reliance subject to certain limitations. Any claim or portion thereof which is not covered by a GA becomes a claim against the Reliance estate, and the amount deemed to be an allowed claim will be paid to the extent funds are available, on an equal basis with all other claims in the same category. The Liquidator has collected significant assets for distribution and the Commonwealth Court has already approved interim distributions to claimants with approved claims. Although the final distribution amount is unknown, it is expected that there will be insufficient funds to pay 100% of claims by policyholders and third party claimants.
- 3. Was my policy canceled because of the liquidation?** A paid Reliance policy terminated at its normal expiration, upon replacement, or November 2, 2001 (30 days from the date of liquidation), whichever was sooner.
- 4. I believe I have a claim against Reliance but I am not a policyholder or a third party claimant under a Reliance policy. How do I make a claim?** Claims filed against Reliance by general creditors, stockholders, trade creditors, governmental agencies, reinsurers, cedants, agents, employees, former officers and directors and other persons interested in the affairs of Reliance are handled by the Statutory Liquidator. To file a claim for monies owed to you by Reliance, you must file a POC with the Statutory Liquidator as explained above. If you fail to file a POC form BEFORE the March 31, 2016 Claims Bar Date, your claim will not be considered.
- 5. What is the deadline for filing a new claim?** Commonwealth Court has set a Claims Bar Date of March 31, 2016. That means that you must file a POC **BY 11:59 PM EST** on March 30, 2016 or your claim will be barred. The only exception to that deadline is if your claim accrued within 30 days PRIOR to the Claims Bar Date in which case you must file a POC for that new claim within 30 days of when your claim or cause of action accrued.
- 6. What is the difference between the claim filing deadline of December 31, 2003 and the Claims Bar Date of March 31, 2016?** The claim filing deadline of December 31, 2003, was the initial deadline imposed by the Statutory Liquidator and the Commonwealth Court for filing POCs against Reliance. However, any POCs filed after the claim filing deadline of December 31, 2003 (but BEFORE the Claims Bar Date) could still be considered timely filed if you establish that there was "good cause" for

filing your POC after December 31, 2003 pursuant to 40 P.S. §221.37. If good cause is established, the claimant could still receive a distribution from the Reliance assets. NO claims will be considered timely filed if submitted **ON or AFTER** the Claims Bar Date, regardless of whether good cause exists for the late filing and no claimant who submits a POC after the Claims Bar Date will receive a distribution from the Reliance assets. The Claims Bar Date prohibits the filing of any additional POCs so that the Liquidator can take steps to determine the final claims liability in order to make a final distribution.

**7. When is a POC considered filed?** That information is set forth in PA Rule of Appellate Procedure 3871(a)(3) which you can find on the [reliancedocuments.com](http://reliancedocuments.com) website under Selected PA Rules Governing Insurance Liquidations. If necessary, you can recite the rule.

Pa. R.A.P. 3871(a)(3): A POC is deemed to be filed when received by the Liquidator subject to the following exceptions:

The liquidator is deemed to have received the proof of claim form on the date of mailing as established by a United Postal Service Form 3817 Certificate of Mailing or by any similar form from which the date of deposit in the mail can be verified or the date of transmission by facsimile (fax) or electronic mail (e-mail), as documented by the sender's fax or computer.

If the POC is transmitted by fax, the claimant shall also comply with the requirements of Pa. R.C.P. No. 440(d)(2), relating to a fax cover sheet as follows:

The copy served shall begin with a facsimile cover sheet containing

- (i) the name, firm, address, telephone number, of both the party making service and the party served,
- (ii) the facsimile telephone number of the party making service and the facsimile telephone number to which the copy was transmitted,
- (iii) the title of the legal paper served and
- (iv) the number of pages transmitted.

The mailing address, email address and fax number are on page 2 of the POC form.

**8. Why do I have to provide a good cause explanation for filing a POC if it is filed before the Claims Bar Date?** By statute, any POC filed after the claim filing deadline of December 31, 2003 is considered to be filed late unless a good cause explanation is provided and accepted by the Liquidator – even if the POC is filed before the Claims Bar Date. The fact that Commonwealth Court has established a Claims Bar Date does not affect the requirement that a good cause explanation must be provided for any POC filed after December 31, 2003.

**9. What is a good cause explanation?** Samples of good cause explanations are provided in the statute, 40 P.S. §221.37, such as:

- (1) the existence of a claim was not known to the claimant and the claimant filed his/her claim as promptly as reasonably possible after learning of the existence of the claim; and
- (2) the claim was contingent and became absolute, and was filed as soon as reasonably possible after it become absolute.

**10. I already filed a POC, do I need to submit another one?** NO, duplicate POCs should not be filed and will not be considered. However, if the POC you previously filed does not make a claim for a specific, existing claim involving identified and existing persons/entities with identified and existing injuries or damage, then you must file a new POC identifying a specific claim.

**11. I received a Notice of Determination (NOD) and a partial distribution. Will the Claims Bar Date affect that claim?** No. You will continue to receive future distributions as they are approved by the Commonwealth Court.



# EXHIBIT 2

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
In the Matter of

**AFFIDAVIT**

the Ancillary Receivership of

Index No.: 405987/01

RELiance INSURANCE COMPANY.  
-----X

STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF NEW YORK)

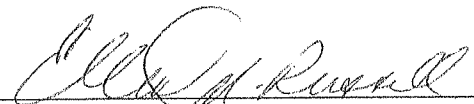
Ellen M. Russell, being duly sworn, deposes and says:

1. I am the Director of the Claims Division of the New York Liquidation Bureau (the "NYLB"), the organization that carries out the responsibilities of the Acting Superintendent of Financial Services of the State of New York as Ancillary Receiver (the "Ancillary Receiver") of Reliance Insurance Company ("Reliance"), and submit this affidavit, upon information and belief, based upon my review of the files of Reliance maintained by the NYLB and my conversations with David S. Brietling, Chief Liquidation Officer of Reliance Insurance Company in Liquidation as well as my review of the January 27, 2016 Affirmation of Melissa Pisapia ("Pisapia Aff") and its attachments, including the January 25, 2016 affidavit of David Brietling ("Brietling Aff") attached as Exhibit 1 to the Pisapia Aff, in support of the Ancillary Receiver's application for an order approving the proposed publication of notice of the establishment of a bar date in the liquidation proceeding of Reliance, which liquidation proceeding is currently pending in the Commonwealth of Pennsylvania (the "Reliance Domiciliary Liquidation Proceeding"). The Insurance Commissioner of the Commonwealth of Pennsylvania is serving as statutory liquidator of Reliance (the "Statutory Liquidator").


2. In the course of Reliance's New York ancillary receivership proceeding ("Ancillary Receivership Proceeding"), all New York claims by Reliance policyholders and claimants, whether initially filed with the Statutory Liquidator or the Ancillary Receiver, receive a Reliance claim number and are entered into the Ancillary Receiver's electronic records system. Thereafter, the status of all open New York claims is reported quarterly by the Ancillary Receiver to the Statutory Liquidator using the Uniform Data Standards data format.

3. Because Reliance's electronic claim records are continually being updated, the open claims in the Ancillary Receivership Proceeding pending before this Court are all being carried in the Reliance system as open claims as well. Therefore, the bar date notices Reliance sent out, on open claims, as specified in ¶ 8 of Brietling Aff, necessarily includes all open claims in the NYLB claims system.

Dated: New York, New York  
January 27, 2016

  
Ellen M. Russell

Sworn to before me this  
27 day of January, 2016

  
Notary Public

MEISSA A. DELL'ORTO  
Notary Public, State of New York  
No. 02DE6287864  
Qualified in Queens County  
Commission Expires August 26, 2017

# EXHIBIT 3

At IAS Part 21 of the Supreme Court  
of the State of New York, County of  
New York, at the Courthouse, 80  
Centre Street, in the County, City  
and State of New York, on the \_\_\_\_  
day of \_\_\_\_\_, 2016.

P R E S E N T:

HON. MICHAEL D. STALLMAN, J.S.C.

-----X

In the Matter of

Index No.: 405987/01

the Ancillary Receivership of

**ORDER NO. 1765**

RELIANCE INSURANCE COMPANY.

-----X

Upon the January 27, 2016, affirmation of Melissa A. Pisapia, an attorney with the New York Liquidation Bureau, the organization that carries out the duties of Shirin Emami, Acting Superintendent of Financial Services of the State of New York in her capacity as ancillary receiver (the "Ancillary Receiver") of Reliance Insurance Company ("Reliance"), and its attachments and upon all other papers previously submitted and all proceedings heretofore had herein;

AND, it appearing from the Affirmation that the interests of Reliance in ancillary receivership, its creditors, and all others interested in the affairs of Reliance will best be served by the approval of the Ancillary Receiver's proposed notice of the establishment of March 31, 2016 as the claim filing deadline (the "Claims Bar Date"), before which any proof of claim form, along with supporting documents, must be filed with the Insurance Commissioner of the Commonwealth of Pennsylvania as the court-appointed liquidator of Reliance;

NOW, on motion of the Ancillary Receiver and after due deliberation having been had thereon, it is

ORDERED, that the relief requested in the Affirmation is granted; and it is further

ORDERED, that the form and method of notice proposed in the Affirmation is the best notice practicable; and it is further

ORDERED, that the Ancillary Receiver shall give notice of the Claims Bar Date to all of Reliance's policyholders, claimants and creditors and other interested persons located in the State of New York by: (a) publishing a copy of the Notice in *The New York Times* and the *Times Union*, one time per week for two consecutive weeks, commencing within two weeks of the date of this Order and (b) posting a copy of this Order and the Ancillary Receiver's application with all of its attachments on the website maintained by the New York Liquidation Bureau at <http://www.nylb.org>.

**ENTER**

---

J.S.C.

# **EXHIBIT 4**

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE:

Reliance Insurance Company  
In Liquidation

No. 1 REL 2001

RE: Liquidator's Application to Establish  
a Claims Bar Date and for Approval of Notice

**MEMORANDUM AND ORDER**  
**Re: CLAIMS BAR DATE**

AND NOW, this 22nd day of December, 2015, following a hearing on September 30, 2015, and further conference with counsel for the Liquidator and the Objectors on December 11, 2015, the Court is satisfied that there is no further need to delay the establishment of a bar date, and that a prompt bar date is in the best interest of the Reliance Estate and its policyholders and other creditors. Accordingly, the Liquidator's Application to Establish a Claims Bar Date and for Approval of Notice ("Application") filed by Teresa D. Miller, Insurance Commissioner for the Commonwealth of Pennsylvania, in her official capacity as Statutory Liquidator ("Liquidator") of Reliance Insurance Company, In Liquidation, the Application is GRANTED and it is hereby ORDERED and DECREED that:

1. All timely objections filed to the Application having been withdrawn, **March 31, 2016, is hereby established as the claims bar date ("Bar Date").**
2. Except as provided in paragraph 11 below, any and all claims against the Reliance Estate, including claims against Reliance Insurance Company, Reliance National Indemnity



Company, Reliance National Insurance Company, United Pacific Insurance Company, Reliance Direct Company, Reliance Surety Company, Reliance Universal Insurance Company, United Pacific Insurance Company of New York, and Reliance Insurance Company of Illinois (collectively, "Reliance Estate"); claims against the Liquidator, his agents and representatives; or claims that in any way affect or seek to affect any assets of the Reliance Estate, wherever located or however such assets may be owned or held, directly or indirectly, must be filed with the Liquidator BEFORE the Bar Date or be forever barred from any distribution of the assets of the Reliance Estate. Further, all claims for which no POC is filed before the Bar Date are unenforceable against the Reliance Estate and the Liquidator.

3. All claims must be filed by means of a completed Proof of Claim ("POC") form, as attached to the Application as Exhibit M, together with proper documentation supporting the claim. Notwithstanding the foregoing, a claim submitted on the original POC form issued by the Liquidator shall be processed by the Liquidator and will be subject to the terms of this Order. The POC must be signed by the claimant or the claimant's attorney, and must contain the claimant's current address, including zip code and telephone number. A POC filed by a corporation must be signed by an officer of the corporation, designated by his/her title, or the attorney for the corporation. The Liquidator has the right to require other information deemed necessary to evaluate a POC pursuant to 40 P.S. §221.38 and this Court's Orders of May 1, 2007 and November 27, 2007. The claimant has a duty to keep the Liquidator informed of any change of address pursuant to 40 P.S. 221.24(b).

4. A POC is deemed to be filed when received by the Liquidator subject to the exceptions set forth in Pa. R.A.P. No. 3781(a)(3) as follows:

The liquidator is deemed to have received the proof of claim form on the date of mailing as established by a United Postal Service Form 3817 Certificate of

Mailing or by any similar form from which the date of deposit in the mail can be verified or the date of transmission by facsimile (fax) or electronic mail (e-mail), as documented by the sender's fax or computer.

If the POC is transmitted by fax, the claimant shall also comply with the requirements of Pa.

R.C.P. No. 440(d)(2), relating to a fax cover sheet as follows:

The copy served shall begin with a facsimile cover sheet containing

- (i) the name, firm, address, telephone number, of both the party making service and the party served,
- (ii) the facsimile telephone number of the party making service and the facsimile telephone number to which the copy was transmitted,
- (iii) the title of the legal paper served and
- (iv) the number of pages transmitted.

5. The definitions of Timely POC, Non-Barred Claims, and Barred Claims, including examples, as set forth in the Application, are hereby specifically approved, adopted and incorporated herein. Except as provided in paragraph 11 below, the following claims are **BARRED** by this Order, and are deemed to prejudice the orderly administration of the Reliance Estate and the liquidation of its assets, effective as of the Bar Date:

(a) Post Bar Date Claim. A Post Bar Date Claim is *any* POC which is filed ON or AFTER the Bar Date, even if good cause exists for filing on or after the Bar Date. This includes POCs filed to reopen a closed claim after a Notice of Determination has issued.

(b) Potential Claim. A Potential Claim is a claim intended to be covered by a Timely POC, but where the specific claim or cause of action occurs, arises, accrues and/or is asserted on or after the Bar Date.

6. Except as provided in paragraph 11 below, this Order bars the filing of a Post Bar Date Claim for any reason, including, without limitation, any reason constituting "good cause" under the late filing provisions of 40 P.S. §221.37, such as

(1) that existence of [sic] claim was not known to the claimant and that he filed his claim as promptly thereafter as reasonably possible after learning of it;

(4) that a claim was contingent and became absolute, and was filed as soon as reasonably possible after it became absolute; and

(5) that the claim was the claim of a guaranty association for reimbursement of covered claims paid and/or expenses incurred, subsequent to the last day for filing where such payments were made and expenses incurred as a result of requirements of law.

Any Post Bar Date Claim shall be rejected by the Liquidator without consideration of its merits and a Post Bar Date Claim shall be unenforceable against the Reliance Estate and the Liquidator.

7. Claims which are barred by this Order no longer represent a statutory, contractual, or legal obligation of the Reliance Estate or the Liquidator and shall not be entitled to receive any distribution from the Reliance Estate, whether or not a Timely POC was filed. The reserve liabilities associated with such Barred Claims, in an amount to be determined by the Liquidator, constitute obligations which are discharged and shall be eliminated accordingly with no payment or distribution from the Reliance Estate. The Liquidator shall adjust the books and records of the Reliance Estate accordingly to reflect such discharge, including the liabilities reported in the Special Purpose Statement of Assets and Liabilities of the Reliance Estate.

8. The establishment of the Bar Date does not constitute a waiver of any rights or defenses that the Liquidator or the Reliance Estate have or may have; all rights and defenses remain available to the Reliance Estate and the Liquidator. The Bar Date does not apply to, or affect in any way, claims, actions, or rights of the Reliance Estate or the Liquidator, including those against third parties or others.

9. Any POC filed before the Bar Date, but after December 31, 2003, remains subject to the late filing provisions of 40 P.S. §221.37 and good cause must be shown for the POC to be considered a Timely POC. All POCs remain subject to this Court's Orders of May 1, 2007 and

November 27, 2007 which require claimants to submit complete information about their claims in a timely fashion.

10. The establishment of the Bar Date is not an opportunity to refile a POC previously filed with the Liquidator or to reargue a Notice of Determination previously issued by the Liquidator. Duplicative POCs shall not be submitted. If duplicative POCs are filed contrary to this Order, the Liquidator shall reject them without further consideration of their merits, even if timely filed.

11. Notwithstanding the foregoing, the Bar Date shall not:

a. apply to expenses of the Liquidator or the Reliance Estate incurred in the ordinary course of the liquidation proceedings;

b. apply to expenses of Guaranty Associations ("GAs") under 40 P.S. §221.44(a); and

c. bar a Post Bar Date Claim if a cause of action for the claim first accrued within thirty (30) days before the Bar Date and the POC was filed within thirty (30) days of when the cause of action accrued.

12. Any claims of a GA for amounts it pays for claims under Reliance policies ("Covered Claim Payments"), shall be barred and shall be disallowed by the Liquidator if the Covered Claim Payments were made for a Barred Claim. Barred Claims are no longer an obligation of the Reliance Estate, whether statutory, legal, contractual, or otherwise.

13. Notice of the Bar Date shall be provided to the following persons ("Notice Recipients"):

- a. all insureds and third party claimants who filed class (b) POCs (including their identified counsel), including those whose claim was subordinated to priority class (e) or (g);
- b. insureds with Open Claims (as defined in the Application) known by the Liquidator;
- c. all relevant litigants in known pending actions against the Reliance Estate or the Liquidator, including those which have been stayed, and not dismissed, by court order or by agreement of the parties;
- d. the Department of Labor, the Department of Justice, the Center for Medicaid Services, the Internal Revenue Service, and the Environmental Protection Agency; and
- e. all Guaranty Associations.

14. The notice regarding the Bar Date ("Bar Date Notice") shall be in substantially the form attached hereto. The Bar Date Notice shall be provided to the Notice Recipients by first class mail at the address shown in the books, records, and systems of the Reliance Estate as of the date of this Order. Said mailing shall be made within twenty-one (21) business days after the date of this Order. However, the Bar Date Notice need not be mailed to Notice Recipients with known bad addresses based on returned mail.

15. The Bar Date Notice shall be published twice in the print and online versions of USA Today and the Philadelphia Inquirer, and once in the print version of Business Insurance within approximately three weeks of this Order. The Bar Date Notice shall also be published in the print versions of the national edition of the Wall Street Journal and the national edition of the New York Times twice within approximately three weeks of this Order.

16. Additionally, in compliance with Pa. R.A.P. 3779, the Liquidator shall post the Bar Date Order on the Reliance Documents website ([www.reliancedocuments.com](http://www.reliancedocuments.com)), in a prominent location on the first page of the website, within three (3) days of the date of this Order.

  
BONNIE BRIGANCE LEADBETTER, Judge

# EXHIBIT 5

**IN THE MATTER OF THE ANCILLARY RECEIVERSHIP OF  
RELIANCE INSURANCE COMPANY  
Supreme Court County of New York  
Index No.: 405987/2001**

**NOTICE**

On December 14, 2001, Reliance Insurance Company ("Reliance") was placed into ancillary receivership, and the then-Superintendent of Insurance of the State of New York and his successors in office were appointed as ancillary receiver ("Ancillary Receiver") of Reliance. The Acting Superintendent of Financial Services of the State of New York and her successor in office are now serving as Ancillary Receiver of Reliance.

**PLEASE TAKE NOTICE**, that the Commonwealth Court of Pennsylvania ("PA Court") has issued an order ("Claims Bar Date Order") establishing March 31, 2016, as the claims bar date ("Claims Bar Date") prior to which all claims against Reliance must be filed with the Liquidator of Reliance or forever be barred from sharing in any distribution of Reliance's assets.

**TAKE FURTHER NOTICE**, that New York Insurance Law Section 7412(a) requires that the Claims Bar Date established by the PA Court in the domiciliary liquidation proceeding is effective in the ancillary receivership proceeding.

**TAKE FURTHER NOTICE**, any claim asserted on or after the Claims Bar Date is barred by the Claims Bar Date Order and will be rejected by the Liquidator of Reliance without consideration of its merits and shall be unenforceable against the Reliance estate.

**TAKE FURTHER NOTICE**, that the proof of claim form and information about filing a proof of claim form are available at [www.reliancedocuments.com](http://www.reliancedocuments.com) by clicking on the link for POC Information.

Requests for further information should be directed to the New York Liquidation Bureau, Creditor and Ancillary Operations Division, at (212) 341-6241.

Dated: January 27, 2016

Shirin Emami  
Acting Superintendent of Financial Services  
of the State of New York as Ancillary  
Receiver of Reliance Insurance Company



Index No. 405987

Year 2001

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK

In the Matter of  
the Ancillary Receivership of  
RELIANCE INSURANCE COMPANY.

AFFIRMATION

**JOHN PEARSON KELLY**

Attorney for Acting Superintendent of Financial Services of the State of New York as Ancillary Receiver

*Office and Post Office Address, Telephone*

New York Liquidation Bureau  
110 William Street  
New York, NY 10038  
(212) 341-6755  
Fax (212) 608-3398

ATTORNEY CERTIFICATION

The undersigned, an attorney admitted to practice in the courts of New York State, certifies that, upon information, belief and reasonable inquiry, the contentions in the above referenced document(s) are not frivolous.

Dated: January 27, 2016  
New York, New York

  
Melissa A. Pisapia

☐ NOTICE OF ENTRY

that the within is a (*certified*) true copy of a  
duly entered in the office of the clerk of the within named court on the      day of      20

☐ NOTICE OF SETTLEMENT

that an order  
settlement to the HON.

of which the within is a true copy will be presented for  
one of the judges of the within named court, at  
20      at

Dated:

, on

Yours, etc.

**JOHN PEARSON KELLY**

Attorney for Acting Superintendent of Financial  
Services of the State of New York as Ancillary  
Receiver

*Office and Post Office Address, Telephone*

New York Liquidation Bureau  
110 William Street  
New York, NY 10038  
(212) 341-6755  
Fax (212) 608-3398