



## **Bedivere Attorney Notice Frequently Asked Questions**

(Revised 5-12-2021)

### **Why am I receiving this notice? We don't have record of doing work for Bedivere Insurance Company?**

Your firm appeared on a list of Bedivere's retained counsel. Many firms have a record of their work with one of the following companies that was merged into Bedivere and that are therefore included as part of the Bedivere liquidation: Lamorak Insurance Company (formerly known as OneBeacon America Insurance Company); Potomac Insurance Company; and Employers Fire Insurance Company. If you require additional information to determine the cases your firm handled on behalf of Bedivere, please contact us for further information.

### **Why is this information being requested?**

This information is collected as required by paragraph 5(d) of the Commonwealth Court's liquidation order. The information regarding active litigation will be provided to state guaranty funds to ensure the continued protection of the insureds' interests. Information regarding your firm's receipts from Bedivere will identify whether your firm maintains any of its assets (e.g., retainer accounts, escrow accounts, etc.).

### **Do I have to respond if my firm no longer represents Bedivere?**

No. According to Section 5(d) of the liquidation, a report need only be submitted if you are employed or retained by Bedivere or performing legal services for Bedivere as of March 11, 2021.

### **Where can I find additional information regarding the Bedivere liquidation?**

As the liquidation proceeds, the Pennsylvania Insurance Department will post updated information and court filings on the following website:

<https://www.insurance.pa.gov/Regulations/LiquidationRehab/Pages/Bedivere-Insurance-Company.aspx>

### **How do I find the contact information for state guaranty associations?**

A list of state guaranty associations and their contact information are available here:

<https://www.ncigf.org/resources/links-and-contacts/>

**Does the liquidation order stay all litigation?**

If Bedivere is a defendant in the litigation, then the liquidation order stays the further prosecution of the litigation against Bedivere. In accordance with the Pennsylvania Commonwealth Court's liquidation order, currently pending actions against Bedivere or its assets are stayed and cannot be maintained or further prosecuted, and relief sought in those actions should be pursued through the proof of claim process pursuant to 40 P.S. § 221.38. If Bedivere is a co-defendant in litigation, litigation may continue to proceed against the other co-defendants depending on the circumstances of each case.

Actions involving Bedivere's insureds will, in most cases, be handled by each state's guaranty association. As state laws differ, you should contact the applicable guaranty association to determine the appropriate length of a stay request. A list of guaranty associations can be found here: <https://www.ncigf.org/resources/links-and-contacts/>. In Pennsylvania, for instance, the applicable guaranty association act requires a stay of 90 days from the date of insolvency. 40 P.S. § 991.1819 (relating to the stay of proceedings following an insolvency).

**Who do we bill for filing a motion to stay the proceedings?**

The cost to file a stay with the court will be paid by Bedivere as an administrative expense. Any bill submitted to Bedivere for the filing of a stay request should clearly indicate what amount is charged for the filing of the stay request. Bills for the filing of a stay request can be sent directly to the Bedivere adjuster managing the claim.

**Who will coordinate Bedivere's litigation strategy and the payment of current and future settlements?**

The Liquidator will not coordinate Bedivere's litigation going forward. Any questions related to litigation strategy, settlement, or unpaid settlements in cases involving the defense of a Bedivere insured should be directed to the applicable state guaranty association.

**What if we have unpaid bills with Bedivere?**

Should the applicable state guaranty association or the insured (if they are required to provide their own defense pursuant to applicable net worth insured provisions within the state guaranty association laws) elect to continue to use your firm going forward, the guaranty association or insured will address the payment of your firm's outstanding legal bills. Similarly, in litigation against Bedivere directly, a co-defendant may elect to continue to use your firm going forward and address the payment of your firm's outstanding legal bills. For any remaining unpaid legal bills, you may file a proof of claim with the Liquidator. A proof of claim form can be found here:

<https://www.insurance.pa.gov/Regulations/LiquidationRehab/Pages/Bedivere-Insurance-Company.aspx>

**Where should our firm submit legal bills going forward?**

If the applicable state guaranty association or the insured (if they are required to provide their own defense pursuant to applicable net worth insured provisions within the state guaranty association laws) elect to continue to use your firm going forward, you may submit future invoices to the guaranty association or the insured.

In litigation against Bedivere directly, a co-defendant may elect to continue to use your firm going forward and address the payment of your firm's legal bills going forward. Bedivere will only compensate your firm for costs related to the filing of a stay with the court and will not retain your firm beyond securing a stay, except in limited circumstances.

With respect to litigation involving Bedivere insured or Bedivere itself, the cost to file a stay with the court will be paid by Bedivere as an administrative expense. Any bill submitted to Bedivere for the filing of a stay request should clearly indicate what amount is charged for the filing of the stay request. Bills for the filing of a stay request can be sent directly to the Bedivere adjuster managing the claim.

**What is the applicable period for reporting funds received from Bedivere?**

Please provide information regarding funds your firm received from Bedivere for the period from March 1, 2020 until the date of liquidation—March 11, 2021. You may report the funds received in lump sums (e.g., paid invoices, retainer accounts, escrow accounts, etc.).

**How should we report information regarding any outstanding litigation?**

The Pennsylvania Commonwealth Court's liquidation order requires that all attorneys employed by or retained by Bedivere or performing legal services for Bedivere as of the date of liquidation—March 11, 2021—report to the Liquidator information concerning outstanding litigation.

Specifically, attorneys are required to provide a list of the name, company, claim number (if applicable) and status of each matter they are handling as well as the full caption, docket number and name and address of opposing counsel in each case. A sample spread sheet with the required categories is available here: [https://www.insurance.pa.gov/Regulations/LiquidationRehab/Documents/Bedivere/BEDIVERE\\_APRIL\\_15\\_2021\\_SAMPLE\\_LITIGATION\\_LIST.xlsx](https://www.insurance.pa.gov/Regulations/LiquidationRehab/Documents/Bedivere/BEDIVERE_APRIL_15_2021_SAMPLE_LITIGATION_LIST.xlsx)

In addition to the litigation list, attorneys must also include an accounting of any funds received from or on behalf of Bedivere for any purpose in any capacity for the period March 1, 2020 to March 11, 2021. You may report these funds your firm received from Bedivere in lump sums (e.g., paid invoices, retainer accounts, escrow accounts, etc.).

The Liquidator need not make payment for any unsolicited report.

**Where should I send my completed report?**

Completed reports can be emailed to [RA-INATTNYNOTICERESP@pa.gov](mailto:RA-INATTNYNOTICERESP@pa.gov) or sent by regular, first-class U.S. mail to:

Bedivere Insurance Company  
Office of Liquidations, Rehabilitations & Special Funds  
901 North 7<sup>th</sup> Street  
Harrisburg, PA 17102

**Additional questions?**

If you have any additional questions, please contact the Office of Liquidations, Rehabilitations and Special funds at (717) 787-6009 or by email at [RA-INATTNYNOTICERESP@pa.gov](mailto:RA-INATTNYNOTICERESP@pa.gov).