

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

In Re: Bedivere Insurance Company :  
(In Liquidation) : No.1 BIC 2021

**APPLICATION FOR APPROVAL OF  
RESPONSE REQUIREMENTS TO CLAIM INFORMATION REQUESTS  
PURSUANT TO 40 P.S. §221.38(a)**

Applicant, Michael Humphreys, Insurance Commissioner of the Commonwealth of Pennsylvania, in his official capacity as the Statutory Liquidator of Bedivere Insurance Company, by and through his counsel, respectfully applies to this Court for an Order (“Claim Information Order”) approving the requested Response Requirements to Claim Information Requests. In support of this Application, the Liquidator avers as follows:

**I. BACKGROUND****A. The Liquidation of Bedivere Insurance Company**

1. Bedivere Insurance Company (“Bedivere” or “Estate”) was ordered to be liquidated pursuant to Article V of The Insurance Department Act of 1921, Act of May 17, 1921, P.L. 789, added by the Act of December 14, 1977, P.L. 280, as amended, 40 P.S. §§ 221.1—63 (“Article V”), by Order of this Court dated March 11, 2021 (“Liquidation Order”).

2. The Liquidation Order appointed then Insurance Commissioner Jessica K. Altman, and her successors in office, as the Statutory Liquidator of Bedivere (“Liquidator”). Michael Humphreys has succeeded Ms. Altman and is

now the Insurance Commissioner of Pennsylvania and the Liquidator of Bedivere.

3. Article V expressly authorizes the Liquidator to exercise all powers not inconsistent with the provisions of Article V. 40 P.S. §221.23(22). Furthermore, it empowers the Liquidator, without limitation, to “act as necessary or expedient for the accomplishment of or in the aid of the purpose of the liquidation”. See 40 P.S. § 221.23(23).

4. Article V contemplates that all claims against an insurer be submitted through a Proof of Claim (“POC”) and sets forth the requirements for filing and administering POCs during the liquidation of the insurer. See 40 P.S. §§ 221.37, 221.38 and 221.44.

5. Pursuant to Article V and the Court’s Liquidation Order, the Liquidator mailed POC forms and related information to thousands of policyholders and potential claimants, including notice that they should file “their claims together with proper proofs on or before a date the Liquidator shall specify in the notice”. See 40 P.S. §221.24; Liquidation Order ¶10. The notice, a copy of which is attached as Exhibit A, was made available both through mailing to policyholders and potential claimants and was posted on Bedivere’s website. The notice advised: “If you have and want to pursue a claim against Bedivere, you must file a proof of claim in order to have your claim considered. Proofs of claim must

be filed no later than December 31, 2021.”<sup>1</sup> The Liquidator provided a report to this Court about the notice of the Liquidation Order and the procedures for filing claims on April 28, 2021. See Report Regarding Notice of Liquidation Order and Procedures for Filing Claims; see also Liquidation Order ¶ 11.

**B. The Information Requirements of Article V**

6. Section 538(a) of Article V mandates that a duly filed POC shall consist of a statement signed by the claimant that includes all the following that are applicable: “the particulars of the claim including the consideration given for it;” “the identity and amount of the security on the claim;” “the payments made on the debt, if any;” “that the sum claimed is justly owing and that there is no setoff, counterclaim or defense to the claim;” “any right of priority of payment or other specific right asserted by the claimants;” “a copy of the written instrument which is the foundation of the claim;” “in the case of any third party claim based on a liability policy issued by the insurer, a conditional release of the insured pursuant to section 221.40(a);” and “the name and address of the claimant and attorney who represents him, if any.” 40 P.S. § 221.38. Section 538(a) further provides that “[n]o claim need be considered or allowed if it does not contain all the foregoing

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<sup>1</sup> For good cause shown, the Liquidator has the discretion under certain circumstances specified in Article V, to allow a claimant making a late filing to share in distributions as if the claim had not been filed late. See 40 P.S. §§ 221.37(b) and 221.39(c). However, any Proof of Claim filed and accepted must comply with the requirements for providing proper information and support outlined in section 538(a) of Article V discussed above.

information which may be applicable. The liquidator may require that a prescribed form be used and may require that other information and documents be included.”

Id.

7. Pursuant to Article V, the Liquidator is required to review the claims duly filed in the liquidation proceedings and make further investigation as he deems necessary. See 40 P.S. § 221.45(a). To assist the Liquidator in his review of duly filed claims, the Liquidator “may request the claimant to present information or evidence supplementary to that required under subsection (a) and may take testimony under oath, require production of affidavits or depositions, or otherwise obtain additional information or evidence.” 40 P.S. §221.38(b).

8. As set forth in section 546 of Article V, [u]nder the direction of the court.....”, the Liquidator is required to “...pay distributions in a manner that will assure the proper recognition of priorities and a reasonable balance between the expeditious completion of the liquidation and the protection of unliquidated and undetermined claims, including third party claims.” 40 P.S. §221.46.

**C. The Need for Information to Evaluate the POCs Filed**

9. Since the commencement of the Bedivere liquidation in March 2021, 3,200 POCs were submitted to Bedivere through December 31, 2025. More than 1,200 of those POCs were submitted by policyholders or third-party claimants that may be in the policyholder priority class (b). See 40 P.S. §§ 221.44. In the

Bedivere Estate, a significant number of these class (b) claims include significant long-tail lines of business and exposures, including environmental contamination, and toxic exposures such as asbestos, talc and PFAS. Many of these claims present exposures ranging from a few hundred thousand to the largest claims seeking well over \$25 million in alleged claimed damages. These high exposure and complex claims require the provision and analysis of technical and complicated claimant specific data in order to determine the appropriate allowed amounts for these claims. This data includes, for example, actuarial projections, claim trend data, expert analysis, allocation of damages among multiple parties, and governmental and regulatory studies and reports.

10. Especially within the class (b) claims, there are numerous claimants that have filed their claims on or before December 31, 2021 or whose late filed claims have been accepted by the Liquidator for good cause, but who have not provided the information required to support their claim as required by section 538 of Article V. To prompt and encourage policyholders, insureds, third party claimants and others, excluding guaranty associations (“POC Claimants”) to provide the information required by Article V, the Liquidator has taken, and continues to take, certain steps to request additional information from POC

Claimants or other sources, as appropriate.<sup>2</sup> As of December 31, 2025, hundreds of letters have been sent to POC Claimants requesting necessary information to support their POCs, including those that allege high exposure and complex claims--information that is required by the Liquidator to evaluate and resolve their POCs.

11. Though a number of POC Claimants were responsive to the Liquidator's information requests, many others were not and continue to be non-responsive to multiple follow-up information request letters. In the aggregate, these non-responsive POC Claimants allege damages exceeding tens of millions of dollars claimed to be owed by Bedivere, but the Liquidator is unable to fully evaluate and/or verify these claims due to the POC Claimant's unresponsiveness to multiple claim data information requests.

12. The Liquidator believes that immediate information could and should be provided regarding (a) claims that have already been resolved by settlement or otherwise; (b) claims that are in the process of settlement or judicial review; or (c) claims that are unresolved but for which the POC Claimant has information related to potential exposure. Without such information, the Liquidator is not in a position to evaluate the claims, determine coverage, reasonably estimate

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<sup>2</sup> Because the Liquidator is in regular contact with guaranty associations ("GAs") and consistently receives claim data transmissions and quarterly reports from them, the GAs are not included in this Application.

the liabilities of the Estate and, where appropriate, issue Notices of Determination (“NODs”). Further, the lack of information hinders the Liquidator’s ability to prepare related reinsurance billings and give notice to reinsurers of potential future exposures. Reinsurance is the most significant Estate asset and is critical to the Liquidator’s ability to evaluate the amount available to pay distributions.

13. Moreover, information on claims as to which NODs have not yet been issued due to lack of sufficient information, particularly regarding unresolved long tail claims with potential future exposure, will materially assist in the actuarial review that is a necessary first step for determining the feasibility of a potential distribution by increasing the degree of certainty regarding the range of ultimate Estate liabilities, and future reinsurance recoverable amounts.

14. The Liquidator, the Court, the POC Claimants and the public share a common interest in efficiently and economically resolving all claims and distributing the assets of Bedivere as expeditiously as possible. Therefore, the Liquidator believes that it is in the best interests of the Estate, its policyholders, creditors and the public to seek the Court’s assistance to supplement the Liquidator’s efforts to require POC Claimants to comply with the filing requirements for a duly filed claim as set forth in Article V.

## **II. PROPOSED CLAIM INFORMATION ORDER**

15. The Liquidator respectfully requests the Court’s assistance in eliciting

the information required by Article V from POC Claimants as proposed below.

The required information and related supporting documentation shall include, but is not limited to, settlement agreements, judgments, proof of all payments made or projected to be made by the POC Claimant and amounts allegedly owed under any Bedivere policy, claim trending data necessary to reasonably project future losses, and all other documentation that the Liquidator determines is reasonably necessary to evaluate and finalize the POC and issue a NOD.<sup>3</sup>

16. If the POC Claimant's POC includes more than one claim, the below requirements apply to each individual claim included in that POC.

**A. For All Pending POCs Where the Underlying Claim is Resolved**

17. With respect to those POCs for which the underlying claim(s) are resolved by the date of the Claim Information Order, the POC Claimant shall submit to the Liquidator full and complete updated information and supporting documentation, including proof of payment (loss and expense) and full and complete supporting documentation for what is claimed owed under the Bedivere policy **within 180 days** from the date of the Claim Information Order.

18. If during the Liquidator's review process, additional information is necessary to complete the evaluation, the Liquidator will request specific

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<sup>3</sup> This description is not intended as a limitation on the types of information the Liquidator can request.

documentation or information in writing (“Additional Requested Information”), and **within 60 days** of the date of the request the POC Claimant must either: (a) provide the Additional Requested Information or (b) provide a specific date **within 180 days** of the date of the request as to when the Additional Requested Information will be provided.

**B. For All Pending POCs Where the Underlying Claim is Not Resolved or the Underlying Claim Has Not Yet Been Asserted**

19. For all POCs where the underlying claim(s) are not yet resolved as of the date of any Order this Court may issue implementing this Application, including but not limited to POCs where underlying claims have not yet been asserted under the POC filed:

a. The POC Claimant is required to submit to the Liquidator a full and complete report on the status of the underlying claim(s) with appropriate information and documentation, or advise that no claims have yet been asserted, **within 180 days of the date of the Claim Information Order.**

b. Thereafter, and until a NOD is issued, the POC Claimant shall submit to the Liquidator full and complete updated information on the status of the underlying claim(s) with supporting documentation, or advise that no claims have yet been asserted, **on at least an annual basis**, unless otherwise directed by the Liquidator.

c. Once the underlying claim is finally resolved, the POC Claimant must submit to the Liquidator full and complete updated information and supporting documentation, including proof of payment (loss and expense) and full and complete supporting documentation for what is claimed owed under the Bedivere policy **within 90 days of final resolution.**

20. If during the Liquidator's review process Additional Requested Information is necessary to complete the evaluation, the Liquidator will request it in writing, and the POC Claimant must **within 60 days of the date of the request** either: (a) provide the Additional Requested Information or (b) respond by providing a specific date **within 180 days of the request**, as to when the Additional Requested Information will be provided.

**C. Effect of Failure to Provide Information**

21. If a POC Claimant fails to timely provide the information described herein or any other information reasonably requested by the Liquidator, the Liquidator may:

- a. issue a written final demand for information upon the POC Claimant and
- b. upon failure of the POC Claimant to respond within 60 days of said final demand for information, the Liquidator may subordinate the POC Claimant's claim to the late filed priority class pursuant to 40 P.S. § 221.44(g)(2) for the

failure to comply with the requirements for submitting a duly filed claim as required pursuant to 40 P.S. §§221.37 and 221.38 (a) and (b).

22. The written final demand for information issued pursuant to paragraph 21(a) above, will include a copy of this Order and the timeframe to provide the requested information and the consequences for non-compliance.

### **III. BEST INTERESTS OF THE ESTATE**

23. The proposed Application, if approved, will result in substantial benefit to the Bedivere Estate. The proposed Application will assist the Liquidator in obtaining the information required for the Liquidator's expeditious determination of claims and help ensure the Liquidator receives the necessary information as required by Article V.

24. Additionally, the information will assist in the Liquidator's efforts to determine if it is feasible to provide an interim partial distribution of the Bedivere assets and will allow the Liquidator to efficiently and economically administer the liquidation proceeding toward its ultimate closure and the final distribution of all Estate assets.

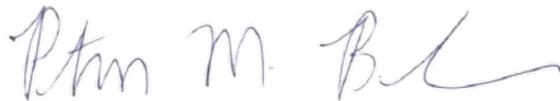
25. In furtherance of the Liquidator's fiduciary and statutory obligation, the proposal maintains consistency with the statutory goals of liquidation and assures the proper recognition of priorities while achieving a reasonable balance between the expeditious completion of the liquidation and the protection of

unliquidated and undetermined claims against the Estate. Indeed, Applications for issuance of a Claim Information Order were filed by the Liquidator and granted by the Court in the Estates of both Reliance Insurance Company (In Liquidation) and Legion Insurance Company (In Liquidation), where, like Bedivere, the same kind of challenges were encountered in attempting to obtain from claimants the information needed to review and evaluate complex property and casualty claims.

26. Should the Court grant the relief sought in this Application, the Liquidator will cause a notice to be mailed to the POC Claimant and their counsel, if any, at the last address reported to the Liquidator, for any POC as to which a NOD has not yet been issued. A draft of the proposed notice is attached as Exhibit “B”. The notice would include the Court’s Order approving this Application.

WHEREFORE, the Liquidator respectfully requests that this Court grant this Application and Order the relief requested herein.

Respectfully submitted,



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PRESTON M. BUCKMAN (ID #57570)  
Department Counsel for Insurance  
Office of Chief Counsel  
Governor's Office of General Counsel  
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Harrisburg, PA 17102  
717-886-2080

*Attorney for Plaintiff, Michael Humphreys,  
Insurance Commissioner for the  
Commonwealth of Pennsylvania, in his  
official capacity as Liquidator of Bedivere  
Insurance Company, In Liquidation*

Dated: March 5, 2026

# EXHIBIT A

## Exhibit A

NOTICE  
TO THE POLICYHOLDERS, DEBTORS, PRINCIPALS, OBLIGEEES,  
CLAIMANTS, CREDITORS AND ALL OTHER PERSONS INTERESTED IN THE  
AFFAIRS OF  
BEDIVERE INSURANCE COMPANY (BEDIVERE)  
(IN LIQUIDATION)

NOTICE IS HEREBY GIVEN:

The Commonwealth Court of Pennsylvania ordered BEDIVERE Insurance Company (BEDIVERE), formerly known as One Beacon Insurance Company, into liquidation effective March 11, 2021. Jessica Altman, Insurance Commissioner of the Commonwealth of Pennsylvania, was appointed as the Statutory Liquidator, and was ordered to take possession of BEDIVERE's property and to liquidate its business. Deputy Insurance Commissioner Laura Lyon Slaymaker oversees the liquidation on her behalf.

In recognition of the December, 2020 order issued by the Pennsylvania Insurance Department approving BEDIVERE's merger with The Employers Fire Insurance Company ("Employers"), Lamorak Insurance Company (formerly OneBeacon American Insurance Company) ("Lamorak"), and Potomac Insurance Company ("Potomac") made under Article XIV of The Insurance Company Law of 1921(40 P.S. §§ 991.1401—991.1413), all references herein to BEDIVERE shall include Employers, Lamorak, and Potomac.

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.

A paid BEDIVERE policy or bond will terminate at its normal expiration, upon replacement or April 10, 2021 (30 days from the date of liquidation), whichever is soonest.

**If you have and want to pursue a claim against BEDIVERE, you must file a proof of claim in order to have your claim considered. Proofs of claim must be filed no later than December 31, 2021.**

A proof of claim must be filed even if a claim was made against BEDIVERE prior to liquidation, and a separate proof of claim form must be filed for each claim you have. A proof of claim shall include the following: A proof of claim form containing the original signature of the claimant; a description of the claim and any security interest; whether collateral security or personal security is pledged in accordance with the terms of the policy; documentation of any payments made on the claim; and a statement that the amount is justly owed the claimant. If you require additional proof of claim forms, please request them from the Statutory Liquidator.

A Guaranty Association may cover certain claims under a BEDIVERE insurance policy or bond. Guaranty Associations have been created under state laws to protect insureds, residing in the state whose insurance company became insolvent and was ordered liquidated, against certain types of policy claims, subject to both various statutory defenses and claim limitations. Property insurance claims are

## Exhibit A

directed to the appropriate Guaranty Association in the state where the property is located. Workers Compensation claims are directed to the appropriate Guaranty Association in the state where the claimant resided at the time of the incident and all other casualty claims are directed to the appropriate Guaranty Association in the state where the insured maintained its residence or principal place of business. A list of the addresses and pertinent numbers of Guaranty Associations can be found on the department's website, [www.insurance.pa.gov](http://www.insurance.pa.gov). DO NOT FILE A PROOF OF CLAIM WITH A GUARANTY ASSOCIATION. ALL PROOFS OF CLAIM MUST BE FILED WITH THE LIQUIDATOR OF BEDIVERE.

You are a third-party claimant if you have a claim against a BEDIVERE insured, which may be covered by the insured's insurance policy (other than a claim against a bond). You may either file a Proof of Claim with the Statutory Liquidator or pursue legal action against the insured to recover your claim. If you file a claim with the Statutory Liquidator, filing of the claim shall operate as a release of the insured's liability to you on that cause of action up to the amount of applicable policy limits. If the Liquidator avoids coverage of the claim, this release becomes null and void. NOTE: The above paragraph does not pertain to claims filed against BEDIVERE bonds.

It is important to note that although BEDIVERE is insolvent, they have significant assets, including reinsurance that must be collected by the Liquidator. It will be several years before all BEDIVERE assets are collected and distribution amounts can be determined. To participate in a distribution you must file a Proof of Claim, particularly where there is no guaranty association coverage or where the claim exceeds the limit of such coverage, It is important that you keep BEDIVERE fully advised of all developments in the cases so that BEDIVERE can use this information to recover funds from reinsurers and thereby potentially increase the distribution to policyholders and creditors. Claims for losses under policies of insurance have the highest priority for payment other than administrative expenses.

Proof of Claim forms can be obtained as follows:

Download: [www.insurance.pa.gov](http://www.insurance.pa.gov)  
Click on Regulations, then Liquidations & Rehabilitations, then Estates in Liquidation.

Request by E-Mail: [ra-in-daims@pa.gov](mailto:ra-in-daims@pa.gov)

Request by Telephone: (717) 787-7823

Request by Mail: Statutory Liquidator for BEDIVERE, Capitol Associates Building,  
901 N. 7<sup>th</sup> Street, Harrisburg, PA 17102

Whenever a claim is based upon an instrument in writing, a copy of the document should be attached to the proof of claim. If the document has been destroyed, a statement of the facts and circumstances of the loss must be filed, under oath, with the claim.

The Order of Liquidation enjoins all persons from instituting or continuing any action at law or in equity or any attachment or execution against BEDIVERE, or the Statutory Liquidator. All persons indebted to or having any property of BEDIVERE in their possession, directly or indirectly, are hereby notified to tender an account of the indebtedness and to pay the same and deliver such property to the Statutory Liquidator.

## Exhibit A

### CHANGE OF ADDRESS NOTIFICATION

**YOU ARE REQUIRED BY ARTICLE V OF THE INSURANCE DEPARTMENT ACT TO NOTIFY THE STATUTORY LIQUIDATOR OF YOUR CHANGE OF ADDRESS. IF YOU FAIL TO DO SO YOU MAY JEOPARDIZE RECOVERY FROM THIS ESTATE.**

Additional material which answers frequently asked questions regarding the liquidation process, along with Guaranty Association information can be found at the Departments website [www.insuranoepa.gov](http://www.insuranoepa.gov) (click on Regulations, then Liquidations & Rehabilitations). 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 BEDIVERE  
Capitol Associates Building  
901 N. 7<sup>th</sup> Street  
Harrisburg, PA 17102  
(717) 787-7823  
Or through email at [Ra-In-Claims@pa.gov](mailto:Ra-In-Claims@pa.gov)

# EXHIBIT B

Exhibit B

**NOTICE**

**TO THE POLICYHOLDERS, INSUREDS, THIRD PARTY CLAIMANTS AND OTHERS  
WITH A PENDING PROOF OF CLAIM IN THE BEDIVERE ESTATE**

NOTICE IS HEREBY GIVEN:

The Commonwealth Court of Pennsylvania has GRANTED the Bedivere Insurance Company Statutory Liquidator's APPLICATION FOR APPROVAL OF RESPONSE REQUIREMENTS TO CLAIM INFORMATION REQUESTS PURSUANT TO 40 P.S. §221.38(a). A copy of the Order is attached to this Notice. You may view the noted Application at [www.Bedivereddocuments.com](http://www.Bedivereddocuments.com).

You are receiving this Notice based on current Bedivere records indicating that you have filed one or more Proof of Claim ("POC") in the Bedivere Estate as to which a Notice of Determination ("NOD") has not yet been issued by the Liquidator.

**The information provided in this Notice is important and may impact your pending POCs. It is recommended that you read it carefully and comply with the claim information reporting requirements outlined in the Order.**

As you are likely aware from prior correspondence, the Bedivere Liquidator engaged A.G. Risk Management ("AGRM") to assist Bedivere and the Bedivere Liquidator in managing the liquidation. Any questions regarding these claim information reporting requirements may be forwarded to the AGRM Evaluator assigned to your POC(s). If you are unaware of the assigned AGRM Evaluator, please call 877-624-9779 or email: [info@agrminc.com](mailto:info@agrminc.com) for assistance.

Please read the Order carefully. **As a POC Claimant, with one or more pending POC as to which a NOD has not yet been issued by the Liquidator, you are directed to respond as outlined in the attached Order by: (1) providing the information and supporting documentation specified in Paragraph A.1-2 of the Order (for resolved underlying claims) or (2) providing the complete report or reports specified in Paragraph B.1 of the Order, as well as providing the information and supporting documentation specified in paragraphs B.1-4 of the Order (for unresolved or not yet asserted underlying claims).** The report and related information and supporting documentation may be directed to the assigned AGRM Evaluator, if known, or directed to: The Statutory Liquidator for Bedivere, c/o AG Risk Management, Inc., 1880 JFK Blvd, Suite 1701, Philadelphia, PA 19103 or via email at [Bedivereliquidation@agrminc.com](mailto:Bedivereliquidation@agrminc.com). **BE SURE** to include your POC number(s) in all communications.

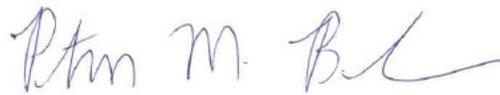
THE ORDER REQUIRES THAT THE SUPPORTING INFORMATION AND DOCUMENTATION OR CURRENT FULL AND COMPLETE REPORT ON CLAIM STATUS BE PROVIDED **WITHIN 180 DAYS OF THE DATE OF THE ORDER.** FAILURE TO DO SO MAY CAUSE THE PRIORITY OF YOUR POC(S) TO BE SUBORDINATED TO A LOWER PRIORITY AND COMPROMISE ANY POTENTIAL RECOVERY.

**Change of Address Notification**

**YOU ARE REQUIRED BY ARTICLE V OF THE INSURANCE DEPARTMENT ACT TO NOTIFY THE STATUTORY LIQUIDATOR OF YOUR CHANGE OF ADDRESS. IF YOU FAILED TO DO SO YOU MAY JEOPARDIZE RECOVERY FROM THIS ESTATE.**

**CERTIFICATE 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.



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*Attorney for Michael Humphreys,  
Insurance Commissioner of the  
Commonwealth of Pennsylvania, in his  
capacity as Statutory Liquidator of  
Bedivere Insurance Company, In  
Liquidation*

Dated: March 5, 2026

## 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 Pa.R.A.P. 3780, in the following manner:

Service via e-service or email addressed as follows:

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Counsel for Plaintiff F.B.

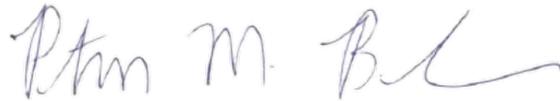
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Pennsylvania, in his capacity as Statutory  
Liquidator of Bedivere Insurance Company,  
In Liquidation*

Dated: March 5, 2026

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

In Re: Bedivere Insurance Company :  
(In Liquidation) : No. 1 BIC 2021

RE: Liquidator's Application for Approval of Response Requirements to  
Claim Information Requests Pursuant to 40 P.S. §221.38(a)

**ORDER**

This matter having come before the Court on the Application of Michael Humphreys, Insurance Commissioner of the Commonwealth of Pennsylvania, in his official capacity as Statutory Liquidator ("Liquidator") of Bedivere Insurance Company, it is ORDERED that this Application is GRANTED. This Order ("Claim Information Order") shall apply to all policyholders, insureds, third party claimants and others who have filed Proofs of Claim ("POCs") for which Notices of Determination ("NODs") have not yet been issued by the Liquidator, excluding guaranty associations ("POC Claimants").

**A. For All Pending POCs Where the Underlying Claim is Resolved**

With respect to those POCs for which the underlying claim(s) have been resolved by the date of this Claim Information Order:

1. The POC Claimant shall submit to the Liquidator proof of payment (loss and expense) and full and complete supporting documentation for what is claimed to be owed under the Bedivere policy **within 180 days from the date of this**

## **Claim Information Order.**

2. If during the Liquidator's review process, additional information is necessary to complete the evaluation, the Liquidator will request specific documentation or information in writing ("Additional Requested Information"), and the POC Claimant **within 60 days of the date of the request** must either: (a) provide the Additional Requested Information or (b) provide a specific date, **within 180 days of the date** of the request, as to when the Additional Requested Information will be provided.

### **B. For All Pending POCs Where the Underlying Claim is Not Resolved or the Underlying Claim Has Not Yet Been Asserted**

For all POCs where the underlying claim(s) are not resolved as of the date of this Claim Information Order or where claims have not yet been asserted under the POC filed:

1. The POC Claimant is required to submit to the Liquidator a full and complete report on the status of the underlying claim(s) with appropriate information and documentation, or advise that no claims have yet been asserted, **within 180 days of the date of this Claim Information Order.**

2. Thereafter, and until a NOD is issued, the POC Claimant shall submit to the Liquidator full and complete updated information on the status of the underlying claim(s) with supporting documentation, or advise that no claims have yet been asserted, on at least an **annual basis**, unless otherwise directed by the

Liquidator.

3. Once the underlying claim is finally resolved, the POC Claimant must submit to the Liquidator full and complete updated information and supporting documentation, including proof of payment (loss and expense) and full and complete supporting documentation for what is claimed owed under the Bedivere policy, **within 90 days of final resolution.**

4. If during the Liquidator's review process, Additional Requested Information is necessary to complete the evaluation, the Liquidator will request it in writing, and the POC Claimant must **within 60 days of the date of the request** either: (a) provide the Additional Requested Information or (b) provide a specific date, **within 180 days of the date of the request**, as to when the Additional Requested Information will be provided.

**C. Information Required**

1. Information and supporting documentation shall include, but is not limited to, settlement agreements, judgments, all payments made or projected to be made by the POC Claimant and amounts allegedly owed under any Bedivere policy, claim trending data necessary to reasonably project future losses, and all other Additional Requested Information that the Liquidator determines is reasonably necessary to evaluate and finalize the POC and issue a NOD.<sup>1</sup>

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<sup>1</sup> This description is not intended as a limitation on the types of information the Liquidator can

2. If the POC Claimant's POC includes more than one claim, the above requirements apply to each individual claim represented by the POC.

**D. Failure to Provide Information**

1. If a POC Claimant fails to timely provide the information specified in this Claim Information Order, or any other information reasonably requested by the Liquidator, the Liquidator may:

(a) issue a written final demand for information upon the POC Claimant and

(b) upon failure of the POC Claimant to respond **within 60 days** of said written final demand for information, the Liquidator may subordinate the POC Claimant's claim to priority class (g)(2) pursuant to 40 P.S. §221.44(g)(2) for the failure to comply with the requirements for submitting a duly filed claim as required pursuant to 40 P.S. §§221.37 and 221.38(a) and (b).

2. The written final demand for information issued pursuant to paragraph D.1(a) above, will include a copy of this Order and the timeframe to provide the requested information and the consequences for non-compliance.

3. The Liquidator is directed to serve a copy of this Claim Information Order upon those listed on the Master Service List and upon the POC Claimant and their counsel, if any, at the last address reported to the Liquidator for each POC as

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request.

to which a NOD has not yet been issued.

BY THE COURT:

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ANNE E. COVEY, Judge