

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In Re: Penn Treaty Network America
Insurance Company in Rehabilitation

DOCKET NO. 1 PEN 2009

In Re: American Network Insurance
Company in Rehabilitation

DOCKET NO. 1 ANI 2009

RECEIVED & FILED
COMMONWEALTH COURT
OF PENNSYLVANIA
24 JUL 2015 15 42

**INTERVENOR BROADBILL PARTNERS, LP'S OPPOSITION TO
REHABILITATOR'S APPLICATION TO QUASH DEPOSITION
NOTICES AND FOR A PROTECTIVE ORDER**

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PRELIMINARY STATEMENT¹

Pennsylvania law guarantees a party's right to put on its own affirmative case and develop facts to challenge its adversary's case. The Rehabilitator now asks the Court to gut this venerable rule by endorsing one-sided discovery—its second currently pending motion seeking such overreaching relief. But preemptively shutting down Broadbill's depositions of witnesses with relevant information would deprive not only Intervenors, but also the Court, of the evidence necessary to assess whether the Plan complies with the law and otherwise satisfies confirmation standards. These are the witnesses Broadbill would like to depose:

- the *Rehabilitator's* knowledgeable designee—about issues raised in Broadbill's Comments and Patrick Cantilo's recent testimony in open court;
- *Jose Vinas*, PTNA's CFO—who would know better than anyone about that company's financial health, projections, and forecasts, as well as tax obligations; and

¹ This brief refers to (i) Broadbill Partners, LP as "Broadbill," (ii) Pennsylvania Insurance Commissioner Teresa Miller as the "Rehabilitator," (iii) Penn Treaty Network America Insurance Company as "PTNA" and American Network Insurance Company as "ANIC," and, together, as the "Companies," (iv) Penn Treaty American Corporation as "PTAC," (v) Rehabilitator's June 16, 2015 Amended Protective Order Application as "Protective Order Motion," (vi) the Second Amended Rehabilitation Plan as the "Plan," (vii) June 30, 2015 Deposition Notice to Rehabilitator as "Rehabilitator Notice," (viii) Broadbill's February 13, 2015 Formal Comments of to Second Amended Proposed Rehabilitation Plan and Notice of Intent to Participate in Hearing as "Broadbill's Comments." A true and correct copy of the July 20, 2015 letter from Gary Svirsky, Esq. to Carl Buchholz, Esq. is attached hereto as Exhibit A and incorporated by reference as though fully set forth herein. Unless otherwise noted, any emphasis in quotations has been added, and all internal citations and quotation marks have been omitted.

- **Robert Robinson**, PTNA and ANIC's Chief Restructuring Officer—who undoubtedly has first-hand knowledge about the Companies' financial problems, how rate increases might help, why the Plan may not be feasible, and alternatives available to the estate.

If the Rehabilitator is unable to address any noticed topics, under Pennsylvania Rule of Civil Procedure 4007.1(e), she must designate and educate someone to testify on her behalf—though it is difficult to imagine that the insurance commissioner and the Companies' rehabilitator is unfamiliar with this case. That some of the noticed topics predate Teresa Miller's personal involvement is thus irrelevant. To be clear, most of the deposition topics concern issues raised in Broadbill's Comments: possible rate increases, transfer of assets and liabilities between the Companies, and the Plan's effect on third parties and their respective assets and rights. Many of the deposition topics also go to the subjects Cantilo testified about in this Court on July 13 and 14, 2015, including the Plan's tax consequences and alternatives to the current proposal.

As for Robinson and Vinas, they are among the Companies' most senior executives who have important first-hand and relevant knowledge. They are classic percipient witnesses. If they are unable to answer any deposition questions, they can say so when asked. Similarly, if the Rehabilitator's counsel is concerned about privilege, then he can raise that at the depositions, not in advance. Nor is confidentiality a basis to quash a deposition notice. The parties can always discuss

measures to assure that confidentiality is maintained in a manner that allows the information to be used for this proceeding.

Ironically, the Rehabilitator simultaneously seeks extensive discovery from Broadbill, despite the fact that the Rehabilitator has far more relevant evidence to produce. Even before Broadbill was allowed to formally intervene, the Rehabilitator served subpoenas on it seeking to depose its principal involved in this case and many documents.

BACKGROUND

To assess the extent to which the Plan impairs its rights, claims, and assets, Broadbill served deposition notices on the Rehabilitator (through a person most knowledgeable), Robert Robinson (CRO for PTNA and ANIC), and Jose Vinas (PTNA's CFO).² Broadbill's cover letter accompanying the deposition notices stated that it was happy to discuss the deposition in advance and to arrange for convenient times and locations. The Rehabilitator ignored that invitation to speak and made this motion without meeting and conferring with Broadbill.³

² See Rehabilitator Notice, Attachments A and B; June 30, 2015 Deposition Notices to Robert Robinson and Jose Vinas.

³ See Dauphin Cnty. Local R. 208.3(b) (requiring that all motions contain a certification that opposing counsel have been provided a copy of the motion and proposed order, indicating whether opposing counsel concurs).

On July 13 and 14, 2015, Cantilo offered what was called a “narrative” to this Court in support of the Plan.⁴ He testified about the very same issues that the Rehabilitator now claims are “beyond the scope of what will be addressed” at the Plan confirmation hearing.⁵ Among many other things, Cantilo discussed alternatives to the Plan, rate increases, transfer of assets and liabilities among the entities, reasons for designating ANIC as the surviving entity, the Rehabilitator’s supposed efforts to comply with this Court’s orders, and the Plan’s federal income tax consequences for policy holders and the Companies.⁶ He was not cross-examined and his one-sided, unsupported narrative is yet to be tested.

On July 20, 2015, Broadbill joined PTAC in opposing the Rehabilitator’s motion to shut down all discovery by Intervenors.⁷ That same day, Broadbill sent the Rehabilitator’s counsel a letter again suggesting a meet-and-confer.⁸ To date, the Rehabilitator and her lawyers have declined Broadbill’s invitation.

⁴ Hearing Tr. 7:20–23 (July 13, 2015).

⁵ App. to Quash at 7–8.

⁶ See Hearing Tr. 15:7–11, 37:6–38:1, 49:24–50:17, 55:22–59:19, 91:16–92:18 (July 13, 2015); Hearing Tr. 8:4–19:19 (July 14, 2015).

⁷ See Broadbill’s Opposition to Rehabilitator’s Amended Application for Protective Order at 1.

⁸ See Ex. A [July 20, 2015 Ltr.].

ARGUMENT

Pennsylvania Rule of Civil Procedure 4003.1(a), made applicable here through Pennsylvania Rule of Appellate Procedure 106, permits Broadbill to obtain discovery “regarding any matter, not privileged, which is relevant to the subject matter involved in the pending action.”⁹ These rules call on courts to “interpret the requirement of relevancy liberally,” erring on the side of permitting discovery if there is “any conceivable basis of relevancy.”¹⁰ As intervenor, Broadbill is entitled to “take the testimony of any person, including a party, by deposition upon oral examination . . . for the purpose of discovery . . . or for preparation or trial of a case.”¹¹ Broadbill is therefore permitted to take discovery about the extent to which the Plan affects its (and other third parties’) interests. That is precisely why Broadbill has noticed the depositions of the Rehabilitator, Robinson, and Vinas.

In any event, Broadbill “does not need to justify complete relevance in advance.”¹² Rather, the Rehabilitator bears the burden of establishing the right to refuse discovery.¹³ The Rehabilitator has not met this burden.

⁹ Pa. R. Civ. P. 4003.1(a); Pa. R. A. P. 106 (“Unless otherwise prescribed by these rules the practice and procedure in matters brought before an appellate court within its original jurisdiction shall be in accordance with the appropriate general rules applicable to practice and procedure in the courts of common pleas, so far as they may be applied.”)

¹⁰ 6 Standard Pennsylvania Practice 2d § 34:24 (2015).

¹¹ Pa. R. Civ. P. 4003.1(c).

¹² 6 Standard Pennsylvania Practice 2d § 34:25 (2015).

I. THE REHABILITATOR OFFERS NO REASON AT ALL TO QUASH HER DEPOSITION NOTICE.

The Court should deny the Application to Quash the deposition notice served on the Rehabilitator because (i) her alleged lack of personal knowledge is beside the point,¹⁴ and (ii) each noticed topic both fits the Rehabilitator's own definition of allowable discovery and is relevant to Plan confirmation.¹⁵

A. The Rehabilitator must make available the most knowledgeable person for a deposition.

Broadbill does not necessarily seek to depose the Rehabilitator individually.¹⁶ Rather, Broadbill noticed the Rehabilitator as a "governmental agency."¹⁷ In so doing, Broadbill exercised its option to "describe with reasonable particularity the matters to be inquired into and the materials to be produced."¹⁸ The Rehabilitator now has the obligation to "serve a designation of one or more

¹³ *Id.* ("If during discovery, a party objects to discovery requests on the grounds of relevancy, the objecting party has the burden of establishing the right to refuse discovery.").

¹⁴ *See* App. to Quash at 9 (offering Cantilo for deposition).

¹⁵ *See* Protective Order Mot. at 5, 8 ("The scope of discovery is therefore determined by the issues that will be presented to the Court for decision"; discovery must "relate to the Plan's contents, the actuarial methodology and data forming its basis, and objections raised by interested persons in Formal Comments on the merits of the Plan.").

¹⁶ *See* Ex. A [July 20, 2015 Ltr.]; Hearing Tr. 173:17–24 (July 14, 2015) ("That's why we have noticed a person most knowledgeable . . .").

¹⁷ Pa. R. Civ. P. 4007.1(e).

¹⁸ *Id.*; Rehabilitator Notice, Attachments A and B. The reference to Rule 4007.1(a) in Attachment A was a typographical error. And in seeking discovery, a typographical error, referencing the wrong rule number, may be corrected. *See Pupo v. Pupo*, 36 Pa. D. & C.2d 620, 621–22 (Pa. C.P. 1965) (overruling objection to interrogatory quoting the wrong rule).

officers, directors, or managing agents, or other persons who consent to testify on [her] behalf.”¹⁹ Thus, it is irrelevant that some of the topics noticed for the deposition predate Miller’s tenure as Insurance Commissioner—if she does not know then her designee must be educated on these topics.²⁰ Designating Cantilo, as it appears the Rehabilitator proposes, would be acceptable, but only to the extent that he would be the person most knowledgeable about the noticed topics.²¹ In certain areas such as the Plan’s consequences, however, Cantilo has disclaimed expertise or significant personal knowledge. The Rehabilitator will need to designate someone more knowledgeable on that issue and other areas where Cantilo is not the person most knowledgeable.

B. The deposition topics Broadbill noticed for the Rehabilitator are discoverable.

The deposition topics that Broadbill propounded on the Rehabilitator are properly subject to discovery because they (i) track Broadbill’s Comments

¹⁹ Pa. R. Civ. P. 4007.1(e).

²⁰ *Graham v. I.M.O. Indus.*, 16 Pa. D. & C.4th 492, 499 (Pa. C. P. 1992); Explanatory Note to Pa. R. Civ. P. 4007.1(e) (“Subdivision (e) is adapted, almost verbatim, from Fed. R. Civ. P. 30(b)(6).”); *see also Ierardi v. Lorillard, Inc.*, Civ. A. No. 90–7049, 1991 WL 158911, at *1 (E.D. Pa. Aug. 12, 1991) (stating, with respect to the federal equivalent of Rule 4007.1(e), that a named defendant must prepare a designee to give answers). Accordingly, the Rehabilitator’s reliance on *Fla. Office of Ins. Regulation v. Fla. Dep’t of Fin. Servs.*, 159 So. 3d 945 (Fla. Dist. Ct. App. 2015) is off target (Florida’s “apex doctrine” prevented party from seeking agency head’s speculative testimony regarding hypothetical scenarios).

²¹ *See App. to Quash at 2, 6, 9* (“The Special Deputy [Rehabilitator] is best positioned to address the proposed topics appended to the Notice of Video Deposition of the Commissioner. . . . [H]e will be presented for deposition.”).

(including those of PTAC, which it joined), and/or (ii) are otherwise narrowly tailored to Plan confirmation. Even the Rehabilitator concedes that Broadbill may take discovery related to its formal comments and issues relevant to the Court's decision about confirmation.²²

First, most of the proposed deposition topics track Broadbill's Comments, which the Rehabilitator's agrees are fair game for discovery:

- possible rate increases on account of the PTNA and ANIC policies;²³
- the Rehabilitator's supposed efforts to comply with the Court's December 28, 2012 Order;²⁴
- the Rehabilitator's supposed efforts to correct any financial problems suffered by PTNA and ANIC;²⁵
- the ability of PTNA or ANIC to write new policies;²⁶
- transfer of assets and liabilities between PTNA and ANIC under the Plan;²⁷
- third-party property rights the Plan may affect or impair;²⁸

²² See Protective Order Mot. at 4, 6, 8; App. to Quash at 8 (arguing that certain matters are irrelevant because they are incapable of informing the Court's decision).

²³ Attachment A ¶ 1; Broadbill's Comments at 5–9.

²⁴ Attachment A ¶ 2; Broadbill's Comments at 1–9. Broadbill notes that paragraph two of Attachment A specifies "Rehabilitator's efforts to date and going forward to comply with the terms of the Court's December 28, 2010 Order." As Broadbill's Comments make clear, the order was entered on December 28, 2012. In seeking discovery, a typographical error may be corrected. See *Pupo*, 36 Pa. D. & C.2d at 621–22.

²⁵ Attachment A ¶ 3; Broadbill's Comments at 1–9.

²⁶ Attachment A ¶ 4; Broadbill's Comments at 10.

²⁷ Attachment A ¶ 5; Broadbill's Comments at 11–13.

²⁸ Attachment A ¶ 8; Broadbill's Comments at 11–13.

- impact of the Plan on the rights and property interests of PTAC;²⁹ and
- alternatives to the Plan.³⁰

Second, Broadbill’s other discovery requests are narrowly targeted to Plan confirmation and whether rehabilitation can “restor[e] the entity to sound fiscal status.”³¹ The Companies’ financial statements, projections, forecasts, and estimates prepared after rehabilitation commenced are plainly relevant to these issues and the Plan’s tax consequences.³²

Cantilo’s testimony actually highlights that tax issues are very relevant to confirmation; in fact, according to Cantilo, they are a gating issue to Plan confirmation.³³ Therefore, in supervising the rehabilitation, the Court should allow scrutiny of the Rehabilitator’s assertions and assumptions underlying her request for tax rulings from this Court and the IRS.³⁴ Granting the Rehabilitator’s motion

²⁹ Attachment A ¶ 9; Broadbill’s Comments at 1–2, 11–13.

³⁰ Attachment A ¶ 9; Broadbill’s Comments at 1 (expressly joining in PTAC’s objection); PTAC’s February 13, 2015 Formal Comments to Proposed Second Amended Plan 2, 4.

³¹ Attachment A ¶¶ 7, 11, 12; *Foster*, 614 A.2d at 1096.

³² Attachment A ¶ 12.

³³ *See* Hearing Tr. 9:5–12:15 (July 14, 2015).

³⁴ *Foster*, 614 A.2d at 1093 (finding no abuse of discretion because the modified plan was thoroughly supervised and implemented by the Commonwealth Court).

would deprive the Court of the evidence necessary to determine if the Plan should be confirmed and impair objectors' due process rights.³⁵

C. The Rehabilitator's two cases lend no support to her overreaching motion.

Neither of the two cases that the Rehabilitator cites involves discovery or orders quashing deposition subpoenas. *In re Executive Life Insurance Company of New York*,³⁶ a New York case interpreting New York law, addressed proposed trial testimony at a plan confirmation hearing from former Governor Elliot Spitzer about why New York did not liquidate the company five years earlier under circumstances that existed then.³⁷ Here, Broadbill proposes deposing the Rehabilitator (or her knowledgeable designee) about issues raised in its formal objections and topics on which the Rehabilitator already submitted testimony, which are relevant to Plan confirmation today.³⁸ Because discovery is “necessarily

³⁵ See *Koken v. Legion Ins. Co.*, 831 A.2d 1196, 1232 (Pa. Commw. Ct. 2003) (“To apply deference to the job of factfinding would undermine this Court’s responsibility to act . . . in a fair and neutral way.”); Attachment A ¶¶ 7 (tax implications of the Plan), 11 (tax returns filed by the Companies).

³⁶ No. 8023/1991, 2012 WL 1577968 (N.Y. Sup. Ct. Apr. 16, 2012).

³⁷ See *id.* at *2–3 (“[P]ermitting testimony regarding events taking place 5 years ago would result not only in speculation as to what but also would be irrelevant to the proceeding at hand: to either approve or disapprove the Plan on the facts as they exist today.”); App. to Quash at 8.

³⁸ *Foster*, 614 A.2d at 1094 (for a rehabilitation to be legitimate, it must, among other things, properly conserve and equitably administer the assets of the company in the interest of the investors).

broader” than admissibility at trial, *Executive Life* has absolutely no bearing on this motion.³⁹

Similarly, *Foster v. Mutual Fire, Marine and Inland Insurance Company*, which too has nothing to do with discovery or quashing deposition notices, actually supports denying the Rehabilitator’s motion.⁴⁰ There, the court confirmed a plan that was “thoroughly supervised and implemented with the capable assistance of the Commonwealth Court.”⁴¹ Broadbill requests discovery here so that the Plan’s impact on PTAC and its investors may be subject to the same extensive and thorough analysis conducted in *Foster*.⁴² While the Rehabilitator would rather have this Court blindly confirm the Plan without any scrutiny at all—that is not the law.

II. THE REHABILITATOR OFFERS NO REASON AT ALL TO QUASH THE ROBINSON AND VINAS DEPOSITION NOTICES.

Because Robinson and Vinas are fact witnesses whose depositions Broadbill seeks under Rule 4007.1(a), Broadbill need not provide a list of topics.⁴³ That does

³⁹ *Commonwealth v. TAP Pharm. Prods.*, 904 A.2d 986, 994 (Pa. Commw. Ct. 2006).

⁴⁰ 614 A.2d 1086.

⁴¹ *Id.* at 1093.

⁴² *Id.* at 1094.

⁴³ Compare Pa. R. Civ. P. 4007.1(e) (“A party may in the notice . . . describe with reasonable particularity the matters to be inquired into and the materials to be produced.”) with Pa. R. Civ. P. 4007.1(a) (“A party desiring to take the deposition of any person upon oral

away with the Rehabilitator's lead argument. Importantly, the Rehabilitator offers absolutely no case law to support its motion to quash Robinson's and Vinas's depositions.

Beyond that, the Rehabilitator offers "the same reasons" to quash Robinson's and Vinas's depositions as she offers to quash the Rehabilitator's deposition—the supposed subjects of inquiry predate the witnesses' involvement, alleged lack of relevance, and imagined harassment.⁴⁴ That is nonsense. Both Robinson and Vinas are among the most senior executives at the Companies. These fact witnesses plainly have relevant testimony to offer. If either is unable to answer any deposition questions, he can simply say so when asked. And since neither witness has been asked a single questions yet, it is unclear how the Rehabilitator can guess that the questions they may be asked will seek irrelevant information. Those are objections that the Rehabilitator should raise question-by-question at the depositions. The same goes for claims of privilege and confidentiality—which should be raised at the depositions, not in advance.⁴⁵

examination shall give reasonable notice in writing to every other party to the action A party noticed to be deposed shall be required to appear without subpoena.”).

⁴⁴ Application to Quash at 9.

⁴⁵ See *M.M. v. L.M.*, 55 A.3d 1167, 1176 (Pa. Super. Ct. 2012) (proposed deponent “would be permitted to object during deposition if [adverse party] strayed into privileged areas”).

The Rehabilitator's concession that Cantilo is an appropriate witness to testify about the Plan (on the Rehabilitator's narrow reading of what that means), does not disqualify other witnesses who have relevant testimony.⁴⁶ One party opponent does not get to exclude fact witnesses under his or her control (particularly senior executives) simply because it would prefer to tell its "narrative" from a single witness it has prepared. Nor is the hypothetical claim that Robinson's and Vinas's testimony may be cumulative a reason to bar them from being asked any questions at all.⁴⁷ More likely, the Rehabilitator is concerned that their testimony may be *inconsistent* with Cantilo's rehearsed presentation. Only through a deposition will we learn the facts known by these senior executives. And just as the Rehabilitator seeks to depose Broadbill's senior executive involved in this case, so too must Broadbill conduct its own inquiry.

⁴⁶ See Pa. R. Civ. P. 4001(c), 4003.1(a), (b), 4007.1(a).

⁴⁷ See *Krantz v. Wheeling Corrugating Co.*, 24 Pa. D. & C.2d 39, 40 (Pa. C. P. 1961) ("It would seem quite clear . . . that cumulative discovery is permitted by the Rules of Civil Procedure so long as discovery does not become unreasonably harassing."); Pa. R. Civ. P. 4012(a).

CONCLUSION

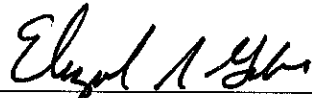
For the foregoing reasons, the Court should deny the Rehabilitator's

Application to Quash.

Dated: Harrisburg, Pennsylvania
July 24, 2015

Respectfully submitted,

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**Re: *In Re: American Network Insurance Company in Rehabilitation,
Docket No. 1 ANI 2009; In Re: Penn Treaty Network America
Insurance Company in Rehabilitation, Docket No. 1 PEN 2009***

Dear Carl:

I write on behalf of Broadbill Partners, L.P. ("Broadbill") about your application to quash the June 30, 2015 notices of deposition and for a protective order—which you served on a Friday afternoon in July without any attempt to contact us in advance of filing.¹ Your unwillingness to meet and confer is particularly difficult to understand in light of Broadbill's invitation to discuss the depositions.² Accordingly, we expect that you will withdraw the motion immediately. We are available to speak with you about this.

While this is not the place to get into the substance of your objections, we wish to make clear that Broadbill seeks a deposition of a "governmental agency," not Teresa Miller individually. Under Pennsylvania Rule of Civil Procedure 4007.1(e), the Rehabilitator must designate and educate an individual to testify on the Rehabilitator's behalf, if Ms. Miller cannot address some of the listed topics. That some of the topics in Attachment A to the deposition notice predate Ms. Miller's involvement is thus completely irrelevant.³ Designating the Special

¹ See, e.g., Dauphin Cnty. Local R. 208.3(b) (requiring that all motions contain a certification that opposing counsel have been provided a copy of the motion and proposed order, indicating whether opposing counsel concurs).

² See June 30, 2015 letter from Steve Warren to Adam Brown.

³ *Commonwealth v. Peoples Benefit Servs.*, 923 A.2d 1230, 1235 (Pa. Commw. Ct. 2007) (citing *Ierardi v Lorillard, Inc.*, 1991 U.S. Dist. LEXIS 11320, at *3 (E.D. Pa. 1991) (stating that under Rule 4007.1(e) a party has an obligation to prepare its designee to be able to give binding answers on behalf of that party); see also Explanatory Note to Pa. R. Civ. P. 4007.1(e) ("Subdivision (e) is adapted, almost verbatim, from Fed. R. Civ. P. 30(b)(6).").

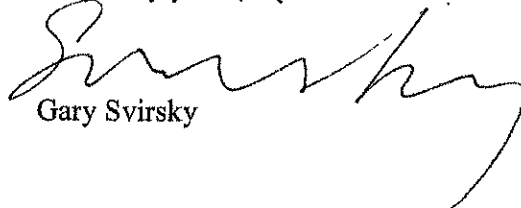
Deputy Receiver, as you offer in your motion, would be one alternative, to the extent that he would be the person most knowledgeable about the topics to be covered.

As for Robert Robinson and Jose Vinas, because they are fact witnesses whose depositions Broadbill seeks under Rule 4007.1(a), we need not provide a list of topics. Both are senior executives. If Messrs. Robinson or Vinas are unable to answer any deposition questions, they can say so when asked. Similarly, privilege is an issue to be raised at the deposition, not in advance. Nor is confidentiality a basis to quash a deposition notice. We can discuss confidentiality protections when we speak.

For each of the above deposition notices, we remind you that the test for discoverability is broader than relevance.⁴ Among other things, the deposition topics concern the Rehabilitator's efforts to comply with the terms of the Court's December 28, 2012 Order requiring a "plan of action for obtaining . . . critical rate increases," the financial viability of PTAC, PTNA, and ANIC, and alternatives considered by the Rehabilitator, which issues are all relevant to confirmation. These are all issues that the Rehabilitator raised in Court this week and are covered by Broadbill's objection and the PTAC objection that we joined.

Please feel free to call me if you would like to discuss the noticed depositions.

Very truly yours, .



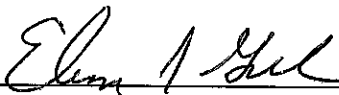
Gary Svirsky

⁴ See Pa. R. Civ. P. 4003.1 (b) ("It is not ground for objection that the information sought will be inadmissible at the trial if the information sought appears to be reasonably calculated to the discovery of admissible evidence.").

VERIFICATION

I, Elizabeth J. Goldstein, attorney for defendant Broadbill Partners, LP hereby verify that the averments of fact set forth in the foregoing are true and correct to the best of my knowledge, information and belief and I make this statement subject to the penalties in 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

Date: 7/24/13



Elizabeth J. Goldstein, attorney
for Broadbill Partners, LP

CERTIFICATE OF SERVICE

I hereby certify that on July 24, 2015, I caused a true and correct copy of the foregoing *Intervenor Broadbill Partners, LP's Opposition to Rehabilitator's Application to Quash* to be served via e-mail and U.S. First Class Mail upon the following counsel:

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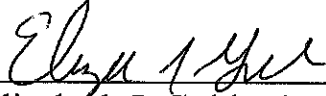
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Elizabeth J. Goldstein

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In Re: Penn Treaty Network America
Insurance Company in Rehabilitation

DOCKET NO. 1 PEN 2009

In Re: American Network Insurance
Company in Rehabilitation

DOCKET NO. 1 ANI 2009

ORDER

AND NOW, this ____ day of _____, 2015, upon consideration of the Rehabilitator's Application to Quash Notices of Deposition Served by Broadbill Partners, LP, and for a Protective Order dated July 10, 2015, (Application to Quash), Broadbill Partners, LP's Opposition thereto, it is hereby **ORDERED** that the Application to Quash is **DENIED**.

MARY HANNAH LEAVITT, Judge