

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In Re: Penn Treaty Network America :
Insurance Company in Rehabilitation : 1 PEN 2009
:
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In Re: American Network :
Insurance Company in Rehabilitation : 1 ANI 2009

ORDER

AND NOW, this 30th day of July 2015, having concluded Phase One of the hearing on the Second Amended Plan of Rehabilitation (“the Plan”) and having conferred with the parties on outstanding discovery issues, the Court establishes the following schedule for the preparation and convening of Phase Two of the hearing on the Plan:

I. Witnesses and Depositions

A. Depositions may begin on and continue after October 1, 2015.

B. The Statutory Rehabilitator shall present the following individuals for deposition in the following order:

- (i) Patrick Cantilo for up to three days,
- (ii) Robert Robinson,
- (iii) Jose Vinas,
- (iv) A designated tax witness, and
- (v) A representative of PricewaterhouseCoopers.

(vi) The deponents listed in Section I(B)(ii)-(v) shall be available for up to seven hours, unless good cause is shown for an extension.

C. The Intervening Parties shall identify all witnesses they intend to call to testify in Phase Two of the Plan hearing on or before October 1, 2015. Each such witness, and the designated representative of each party, shall be made available for deposition for up to seven hours each.

D. Any Intervening Party intending to call an expert witness during Phase Two shall produce, not later than 20 days after the later of (i) the deposition of the last of the witnesses listed in Section I(B)(i)-(v) and (ii) the deposition of the PricewaterhouseCoopers representative is concluded, a report containing the substance of the facts and opinions to which the expert is expected to testify; a summary of the grounds of each opinion; a summary of the witness' qualifications; a list of all prior recorded testimony from 2010 to date; and a statement of the witness' compensation. Any party may depose any such expert witness within 20 days after receipt of such expert's report.

E. Depositions shall be jointly attended by the Statutory Rehabilitator and Intervening Parties and the duration of depositions specified above shall be divided among the parties.

II. Document Discovery

A. Requested from the Rehabilitator:

(i) The Rehabilitator shall produce a log listing the documents withheld on privilege grounds and produce the non-privileged files of Patrick Cantilo, whether printed or electronic, relating to the merits of the Second Amended Plan on a rolling basis, and production shall be completed on or before September 15, 2015.

(ii) The Rehabilitator shall produce a log listing documents withheld on privilege grounds and produce the non-privileged documents, whether printed or electronic, pursuant to written requests previously served by Intervening Parties, subject to objections, on a rolling basis, and production shall be completed on or before September 15, 2015.

B. Requested from the Intervening Parties:

The Intervening Parties shall produce a log listing documents withheld on privilege grounds and produce the non-privileged documents, whether printed or electronic, pursuant to written requests previously served by the Statutory Rehabilitator, subject to objections, on a rolling basis, and production shall be completed on or before September 15, 2015.

C. Requested from Any Party:

The production of confidential documents that are not privileged will be governed by a Confidentiality Agreement and Protective Order.

III. Expedited Discovery

All parties shall respond to future requested discovery not later than 14 calendar days after receipt, and all applications made with respect to discovery disputes shall be addressed telephonically with the Court in the first instance in lieu of briefing.

IV. Phase II Hearing

Phase II of the Plan Approval Hearing shall begin on Monday November 30, 2015.

V. Prior Orders

A. The Court's order staying discovery is withdrawn as is the order scheduling a pre-hearing conference for August 13, 2015.

B. All other orders, injunctions, and stays issued by this Court in this matter shall continue in full force and effect, except as modified by this Order.



MARY HANNAH LEAVITT, Judge

Certified from the Record

JUL 31 2015

And Order Exit