

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

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

MOTION FOR EXTENSION AND CONTINUATION OF STAY

AND NOW, the plaintiff, Michael F. Consedine, Insurance Commissioner of the Commonwealth of Pennsylvania, and court-appointed Statutory Rehabilitator of Penn Treaty Network America Insurance Company ("PTNA") and American Network Insurance Company ("ANIC"), hereby moves this Court for a 180-day extension of the previous stay issued by this Court in these matters on March 15, 2013, and the entry of an injunction, and avers the following:

1. Plaintiff, Michael F. Consedine, is the Insurance Commissioner of the Commonwealth of Pennsylvania.
2. On January 6, 2009, this Court entered Orders appointing the Insurance Commissioner of the Commonwealth of Pennsylvania as Statutory Rehabilitator for PTNA and ANIC.
3. This Court's Order of January 6, 2009 placing PTNA in rehabilitation granted the following 90-day stay of all litigation against PTNA:

12. All court actions, arbitrations and mediations currently or hereafter pending against Penn Treaty in the Commonwealth of Pennsylvania are stayed for ninety (90) days from the effective date of this Order and such additional time as the Rehabilitator may request, to allow the Rehabilitator an opportunity to review litigation and where appropriate retain new counsel.

13. The Rehabilitator is directed to review all litigation pending outside the courts of the Commonwealth of Pennsylvania

and petition these other courts or tribunals for a ninety (90) day stay of litigation where necessary to protect the estate of Penn Treaty.

4. This Court's Order of January 6, 2009 placing ANIC in rehabilitation granted the following 90-day stay of all litigation against ANIC:

12. All court actions, arbitrations and mediations currently or hereafter pending against American Network in the Commonwealth of Pennsylvania are stayed for ninety (90) days from the effective date of this Order and such additional time as the Rehabilitator may request, to allow the Rehabilitator an opportunity to review litigation and where appropriate retain new counsel.

13. The Rehabilitator is directed to review all litigation pending outside the courts of the Commonwealth of Pennsylvania and petition these other courts or tribunals for a ninety (90) day stay of litigation where necessary to protect the estate of American Network.

5. By Orders dated April 3, 2009, this Court extended these stays for a period of 180 days, until September 30, 2009.

6. By Orders dated September 30, 2009, this Court extended these stays for an additional period of 180 days, until March 29, 2010.

7. By Orders dated March 22, 2010, this Court extended these stays for an additional period of 180 days, until September 27, 2010.

8. By Order dated September 22, 2010, this Court extended these stays for an additional period of 180 days, until March 28, 2011.

9. By Order dated March 25, 2011, this Court extended these stays for an additional period of 180 days, until September 21, 2011.

10. By Order dated September 22, 2011, this Court extended these stays for an additional period of 180 days, until March 20, 2012.

11. By Order dated March 20, 2012, the Court extended these stays for an additional period of 180 days until September 17, 2012.

12. By Order dated September 14, 2012, the Court extended these stays for an additional period of 180 days until March 18, 2013.

13. By Order dated March 15, 2013, the Court extended these stays for an additional period of 180 days until September 11, 2013.

14. The stay Order is consistent with the provisions of Article V of The Insurance Department Act of 1921, Act of May 17, 1921, P.L. 789, *as amended* (the "Act"), and in particular Section 517 (40 P.S. § 221.17).

15. PTNA and ANIC are insolvent.

16. The Rehabilitator filed Petitions for Liquidation of PTNA and ANIC on October 2, 2009.

17. By Order dated August 13, 2010, this Court consolidated the PTNA and ANIC proceedings.

18. By Order dated May 3, 2012, the Court denied the Petitions for Liquidation and Ordered, *inter alia*, the Rehabilitator to develop and submit to the Court a Plan of Rehabilitation for PTNA and ANIC.

19. On April 30, 2013, the Rehabilitator filed Plans of Rehabilitation for PTNA and ANIC.

20. If litigation against PTNA and ANIC proceeds while the Plans of Rehabilitation are pending, it will result in unnecessary expense to PTNA's and ANIC's estates.

21. In addition to the authorization of stay of litigation provided by Section 517(a) of the Act (40 P.S. § 221.17(a)), Section 505 of the Act (40 P.S. § 221.5) authorizes this Court, upon application of any receiver, to grant “such restraining orders, preliminary and permanent injunctions, and other orders as may be deemed necessary to prevent: . . . (iii) interference with the receiver or with the proceeding; (iv) waste of the insurer’s assets; . . . (vi) the institution or further prosecution of any actions or proceedings; (vii) the obtaining of preferences, judgments, attachments, garnishments, or liens against the insurer, its assets or its policyholders; (viii) the levying of execution against the insurer, its assets or policyholders; . . . or (xi) any other threatened or contemplated action that might lessen the value of the insurer’s assets or prejudice the rights of policyholders, creditors, or shareholders, or the administration of the proceeding.”

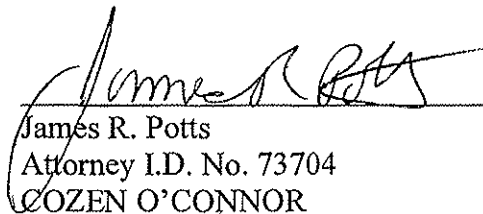
22. As of the date of the filing of this motion, there is pending litigation against PTNA in Luzerne County, Pennsylvania, Philadelphia County, Pennsylvania, Alameda County, California, Charlotte County, Florida, Marion County, Florida, and Tangipahoa Parish, Louisiana, including cases which will be placed on the active trial list unless a further stay is issued. In a number of these matters, PTNA is denying payment due to its belief that the policies were obtained through false representations, on the grounds that benefits are being sought which are not covered in the specific policies, on the grounds that the policy benefits have been paid or on the grounds that no payment is due. One matter is related to allegations made by a former employee.

23. As of the date of the filing of this motion, there is no pending litigation against ANIC.

WHEREFORE, the Rehabilitator requests that this Court stay all court actions, arbitrations and mediations currently or hereafter pending against Penn Treaty Network America Insurance Company and American Network Insurance Company in the Commonwealth of

Pennsylvania for an additional period of 180 days and direct the Rehabilitator to petition all courts and tribunals outside of the Commonwealth of Pennsylvania for a further 180-day stay of all court actions, arbitrations and mediations currently pending against Penn Treaty Network America Insurance Company and American Network Insurance Company.

Respectfully submitted,



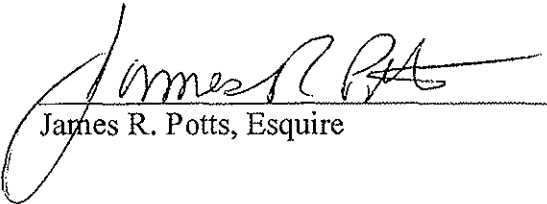
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Commissioner of the Commonwealth of
Pennsylvania as Rehabilitator of PENN TREATY
NETWORK AMERICA INSURANCE
COMPANY and AMERICAN NETWORK
INSURANCE COMPANY

VERIFICATION

I, James R. Potts, hereby state that I am one of the attorneys for the Statutory Rehabilitator and, as such, I am authorized to take this verification on movant's behalf. The statements made in the foregoing pleading are true and correct to the best of my knowledge, information and belief. I understand that the statements made herein are made subject to the penalties of 18 Pa. C.S.A. §4904 relating to unsworn falsification to authorities.

Date: August 28, 2013

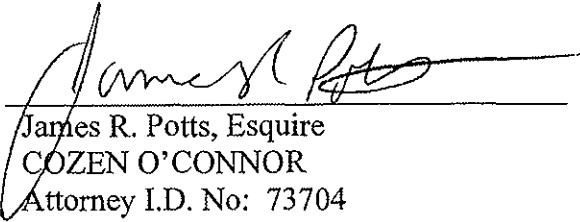

James R. Potts, Esquire

CERTIFICATE OF SERVICE

I, James R. Potts, hereby certify that I caused a Notice of Filing of the foregoing Motion for Extension and Continuation of Stay to be served on all parties listed on the Master Service List by electronic mail or facsimile, or by U.S. mail where no electronic mail address or facsimile number was available on or about August 29, 2013 and that I on August 29, 2013 served the foregoing Motion for Extension and Continuation of Stay on Intervenor Penn Treaty American Corporation and Eugene J. Woznicki by email and first-class mail as follows:

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