

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

JOEL ARIO, INSURANCE COMMISSIONER
OF THE COMMONWEALTH OF PENNSYLVANIA

DOCKET NO. 5 MD 2009

Plaintiff

v.

PENN TREATY NETWORK AMERICA
INSURANCE COMPANY

Defendant

ORDER

AND NOW, this ____ day of _____, 2009, upon the consideration of the Petition of Affinion Group, et al. to Intervene and the Rehabilitator's response thereto, it is hereby **ORDERED** that petitioners American Insurance Planners, Apex Financial Group, Inc., Association Member Benefits Advisors LLP, Barbara Quaife-Hopkins, Century Senior Services, Cornerstone Senior Services LLC, Dean L. Wilde Agency, Inc., 5 Star Companies LLC, Irving Levit Insurance Management Corp., Jim Sines Insurance Agency, Inc., Lawrence J. Ochs, Lehmann Wood Johnson, Inc., Lehmann/Wood & Associates, Inc., Linda Gardner, Linda Sandvall, Long Term Care Advisors, Long Term Care Associates, Inc., Long Term Care Consultants, Long Term Care LLC, LTC Financial Partners, LLC, M&O Marketing, Inc., Mario J. Posteraro, Mark David Cohn, Marion J. Reitmeyer, Mature Health Services, Medical Insurers Association of VA, Inc., National Coverage Agency, Premier Senior Marketing, LLC., Randall Hargett, Richard E. Rosen, Steven Moskowitz, TWG Capital, Inc., Western Asset Protection,

and Wolf & Associates, Inc. are hereby permitted to intervene in this proceeding. No additions to the Master Service List are required by this Order, as petitioners are represented by counsel and petitioners' counsel is already on the Master Service List.

MARY HANNAH LEAVITT, Judge

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**RESPONSE OF THE REHABILITATOR TO THE PETITION
OF OBJECTORS AFFINION GROUP ET AL. TO INTERVENE**

The Statutory Rehabilitator of Penn Treaty Network America Insurance Company (“PTNA”) hereby responds to the Petition of Objectors Affinion Group et al. to Intervene as follows:

1. The Rehabilitator is without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 1.

2. It is denied that petitioners Affinion Group, G.A. Legg & Associates and Mark Heller Insurance Services are entities which have agency contracts with PTNA or which have any contractual rights to payment of commissions from PTNA. It is admitted that all other petitioners have agent or agency contracts with PTNA or receive commissions from PTNA. The remaining averments of paragraph 2 are legal conclusions to which no answer is required.

3. The averments of paragraph 3 are admitted as to petitioners American Insurance Planners, Apex Financial Group, Inc., Association Member Benefits Advisors LLP, Barbara Quaife-Hopkins, Century Senior Services, Cornerstone Senior Services LLC, Dean L. Wilde Agency, Inc., 5 Star Companies LLC, Irving Levit Insurance Management Corp., Jim Sines

Insurance Agency, Inc., Lawrence J. Ochs, Lehmann Wood Johnson, Inc., Lehmann/Wood & Associates, Inc., Linda Gardner, Linda Sandvall, Long Term Care Advisors, Long Term Care Consultants, Long Term Care LLC, Long Term Care Associates, Inc., LTC Financial Partners, LLC, M&O Marketing, Inc., Mario J. Posteraro, Mark David Cohn, Marion J. Reitmeyer, Mature Health Services, Medical Insurers Association of VA, Inc., National Coverage Agency, Premier Senior Marketing, LLC., Randall Hargett, Richard E. Rosen, Steven Moskowitz, TWG Capital, Inc., Western Asset Protection, and Wolf & Associates, Inc. The averments of paragraph 3 are denied as to Affinion Group, G.A. Legg & Associates and Mark Heller Insurance Services.

4. The averments of paragraph 4 are conclusions of law to which no answer is required.


5. The averments of paragraph 5 are conclusions of law to which no answer is required.

6. It is admitted that the petitioners who are parties to agent or agency contracts with Penn Treaty and receive commissions from PTNA are affected by the Rehabilitator's ~~Application to Suspend Commissions and should be allowed to intervene in this proceeding.~~ It is denied that any of petitioners has property rights in the commissions which they seek.

7. Admitted. By way of further answer, it is denied that petitioners' Objection is meritorious. The Rehabilitator has addressed and refuted the arguments set forth in petitioners' Objection in his Supplemental Memorandum of Law filed July 24, 2009.

WHEREFORE, the Statutory Rehabilitator of Penn Treaty Network America Insurance Company does not dispute that the 34 petitioners who have agent or agency contracts with PTNA or otherwise receive commissions from PTNA should be permitted to intervene, but respectfully submits that petitioners' Objection should be rejected.

Respectfully submitted,



James G. Colins
James R. Potts
Virginia Lynn Hogben
Attorney I.D. Nos. 10089, 73704, 32378
COZEN O'CONNOR
1900 Market Street
Philadelphia, PA 19103
(215) 665-2000

Counsel for Plaintiff,
JOEL ARIO, Insurance Commissioner of the
Commonwealth of Pennsylvania and Rehabilitator
of PENN TREATY NETWORK
AMERICA INSURANCE COMPANY

Dated: August 3, 2009

CERTIFICATE OF SERVICE

I, Virginia Lynn Hogben, hereby certify that on this date I served a Notice of Filing of the Response of the Rehabilitator to the Petition of Objectors Affinion Group et al to Intervene 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 and that I served the foregoing Response of the Rehabilitator to the Petition of Objectors Affinion Group et al. to Intervene on the following counsel for objectors and intervenors by U.S. Mail First-Class:

Paul M. Hummer, Esquire
James S. Gkonos, Esquire
Saul Ewing LLP
Centre Square West, 38th Floor
1500 Market Street
Philadelphia, PA 19102

Constance B. Foster, Esquire
Saul Ewing LLP
Centre Square West
Penn National Insurance Plaza
2 North Second Street, 7th Floor
Harrisburg, PA 17101-1619

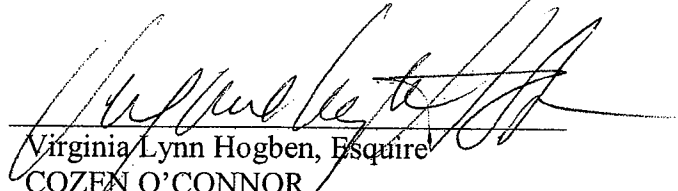
Counsel for Objectors Affinion Group, et al.

Michael R. Kelly, Esquire
Charles T. Young, Esquire
McNees Wallace & Nurck LLC
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166

Counsel for Objector National Health Administrators, Inc.

Michael J. Glasheen, Esquire
McCarter & English, LLP
Mellon Bank Center
1735 Market Street, Suite 700
Philadelphia, PA 19103

Counsel for Objector Pennsylvania Life Insurance Company



Virginia Lynn Hogben, Esquire
COZEN O'CONNOR

Attorney I.D. No: 32378
1900 Market Street
The Atrium – Fourth Floor
Philadelphia, PA 19103
(215) 665-2000

Dated: August 3, 2009

PHILADELPHIA\5237813\1 230508.000