

In the Commonwealth Court of Pennsylvania, Middle Division

James F. and Patricia S. Lapinski

Appellees

Docket Nos. 1-SHP-2020
and 1-SHP-2022

versus

Senior Health Insurance Company of Pennsylvania
(in Rehabilitation) and Jessica K. Altman,
SHIP Rehabilitator, Insurance Commissioner
Appellants

March 28, 2022

2022 APR -1 AM 9:33

COMMONWEALTH COURT
OF PENNSYLVANIA

APPLICATION TO FILE AND RESPOND
TO "MOTION TO EQUALIZE RATE OF 83%..."

Please accept this filing to follow-up on SHIP
Intervenor Lapinski's mailing of January 31, 2022,
which has not been answered by Commonwealth Court.
Enclosed are the filing mailed 1-31-2022 and five
pages of related SHIP documents of March 2022.
Ms. J. K. Altman, SHIP Rehabilitator should mail
the actuary report referred to in the enclosed,
to James F. Lapinski, Intervenor and policyholder.
James F. Lapinski, prose, 6121 Lundy Place
Burke, VA 22015-3432

In the Commonwealth Court of Pennsylvania, Middle District

January 31, 2022

JAMES F. Lapinski, Policyholder, Intervener; and
Patricia Lapinski, Policyholder
Appellees

VERSUS

Docket, Case# 1-SHP-2020
and SHP 1-SHP-2022

Senior Health Insurance Company of Pennsylvania
(in Rehabilitation), Jessica K. Altman
Appellants

Motion to Equalize Rate of 83% Increase
for One SUIP LTC Policy to Lapinskas,
~~and [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]~~

THE GENERAL ARGUMENT

James and Patricia Lapinski have been paying premiums for 26 years to A.T. Life Insurance, Conseco Insurance, SHIP for Long Term Care (LTC) insurance.

Neither Lapinski has in 26 years received a penny from these three LTC insurers.

Yet SAIP is now increasing ILLEGALLY
Patricia Lapinski's policy #601571 more than triple.

SPECIFIC ARGUMENTS

See Exhibit A, Motion for Injunction, to be filed with the Supreme Court of Pennsylvania, Case No. MAP 712021. Again Lapinski pleads with the Courts to follow Pennsylvania and U.S.A. Contract Law to equalize the rate in SHIP Rehabilitation to 83% for ONE LTC SHIP policy to 83% for BOTH Lapinski's, policy number 601571.

Lapinski welcome the Complaint lawsuit filed January 28, 2022 by Jessica K. Altman, Commissioner and Rehabilitator for Senior Health Insurance Co. of Pennsylvania (SHIP) -- see **Exhibits B, C** 2.

James F. Lapinski is a Certified Public Accountant (CPA), licensed in the Commonwealth of Virginia, USA since 1995 in good standing for the last 27 years. He focuses on taxes.

Lapinski Motions the Court to mail him the Millman actuary report that J. Altman recently filed in the Court, per Judge Leavitt's recent November²⁰²¹ ORDER. Thank you
Mail to ~~NEW~~ Lapinski address below

CONCLUSION: Please continue to send by mail below to J.F.L. and email to Patricia Lapinski all documents re J. Altman COMPLAINT; see Exhibit A

January 31, 2022

ph. 1-703-362-7795

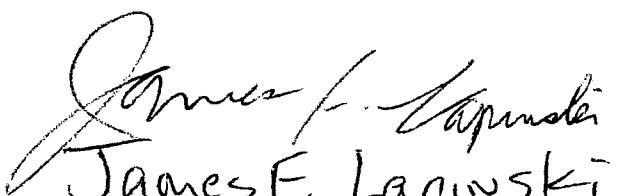

James F. Lapinski, Patricia Lapinski
~~PO Box 201205, Arlington, VA 22129~~
6121 Lundy Place, Burke, VA 22015

Exhibit B
page 1 of 3

Received 1/28/2022 1:17:17 PM Commonwealth Court of Pennsylvania

Filed 1/28/2022 1:17:00 PM Commonwealth Court of Pennsylvania
1 SHP 2022

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Jessica K. Altman, Insurance
Commissioner of the Commonwealth of
Pennsylvania in her capacity as the
Statutory Rehabilitator of Senior Health
Insurance Company of Pennsylvania,
Plaintiff

v.

Brian Wegner
12862 Tuskany Boulevard
Carmel, IN 46032

Paul Lorentz
214 Wellington Parkway
Noblesville, IN 46060

Barry Staldine
6789 South Foster Branch Court
Pendleton, IN 46064

Protiviti Inc.
2884 Sand Hill Road
Menlo Park, CA 94025

Defendants.

DOCKET NO.:

JURY TRIAL DEMANDED

COZEN O'CONNOR
Michael J. Broadbent, PA ID 309798
Dexter R. Hamilton, PA ID 50225
Eric D. Freed, PA ID 39252
Matthew J. Siegel, PA ID 82406
1650 Market Street, Suite 2800
Philadelphia, PA 19103
(215) 665-2000

TUCKER LAW GROUP
Leslie Miller Greenspan
PA ID 91639
Ten Penn Center
1801 Market Street, Suite 2500
Philadelphia, PA 19103
(215) 875-0609

*Counsel for Jessica K. Altman,
Insurance Commissioner of the Commonwealth of Pennsylvania,
as Statutory Rehabilitator of Senior Health Insurance Company Of Pennsylvania*

Exhibit B
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NOTES: underlines added by J.F. Lapinski 1-31-2022

COMPLAINT

Jessica K. Altman, Insurance Commissioner of the Commonwealth of Pennsylvania, in her capacity as the Statutory Rehabilitator of Senior Health Insurance Company of Pennsylvania ("SHIP"), by and through her undersigned counsel, brings the following causes of action against defendants Brian Wegner, Paul Lorentz, Barry Staldine, and Protiviti, Inc. ("Protiviti"), and in support hereof, respectfully avers as follows:

I. THE PARTIES

1. Jessica K. Altman is the Insurance Commissioner of the Commonwealth of Pennsylvania (the "Commissioner"). The Commissioner was appointed as the Statutory Rehabilitator of SHIP on January 29, 2020, and the Commissioner appears in this action in her capacity as Statutory Rehabilitator.

2. SHIP is a Pennsylvania stock limited life insurance company that administers a closed block of long-term care insurance policies.¹ SHIP is domiciled in the Commonwealth of Pennsylvania with its principal place of business in Carmel, Indiana.

3. Defendant Wegner is an individual residing at 12862 Tuskany Boulevard in Carmel, Indiana 46032. Defendant Wegner served as SHIP's President

¹ SHIP is referred to as a "closed block" because it has not sold new policies since 2003.



Supreme Court of Pennsylvania

Middle District

601 Commonwealth Avenue, Suite 4500
P.O. Box 62575
Harrisburg, PA 17106
(717) 787-6181
www.pacourts.us

Amy Dreibelbis, Esq.
Deputy Prothonotary
Elizabeth E. Zisk
Chief Clerk

January 4, 2022

Exhibit C, 2-8-2022

James F. Lapinski
6121 Lundy Place
Burke, VA 22015-3432

Refiled mid-Jan. 2022
in PA Commonwealth Court

RE: In Re: Senior Health Ins. Co. of PA
No. 71 MAP 2021
Lower Appellate Court Docket No:
Other Court Docket No: 1 SHP 2020

Dear James F. Lapinski:

Returned herewith unfiled is the "Cross-Notice of Appeal" as it is not a proper pleading in this Court in this matter.

Please be advised, however, that the Brief of Appellee, received in the same envelope, has been accepted for filing.

3) Theft loss of \$1,233,000.00 in ONE YEAR

Appeals from Penn
Commonwealth Court
TO SUPREME COURT PA

Very truly yours,

1) policyholder Committee
by 3-31-22

Office of the Prothonotary

2) \$350,000.00 to agents,
broke an "abuse of
"discretion"

Illegal in Penna.

3) Policy Restructuring

/hms
Enclosure

cc: Michael John Broadbent, Esq.
Preston M. Buckman, Esq.
Patrick Herrera Cantilo, Esq.
Benjamin J. Cordiano, Esq.
Joseph M. Donley, Esq.
Jodi A. Frantz, Esq.
Scott Brandon Galla, Esq.
James Steven Gkonos, Esq.
Caryn M. Glawe, Esq.
Leslie Miller Greenspan, Esq.
Dexter Ryan Hamilton, Esq.
Stephen G. Harvey, Esq.
Dorothy Alicia Hickok, Esq.
Harold S. Horwich, Esq.
Haryle Kaldis, Esq.
John P. Lavelle Jr., Esq.
J. David Leslie, Esq.
Kathryn McDermott Snodgrass, Esq.

IN the Commonwealth Court of Pennsylvania, Middle District
PROOF of SERVICE
January 31, 2022, **March 28, 2022**

"MOTION to EQUALIZE RATE of 83%"

* COZEN O'CONNOR

✓ 1650 Market St., Suite 2800, Philadelphia, PA 19103

* FAEGER, DRINKER LLP

✓ ONE Logan Square
Philadelphia, PA 19103

* Morgan Lewis

1701 Market St

Phil. PA 19103-2921

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1801 Market St., Suite 2500

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Philadelphia, PA 19103

* Patrick Canfillo, Esq.

* Georgiana Parisi

Clark Hill

2001 Market St.

Su. 2020

Phil. 19103-7081

~~* RACKERMAN, Sawyer~~

~~and Brewster, PC~~

~~160 Federal St.~~

~~Boston, MA 02110-1701~~

All other Interveners served Feb. 8, 2022 by U.S.P.S.

James F. Lapinski

JAMES F. LAPINSKI, prose
and Intervener - SHIP

Patricia Lapinski

PATRICIA LAPINSKI

phone 703-362-7795

With PUBLIC
ACCESS POLICY
of the UNIFIED
JUSTICE SYS.

telecon 10:20 to 10:35 am on March 22, 2022

546

with Amy Dreibelbis, Esq.



Supreme Court of Pennsylvania

Middle District

661 Commonwealth Avenue, Suite 4500
P.O. Box 62575
Harrisburg, PA 17106
(717) 787-6181
www.pacourts.us

7 days to respond

March 16, 2022

rec'd P.O. box 291395,
Port Orange, FL 32129

FAILURE TO PERFECT - CASE CLOSED

3-21-2022

Amy Dreibelbis, Esq.
Deputy Prothonotary
Elizabeth E. Zisk
Chief Clerk

AND
later in 2022 for in 2023 we may
get \$ from Judge Leavitt's \$150,000 order

Altman's related
\$500,000,000 lawsuit

James F. Lapinski

In Re: Senior Health Ins. Co. of PA (Lapinski, J.)
67 MT 2022

Type of Action: Notice of Appeal against actuaries (page 5), "Policy Restructure"
Intermediate Court Docket No:
Other Court: Commonwealth Court of Pennsylvania
Other Court Docket No: 1 SHP 2020

Please be advised that the above-referenced matter has been marked closed due to failure to perfect. See Pa. R.A.P. 3115.

* \$150,000. COMMISSION

+ interest

NOT PAID
for 8 to 24 years!

- Michael John Broadbent, Esq.
- Preston M. Buckman, Esq.
- Patrick Herrera Cantilo, Esq.
- Amy Daubert, Esq., Acting Chief Counsel
- Joseph M. Donley, Esq.
- Jodi A. Frantz, Esq.
- Scott Brandon Galla, Esq.
- James Steven GKonois, Esq.
- Leslie Miller Greenspan, Esq.
- Dexter Ryan Hamilton, Esq.
- Stephen G. Harvey, Esq.
- Dorothy Alicia Hickok, Esq.
- Haryle Kaldis, Esq.
- Michael Krimmel, Esq., Prothonotary
- John P. Lavelle Jr., Esq.
- Kathryn McDermott Speaks, Esq.
- Georgianna Parisi

717-255-1650 in
Commonwealth Court

3-22-2022 at 1015 AM:
per Heather

3-22-2022 at Supreme Court



Supreme Court of Pennsylvania

Amy Dreibelbis, Esq.
Deputy Prothonotary
Elizabeth E. Zisk
Chief Clerk

Middle District

601 Commonwealth Avenue, Suite 4500
P.O. Box 62575
Harrisburg, PA 17106
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March 4, 2022

James F. Lapinski
PO Box 291395
Port Orange, FL 32129

RE: In Re: Senior Health Ins. Co. of PA (Lapinski, J.)
No. 67 MT 2022
Lower Appellate Court Docket No:
Other Court Docket No: 1 SHP 2020

Dear James F. Lapinski:

Returned herewith, unfiled, is the enclosed defective Jurisdictional Statement as it does not contain the listed contents we have previously given to you, that are required by Pa.R.A.P. 910 to be in a Jurisdictional Statement.

The Jurisdictional Statement is where you can raise any and all complaints with the case; it is only to explain how this Court has jurisdiction over the order you are attempting to appeal and must include all necessary contents so outlined in Pa.R.A.P. 910.

If a fully compliant ^① Jurisdictional Statement along with a ^② Proof of Service and ^③ Certificate of Compliance with the Public Access Policy are not received in 7 days from the date of this notice, this case will be closed.

ALL three (3) were mailed AGAIN to Supreme Court on March 1, 2022!

(mailed TWICE ON 3-1-2022 IN Separate envelopes)

Very truly yours,

Office of the Prothonotary

/hms
Enclosure

JFL
Received in
Florida on
March 21, 2022
17 days with U.S.
Postal
Service

Rule 910. Jurisdictional Statement. Content. Form.

(a) *General rule.*—The jurisdictional statement required by Pa.R.A.P. 909 shall contain the following in the order set forth:

(1) A reference to the official and unofficial reports of the opinions delivered in the courts below, if any, and if reported, the citation thereto. Any unreported opinions shall be appended to the jurisdictional statement;

(2) A statement of the basis, either by Act of Assembly or general rule, for the jurisdiction of the Supreme Court or the cases believed to sustain that jurisdiction;

(3) The text of the order in question, or the portions thereof sought to be reviewed, and the date of its entry in the court. The order may be appended to the statement; ? *from January 2020*

(4) A concise statement of the procedural history of the case; and ? *case history?*

(5) The questions presented for review, expressed in the terms and the circumstances of the case but without unnecessary detail. The statement of questions presented will be deemed to include every subsidiary question fairly comprised therein. Only the questions set forth in the statement, or fairly comprised therein will ordinarily be considered by the Court.

(b) *Matters of form.*—The jurisdictional statement need not be set forth in numbered paragraphs in the manner of a pleading. It shall be as short as possible and shall not exceed 1000 words, excluding the appendix.

(c) *Certificate of compliance.*

(1) *Word count.*—A jurisdictional statement that does not exceed five pages when produced on a word processor or typewriter shall be deemed to meet the requirements of paragraph (b) of this rule. In all other cases, the attorney or the unrepresented filing party shall include a certification that the statement complies with the word count limits. The certificate may be based on the word count of the word processing system used to prepare the statement.

(2) *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania.*—A jurisdictional statement shall contain the certificate of compliance required by Pa.R.A.P. 127.

(d) *Nonconforming statements.*—The Prothonotary of the Supreme Court shall not accept for filing any statement that does not comply with this rule. The Prothonotary shall return the statement to the appellant, and inform all parties in which respect the statement does not comply with the rule. The prompt filing and service of a new and correct statement within seven days after return by the Prothonotary shall constitute a timely filing of the jurisdictional statement.

Source

The provisions of this Rule 910 adopted December 10, 1986, effective January 31, 1987, and shall govern all matters thereafter commenced and, insofar as just and practicable, matters then pending, 16 Pa.B. 4951; amended March 27, 2013, effective and applies to all appeals and petitions for review filed 60 days after adoption, 43 Pa.B. 2007; amended January 5, 2018, effective January 6, 2018, 48 Pa.B. 461; amended June 1, 2018, effective July 1, 2018, 48 Pa.B. 3517. Immediately preceding text appears at serial pages (389944) to (389945).

JURISDICTIONAL STATEMENT

"Questions Presented for Review"

1.) Lapinski appeals Hon. Judge M. H. Leavitt's February 2, 2022 Order because he has never received a copy of the Milliman actuarial Report she cites in this Order. Also it is unethical possibly illegal for the Milliman actuaries to perform the Report in the enclosed 2-2-22 Order because Milliman actuaries did SHIP's actuarial studies for many years, possibly since 2008 when Conesco Insurance Companies illegally transferred almost a million mostly Long Term Care (LTC) policies into SHIP.

In a related case by Rehabilitator Altman in Commonwealth Court-PA seeking \$500,000,000.00 damages from 3 SHIP persons and a SHIP auditor, Milliman was referred to as SHIP's continuing actuaries for years. If this is correct, again unethical or worse.

Milliman should NOT have done the Report which Judge Leavitt's February 2, 2022 ORDER addresses.