

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

IN RE: Senior Health Insurance :
Company of Pennsylvania :
(In Rehabilitation) : No. 1 SHP 2020

ORDER

AND NOW, this 25th day of February, 2022, upon consideration of Intervenor James F. Lapinski's (Intervenor) "Crossclaims by Policyholders Lapinski to appeal by Massachusetts, Maine and the State of Washington, and Opposition to 'Stay' of the Rehabilitation" (Crossclaim), filed December 14, 2021, which this Court construes as Intervenor's cross-appeal to the Notice of Appeal of this Court's August 24, 2021, order filed by the Superintendent of Insurance of the State of Maine, the Commissioner of Insurance of the Commonwealth of Massachusetts, and the Insurance Commissioner of the State of Washington (collectively, State Insurance Regulators),¹ it is ORDERED as follows:

1) To the extent Intervenor challenges this Court's August 24, 2021, order or the State Insurance Regulators' appeal therefrom filed September 21, 2021, Intervenor's claim is untimely. *See* Pa.R.A.P. 903(b) (requiring a cross-appeal to be filed within 14 days of a timely notice of appeal).²

2) To the extent Intervenor challenges the Statutory Rehabilitator's settlement agreement with certain intervening agents and brokers, which the Court construes as an appeal of the Court's order dated September 13, 2021, denying

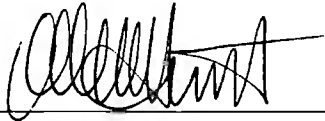
¹ The State Insurance Regulators filed their Notice of Appeal on September 21, 2021, and the Pennsylvania Supreme Court assigned docket number 71 MAP 2021 to that appeal.

² To the extent that Intervenor opposes the State Insurance Regulators' appeal, he can participate as an appellee in the proceedings before the Supreme Court.

Intervenor's motion to strike the joint application for approval of the settlement agreement, his claim is untimely. *See* Pa.R.A.P. 903(a) (requiring notice of appeal to be filed within 30 days from entry of the order from which the appeal is taken).

3) To the extent Intervenor challenges the State Insurance Regulators' application for a stay pending their appeal of this Court's August 24, 2021, order, Intervenor's claim is moot in light of the Pennsylvania Supreme Court's denial of the State Insurance Regulators' application for stay pending appeal. *See In Re: Senior Health Insurance Company of Pennsylvania (In Rehabilitation)* (Pa., No. 71 MAP 2021, order filed January 31, 2022).

For all of these reasons, Intervenor's cross-appeal is DISMISSED.



MARY HANNAH LEAVITT, President Judge Emerita