

**IN THE SUPREME COURT OF PENNSYLVANIA  
MIDDLE DISTRICT**

M. DIANE KOKEN, INSURANCE	:	No. 60 MAP 2004
COMMISSIONER OF THE	:	
COMMONWEALTH OF PENNSYLVANIA,	:	
Appellant	:	Appeal from the Order and Opinion of the
	:	Commonwealth Court entered March 18,
v.	:	2004 at No. 269 M.D. 2001
	:	
RELIANCE INSURANCE COMPANY,	:	
Appellee	:	
	:	
VITAS HEALTHCARE CORPORATION,	:	
VITAS HOLDINGS CORPORATION,	:	
VITAS HEALTHCARE OF TEXAS, L.P.,	:	
MAGELLAN REINSURANCE COMPANY	:	
LTD., RBH REINSURANCE LTD.,	:	
CITICORP INSURANCE USA, INC.,	:	
CITICORP, CSX INSURANCE	:	
COMPANY, CELANESE AMERICAS	:	
CORPORATION, CELWOOD	:	
INSURANCE COMPANY, ELWOOD	:	
INSURANCE LIMITED, ELLEN	:	
DIAMOND, GUARANTY ASSOCIATIONS,	:	
EARTH TECH, INC., NEW MEXICO	:	
MUTUAL CASUALTY COMPANY,	:	
SOUTHWEST CASUALTY COMPANY,	:	
CLIENTS ASSURANCE POOL, LTD.,	:	
BAPTIST HEALTH SOUTH FLORIDA,	:	
INC., AND PALM SPRINGS GENERAL	:	
HOSPITAL,	:	
Intervenors	:	

**REVISED ORDER**

**PER CURIAM:**

**DECIDED: November 23, 2005**

**AND NOW**, this 23<sup>rd</sup> day of November, 2005, the Commonwealth Court's Order entered on March 18, 2004 is vacated and the case is remanded for discovery relating to

the issue of whether Palm Springs General Hospital and Baptist Health South Florida Hospital are entitled to direct access to reinsurance proceeds from American Healthcare Indemnity Company.

Madame Justice Newman files a concurring statement.