

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

THE BABCOCK & WILCOX COMPANY : No. 376 WAL 2013
AND B&W NUCLEAR ENVIRONMENTAL :
SERVICES, INC. :
: Petition for Allowance of Appeal from the
: Order of the Superior Court

v.

AMERICAN NUCLEAR INSURERS AND :
MUTUAL ATOMIC ENERGY LIABILITY :
UNDERWRITERS AND OTHER :
INTERESTED PARTY: ATLANTIC :
RICHFIELD COMPANY :

AMERICAN NUCLEAR INSURERS AND :
MUTUAL ATOMIC ENERGY LIABILITY :
UNDERWRITERS :

v.

THE BABCOCK & WILCOX COMPANY :
AND B&W NUCLEAR ENVIRONMENTAL :
SERVICES, INC., AND ATLANTIC :
RICHFIELD COMPANY :

PETITION OF: BABCOCK & WILCOX :
POWER GENERATION GROUP, INC. :
(F/K/A THE BABCOCK & WILCOX :
COMPANY) AND BABCOCK & WILCOX :
TECHNICAL SERVICES GROUP, INC. :
(F/K/A B&W NUCLEAR :
ENVIRONMENTAL SERVICES, INC.), :
AND ATLANTIC RICHFIELD COMPANY :

ORDER

PER CURIAM

AND NOW, this 24th day of January 2014, the Petition for Allowance of Appeal is **GRANTED LIMITED TO** the issue set forth below. Allocatur is **DENIED** as to all remaining issues. The issue, as stated by petitioner is:

- (1) Does a policy holder forfeit its right to insurance coverage by settling an underlying and covered claim without its insurer's consent, where the insurer is defending subject to a reservation of rights to disclaim coverage, the settlement is at arm's length, is fair and is reasonable, and the insurer has failed to offer any amounts in settlement?