MICHAEL D. COMPEAN, State Bar No. 125106
FREDERICK G. HALL, State Bar No. 130465
BLACK, COMPEAN & HALL
A Limited Liability Partnership
275 E. Hillcrest Drive, Suite 160-1021
Thousand Oaks, CA 91360
(818) 835-9500
(888) 704-6023 FAX

Attorneys for Defendant,
California Insurance Guarantee Association

In Re: THE ROMAN CATHOLIC BISHOP OF OAKLAND, a California corporation sole Debtor,	**Chapter 11** **Case No.: 23-40523 WJL**
THE ROMAN CATHOLIC BISHOP OF OAKLAND, a California corporation sole Plaintiff v. PACIFIC INDEMNITY INSURANCE COMPANY OF AMERICA, AETNA INSURANCE COMPANY, TRAVELERS INSURANCE COMPANYM CERTAIN UNDERWRITERS OF LLOYDS OF LONDON SUBSCRIBING TO SYNDICATES 2623 (AFB)) AND 632 (AFB), INSURANCE COMPANY OF NORTH AMERICA, ACE LIMITED, UNITEDE STATES FIRE INSURANCE, EMPLOYERS REINSURANCE, CAN INSURANCE COMPANY, PACIFIC EMPLOYERS INSURANCE, WESTCHESTER FIRE INSURANCE COMPANY AND CALIFORNIA INSURANCE GUARANTEE ASSOCIATION Defendants.	**Adversary Case No.: 23-04028 WJL** **DEFENDANT CALIFORNIA INSURANCE GUARANTEE ASSOCIATION'S REQUEST FOR JUDICIAL NOTICE PURSUANT TO FEDERAL RULES OF EVIDENCE RULE 201 IN SUPPORT OF ITS MOTION FOR DISMISSAL UNDER FEDERAL RULES OF BANKRUPTCY PROCEDUE RULE 7012 (b) AND FEDERAL RULES OF CIVIL PROCEDURE RULE 12(b) OR ALTERNATIVELY FOR A MORE DEFINITE PLEADINGS UNDER FEDERAL RULES OF CIVIL PROCEDURE 12(e)** Hearing Judge: Hon. William J Lafferty, III Objections Due: October 25, 2023 Hearing Date: November 8, 2023 Courtroom: 220 Time: 10:30 a.m Location: 1300 Clay Street, Oakland, CA 94612

TO THE ABOVE-ENTITLED COURT AND TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

PLEASE TAKE NOTICE that Defendant California Insurance Guarantee Association (hereinafter "CIGA") hereby requests that, pursuant to Federal Rules of Evidence, Rule 201, that this Court take judicial notice of the following documents and the facts set forth therein:

1. Exhibit 1: The Order of Liquidation of March 11, 2021, re Bedivere Insurance Company in the Commonwealth Court of Pennsylvania, case no. 1 BIC 2021, a true and correct copy of which is attached hereto and marked Exhibit 1.[1]

2. Exhibit 2: Report Regarding Notice of Liquidation Order and Procedures for Filing Claims, a true and correct copy of which is attached hereto and marked Exhibit 2.

3. Exhibit 3: A copy of the Proof of Claim form for claims against the Estate of Bedivere Insurance Company, a true and correct copy of which is attached hereto and marked Exhibit 3.

CIGA makes this request on the basis that the foregoing matters qualify for judicial notice under Federal Rules of Evidence, Rule 201 which provides, in part, as follows:

> (a) Scope. This rule governs judicial notice of an adjudicative fact only, not a legislative fact.
> (b) Kinds of Facts That May Be Judicially Noticed. The court may judicially notice a fact that is not subject to reasonable dispute because it:
> * * *
> (2) can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned.

As records of the Commonwealth Court of Pennsylvania, under case no. 1 BIC 2021, the foregoing, items are properly subject to this Court's taking judicial notice thereof.

Dated: September 26, 2023

BLACK, COMPEAN & HALL, L.L.P.

By: */s/ Frederick Hall*

By: Michael D. Compean
Frederick G. Hall

Attorneys for Defendant CALIFORNIA INSURANCE GUARANTEE ASSOCIATION

[1] CIGA is using numeral designations for Exhibits as Plaintiff used an alpha designation in its Adversarial Complaint.

Exhibit 1

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Jessica K. Altman, Insurance Commissioner of the Commonwealth of Pennsylvania, Plaintiff v. Bedivere Insurance Company, Respondent	: : : : : : : : : : :	No. 1 BIC 2021

ORDER OF LIQUIDATION

AND NOW, this 11th day of March, 2021, upon consideration of the Petition for Liquidation of Bedivere Insurance Company (Bedivere) filed by Jessica K. Altman, Insurance Commissioner of the Commonwealth of Pennsylvania, and upon the unanimous consent of the Board of Directors of Bedivere and the sole shareholder of Bedivere, Trebuchet US Holdings, Inc., it is hereby ORDERED that:

1. The Petition for Liquidation is GRANTED, and Bedivere is ordered to be liquidated pursuant to Article V of The Insurance Department Act of 1921, Act of May 17, 1921, P.L. 789, added by the Act of December 14, 1977, P.L. 280, *as amended*, 40 P.S. §§ 221.1 – .63 (Article V).

2. Insurance Commissioner Jessica K. Altman and her successors in office, if any, are hereby appointed Statutory Liquidator of Bedivere and directed to take possession of Bedivere's property, business and affairs in accordance with Article V and to administer them pursuant to the orders of this Court.

3. The Liquidator is hereby vested with all the powers, rights and duties authorized under Article V and other applicable statutes and regulations.

ASSETS OF THE ESTATE

4. The Liquidator is vested with title to all property, assets, contracts and rights of action (assets) of Bedivere of whatever nature and wherever located, whether held directly or indirectly, as of the date of filing of the Petition for Liquidation. All assets of Bedivere are hereby found to be *in custodia legis* of this Court and this Court asserts jurisdiction as follows: (a) *in rem* jurisdiction over all assets wherever they may be located and regardless of whether they are held in the name of Bedivere or in any other name; (b) exclusive jurisdiction over all determinations as to whether assets belong to Bedivere or to another party; (c) exclusive jurisdiction over all determinations of the validity and amounts of claims against Bedivere; and (d) exclusive jurisdiction over the determination of the priority of all claims against Bedivere.

5. The Liquidator is directed to take possession of all assets that are the property of Bedivere. Specifically, the Liquidator is directed to:

a. Inform all banks, investment bankers, companies, other entities or other persons having in their possession assets which are, or may be, the property of Bedivere, unless otherwise instructed by the Liquidator, to deliver the possession of the same immediately to the Liquidator, and not disburse, convey, transfer, pledge, assign, hypothecate, encumber or in any manner dispose of the same without the prior written consent of, or unless directed in writing by, the Liquidator.

b. Inform all producers and other persons having sold policies of insurance issued by Bedivere to account for and pay all unearned commissions

and all premiums, collected or uncollected, for the benefit of Bedivere directly to the Liquidator within 30 days of notice of this Order and that no producer, reinsurance intermediary or any other person shall disburse or use monies which come into their possession and are owed to, or claimed by, Bedivere for any purpose other than payment to the Liquidator.

c. Inform any premium finance company that has entered into a contract to finance a policy that has been issued by Bedivere to pay any and all premium owed to Bedivere to the Liquidator.

d. Inform all attorneys employed by or retained by Bedivere or performing legal services for Bedivere as of the date of this Order that, within 30 days of notification, they must report to the Liquidator the name, company, claim number (if applicable) and status of each matter they are handling on behalf of Bedivere; the full caption, docket number and name and address of opposing counsel in each case; an accounting of any funds received from or on behalf of Bedivere for any purpose in any capacity; and further, that the Liquidator need not make payment for any unsolicited report.

e. Inform any entity that has custody or control of any data processing equipment and records (including but not limited to source documents, all types of electronically stored information, or other recorded information) relating to Bedivere to transfer custody and control of such documents, in a form readable by the Liquidator, to the Liquidator as of the date of this Order, upon request.

f. Inform any entity furnishing claims processing or data processing services to Bedivere to maintain such services and transfer any such accounts to the Liquidator as of the date of this Order, upon request.

6. Bedivere's directors, officers and employees shall: (a) surrender peaceably to the Liquidator the premises where Bedivere conducts its business; (b) deliver all keys or access codes thereto and to any safe deposit boxes; (c) advise the Liquidator of the combinations and access codes of any safe or safekeeping devices of Bedivere or any password or authorization code or access code required for access to data processing equipment; and (d) deliver and surrender peaceably to the Liquidator all the assets, books, records, files, credit cards, and other property of Bedivere in their possession or control, wherever located, and otherwise advise and cooperate with the Liquidator in identifying and locating any of the foregoing.

7. Bedivere's directors, officers and employees are enjoined from taking any action, without the prior approval of the Liquidator, to transact further business on behalf of Bedivere. They are further enjoined from taking any action that would waste the assets of Bedivere or would interfere with the Liquidator's efforts to wind up the affairs of Bedivere.

CONTINUATION AND CANCELLATION OF POLICIES

8. All Bedivere policies and contracts of insurance, whether issued within this Commonwealth or elsewhere, in effect on the date of this Order will continue in force for the lesser of the following: (1) 30 days from the date of this Order; (2) until the normal expiration of the policy or contract providing insurance coverage; (3) until the insured has replaced the insurance coverage with equivalent insurance with another insurer or otherwise terminated the policy; or (4) until the Liquidator has effected a transfer of the policy obligation to an assuming insurer pursuant to Section 523(8) of Article V, 40 P.S. § 221.23(8).

NOTICE AND PROCEDURE FOR FILING CLAIMS

9. No judgment or order against Bedivere or its insureds entered after the date of filing of the Petition for Liquidation, and no judgment or order against Bedivere or its insureds entered at any time by default or by collusion, will be considered as evidence of liability or of quantum of damages by the Liquidator in evaluating a claim against the estate of Bedivere.

10. In addition to the notice requirements of Section 524 of Article V, 40 P.S. § 221.24, the Liquidator shall publish notice in newspapers of general circulation where Bedivere has its principal places of business that: (a) specifies the last day for the filing of claims against the estate of Bedivere; (b) explains the procedure by which claims may be submitted to the Liquidator; (c) provides the address of the Liquidator's office for the submission of claims; and (d) notifies the public of the right to present a claim, or claims, to the Liquidator.

11. Within 30 days of giving notice of the Order of Liquidation, as set forth in Section 524 of Article V, 40 P.S. § 221.24, and of the procedures for filing claims against the estate of Bedivere, the Liquidator shall file a compliance report with the Court stating, in reasonable detail, the date on which and manner by which these notices were given.

DISTRIBUTION OF ESTATE ASSETS

12. Any and all distribution of assets pursuant to Sections 544 and 546 of Article V, 40 P.S. §§ 221.44, 221.46, including those in payment for costs and expenses of estate administration, shall be made under the direction and approval of the Court.

STAY OF LITIGATION

13. Unless the Liquidator consents thereto in writing, no action at law or in equity, including, but not limited to, an arbitration or mediation, the filing of any judgment, attachment, garnishment, lien or levy of execution process against Bedivere or its assets, shall be brought against Bedivere or the Liquidator or against any of their employees, officers or liquidation officers for acts or omissions in their capacity as employees, officers or liquidation officers of Bedivere or the Liquidator, whether in this Commonwealth or elsewhere, nor shall any such existing action be maintained or further prosecuted after the effective date of this Order. All above-enumerated actions currently pending against Bedivere in the courts of the Commonwealth of Pennsylvania or elsewhere are hereby stayed; relief sought in these actions shall be pursued by filing a proof of claim against the estate of Bedivere pursuant to Section 538 of Article V, 40 P.S. § 221.38.

14. All secured creditors or parties, pledges, lienholders, collateral holders or other persons, claiming secured, priority or preferred interests in any property or assets of Bedivere, are hereby enjoined from taking any steps whatsoever to transfer, sell, assign, encumber, attach, dispose of, or exercise, purported rights in or against any property or assets of Bedivere except as provided in Section 543 of Article V, 40 P.S. § 221.43.

15. In recognition of paragraph 10 of the Petition for Liquidation and the representation therein regarding the December 2020 order issued by the Pennsylvania Insurance Department approving the merger of The Employers' Fire Insurance Company (Employers' Fire), Lamorak Insurance Company (formerly OneBeacon American Insurance Company) (Lamorak), and Potomac Insurance

Company (Potomac) with and into Bedivere, all references herein to Bedivere shall include Employers' Fire, Lamorak, and Potomac.

WORKERS' COMPENSATION AND PERSONAL INJURY PROTECTION CLAIMS

16. The Liquidator is authorized for a period of up to 90 days from the date of this Order to advance funds from the estate of Bedivere to pay workers' compensation indemnity and personal injury protection (PIP) claims on behalf of the state guaranty associations, provided that the guaranty association enters into an agreement that such advances shall be treated as a distribution pursuant to Section 536 of Article V, 40 P.S. § 221.36. The Liquidator shall have the discretion to accept such interim assurances as she deems acceptable in lieu of a formal agreement.



P. Kevin Brobson, President Judge

Order Exit
03/11/2021

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Exhibit 2

Received 4/28/2021 8:40:07 AM Commonwealth Court of Pennsylvania

Filed 4/28/2021 8:40:00 AM Commonwealth Court of Pennsylvania
1 BIC 2021

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In Re: Bedivere Insurance Company,	:	
In Liquidation	:	No. 1 BIC 2021

REPORT REGARDING NOTICE OF LIQUIDATION ORDER AND PROCEDURES FOR FILING CLAIMS

Jessica K. Altman, Insurance Commissioner of the Commonwealth of Pennsylvania, in her capacity as Statutory Liquidator ("Liquidator") of Bedivere Insurance Company ("Bedivere"), through undersigned counsel, respectfully offers the following:

1. By Order dated March 11, 2021, this Court placed Bedivere Insurance Company in liquidation ("Liquidation Order") and appointed Jessica K. Altman, Insurance Commissioner of the Commonwealth of Pennsylvania, as Statutory Liquidator, in accordance with Article V of the Insurance Department Act of 1921 ("Act").[1]

2. In addition to the notice requirements pertaining to the entry of a liquidation order that are contained in Section 524 of the Act, paragraph 10 of the Liquidation Order directs the Liquidator to publish notice about the procedures for filing claims against the estate of Bedivere.

3. Moreover, paragraph 11 of the Liquidation Order directs the Liquidator to file a report with the Court within 30 days of giving notice of the Liquidation Order, as set forth in Section 524 of the Act, and of the procedures for filing claims demonstrating, in reasonable detail, the date and manner notice was given.

4. On April 7 and 8, 2021, the Liquidator sent notice of the Liquidation Order by first-class mail to all known policyholders and creditors, as well as the Insurance Commissioner in each

[1]Act of May 17, 1921, P.L. 789, *as amended*. Article V was added by the Act of December 14, 1977, P.L. 280, *as amended,* 40 P.S. §§ 221.1—221.63.

state where Bedivere did business, and a representative of the National Conference of Insurance Guaranty Funds to facilitate notice of the Liquidation Order to the responsible individual guaranty associations. Additionally, between April 26 and May 3, 2021, the Liquidator sent, or will send, notice of the Liquidation Order by first class mail to a group of policyholders who were identified during a review of policyholder data after the April 7 and 8, 2021 mailings.

5. The mailings referenced in paragraph 4 included, in addition to notice of the Liquidation Order, a proof of claim form and answers to frequently asked questions.

6. The Liquidator also caused the procedures for filing claims to be published in The Philadelphia Inquirer on April 2, 2021. The claims filing procedures will also be filed in the May edition of Business Insurance, which will be issued on May 4, 2021.

Respectfully submitted,

/s/ Preston M. Buckman

PRESTON M. BUCKMAN (I.D. #57570)
Insurance Department Counsel
Office of Liquidations, Rehabilitations
& Special Funds
Governor's Office of General Counsel
Capital Associates Building
901 North 7th Street
Harrisburg, PA 17102
(717) 886-2080

Attorney for Jessica K. Altman, Insurance Commissioner of the Commonwealth of Pennsylvania, in her capacity as Liquidator of Bedivere Insurance Company, In Liquidation

Dated: April 28, 2021

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CERTIFICATION OF COMPLIANCE
WITH PUBLIC ACCESS POLICY

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

/s/ Preston M. Buckman

PRESTON M. BUCKMAN (I.D. #57570)
Insurance Department Counsel
Office of Liquidations, Rehabilitations
& Special Funds
Governor's Office of General Counsel
Capital Associates Building
901 North 7th Street
Harrisburg, PA 17102
(717) 886-2080

Attorney for Jessica K. Altman, Insurance Commissioner of the Commonwealth of Pennsylvania, in her capacity as Liquidator of Bedivere Insurance Company, In Liquidation

Dated: April 28, 2021

CERTIFICATE OF SERVICE

I hereby certify that I am this day serving the foregoing document upon all parties of record in this proceeding, in accordance with the requirements of Pa. R.A.P. 3780, in the following manner:

Service via email addressed as follows:

Steven B. Davis, Esq.
sdavis@stradley.com
Stradley Ronon Stevens & Young, LLP
2005 Market Street, Suite 2600
Philadelphia, PA 19103
(215) 564-8714
(215) 564-8120 (Fax)

H. Marc Tepper, Esq.
marc.tepper@bipc.com
Buchanan Ingersoll & Rooney PC
Two Liberty Place
50 South 16th Street, Suite 3200
Philadelphia, PA 19102
(215) 665-3864
(215) 665-8760 (Fax)

/s/ Preston M. Buckman
PRESTON M. BUCKMAN (I.D. #57570)
Insurance Department Counsel
Office of Liquidations, Rehabilitations
& Special Funds
Governor's Office of General Counsel
Capital Associates Building
901 North 7th Street
Harrisburg, PA 17102
(717) 886-2080

Attorney for Jessica K. Altman, Insurance Commissioner of the Commonwealth of Pennsylvania, in her capacity as Liquidator of Bedivere Insurance Company, In Liquidation

Dated: April 28, 2021

Exhibit 3

PROOF OF CLAIM

IN THE MATTER OF

BEDIVERE INSURANCE COMPANY (IN LIQUIDATION) (BEDIVERE)

Deadline for filing December 31, 2021

READ ALL MATERIALS CAREFULLY BEFORE COMPLETING THIS FORM – COMPLETE ALL SECTIONS
FILL IN ALL BLANKS - PLEASE PRINT CLEARLY OR TYPE

Claimant Name: _____
Address 1: _____
Address 2: _____
City: _____ **State:** _____ **Zip Code:** _____
Country: _____
Social Security /E.I.N. #: _____ **e-mail:** _____
Daytime Phone #: (include area code) _____

FOR OFFICIAL USE ONLY

PROOF OF CLAIM NO. _____

DATE RECEIVED: _____

Name of Insured/Bonded Principal _____
Policy Number/Bond Number: _____ Claim Number: _____
Date of Loss: _____ Agent Number: _____

Claim is for (check X or specify below)

1		POLICYHOLDER or THIRD PARTY CLAIM	Claim by insured of BEDIVERE under a BEDIVERE policy for POLICY BENEFITS or liability claim against an insured of BEDIVERE for POLICY BENEFITS or claim against a BEDIVERE bond.
2		RETURN of UNEARNED PREMIUM or OTHER PREMIUM REFUNDS	Portion of paid premium not earned due to early cancellation of policy or retro or audit adjustment.
3		GENERAL CREDITOR	Such as Attorney fees, Adjuster fees, Vendors, Lessors, Consultants, Cedents and Reinsurers.
4		AGENTS' BALANCES	Agents' Earned Commissions.
5		ALL OTHER	Describe _____.

In the space below give a Concise Statement of the Facts giving rise to your claim. Attach additional sheets if required. _____

AMOUNT OF CLAIM: $_____
Is there OTHER INSURANCE that may cover this claim? Yes ( ) No ( )
If YES provide name of insurer(s) and policy number(s): _____

Does an ATTORNEY REPRESENT you? Yes ( ) No ( ) If YES provide attorney's name, address & telephone number: _____

Has a Lawsuit or other LEGAL ACTION been instituted by anyone regarding this claim? Yes ( ) No ( ) If YES provide the following:
Court Where Filed: _____
DATE FILED & DOCKET NUMBER: _____
PLAINTIFF(S): _____
DEFENDANT(S): _____

I verify that the statements made in this proof of claim are true and correct to the best of my knowledge, information and belief. I understand that false statements made herein are subject to the penalties of 19 Pa. C.S. §4904 (relating to unsworn falsification to authorities).

FOR ALL CLAIMS EXCEPT BOND CLAIMS: If the foregoing Proof of Claim alleges a claim against a BEDIVERE insured (third party claim), the undersigned hereby releases any and all claims which have been or could be made against such BEDIVERE insured based on or arising out of the facts supporting the above Proof of Claim up to the amount of the applicable policy limits and subject to coverage being accepted by the Liquidator, regardless of whether any compensation is actually paid to the undersigned.

Claimant Signature Date

INSTRUCTIONS FOR COMPLETING PROOF OF CLAIM FORM

This proof of claim form must be completed and returned. **Failure to return the completed form will result in the denial of your claim.** Please fill in all of the applicable blanks. Attach additional sheets as required. In the event you do not know certain information, please write "unknown". You may supplement your claim later when you have more information, provided you do so promptly after you obtain the information. Please print legibly in ink or type. The form may be duplicated. You are advised to keep a completed copy for your records. The following is some specific additional instruction for certain types of claims. For more information on these types of claims, please refer to the enclosed booklet.

In recognition of the December 2020 order issued by the Pennsylvania Insurance Department approving the merger of the Employer's Fire Insurance Company, ("Employers"), Lamorak Insurance Company (formerly OneBeacon America Insurance Company) ("Lamorak"), and Potomac Insurance Company ("Potomac") made under Article XIV of the Insurance Company Law of 1921 (40 P.S. §§ 991.1401 – 991.1413) all references herein to Bedivere shall include Employers, Lamorak and Potomac.

1. If your claim is regarding a **BEDIVERE POLICY**, please complete as much of this form as possible and submit along with any supporting documentation. If additional documentation is required, you will be contacted.
2. If your claim is that of a **GENERAL CREDITOR**, please complete Section II, sign where indicated and attach supporting documentation such as all outstanding invoices.
3. If your claim is for the **AGENT BALANCES**, please complete Section II, sign where indicated and attach a complete accounting by policy/contract supporting your claim.
4. If you have **ANY OTHER** type of claim, describe your claim, i.e. stockholder, employee, taxes, license fees, assessments, etc. Please attach documentation supporting your claim.

The right (but not the obligation) to request additional supporting information is retained by the Liquidator. The failure to promptly provide such additional information may result in the denial of your claim.

The proof of claim form must be signed by the claimant, and must contain the claimant's current address and zip code.No claim can be considered for payment without a social security number or tax identification number. Whereapplicable, the name and address as well as the telephone number of the claimant's attorney, if any, must be shown**. YOU MUST FILE A SEPARATE PROOF OF CLAIM FORM FOR EACH CLAIM YOU MAKE.** IF YOU HAVE MORE THAN ONECLAIM, YOU MAY MAKE COPIES OF THIS FORM, or go to Bedivere's website, Bedivere documents.com , or call (215)665-5000 for additional proof of claim forms. The following address should be used only to submit proof of claim formsand supporting documentation: Statutory Liquidator for BEDIVERE, c/o AG Risk Management, Inc., 1880 JFK Blvd, Suite801, Philadelphia, PA 19103 Phone: (215) 665-5000

NOTE: This form must be received no later than December 31, 2021 at 5:00 p.m. EST, subject to the provisions of Article V of the Insurance Department Act pertaining to the late filing of claims.

CHANGE OF ADDRESS

You are required by Article V of the Insurance Department Act to notify the Statutory Liquidator of your change of address. If you fail to do so you may jeopardize your chance of recovery from this estate.

INFORMATION REGARDING CLAIMS AGAINST THE ESTATE OF BEDIVERE INSURANCE COMPANY (BEDIVERE)

After all claims against this company are evaluated by the Statutory Liquidator and approved by the Court, approved claims will be paid by priority level based on available funds in accordance with 40 P.S. Section 221.1 et seq. The amount of the payment will depend on the assets available. The amount to be paid on an individual claim, if any, will not be known until all claims are evaluated. In any event, payment will not be made for several years. The Statutory Liquidator's receipt of this proof of claim form does not constitute any waiver or relinquishment by the Statutory Liquidator of any defense, setoff, or counterclaim that may exist against any person, entity or governmental agency, regarding any action pursued by the Statutory Liquidator of BEDIVERE on behalf of BEDIVERE claimants, and creditors.