

**[J-13A-D-2005]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**MIDDLE DISTRICT**

M. DIANE KOKEN, INSURANCE : No. 204 MAP 2003  
COMMISSIONER OF THE :  
COMMONWEALTH OF PENNSYLVANIA, : Appeal from the Order of Commonwealth  
: Court entered 6-26-2003 at No. 182 MD  
: 2002.  
:  
: ARGUED: March 8, 2005

v.

VILLANOVA INSURANCE COMPANY,

MUTUAL RISK MANAGEMENT, LTD.  
(MRM), PSYCHIATRISTS' PURCHASING  
GROUP, INC., AMERICAN AIRLINES,  
INC., PULTE HOMES, INC., METRO  
ATLANTIC LANDSCAPE AND TURF  
ASSOCIATION (MALTA), FLORIDA  
WORKERS COMPENSATION  
GUARANTY ASSOCIATION, LLOYD'S  
SYNDICATE 271, FLORIDA INSURANCE  
GUARANTY ASSOCIATION,

Intervenors

APPEAL OF: M. DIANE KOKEN,  
INSURANCE COMMISSIONER OF THE  
COMMONWEALTH OF PENNSYLVANIA,  
IN HER CAPACITY AS REHABILITATOR  
FOR VILLANOVA INSURANCE  
COMPANY (IN REHABILITATION)







**ORDER**

**PER CURIAM**

**DECIDED: July 19, 2005**

**AND NOW**, this 19th day of July, 2005, the order of the Commonwealth Court is hereby **AFFIRMED**, on the basis of the Commonwealth Court opinion, Koken v. Legion Ins. Co., 831 A.2d 1196 (Pa. Cmwlth. 2003).

Madame Justice Newman files a dissenting statement in which Mr. Justice Castille joins.