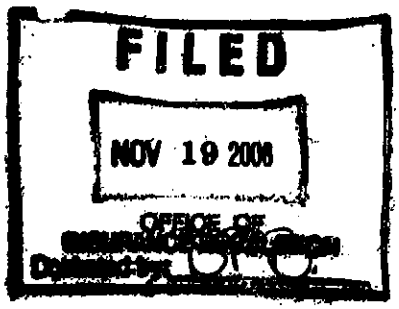


OFFICE OF INSURANCE REGULATION

KEVIN M. MCCARTY
COMMISSIONER

IN THE MATTER OF:

CASE NO.: 91443-07

AMERICAN CASUALTY COMPANY
OF READING, PENNSYLVANIA,

2005 Market Conduct Investigation
_____/

CONSENT ORDER

THIS CAUSE came on for consideration as the result of an agreement between AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA (hereinafter referred to as "AMERICAN CASUALTY") and the OFFICE OF INSURANCE REGULATION (hereinafter referred to as the "OFFICE"). Following a complete review of the entire record, and upon consideration thereof, and being otherwise fully advised in the premises, the OFFICE hereby finds as follows:

1. The OFFICE has jurisdiction over the subject matter of, and the parties to, this proceeding.

2. AMERICAN CASUALTY is a foreign property and casualty insurer authorized to transact insurance in the State of Florida and is subject to the jurisdiction and regulation of the OFFICE pursuant to the Florida Insurance Code and Florida Administrative Code.

3. The OFFICE conducted a target market conduct examination of AMERICAN CASUALTY pursuant to Section 624.3161, Florida Statutes, in 2005, and as a result it has been determined that AMERICAN CASUALTY has violated the following provisions of the Florida Insurance Code:

Medical Malpractice

a. Section 624.318, Florida Statutes – Failure to provide direct written premiums.

b. Section 627.912, Florida Statutes – Professional liability claims and actions; reports by insurers and health care providers – Failure to report closed claims.

c. Section 627.912, Florida Statutes – Professional liability claims and actions; reports by insurers and health care providers – Failure to accurately report closed claims.

4. AMERICAN CASUALTY expressly waives a hearing in this matter, the making of Findings of Fact and Conclusions of Law by the OFFICE, and all further and other proceedings herein to which the parties may be entitled, by law or rules of the OFFICE. AMERICAN CASUALTY hereby knowingly and voluntarily waives all rights to challenge or to contest this Order, in any forum now or in the future available to it, including the right to any administrative proceeding, circuit or federal court action, or any appeal.

5. AMERICAN CASUALTY agrees that upon the execution of this Consent Order, it shall be subject to the following terms and conditions:

a. AMERICAN CASUALTY shall pay an administrative penalty of Fifteen Thousand Dollars ($15,000.00) and administrative costs of Three Thousand Dollars ($3,000.00) within thirty (30) days of the execution of this Consent Order.

b. AMERICAN CASUALTY shall within thirty (30) days of the execution of this Consent Order, provide to the OFFICE a certification signed by an officer of the Company that the corrective action outlined in the examination report has been completed.

c. AMERICAN CASUALTY is hereby placed on notice of the requirements of the above-referenced laws and agrees that any future violations of these sections of law by

AMERICAN CASUALTY may be deemed willful, subjecting AMERICAN CASUALTY to appropriate penalties.

d. AMERICAN CASUALTY shall henceforth comply with all of the provisions of the Florida Insurance Code and Florida Administrative Code.

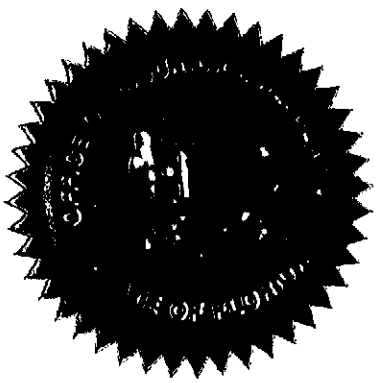
6. AMERICAN CASUALTY agrees that failure to adhere to one or more of the terms and conditions of this Order shall constitute a violation of a lawful order of the OFFICE, and shall subject AMERICAN CASUALTY to such administrative action as the OFFICE may deem appropriate.

7. Except as noted hereinabove, each party to this action shall bear its own costs and attorneys' fees.

THEREFORE, the agreement between AMERICAN CASUALTY and the OFFICE, the terms and conditions of which are set forth above, is APPROVED.

FURTHER, all terms and conditions above are hereby ORDERED.

DONE and ORDERED this 19TH day of NOVEMBER, 2008.



Kevin M. McCarty
Commissioner
Office of Insurance Regulation

By execution hereof, AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA consents to entry of this Consent Order, agrees without reservation to all of the above terms and conditions and shall be bound by all provisions herein. The undersigned represents that he or she has the authority to bind AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA to the terms and conditions of this Consent Order.

AMERICAN CASUALTY COMPANY
OF READING, PENNSYLVANIA

By: _____

Print Name: Jean K. Fleischack

Corporate Seal

Title: VP

Date: 10/15/2008

STATE OF NJ

COUNTY OF Monmouth

On 10/15, 2008, before me, Robin Tabb, personally appeared Jean K. Fleischner, personally known to me (or proven to me on the basis of satisfactory evidence) to be the person whose name is subscribed to within the instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that by his/her signature on the instrument, the person or the entity upon behalf which the person acted, executed the instrument.

Subscribed and sworn to before me this 15th day of October, 2008.

Signature _____
(Signature of Notary Public)

[NOTARIAL SEAL]

My Commission Expires:

ROBIN L TABB
Notary Public State of New Jersey
My Commission Expires 08/29/2011

Copies Furnished To:

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