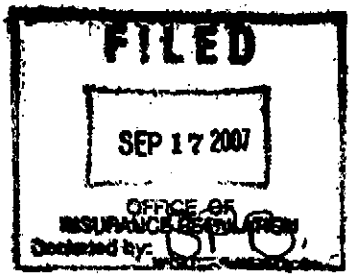
OFFICE OF INSURANCE REGULATION



KEVIN M. MCCARTY
COMMISSIONER

IN THE MATTER OF: CASE NO: 90890-07-CO

FIREMAN'S FUND INSURANCE COMPANY

2005 Market Conduct Examination

_____/

CONSENT ORDER

THIS CAUSE came on for consideration upon the agreement between FIREMAN'S FUND INSURANCE COMPANY (hereinafter referred to as "FIREMAN'S FUND") 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 COMMISSIONER OF THE OFFICE OF INSURANCE REGULATION hereby finds as follows:

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

2. FIREMAN'S FUND is a foreign property and casualty insurer authorized to transact insurance business in Florida and is subject to the jurisdiction and regulation of the OFFICE pursuant to the Florida Insurance Code.

3. The OFFICE conducted a market conduct examination of FIREMAN'S FUND pursuant to Section 624.3161, Florida Statutes, in 2005, and as a result of that examination it has been determined that FIREMAN'S FUND has violated the following provisions of the Florida Insurance Code and/or Florida Administrative Code, to wit:

Medical Malpractice

Section 627.912, Florida Statutes – Failure to Timely Report Closed Claims.

Section 627.912, Florida Statutes – Failure to Accurately Report Closed Claims.

Section 627.912, Florida Statutes – Failure to Timely Report Closed Claims.

4. FIREMAN'S FUND agrees that upon the execution of this Consent Order it shall be subject to the following terms and conditions:

(a) FIREMAN'S FUND shall pay a penalty of $2,500 and administrative costs of $3,000 on or before the 30th day after this Consent Order is executed.

(b) FIREMAN'S FUND shall henceforth comply with all of the provisions of the Florida Insurance Code and the Florida Administrative Code.

(c) FIREMAN'S FUND is hereby placed on notice of the requirements of the above referenced sections of law and agrees that any future violations of these sections by FIREMAN'S FUND may subject FIREMAN'S FUND to appropriate penalties.

(d) FIREMAN'S FUND shall, within 30 days of the execution of the Consent Order, provide to the OFFICE certification by an officer of the Company that all necessary corrective actions have been completed.

5. FIREMAN'S FUND 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. FIREMAN'S FUND hereby knowingly and voluntarily waives all rights to challenge or to contest this Consent Order, in any forum, including the right to any administrative proceeding, circuit or federal court action, or any appeal.

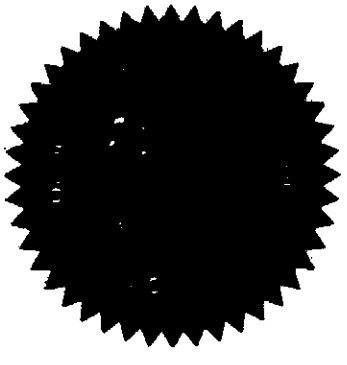
6. FIREMAN'S FUND agrees that the failure to adhere to one or more of the above terms and conditions of this Consent Order shall constitute a violation of a lawful order of the OFFICE, and shall subject FIREMAN'S FUND to such administrative action as the OFFICE may deem appropriate.

7. Except as noted above, each party to this action shall bear its own costs and attorney's fees.

THEREFORE, the agreement between FIREMAN'S FUND and the OFFICE, the terms and conditions of which are set forth above, is APPROVED.

FURTHER, all terms and conditions contained herein are hereby ORDERED.

DONE AND ORDERED this 17TH day of SEPTEMBER, 2007.



KEVIN M. McCARTY
Commissioner
Office of Insurance Regulation

By execution hereof, FIREMAN'S FUND INSURANCE COMPANY consents to entry of this Order, agrees without reservation to all of the above terms and conditions, and shall be bound by all provisions therein. The undersigned represents that he or she has the authority to bind FIREMAN'S FUND INSURANCE COMPANY to the terms and conditions of this Consent Order.

FIREMAN'S FUND INSURANCE COMPANY

By: _____

[Corporate Seal]

Print Name: William S. Paukovitz

Title: Senior Vice President Chief Compliance Officer

Date: 8-31-07

STATE OF California

COUNTY OF Marin

The foregoing instrument was acknowledged before me this 31st day of August, 2007, by William Paukovitz, who is personally known to me or has produced the following identification _____.

[Notary Seal]

DEANNA CASILLAS
Commission # 1697111
Notary Public - California
Marin County
My Comm. Expires Oct 2, 2010

_____
Signature of Notary

Deanna Casillas
Print or Type Name

My Commission Expires: October 2, 2010

COPIES FURNISHED TO:

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