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NEWS RELEASE # 27

FROM: CLERK OF SUPREME COURT OF LOUISIANA

The Opinions handed down on the 12th day of April, 2005, are as follows:

**BY CALOGERO, C.J.:**

**2004-C- 1544**

ALL STAR ADVERTISING AGENCY, INC. D/B/A ALL STAR AUTOMOTIVE GROUP v. RELIANCE INSURANCE COMPANY, IN LIQUIDATION (Parish of E. Baton Rouge)

Accordingly, the court of appeal's judgment is reversed, and the matter is remanded to the court of appeal for consideration of the plaintiff's unaddressed contention that the Pennsylvania Commonwealth Court in the order of liquidation did not assert exclusive jurisdiction over a lawsuit such as the plaintiff brings here, that is, one for injunctive relief in which is sought the production of documents supporting the defendant's demand for premiums due and an injunction preventing the defendant from drawing down on a letter of credit.

REVERSED AND REMANDED TO THE COURT OF APPEAL

04/12/2005

**SUPREME COURT OF LOUISIANA**

**No. 2004-C-1544**

**ALL STAR ADVERTISING AGENCY, INC.  
d/b/a ALL STAR AUTOMOTIVE GROUP**

**VERSUS**

**RELIANCE INSURANCE COMPANY,  
In Liquidation**

**ON WRIT OF CERTIORARI TO THE COURT OF APPEAL  
FIRST CIRCUIT, PARISH OF EAST BATON ROUGE**

**CALOGERO, Chief Justice**

Uniformity and predictability in interstate relations regarding insurer delinquency and liquidation proceedings has been the objective of two model laws on the topic: the Uniform Insurers Liquidation Act (UILA) proposed in 1939 by the National Conference of Commissioners on Uniform State Laws, and the superseding Insurers Rehabilitation and Liquidation Model Act proposed in 1978, and since amended, by the National Association of Insurance Commissioners. The issue of subject matter jurisdiction in this case turns on the reciprocity between a state, Louisiana, that has adopted the UILA, and a state, Pennsylvania, that has adopted a version of, or laws related to, the Model Act. After consulting a table of UILA-adopting jurisdictions provided as an annotation to West's LSA - Revised Statutes, the court of appeal below ruled that Pennsylvania, the domiciliary state of the delinquent insurer, was not a reciprocal state vis-a-vis Louisiana under Louisiana's Uniform Insurers Liquidation Law, La. Rev. Stat. 22:757 through 22:763, this state's version of the UILA.

We granted the writ application of the Insurance Commissioner of the Commonwealth of Pennsylvania, as Liquidator for Reliance Insurance Company, to





































